DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF:

The New 7307, Inc.,
t/a Premier Lounge
7307 Georgia Ave NW : Protest Hearing
License #120372 :
Retailer CT - ANC 4B :
Case #22-PRO-00022 :

(Application for New
License)
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Wednesday
June 29, 2022

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member
ALSO PRESENT:

JUSTIN ALLEN, Applicant

EVERAL CAMPBELL, Applicant

JACKSON CARNES, Protestant, Group of Seven

PAULA EDWARDS, Protestant, Group of Seven

SARAH FASHBAUGH, DC ABRA Staff

NAIMA JEFFERSON, Protestant, Group of Seven

MARK PATTISON, Protestant, Group of Seven

MARK RUIZ, DC ABRA Investigator

DON SQUIRES, Protestant, Group of Seven

STEVEN WHATLEY, Protestant, Group of Seven
P-R-O-C-E-E-D-I-N-G-S

2:26 p.m.

CHAIRPERSON ANDERSON: The next case in our calendar is Case #22-PRO-00022, Premier Lounge, License #120372. Ms. Fashbaugh, can you please elevate the rights of the parties in this case please.

MS. FASHBAUGH: Please stand by.

Everal Campbell, your rights have been elevated.
Justin Allen, your rights have been elevated.
Naima Jefferson, your rights have been elevated.
Jackson Carnes, your rights have been elevated.

I do not, oh, Paula Edwards, your rights have been elevated. Mark Pattison, your rights have been elevated. Don Squires, your rights have been elevated. And, one moment.
Mark Ruiz, your rights have been elevated.

That's all, Mr. Chairman.

CHAIRPERSON ANDERSON: Thank you, Ms. Fashbaugh. All right, give me one minute please. I'm trying to show that I have all the parties.

All right, I think everyone has, I see a lot of names in front of me, so if you have a camera can you please turn your camera on, please.
All right, we will start with introductions. I would like everyone to spell and state their name for the record. And let's start with the licensee. Mr. Campbell, can you please spell and state your name for the record please? Mr. Campbell, you're on mute. You need to unmute your phone, sir, I can't hear you.

MR. CAMPBELL: Oh, sorry about that. My name is Everal Campbell, E-V-E-R-A-L, C-A-M-P-B-E-L-L.

CHAIRPERSON ANDERSON: What's your role with this establishment, sir?

MR. CAMPBELL: I am the owner, serving as president.

CHAIRPERSON ANDERSON: Mr. Allen, can you please spell and state your name for the record please?

PARTICIPANT: State your name.

MR. ALLEN: Hey, good afternoon.

CHAIRPERSON ANDERSON: Mr. Allen.

MR. ALLEN: My name is Justin Allen, J-U-S-T-I-N, last name Allen, A-L-L-E-N. Partner at Premier Lounge.

CHAIRPERSON ANDERSON: Good afternoon, Mr. Allen.
MR. ALLEN: Good afternoon.

CHAIRPERSON ANDERSON: Ms. Jefferson, can you please spell and state your name for the record please.


CHAIRPERSON ANDERSON: All right, Ms. Jefferson, I'm going to ask for your assistance. So can you call all the names of the other parties, as you call their names then I'll ask them to spell and state their name for the record please.

MS. JEFFERSON: Absolutely. The other members of the group of five or more individuals are Marc Pattison.

CHAIRPERSON ANDERSON: I'm sorry, just call their names.

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: And once you call their name, let that person identify themself please.


MS. JEFFERSON: Thank you, Marc. The
next individual is Jackson Carnes.

    MR. CARNES: Jackson, J-A-C-K-S-O-N,
    Carnes, C-A-R-N-E-S.

    MS. JEFFERSON: Thank you. The next individual is --

    CHAIRPERSON ANDERSON: Hello --

    MS. JEFFERSON: Oh, I'm sorry.

    CHAIRPERSON ANDERSON: -- Mr. Carnes, good afternoon. Go ahead, Ms. Jefferson.

    MS. JEFFERSON: The next individual is Mr. Squires.

    MR. SQUIRES: Hi. Don Squires, D-O-N, S-Q-U-I-R-E-S.

    CHAIRPERSON ANDERSON: Good afternoon, Mr. Squires.

    MS. JEFFERSON: Thank you, Don. The next individual is Ms. Paula Edwards.

    MS. EDWARDS: Paula, P-A-U-L-A, Edwards, E-D-W-A-R-D-S. And I have a firewall issue with my video so I'm not able to implement it at this time.

    CHAIRPERSON ANDERSON: Ms. Edwards.

    MS. JEFFERSON: And Mr. Whatley should be here sometime, he had a doctor's appointment.

    But we have already had the group of five before
at the roll call hearing.

CHAIRPERSON ANDERSON: No, I'm just saying, not everyone, all the people are testifying, or others can be. So those are the folks that are currently online. Okay, that's fine. Mr. Ruiz, can you please spell and state your name for the record please?

MR. RUIZ: Yes. First name is Mark, M-A-R-K, last name is Ruiz, R-U-I-Z.

CHAIRPERSON ANDERSON: And your relationship, sir?

MR. RUIZ: Investigator with ABRA.

CHAIRPERSON ANDERSON: We're here at a protest this afternoon. And this is an application for a new license. And we have protest hearings because the parties are unable to reach a settlement agreement.

And so, as I've stated before, the Board has always been in favor of settlement agreement, and so let me ask a question. And if the Board, and I don't mind working with the parties if we can get to an agreement, and if we can't get to an agreement, the parties are close to an agreement, than I don't have a problem with, if there are issues that the parties have
agreed upon, and so we can memorialize those
issues. And if there are issues that are
outstanding, then we can have a hearing on those
issues.

So, I mean, the parties can let me
know whether or not this is a road we can, are
there areas that the parties have reached an
agreement. And if they have not so, then we can
issue a board order memorializing those areas of
agreement.

And if there are outstanding issues,
then we could just have a hearing on what those
outstanding issues are. I'm just trying to,
preliminary, just trying to find out where the
parties are.

I'll start with you, miss, let me
start with the Licensee, from their position.
Where are we?

Or let me ask, well, I know what the
Licensee wants, the Licensee wants a license.
And the protest, they're protesting the Agency
granting the license. So, Ms. Jefferson, are
there areas of agreement that we can memorialize
or do we need to move forward with a full
hearing, whether or not we should even grant this
license?

MS. JEFFERSON: Thank you, Chair Anderson. I think that's a fair question.

We believed several days ago that we were at an agreement. We had a agreement that just had very few amount of red lines. And there was just one particular section that was not clear in what the intent was. And the group of five or more presented language.

In response, the Applicants came back essentially, basically reneging on a lot of the terms that we had initially agreed upon. We requested a continuance no less than four times. They rejected each time.

We, up until yesterday around close of business, there was a proposition to have a mediation before this hearing. And as you know, many of us work and so we had already taken off work for several hours for a mediation, as well as address this, and to request at the end of the business day for us to take off again when we had all scheduled to be off of our jobs today for this protest hearing, we did say that that was something that we thought was reasonable and again, asked for a continuance. There was no
response from the Applicant.

So we have used our available time to prepare to protest. And as we mentioned in our initial protest, we don't believe that the Applicant is qualified. And the Applicant has already violated several laws to begin with.

CHAIRPERSON ANDERSON: As you stated, Ms. Jefferson, that it appears that the party had were amenable. I don't have a problem agreeing to a continuance.

I think, as for the Licensee's concern, there are a period of time that an Agency has to issue a license. And so we'll have a hearing today, we'll have a hearing today and we will issue, depending on whether or not the parties decide to do findings of facts or conclusions of law, the Board will not issue a license for at least another 60 days.

So if the parties believe that they can negotiate in good faith, and say for example, if the parties were to negotiate and come to the Board with a settlement agreement, within, as soon as the Board signs off on the settlement agreement, you will be issued your license.

MS. JEFFERSON: We're in the process.
Yes.

CHAIRPERSON ANDERSON: No, I know that you are, Ms. Jefferson. I'm not speaking to you because I know you are.

MS. JEFFERSON: Oh.

CHAIRPERSON ANDERSON: I'm speaking more so to the Licensee because the Licensee is not, at least the Licensee has not appeared before me before, so I was just pointing out the process.

So if the parties are amendable to settle this matter, if time is of the essence for the Licensee, if a settlement can be reached, if the parties are confident that a settlement can be reached, then that is the quicker way to get your license because, as I stated before, if we have the protest hearing today, your license will not be issued until, at a minimum, 60 days. That's all I'm saying.

As, factually, the law said that we have this period of time. We're not, I'm not saying that we're going to sit there and count the days and say we're not going to issue your license before 60 days, but I'm just giving you the time factor that it's going to take about two
weeks for once the hearing is convened.

It's probably going to take about two
weeks for the transcript, for the legal office to
review the transcript, write a decision. We need
to review it and vote on it and then issue it.

So if the parties believe that they
can, that they can in theory, actually settle
this matter, from a time perspective, I would be
inclined to grant the continuance. But again,
the Licensee would have to agree with it because
that's up to them.

But I'm not telling you that, but
we'll do the hearing today, but I'm just pointing
out where we are.

MS. JEFFERSON: Chair Anderson?

CHAIRPERSON ANDERSON: Yes, Ms.

Jefferson.

MS. JEFFERSON: Can you just clarify
that, for all parties that are involved, even if
we move forward with the protest agreement, while
the Board is deliberating and the entire process
goes through, we always are still open to a
mediation, is that not correct?

CHAIRPERSON ANDERSON: Well --

MS. JEFFERSON: In other words, the
protest hearing could go forward and maybe either party does or doesn't like what they hear, and mediation is still an option to submit that before the Board issues an order?

CHAIRPERSON ANDERSON: Well I'm not, the parties, I believe -- I guess my position is that I don't want us to, I don't want us to have a hearing for however long it's going to take this afternoon if the parties believe that they're going to settle the case and so therefore we take all this time and then tomorrow it's like, oh by the way, we have here the settlement agreement so everyone wasted their times today to have a hearing. And so I would prefer that not occur.

That's one of the reasons why I'm taking the time before we start the hearing to say, of course, parties are always free to come up to an agree, to come to any type of an agreement before we issue a final decision. But I don't necessarily believe that's a good utilization of public resources, if that's going to occur.

So I'm taking the time to say, if the parties believe that it can be settled and they
are, they are saying, okay, fine if we have a
continuance, we're going to negotiate in good
faith and we're going to have a settlement
agreement, then yes, I would support that.

But if parties, but if the parties are
not confident that this is going to occur, then
we'll have the hearing today and the Board will
make a decision whether or not to grant this,
whether or not they're going to grant the license
or whether or not they're going to deny or
whether or not they're going to grant the license
with conditions, depending on what's presented
here today. So you can let me know what it is
that the parties want to do.

MS. JEFFERSON: So I haven't been able
to confer with everyone because we're not in
person where we can all kind of huddle.

CHAIRPERSON ANDERSON: I can take --
we can be off the record for, let me see, it is,
all right, it's 2:41. What about, how much time
would you want?

MS. JEFFERSON: If you can just give
me one second. One minute.

CHAIRPERSON ANDERSON: All right,
we'll be, all right, we'll be on pause. We're
going to all sit here, but you can turn your camera off until 2:45. All right, 2:45 we'll be back on the record.

(Whereupon, the above-entitled matter went off the record at 2:41 p.m. and resumed at 2:45 p.m.)

CHAIRPERSON ANDERSON: All right, we're back on the record. Yes, Ms. Jefferson?

MS. JEFFERSON: Thank, many thanks to you and the Board and the Applicants. We're ready to move forward with the protest hearing.

CHAIRPERSON ANDERSON: That's fine. Just give me a minute please. I'm trying to do a whole bunch of things at the same time.

(Whereupon, the above-entitled matter went off the record at 2:48 p.m. and resumed at 2:52 p.m.)

CHAIRPERSON ANDERSON: All right, good afternoon, everyone, again. We have our protest hearing. And this is, hold on one minute.

This is the process of having a, we're back on the record, just in case the court reporter, I always have to do this because we have a court reporter transcribing the transcript.
So basically, the process is, I have made my opening statement, preliminary motions, and the Applicant will make an opening statement. The Protestor will make an opening statement. And the Board will call the Board's witness, which is the investigator.

Once the Board has called its witness, then Board Members can cross examine, I'm sorry, the Board Members will cross examine the Board's witness. Then once the Board Member has cross examined the Board's witness on his report, the Applicant will have an opportunity to question. And then Protestant will have an opportunity to question.

After that is done, after the Board has rested its case, then the Licensee will present its case. Once the Licensee present its case then the Protestant will have an opportunity to present its case.

I believe that, as I have stated before, each side is limited no more than five witnesses. You have an hour to present your case. And I'm going to, it is 2:55. Although we will work on this as long as ever, but I need folks to be efficient with their time in calling
witnesses.

I do not want witnesses to, the Board will not tolerate redundant or repetitive testimony or testimony that's not relevant to this case. So therefore I will impose and object to questions that have been asked.

I know that neither side is an attorney, but if I believe that questions are being asked that are not relevant to the decisions that we should make, I will interject and state that. Okay?

This is an application to provide a, whether or not the Board will grant a license to this Licensee. And the case in point is whether or not this is a fit, that the business model that they're presenting is to receive a license, okay?

All right. So are there any questions by anyone before we start? Ms. Jefferson, any questions before we start?

MS. JEFFERSON: Yes. Chair Anderson?

In --

CHAIRPERSON ANDERSON: Yes, ma'am.

MS. JEFFERSON: -- Board Order Number 2022-2402, the Board ruled that the protesters
could bring forth any of our allegations
regarding qualifications at the protest hearing.

CHAIRPERSON ANDERSON: I don't, I'm
confused, ma'am. What are you saying?

MS. JEFFERSON: In addition to the
appropriateness, I just wanted to make note that
in a prior board order the Board ruled that the
protestants could bring forth allegations
regarding qualifications at the protest hearing.
We had requested a qualifications hearing and the
Board denied our motion for that. And that was
what the Board ruled in that order. That's Order
Number 2022-242.

CHAIRPERSON ANDERSON: My position
that all issues that are relevant to us or not,
if they're fit for a license. So if you have, if
you are presenting testimony, you are presenting
evidence to say that they're not qualified, that
can be relevant.

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: So I'm just
saying for matters that are not relevant to
whether or not they are fit to receive a license.
So, I know that there are some
preliminary issues here I knew that came up at
our status hearing. And I stated that that was, the protestant was asking for us to pause this hearing so we can do a qualifications. An qualification hearing.

And what I had informed the parties at the time, that those were two separate tracks. And we are on a strict deadline to move forward with this.

But if you have information that is relevant, that's relevant, I mean of course, if you put something forward, then they can object to say it's not relevant, I'll make a ruling. But if it gets the ruling that it's relevant, then we'll move forward with that. So I don't have a problem with that, okay?

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: All right. Any other questions by the Applicant? Any questions by the Applicant?

MR. CAMPBELL: No.

CHAIRPERSON ANDERSON: All right. All right, so, the Board will call its first witness, Mr. Mark Ruiz.

Mr. Ruiz, can you raise your right hand please? Do you swear or affirm to tell the
truth and nothing but the truth?

MR. RUIZ: Yes.

CHAIRPERSON ANDERSON: All right. Can you state your name for the record, again, sir, please?

MR. RUIZ: Yes. Mark Ruiz.

CHAIRPERSON ANDERSON: And where do you currently -- where are you currently employed, sir?

MR. RUIZ: I am employed with the Alcoholic Beverage Regulation Administration as an Investigator.

CHAIRPERSON ANDERSON: How long have you held this position, sir?

MR. RUIZ: A little bit over three years now.

CHAIRPERSON ANDERSON: And what are your duties and responsibility as a Investigator for the Agency?

MR. RUIZ: To inspect and investigate alcohol establishments licensed in the District of Columbia.

CHAIRPERSON ANDERSON: And have you testified in a protest hearing before, sir?

MR. RUIZ: Yes.
CHAIRPERSON ANDERSON: Now, are you familiar with this application, Premier Lounge, sir?

MR. RUIZ: I am.

CHAIRPERSON ANDERSON: How did you become familiar with this case?

MR. RUIZ: I was assigned to the protest investigation and drafted a report for this case.

CHAIRPERSON ANDERSON: Do you have a copy of the report you can upload? You can upload for us to share. That you can share for the agency.

MR. RUIZ: Yes.

CHAIRPERSON ANDERSON: I'm sorry, for the parties. The participants.

MR. RUIZ: Yes. I'll just, yes. I'm doing it now. Give me one moment.

CHAIRPERSON ANDERSON: I'm sorry, Ms. Fashbaugh, can you please --

MR. RUIZ: She did.

CHAIRPERSON ANDERSON: All right, thank you. All right.

MR. RUIZ: Do you see it?

CHAIRPERSON ANDERSON: Yes, sir. All
right. So can you please identify the document that's on the screen, sir?

MR. RUIZ: This here is the protest report for The New 7307, Inc., trading as Premier Lounge, located at 7307 Georgia Ave Northwest, for a new license, Class CT.

CHAIRPERSON ANDERSON: And who are the protestants in this case, sir?

MR. RUIZ: The protestants in this case are a group of five or more. Specifically a group of seven. To include Jackson Carnes, Paula Edwards, Naima Jefferson, Marc Pattison, Don Squires, Judy Squires and Stephen Whatley.

CHAIRPERSON ANDERSON: Now, did you get a chance to speak to the Licensee, I'm sorry, the Applicant in this case?

MR. RUIZ: Particularly to protest issues, I had not been able to speak to them.

CHAIRPERSON ANDERSON: But you have spoken to the Applicant?

MR. RUIZ: I've spoken to the Applicant prior, during investigations. Yes.

CHAIRPERSON ANDERSON: But not --

MR. RUIZ: Regarding this establishment.
CHAIRPERSON ANDERSON: But not towards, not regarding -- I'm sorry, did you have -- do you have any reference in your report regarding any previous correspondence or communications you have had with the Applicant?

MR. RUIZ: Yes. I was assigned a previous investigation for the application and prior activity conducted. In which I reference in a separate report.

CHAIRPERSON ANDERSON: No, I'm saying, is there any reference in this report regarding that? If there is --

MR. RUIZ: Yes.

CHAIRPERSON ANDERSON: -- not --

MR. RUIZ: Yes.

CHAIRPERSON ANDERSON: All right. Well, where is this? Can you tell us where is this in your report and what is it that you're referencing in this report?

MR. RUIZ: So I referenced, presented it under the protesting interview when I spoke to the protestants. Since there was a separate investigation prior containing the application, those findings were placed into a case report, and are scheduled with the Office of Attorney
1 General.

2 CHAIRPERSON ANDERSON: All right. All right. I don't think you're following, but anyway. All right, let's move on.

3 MR. RUIZ: Okay.

4 CHAIRPERSON ANDERSON: So let me go through your report. Who did you speak to as far as the protestors are concerned?

5 MR. RUIZ: I spoke with Ms. Naima Jefferson, mostly as the lead. And Mr. Jackson Carnes.

6 CHAIRPERSON ANDERSON: Can you tell us, what was the nature of your conversation with Ms. Jefferson?

7 MR. RUIZ: Ms. Jefferson, the nature of that conversation was basically the protest issues that they did outline in the letter that they submitted, as attached to the report, in regards to the effects of peace order and quiet. To include noise and litter.

8 The parking issues, the limited parking that is within the neighborhood, as well as their failure to comply with ABRA and District laws prior to the application.

9 CHAIRPERSON ANDERSON: Can you tell us
about, describe the neighborhood. The
characteristics of this neighborhood please.

MR. RUIZ: Yes. The establishment is
located on 7307 Georgia Avenue, which is a four-
lane highway. It is zoned multi-use-4. Which
allows a moderate density, mixed-use development
for shopping and business needs houses and mixed
uses for large site events.

The establishment is on a business
corridor that aligns a residential neighborhood.
Around the corner is residential parking for 4A
zone licenses permits.

Other than that, the other mode of
transportation within the area would allow for
the Metro Bus Run, Number 70. Which runs north
and southbound in front of the establishment.

(Simultaneously speaking.)

CHAIRPERSON ANDERSON: Right, I'm
sorry.

MR. RUIZ: The establishment, of
course, is on a block with other commercial
establishments. Including another ABC
establishment, Quilox Restaurant and Lounge,
which is a restaurant, as well as two liquor
stores, within close proximity.
CHAIRPERSON ANDERSON: So tell us about the characteristics of the premises.

MR. RUIZ: The building is in the middle, within the block, a couple doors in. It is a brown brick establishment with glass and wood. It has, it's a two-story building, however the Licensee will only be operating on the first floor.

The first level will consist of the main bar, seating, lounge seating area, stage area, DJ booth, as well as a full kitchen located within the establishment.

CHAIRPERSON ANDERSON: Now, what are the hours of operation that -- hours of operation alcohol sales that the Licensee applied for?

MR. RUIZ: Yes. The hours applied for, for hours of operation, are from 7:00 a.m. to 2:00 a.m., Sunday through Thursday, and 7:00 a.m. to 3:00 a.m., Friday and Saturdays.

The hours of sales for the alcohol consumption is Sunday, 10:00 a.m. to 2:00 a.m., Monday through Thursday, 8:00 a.m. to 2:00 a.m., with Friday and Saturday, 8:00 a.m. to 3:00 a.m.

They also applied for an entertainment endorsement that reflect the same hours of the
alcohol sales. 10:00 a.m. to 2:00 a.m. on Sunday, Monday through Thursday, 8:00 a.m. to 2:00 a.m., and Friday and Saturday, 8:00 a.m. to 3:00 a.m.

CHAIRPERSON ANDERSON: Now, did you or any other ABRA investigator visit the establishment?

MR. RUIZ: During the time I was assigned to protest I visited the establishment six times, from March 21st up until March 30th, during my shift. I was the only investigator that reported to have monitored the establishment.

On the numerous dates the establishment was found to be closed. So no ABRA violations were observed during that time.

CHAIRPERSON ANDERSON: Is it that the establishment was closed or is it that, are they not -- were they not operating or did you just choose a time that they were, I know this is an application for new license so therefore, is it that they were not operating or they were closed at the period?

Which I'm trying to --

MR. RUIZ: They were not operating at
the time.

CHAIRPERSON ANDERSON: They were not operating, okay. And because they were not operating, I mean, have you, were you able to find any noise complaints? Are you aware of any noise complaints?

MR. RUIZ: No. I've done a record search for noise complaints, we didn't have anything on record. I did a calls for service as well to the establishment, and none of their calls for service indicated the establishment received any kind of outside calls for any incidents or noise complaints.

CHAIRPERSON ANDERSON: Now, I'm reviewing your report, and this is somewhat, you're saying this establishment is not operating, but how is it that they have an investigative history, as reported in your report?

MR. RUIZ: So the establishment, technically according to that history, they did begin operating prior to making an application to the Agency. They worked with a caterer to operate their establishment on certain days and weekends, beginning in October of 2021.
CHAIRPERSON ANDERSON: And I see that the matter was forwarded to the Office of the Attorney General for show cause so therefore I'm not necessarily going to go to prejudice that case by divulging a whole lot into whatever facts that case is about. And so I'll lightly tread on that issue because that matter will be before the Board at some other point.

So I want the record to reflect that you stated that there is another case, I'm trying to make sure that we don't spend a whole of time in the facts and detail of that case because the Board, at some point, will be convening a hearing on that case. All right.

All right, so let's go through your report. So are there any exhibits --

MR. RUIZ: Yes.

CHAIRPERSON ANDERSON: -- in your report, sir?

MR. RUIZ: I've attached 29 exhibits. Would you like me to go through each one?

CHAIRPERSON ANDERSON: Yes, please. Please.

MR. RUIZ: So, Exhibit 1 is going to be the protest letter that was submitted by the
protestants. It is a lengthy document. Includes their exhibits as well and issues that they've had, according with the establishment's application.

Exhibit Number 2 is our GIS map that was collected for ABC establishments located within 1,200 feet of the establishment.

Exhibit Number 3 is a parking signage in the area in front of the establishment indicating a pay to park zone with two hour permit or pay. From 7:00 a.m. to 6:30 p.m.

Exhibit Number 4 is another signage within the same block for parking.

Exhibit Number 5 is signage in the residential area for two hour parking, limit in Zone 4A, 7:00 a.m. to 8:30 p.m., Monday through Friday.

Exhibit Number 6 is another parking permit sign for two hour parking. This is on the 7200 Block in front of town home. Residential town homes south of the establishment.

Exhibit 7 is another sign with the metro bus, no parking zone, as well in that same 7200 Block.

Exhibit 8 is a photo of no parking and
street cleaning sign from 2:00 a.m. to 5:00 a.m., Thursday. This is located across the street from the establishment, facing south.

Exhibit Number 9 is a photo of Bus Route Number 70 bus shelter. This is located across the street from the establishment on the southbound side.

Exhibit Number 10 is indicating that is actually a bus stop area for the Number 70 on the 7200 Block just south of the establishment.

Exhibit Number 11 is another bus shelter, bus area, bus stop, south, on the southbound side of the 7200 Block.

Exhibit Number 12 will be the GIS map for any schools, recreation centers, public libraries or daycare centers located within 400 feet. In which this map indicated there was none.

Exhibit Number 13 is a photo of the block with the establishment. The green awning straight ahead to the right of the photograph, the establishment is located, is the fourth door up, behind the second large tree. This is also indicating the parking on the street as well.

Exhibit Number 14 is from the
establishing viewing across the street. With residential apartment building, as well as other commercial establishments across the street.

Exhibit Number 15 is another view more southbound of that block.

Exhibit Number 16 is the residential town home building that is just south of this establishment shown on that block, as well as the parking.

Exhibit Number 17, this is the alleyway that runs along the rear of the establishment between the establishments and the residential homes.

Exhibit Number 18 is a photo of the street of a residential street, on Fern Place, which bounds the block in which the establishment is located on, in which there is signage indicating, asking the public to be quiet after 10:00 p.m.

Exhibit Number 19 is a front view of the establishment, with the Premier banner signage on top. The entrance to the actual, to the establishment, will be on the left of the establishment. Of the front of the building.

This is just another view indicating more of the
entrance to the establishment.

Exhibit Number 21 is the interior from the front door pointing to the rear, with the lounge seating.

Exhibit Number 22 is just another photo from inside the establishment. From the rear of the establishment by the bar facing towards the front of the establishment. Straight ahead, the black area would be where the window, where there is a tinted window. And that's where the stage is located.

Exhibit Number 23 is a picture of the full kitchen for the establishment.

Exhibit Number 24 is another angle and view of that full kitchen.

Exhibit Number 25 is a corridor leading from the establishment out to the rear, to the back yard area.

Exhibit Number 26 is a photo of a restroom. The establishment has to unisex restrooms.

Number 27 is another restroom.

Exhibit Number 28 is a photo of the DJ booth.

Exhibit 29 is a photo of the rear of
the establishment, with the trash dumpsters on
the property. And that concludes my exhibits.

CHAIRPERSON ANDERSON: Just, again,
Mr. Ruiz, based on your investigation, what type
of establishment is this?

MR. RUIZ: This is a tavern. Well,
it's licensed as a tavern operating as a, as it's
been described, as a neighborhood bar.

MS. JEFFERSON: Objection.

CHAIRPERSON ANDERSON: Ms. Jackson.

I'm sorry, Ms. Jefferson.

MS. JEFFERSON: Jefferson.

CHAIRPERSON ANDERSON: Ms. Jefferson

--

MS. JEFFERSON: My objection is just
foundation.

CHAIRPERSON ANDERSON: Ms. Jefferson,
the Board is presenting its case --

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: -- you cannot
make an objection. You cannot speak during the
Board's presentation of its case. Once the Board
is done with its presentation of its case, you
will have an opportunity to cross examine the
witness, ma'am.
But now it's the Board's opportunity
to speak to its witness. And once the Board has
disposed of its witness, then you can ask
questions of the Board's witness, ma'am. All
right, thank you.

MS. JEFFERSON: Thank you for
reminding me.

CHAIRPERSON ANDERSON: All right. So,
Mr. Ruiz, I know it's a tavern, a tavern doesn't
have to sell food, but do you know whether or not
this establishment was selling food? Has any
plans to sell food.

MR. RUIZ: Their application did
indicate they planned on selling food. And prior
they have sold food.

CHAIRPERSON ANDERSON: Have you ever
seen a menu?

MR. RUIZ: I have not seen a menu.

No.

CHAIRPERSON ANDERSON: All right. I
don't have any further questions. Any other
questions?

You can close your screen, sir. Any
other questions by any Board Members?

MEMBER SHORT: Mr. Ruiz, without going
into any detail --

    CHAIRPERSON ANDERSON: I'm sorry. I'm sorry. Hold on, I'm sorry. Mr. Short, go ahead please.

    MEMBER SHORT: Thank you.

    Investigator Ruiz, thank you for your report and your testimony today.

    MR. RUIZ: You're welcome.

    MEMBER SHORT: I know we can't go into history because there are some other things pending, but when was this application filed for this establishment?

    MR. RUIZ: December of 2021.

    MEMBER SHORT: And they didn't have any permits to do anything prior to that date?

    MR. RUIZ: Not as a Licensee.

    MEMBER SHORT: Okay, thank you, that's all I have, Mr. Ruiz. Thank you, that's all I have, Mr. Chair.

    CHAIRPERSON ANDERSON: Thank you, Mr. Short. Any other questions by any of the Board Members?

    Any questions by any of the Board Members? All right, hearing none, who wants to ask, all right, Mr. Allen or Mr. Campbell, one
person can ask questions. Who wishes to ask
questions of the witness?

MR. CAMPBELL: We have no questions
for Mr. Ruiz.

CHAIRPERSON ANDERSON: Thank you, Mr.
Campbell. So you're saying that you have no
questions for the -- all right.

Ms. Jefferson, any questions you have
of the witness?

MS. JEFFERSON: (No audible response.)

CHAIRPERSON ANDERSON: You're on mute,
Ms. Jefferson.

MS. JEFFERSON: Sorry. Yes, I do.

CHAIRPERSON ANDERSON: Go ahead,
ma'am.

MS. JEFFERSON: Thank you,
Investigator Ruiz, for your service to the
District of Columbia.

You mentioned our community. Have you
performed investigations on this corridor of
Georgia Avenue before?

MR. RUIZ: I have. Yes.

MS. JEFFERSON: Okay. So is it fair
to say you're familiar with the community?

MR. RUIZ: Yes.
MS. JEFFERSON: Okay.

MR. RUIZ: Yes.

MS. JEFFERSON: Thank you. You mentioned in your report that they had been operating prior. Was alcohol being served?

MR. RUIZ: Yes.

MS. JEFFERSON: Okay, thank you. You mentioned that parking is limited in the area. And on your report, under the characteristics of the building, exterior, and I'll just pause. Chair Anderson, do I need to show that for him?

CHAIRPERSON ANDERSON: No, if you're referencing to his report you can direct him to where in his report you are --

MS. JEFFERSON: Okay. Your report mentions that there is a limited amount of paid meter parking directly in front of the establishment, and across, lining the 7300 Bock. And then you also mention Quilox Lounge. And your report states that they're at 7303 Georgia Avenue. And that's illustrated on your Exhibit 2. Is that correct?

MR. RUIZ: That's correct.

MS. JEFFERSON: Is Quilox Lounge next door to Premier?
MR. RUIZ: It's separated by another establishment.

MS. JEFFERSON: Okay. And according to ABRA's records, which are public information, Quilox has a maximum occupancy and seat load of 49.

So if there were a busy night and Premier were to maximize its occupancy load of 75, so you have 75 and 49, would you say that there is ample parking in the area?

MR. RUIZ: I would say it would be rough and limited. Yes.

MS. JEFFERSON: Okay. In your experience, when you've performed in investigations in this section, how often have you seen establishments, patrons come to these establishments on buses?

MR. RUIZ: I have never observed anyone come on a bus.

MS. JEFFERSON: Okay, thank you. In your report you have Exhibit 18, which is a photograph of the residential street on Fern Place, closest to Premier Lounge. That's how you identified it.

When you saw this sign, obviously it
drew your attention, were you given the
impression that residents wanted to have patrons
walking through the community late at night,
after 10:00 p.m., that would cause any noise or
rowdiness or loitering?

MR. RUIZ: I would take that there was
a concern with the residents regarding noise
based off of that sign.

MS. JEFFERSON: Okay, thank you. And
on Exhibit 19 and 20 you have photographs of the
exterior of Premier. And do you mind if I just
pull that up?

Is there, can someone pull that up?
Is there a way to do that? Because I want to ask
him to identify something.

CHAIRPERSON ANDERSON: Mr. Ruiz, can
you just share your screen again please? If you
still have that ability.

MS. JEFFERSON: This is Exhibits --
MR. RUIZ: You said 19?
MS. JEFFERSON: -- 19 and 20.
MR. RUIZ: Okay, I see. Yes.
MS. JEFFERSON: Okay. So, could you
just read what it says at the top? Maybe 20.
Between the two, what does it say?
MR. RUIZ: On the black banner?

MS. JEFFERSON: Yes.

MR. RUIZ: It says Premier. And then on the front it says bar and lounge, which I believe -- Yes, bar and lounge. And then their Instagram handle.

MS. JEFFERSON: Okay. And did you ever look up their Instagram handle?

MR. RUIZ: I have. Yes.

MS. JEFFERSON: And did you see any posts regarding the sale and consumption of alcohol at the premises?

MR. RUIZ: Yes, I've seen advertisements relating to events being held there. Yes.

MS. JEFFERSON: Okay. And did any of those advertisements indicate that a promoter was involved?

MR. RUIZ: Not to my recollection.

MS. JEFFERSON: Okay. My next question is, in your building, under the section of building interior in your report, you say that Premier Lounge is a one-level establishment that has one main entrance on Georgia Avenue. The establishment has a back door that leads to the
trash area in the alley.

And that Premier Lounge does have an interior door that connects to a stairwell that will lead to the future planned barbershop operated by the same owner. Do you see that on there? That's under --

MR. RUIZ: Yes, I remember that. Yes.

MS. JEFFERSON: Okay. So, based on that, what you wrote, there is only way. Is it correct to say that there is only one way to get into the barbershop?

MR. RUIZ: So, the entrance -- there is, if you go through, on that photograph, the brown door.

MS. JEFFERSON: Okay.

MR. RUIZ: That is the entry to a stairwell. That's the entry that goes upstairs. From that bottom landing there is also a door, and it's in the photo, that leads into the bar area. Which is, can be locked from the bar area. So if the bar was to keep that locked, nobody would be able to enter through there, but go straight up to the barbershop.

MS. JEFFERSON: So, is the barbershop applying for an alcohol license or is it Premier
Lounge?

MR. RUIZ: Premier Lounge. And the alcohol license was applied for just the first floor.

MS. JEFFERSON: Okay, thank you. When we go back to Exhibit 19, I'm sorry, I think there was an echo.

If we go back to Exhibit 19 with the sign, was there anything on that photo that indicated that a barbershop would be anywhere on the premises?

MR. RUIZ: No, there is no indication.

MS. JEFFERSON: Okay. So if a patron were to come, there is -- no one would assume that the barbershop is not a part of the bar and lounge because there is no sign that indicates that there is a barbershop?

MR. RUIZ: Correct.

MS. JEFFERSON: Okay. You mentioned that you were not able to get a hold of either applicants for the protest hearing. In your experience with ABRA, is that a regular occurrence?

MR. RUIZ: Not normally.

MS. JEFFERSON: Okay. And typically
are applicants and licensees cooperative?

MR. RUIZ: Regularly.

MS. JEFFERSON: Okay. And when you meet with them, what is required of you to ascertain?

In other words, what are you trying to find out?

MR. RUIZ: Their business. The model of the business, how they desire to operate, as well as their responses to the protest and issues. And anything they might, how they plan on to address some of the concerns in the neighborhood.

MS. JEFFERSON: Okay. So since you were not able to reach them, then you're not able to surmise whether they actually plan to address any of the concerns in the protest letters, is that correct?

MR. RUIZ: Yes. I've had no specific conversation with them in regards to the protests and concerns.

MS. JEFFERSON: Okay. Your protest report also indicates that Mr. Campbell rented the use of a catering license in order to operate and offer alcohol and food. Can catering
licenses be rented?

MR. RUIZ: No. There was a caterer license presented during that operation. But we were unable to ascertain the alcohol purchase. Where the alcohol was purchased from.

MS. JEFFERSON: Okay. So I'm sorry, there is an echo that keeps coming back. Based on -- did you have an opportunity to review the application itself?

CHAIRPERSON ANDERSON: Pardon me. Ms. Jefferson, do you -- he doesn't need to refer to his report anymore I need him to close his screen because I want to see everyone. So please close your screen. Please.

MR. RUIZ: Yes, sir.

MS. JEFFERSON: Okay. Were you able to review the application that was submitted?

MR. RUIZ: Yes.

MS. JEFFERSON: And is that part of your regular duties in terms of a protest?

MR. RUIZ: I usually review what they're applying for. Yes.

MS. JEFFERSON: Okay. And in reviewing that application, did you find any discrepancies?
MR. RUIZ: These are things related to the case that's currently before the OAG. I'm not sure if I can answer that.

CHAIRPERSON ANDERSON: That wasn't what you're asking. I guess what, where Ms. Jefferson, you're just asking if there was any discrepancies, so I don't understand, what's the relevance, what's the basis?

You need to --

MS. JEFFERSON: So I'll give you --

CHAIRPERSON ANDERSON: -- some foundation.

MS. JEFFERSON: Okay. The foundation is that the protestants have made allegations --

CHAIRPERSON ANDERSON: No, I'm saying you need to ask him --

MS. JEFFERSON: Yes.

CHAIRPERSON ANDERSON: No, I'm just saying you have to ask him questions to lay a foundation because you're just saying, are there discrepancies in the application. I'm not quite sure why are we even talking about an application being in discrepancy, so you need to lay a foundation --

MS. JEFFERSON: Okay.
CHAIRPERSON ANDERSON: -- so we can get there.

MS. JEFFERSON: Okay. I appreciate that. So, Investigator Ruiz, since you were not able to speak with the Applicants about their intentions of the nature of the business, did you look to the application to ascertain the content of your report in terms of the nature of operations?

MR. RUIZ: I reviewed the application, seen how they plan to operate, yes, under the description.

MS. JEFFERSON: Okay. And as part of your investigation, did you look into the names of the Applicants to verify that they are in fact whom they say they are?

In other words, were their names correctly represented on the application?

MR. RUIZ: I'm not sure if I can answer that because that does detail the separate investigation into that application.

CHAIRPERSON ANDERSON: I --

MS. JEFFERSON: Chair Anderson, this is why we requested a qualifications hearing, so --
CHAIRPERSON ANDERSON: But that's a different --

(Simultaneously speaking.)

CHAIRPERSON ANDERSON: This is a different issue, ma'am. That's a different issue.

If you're asking, this is what you're asking Mr. Ruiz, your using his report, his case report that's in the record, you have to ask him questions off his case report.

MS. JEFFERSON: His case report --

CHAIRPERSON ANDERSON: Okay. So this --

MS. JEFFERSON: -- references the other case report.

CHAIRPERSON ANDERSON: All right. But I've said to you it's an active case, and so if you want to bring something independent, but all, I think all that's in his report, he lists an investigative history that there is a pending show cause case in front of the Office of Attorney General.

This is a case that's going to come to the ABC Board, for the ABC Board to make a determination. Now, I'm not going to allow
extensive testimony on the facts on that case, because this same Board has to make a
determination whenever the case is presented to us.

So that's one of the reasons why I'm not going to allow extensive, yes, he can say there is an investigative history, which he did, but that's not the subject of this matter. If you have, if you want to, as part of your case in chief, that you have factual information that you're presenting to the Board, of course, I'm going to do that.

But we can't go into his case report, which is not the subject of this hearing, because the investigative report. This is a case that will possibly come to this Board for us to make a determination. Okay? So --

MS. JEFFERSON: Chair Anderson, part of the application --

CHAIRPERSON ANDERSON: Yes.

MS. JEFFERSON: -- process is for the Board to determine if the Applicant is qualified.

CHAIRPERSON ANDERSON: Right. And what I'm stating to you, you need to ask that in your case in chief. I don't believe that, that
is not a question for this investigator to respond, that's all I'm saying.

MS. JEFFERSON: He is the same investigator in that report.

CHAIRPERSON ANDERSON: But you're missing the point, ma'am. I can't allow him to prejudice a case that we haven't heard yet. Because this is a case that the Office of the Attorney General will present to us. And we have to make a determination.

As you know, the person is innocent until proven guilty. So what we have right now are allegations. There are allegations that were raised, so therefore we can't deal with allegations.

So that's why I'm saying, you're better off in your case in chief presenting information that you have.

MS. JEFFERSON: I do have that. I have it as an exhibit that I'd like to enter into evidence.

CHAIRPERSON ANDERSON: When you start presenting your case, ma'am, you can do that. I'm limiting you by saying, you can only ask this investigator about what's in his report, what he
just testified to. You can't ask him questions that he didn't testify to. So that's all I'm saying.

I'm not saying that -- when you start presenting your case, let me see what exhibits you're presenting. And if you have a witness who is going to testify, that's fine. But I'm limiting the questions you can ask this investigator because he can only testify about what is in his report that's in the record.

And the other document, the case report that you're saying that he investigates is not in the record.

MS. JEFFERSON: It actually is. He --

(Simultaneously speaking.)

MS. JEFFERSON: So the full, you are correct, the full report is not in there, but it is referenced.

CHAIRPERSON ANDERSON: He referenced, and I did ask him a question. I did ask him a question to say this establishment is not open, how is it that they have an investigative history. And he said, there is an allegation, basically there's an allegation. And what I stated, because when I looked at it, it stated
that it was referenced, it was referenced to the
Office of Attorney General.

And so I'm going to say to you, that
because this is a case that will come back to
this Board for this Board to make a
determination, I can't have testimony about the
facts in that case from this Investigator.

If you have independent, if you have
a witness in your case in chief that you want to
present information, so be it. If it's relevant
information.

But this is not something that's in
this, this Witness cannot testify on that issue,
in this case. That's all I'm saying, ma'am.

MS. JEFFERSON: Okay. So there are
two cases, just to be clear. One has already
been adjudicated by the Board. I want to clarify
that.

So there is Case 21-CMP-00079, in
which Mr. Ruiz was the investigator. That has to
do with --

CHAIRPERSON ANDERSON: But is that --

MS. JEFFERSON: -- this case.

CHAIRPERSON ANDERSON: But is that

MS. JEFFERSON: I will continue on.

I have asked, in my PIV, and in my report, I have listed Mr. Ruiz as a witness.

CHAIRPERSON ANDERSON: Well, this is the Board's witness, you are, he is testifying.

And in --

So you're saying that in his, is there any reference to that case in his report? In this report that's in the record?

MS. JEFFERSON: So I will go back to my question in which Mr. Ruiz, I'm sorry, Investigator Ruiz mentioned that they had been operating in 2021. That is in reference to Case Number 21-CMP-00079.

CHAIRPERSON ANDERSON: Okay, hold on one minute.

MS. JEFFERSON: So I will ask him questions about his observations in their prior operations.

CHAIRPERSON ANDERSON: All right, hold on. Hold on. Hold on. In Mr. Ruiz's report, in the investigative history it says, May 19th, 2022, Case Number 22-CMP-00038.

MS. JEFFERSON: I'm not referring to that.
(Simultaneously speaking.)

CHAIRPERSON ANDERSON: That is the only case that's in the -- that's the only -- that's what I'm trying to say, you can't ask him about any other case, Ma'am. There is no reference in his report for Case Number 21, or whatever case that you're talking about because --

MS. JEFFERSON: The case number is not explicitly referenced. He says, Mr. Campbell rented the use of the catering license belonging to District Space, ABRA License Number 112204, in order to operate and offer alcohol and food.

CHAIRPERSON ANDERSON: Right.

MS. JEFFERSON: Mr. Campbell stated that the caterer was solely responsible for the alcohol and food expenses and sales during that time. That was in Case Number 21-CMP-00079, in which Investigator Ruiz was the investigator. That was not in the case that is being adjudicated and going before the OAG.

CHAIRPERSON ANDERSON: All right, hold on Miss.

MS. JEFFERSON: District Space was resolved in a different --
CHAIRPERSON ANDERSON: But I think you're missing the point I'm making. And I'm not trying to be argumentative with you, okay?

I am reading his case report, okay?

I don't see any, that's not in this case report that I have in front of me. That's why we're having this conversation. Hold on.

MS. JEFFERSON: Would you like me to show you the page?

CHAIRPERSON ANDERSON: I'm going to try, I have my computer -- I have my computer screen in which I --

MS. JEFFERSON: This is under Applicant Everal Campbell. The third paragraph.

CHAIRPERSON ANDERSON: Hold on, ma'am.

I just lost my page. All right. Just give me one minute. Let me get back to my page. Let me get back to the report.

What page is this? What page is this now, ma'am?

MS. JEFFERSON: Yes. It's on Page 3, right above characteristics of the neighborhood. It's the paragraph that starts with, Investigator Ruiz had discussions with Mr. Campbell previously, when Mr. Campbell was operating
Premier Lounge prior to his application.

During that time Mr. Campbell rented the use of the catering license belonging to District Space, ABRA License Number 112204, in order to operate and offer alcohol and food. That case, in which that matter has already been adjudicated. That is a matter of public record.

CHAIRPERSON ANDERSON: All right. So what's the question are you asking him now, ma'am?

MS. JEFFERSON: So the question that I asked Mr. Ruiz was, and I've almost forgotten the question because we've gone back and forth so much, but, Mr. Ruiz, my question was, I'll start with foundation. Is that related to the case that is referenced later on in your report? Is that the same case?

Let me re-frame it, sorry. Is that the same case? District Space and the case that you reference later in your report, under investigative history.

MR. RUIZ: It's not the same case.

No.

MS. JEFFERSON: Okay. When you say Mr. Campbell rented out the use of the catering
license, did you go to the premises?

MR. RUIZ: Yes.

MS. JEFFERSON: And you met Mr. Campbell then?

MR. RUIZ: I've met Mr. Campbell.

Yes.

MS. JEFFERSON: And at that time period, how did he introduce himself?

MR. RUIZ: Initially ABC manager, and then owner after further conversation.

MS. JEFFERSON: And when he mentioned that he was an ABC manager, did you look into that to determine whether he was or did he show you something?

MR. RUIZ: He showed his, he presented me the ABC manager's card at that time.

MS. JEFFERSON: Okay, thank you. And would you happen to recall what the name was on that card?

MR. RUIZ: Everal O. Campbell.

MS. JEFFERSON: Okay, thank you. And is it part of normal practice that the premises owner -- I'm sorry, I asked that question already.

Hold on just a second. Have you met
Mr. Allen at any point in time?

MR. RUIZ: Yes.

MS. JEFFERSON: Okay. And when did you meet Mr. Allen?

MR. RUIZ: March 2022 approximately.

MS. JEFFERSON: Okay. I'm just looking through my list of questions. I just want to go back to one statement that you made earlier at the beginning. This is when I inadvertently objected and Chair Anderson correct me. Corrected me.

I just want to clarify. You said that they, their testimony stated that the Applicant was licensed as a tavern. Do they currently have a license or are they applying for --

MR. RUIZ: They're currently in the application --

MS. JEFFERSON: Okay, thank you for clarifying that. Let me just see if there is any other questions. Hold on. I'm sorry, I wrote notes.

I apologize, Chair Anderson and Board Members. I know you've seen me with all my binders before in the past, so this is a digital world so it's a little different. And I'm trying
to be mindful of the time. No further questions.

CHAIRPERSON ANDERSON: All right,

thank you. Any questions that any other Board
Member would like to ask? Not hearing none.

Are you saying, Ms. Jefferson, that
you plan to call Mr. Ruiz in your case and chief?

MS. JEFFERSON: Yes. Not as the chief
witness but as one of two witnesses.

CHAIRPERSON ANDERSON: As one of your
witnesses.

MS. JEFFERSON: Yes.

CHAIRPERSON ANDERSON: All right, Mr.
Ruiz, you will be called, recalled --

MS. JEFFERSON: Sorry.

CHAIRPERSON ANDERSON: -- once the
Applicant, I'm sorry, once the Protestant has
called its case, that you will be called as a
witness. So I need you to be available to be a
witness later on in the hearing, sir, okay?

MR. RUIZ: Okay.

CHAIRPERSON ANDERSON: All right,

thank you. All right, thank you.

All right, the process, this is where
the process now goes. Is that the Applicant will
present his case. I just want to advise the
parties that what I'm going to do is that I'm
going to take a break every two hours.

And so we started this hearing at 3
o'clock, so probably around 5 o'clock, a
reasonable period around 5 o'clock we'll take a
break. And if this hearing goes till 7 o'clock
we'll take another break at 7 o'clock. So just
so everybody knows that, we will take a scheduled
break every two hours for folks to - so.

All right, so, Mr. Allen and Mr.
Campbell, how do you present to, who is
presenting this case? Who is presenting this
case and how do you plan to present this case?

MR. CAMPBELL: I will be presenting
the case. Also, for the exhibits we do not
really submit exhibits.

CHAIRPERSON ANDERSON: I saw your PIP,
and so there's no documents submitted in a PIP.

So, what were you saying, sir?

MR. CAMPBELL: No. No, just letting
you know there will be no exhibits that we have
to present.

Like I said, this is our first hearing
to the Alcohol Board, so we're new to this.

CHAIRPERSON ANDERSON: All right. So,
how do you present? Do you plan to call
Mr. Campbell? You're Mr. Allen or you're Mr.
Campbell?

MR. CAMPBELL: No, I'm Mr. Campbell.
I'm Mr. Campbell.

CHAIRPERSON ANDERSON: You're
Mr. Campbell. So, are you planning to call
Mr. Allen, or are you just going to testify
yourself?

MR. CAMPBELL: I'm just going to
testify myself.

CHAIRPERSON ANDERSON: All right, can
you raise your right hand, please? Do you swear
or affirm to tell the truth and nothing but the
truth?

MR. CAMPBELL: Yes. Yes, sir.

CHAIRPERSON ANDERSON: Okay. Go
ahead, Mr. Campbell.

MR. CAMPBELL: All right. The
establishment, Premier Lounge, the license that
we're applying for, there was a previous
establishment there for a little over twenty
years, with the same license, which, to my
knowledge, there were no issues with violations
with that particular establishment.
And we're opening the same type of establishment, a neighborhood bar and lounge, catering to the community, and to basically facilitate the community, and to engage in events for the community.

And we've made numerous attempts to work something out with the community to get their issues addressed and resolved, even previously. Even right after our first appearance in front of the ABC Board.

I sent out two emails to Ms. Jefferson. None of them were actually -- uh-huh?

CHAIRPERSON ANDERSON: Mr. Campbell, I don't mean to cut you. If you want to just generally say that you have been trying to negotiate, but I don't want to hear -- clearly the parties were unable to negotiate, to work to an agreement.

So, that's the only other purpose here. So, what I need from you is to tell us about your business plan, why is it you believe that we should give you a license. Those are the type of information that I expect to hear from you, sir, in presenting your case.
So, yes, you can generally say we attempted to negotiate with the community, but clearly you were not able to reach a settlement agreement. I try to see if we could do that earlier today.

But since there's no settlement, we're at a hearing.

And so, here it is that the Board needs you to present us with information, why is it that you're a fit owner for the Board to grant you a license.

And that's what I expect to hear from you, sir. Okay?

MR. CAMPBELL: Okay. Well --

CHAIRPERSON ANDERSON: Tell me about the business model, what it is that you're presenting. Go ahead, sir.

MR. CAMPBELL: Like I said, Premier Lounge is going to basically be a neighborhood restaurant, bar and lounge. We'll sell finger foods.

Currently our menu's up online also, UberEats, we're licensed, actually, open now and sell food to the public.

We'll be doing comedy shows, as well
as jazz shows. We also work with MPD. We're close with MPD.

I'm in the security business as well. I own a security company, which has over 160 employees.

Background, I ran waste management companies for well over -- the largest companies within the city for over twenty years.

I served as operation manager. I managed accounts such as NSA, Architect of the Capitol, Reagan Airport, just to give you a background of my history.

As far as the restaurant industry, this will be my first restaurant business I'll be opening.

But our manager is fully experienced, well over 15, to close to 20 years, and will be assisting us in this endeavor. So, that's it.

CHAIRPERSON ANDERSON: That's all you have to present, sir?

MR. CAMPBELL: Yeah, just -- we're good. Yeah, that's it.

CHAIRPERSON ANDERSON: Ms. Jefferson, do you have any questions? You're on mute,

Ms. Jefferson.
MS. JEFFERSON: Chair Anderson, please remind me. I'm sorry, it's been three years since the last protest hearing, as well as a pandemic and everything else.

I would like to admit some items into evidence to ask Mr. Campbell about them. Would you like me to do that now?

CHAIRPERSON ANDERSON: What exhibits do you have, ma'am?

MS. JEFFERSON: Do you want me to go through all of them, or just the ones for him?

CHAIRPERSON ANDERSON: What exhibits are you asking us to move into evidence?

MS. JEFFERSON: Okay, I just want to, first of all, confirm the investigator's report and the attachments would be invited into evidence. That's Exhibit 1 on my PIV. Would you like me to show my screen, or you have everything?

CHAIRPERSON ANDERSON: Okay, so you're saying Exhibit -- what's Exhibit 1?

MS. JEFFERSON: Exhibit 1 was just going to be the investigator's report. Just making sure that that gets admitted into evidence.
CHAIRPERSON ANDERSON: You're talking about the case report that Mr. Ruiz just testified to?

MS. JEFFERSON: Yes. Yes.

CHAIRPERSON ANDERSON: That's automatically record. That's part of the Agency's record, so that's in the pack.

MS. JEFFERSON: Okay. Exhibit 2 was the placard.

CHAIRPERSON ANDERSON: That's in the investigator's report.

MS. JEFFERSON: Exhibit 3 was our protest letter.

CHAIRPERSON ANDERSON: That's in the case report, so it's already in the record.

MS. JEFFERSON: Exhibit 4 was our motion for continuance.

CHAIRPERSON ANDERSON: It was denied, so I understand -- it's not relevant to be in this case, so I'm not going to allow that to be there.

That's not relevant that you made a motion, the Board denied your motion, and I believe the Board denied your motion because, as we've stated, because it's a new license, by law
we have a specific timeline to issue a license.

So, unless the licensee had agreed to the continuance, the Board cannot on its own grant the continuance. So, I'm not going to allow that into evidence because that's not relevant to this case.

MS. JEFFERSON: Exhibit 5, which is Board Order 20-22-242, where the Board indicates that we may bring up our concerns about qualifications of the protest hearing.

CHAIRPERSON ANDERSON: This is a Board Order that was issued, so it's -- that's fine.

MS. JEFFERSON: Okay, Exhibit 8, which is the purchase of the business in which Mr. Campbell just referenced.

CHAIRPERSON ANDERSON: Why is the purchase of the building relevant to your protest?

MS. JEFFERSON: The business, not the building. The business.

CHAIRPERSON ANDERSON: I'm just saying, why is that relevant to your case?

MS. JEFFERSON: Because the business was a prior licensee that was suspended.

CHAIRPERSON ANDERSON: What's the
purpose of including this as a document for the Board to consider?

MS. JEFFERSON: It has to do with qualifications and representations on the application itself.

CHAIRPERSON ANDERSON: Are you going to have someone testify about this document, ma'am?

MS. JEFFERSON: Yes.

CHAIRPERSON ANDERSON: Who's going to testify about this document?

MS. JEFFERSON: Mr. Campbell. He just mentioned that he bought the --

CHAIRPERSON ANDERSON: That's fine. So, he's here, so why don't you ask him about the document.

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: So, we have this document.

MS. JEFFERSON: Yes. And then, there's just a few more items.

CHAIRPERSON ANDERSON: We can -- all right --

MS. JEFFERSON: This is not my hundred list of evidence like I've done in the past.
CHAIRPERSON ANDERSON: No, no. What I'm saying is, I don't have a problem -- if you want me to move documents into evidence, you need to have someone testify on the document. So, you can call the exhibit what the exhibit is --

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: -- have the person testify --

MS. JEFFERSON: I will do that.

CHAIRPERSON ANDERSON: -- and then, once the person's testified on the document, then you can make a motion that we move it into evidence.

MS. JEFFERSON: Okay, happy to do that.

CHAIRPERSON ANDERSON: So, eight is a document. All the other Board documents, they're part of the Agency's record. So, I'll take administrative notice --

MS. JEFFERSON: Thank you.

CHAIRPERSON ANDERSON: -- that they're part of the Agency's notice. So, now you have the lease agreement that you want -- the purchase agreement, I believe, which is Exhibit 8 --

MS. JEFFERSON: Yes.
CHAIRPERSON ANDERSON: -- so, if this is something that is asked -- since Mr. Campbell is a witness, you can ask him about it. And then, the testimony is that I need to make a motion to include this in the record.

MS. JEFFERSON: Okay. So, I'd like to bring up Exhibit 8. Do I need to share my screen? How does this work?

CHAIRPERSON ANDERSON: In order to do that, ma'am, you would have to share your screen. So, I will --

MS. JEFFERSON: Okay, Ms. Fashbaugh?

Thank you.

CHAIRPERSON ANDERSON: Ms. Jefferson, I need to tell Ms. Fashbaugh that she needs to allow you to share your screen.

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: So, Ms. Fashbaugh, can you please allow Ms. Jefferson to share her screen, please.

MS. FASHBAUGH: This has been accomplished.

CHAIRPERSON ANDERSON: Thank you.

MS. JEFFERSON: Thank you. I don't know what you can see and can't see. Okay,
Exhibit 8. There we go.

So, Mr. Campbell, good afternoon. How are you?

MR. CAMPBELL: Very good.

MS. JEFFERSON: Do you recognize this document?

CHAIRPERSON ANDERSON: Can you please open the document first, ma'am.

MS. JEFFERSON: I did. It says I'm sharing.

CHAIRPERSON ANDERSON: Yes, ma'am, but you need to click on the document to open the document. I'm seeing all your exhibits, so you need to click on the document that you want us to look at, to open it.

MS. JEFFERSON: Okay, I did that. I'll do it again. Can you --

CHAIRPERSON ANDERSON: You need to use your cursor. Double click on the document so it can open.

MS. JEFFERSON: So, I did that. It's open. It says you're sharing your screen.

CHAIRPERSON ANDERSON: Yes, ma'am. But then, you're sharing your screen, I'm looking at all your exhibits. So, now you need to go to
the exhibit and --

MS. JEFFERSON: Oh, it says you're
sharing two documents. Let me see why it says
I'm sharing two. People are viewing two. I
don't know how you're viewing two.

CHAIRPERSON ANDERSON: I don't know
what, but I'm just saying, you need to go on the
document, click on the document and open the
document.

MS. JEFFERSON: I'm going to try this
again. There we go. I think this is it.

CHAIRPERSON ANDERSON: Correct.

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: Yes. Can you
make the document larger, and then can you please
ask him to identify the document? Please, ma'am,
before you ask him a question.

MS. JEFFERSON: Okay. Can you see the
documents?

CHAIRPERSON ANDERSON: We can all see
the document, yes.

MS. JEFFERSON: Okay. Mr. Campbell,
does this document look familiar to you?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Can you please
identify what the document is?

MR. CAMPBELL: The document shows the bill-of-sale for a new 7307.

(Whereupon, the above-referred-to document was marked as Exhibit 8 for identification purposes.)

MS. JEFFERSON: Okay. And what is the new 7307?

MR. CAMPBELL: Well, the name is formerly, I believe that formerly owned Charlie's.

MS. JEFFERSON: Okay. So, you were sold this business. Is that not correct?

MR. CAMPBELL: Correct.

MS. JEFFERSON: And what did you pay for this business?

MR. CAMPBELL: One dollar.

MS. JEFFERSON: And you actually paid the dollar.

MR. CAMPBELL: Yes, I paid it.

MS. JEFFERSON: Okay, thank you. I'd like to -- sorry, Chair. Did you say you want me to move to admit them now, or move to admit them at the end?

CHAIRPERSON ANDERSON: This is all the
questions you'll ask him about this document?

    MS. JEFFERSON: Yes.

    CHAIRPERSON ANDERSON: And so, you want me to move this document into evidence?

    MS. JEFFERSON: Yes, please. So, I did recall you said wait until the end and ask, or wait after --

    CHAIRPERSON ANDERSON: No, I said after -- when you ask him questions and you're done, then you can make a motion to move the document into evidence.

    MS. JEFFERSON: Okay, thank you for the clarification.

    (Simultaneous speaking.)

    MS. JEFFERSON: I actually have a follow-up question on this.

    CHAIRPERSON ANDERSON: Go ahead please, ma'am.

    MS. JEFFERSON: So, Mr. Campbell, when you bought the business, what was the trade name?

    MR. CAMPBELL: The trade name was Charlie's.

    MS. JEFFERSON: And were you aware of any lease that Charlie's may have had?

    MR. CAMPBELL: No.
MS. JEFFERSON: Okay. And where was Charlie's located?

MR. CAMPBELL: 7307 Georgia Avenue.

MS. JEFFERSON: Is that the same place or same premises as Premier Lounge?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Okay. And based on your knowledge, did Charlie's have a prior alcohol license?

MR. CAMPBELL: Yes.

MS. JEFFERSON: They did. Okay. Okay, thank you. I move that Exhibit 8 be moved into evidence.

CHAIRPERSON ANDERSON: Mr. Campbell, do you have any objection?

MR. CAMPBELL: I have none.

CHAIRPERSON ANDERSON: So moved. So, we have moved Exhibit 8 into evidence. Go ahead. (Whereupon, the above-referred-to document was received into evidence as Exhibit 8.)

MS. JEFFERSON: Okay. Sorry. Mr. Campbell, do you plan to sell alcohol on the Internet?

MR. CAMPBELL: No.
MS. JEFFERSON: Okay. And you mentioned several times that you've been operating as a restaurant.

MR. CAMPBELL: I said we're licensed to operate as a restaurant. I didn't say we've been operating.

MS. JEFFERSON: Okay. So, can you please clarify for us exactly what endorsements you're applying for.

MR. CAMPBELL: Endorsements?

MS. JEFFERSON: Yes.

MR. CAMPBELL: Well, we're applying for a tavern license, and an entertainment license as well, to serve alcohol. Specific? I don't know what DC calls it, but we're applying for an entertainment license and tavern license.

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: So, you're applying for a tavern license with an entertainment endorsement. Is that what you're requesting, sir?

MR. CAMPBELL: Yes.

CHAIRPERSON ANDERSON: And are you also requesting for a cover charge?

MR. CAMPBELL: Oh yes. Yes.
CHAIRPERSON ANDERSON: So, you're applying for a tavern license with an entertainment endorsement and a cover charge.

MR. CAMPBELL: Correct, yes.

CHAIRPERSON ANDERSON: Go ahead, Ms. Jefferson.

MS. JEFFERSON: Mr. Campbell, do you know -- who completed the application?

MR. CAMPBELL: I did.

MS. JEFFERSON: You did. Okay, and so are there any other endorsements that you are aware of that you're applying for, based on the nature of the business?

MR. CAMPBELL: An outside caf'.

MS. JEFFERSON: Okay. Anything else?

MR. CAMPBELL: Just the outside caf'. That's it.

MS. JEFFERSON: Okay. So, with this entertainment, do you propose that dancing would be occurring?

MR. CAMPBELL: Inside, yes.

MS. JEFFERSON: Okay, and do you recall Investigator Ruiz mentioning that there was a stage near the front?

MR. CAMPBELL: Yes.
MS. JEFFERSON: Okay. Would dancing be occurring on that stage?

MR. CAMPBELL: I would say, it's mainly for comedians and so forth, but it's not made for that particular -- for dancing. Like I said, it's for when we have comedy shows and so forth. That's what the stage is for. But entertainment for the property? Yes.

MS. JEFFERSON: Okay. So, your entertainers would be dancing on the dance floor.

MR. CAMPBELL: Yes, always --

MS. JEFFERSON: On the stage, excuse me.

MR. CAMPBELL: Yeah, on the stage. On the stage, yeah.

MS. JEFFERSON: Okay. And is there anywhere else to dance within the premises? On the inside?

MR. CAMPBELL: On the inside? Yes, there's room for dancing. Yes.

MS. JEFFERSON: Okay. And does this include employees, or is this just the patrons?

MR. CAMPBELL: The patrons. Not a lot of them, but there is room, yes.

MS. JEFFERSON: Okay. How often have
you been to the establishment since it was placarded?

MR. CAMPBELL: I could not tell you the exact amount of times. And I go by and make sure everything's in order, make sure there's no trash or anything around the premises. But I cannot tell you exactly how many times my office has been placarded. Maybe about eight or so? Ten?

I check on it. You know, make sure I go check on it. We also, I can monitor the cameras from my phone. We have cameras surrounding the building, Georgia Avenue, the back alleyway, cameras all over. So, I can see right from my phone as well.

MS. JEFFERSON: Okay. So, have you actually seen the placard?

MR. CAMPBELL: Yes. I put the placard on the door myself.

MS. JEFFERSON: Oh, you did. Okay.

And would you read it?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Okay. I'd like to present Exhibit 2, which is the placard.

CHAIRPERSON ANDERSON: It's already
applied. You want to show him the exhibit of the placard?

MS. JEFFERSON: I would like to show him the exhibit.

CHAIRPERSON ANDERSON: All right, so go ahead, ma'am. It's already part of the record. I will take administrative notice of the placard, so you can ask him about the placard.

MS. JEFFERSON: Okay. Hopefully, it's working. Okay, are you there, Mr. Campbell? I'm sorry, all my little windows got smaller. So --

MR. CAMPBELL: Yes, I'm here.

MS. JEFFERSON: Okay, thank you. Can you read the licensee name?

MR. CAMPBELL: The New 7307A.

MS. JEFFERSON: Okay. And your prior testimony was that was the same name of the business that you purchased. Is that correct?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Okay. And will you read the trade name?

MR. CAMPBELL: Premier Lounge.

MS. JEFFERSON: Okay. Is that the same trade name as the prior business that you purchased?
MR. CAMPBELL: No.

MS. JEFFERSON: Okay. Under the nature of the operations, can you just read what it says?

MR. CAMPBELL: The bar and lounge will serve finger food. Seating capacity of 55, with an occupancy load of 75. Sidewalk caf, with eight seats, entertainment endorsement to include dancing and cover charge inside the premises only.

MS. JEFFERSON: Okay, thank you.

Chair Anderson, you took administrative notice that this was already on the record. I'm going to move to another exhibit. I don't mean move as in move motion, but move -- because I'm establishing foundation.

CHAIRPERSON ANDERSON: The placard is -- I'll take administrative notice that the placard is a part of the Board's record. Go ahead, ma'am.

MS. JEFFERSON: Okay. Can you see this document?

MR. CAMPBELL: Yes, I can.

MS. JEFFERSON: The application?

MR. CAMPBELL: Mm-hmm.
MS. JEFFERSON: Okay. So, do you see this section right here where my mouse is? I don't know if you can see --

MR. CAMPBELL: Yes, yes.

MS. JEFFERSON: Can you read just what it says at this top banner?

MR. CAMPBELL: What? To be completed by applicant?

MS. JEFFERSON: Okay. And it was your prior testimony that you completed this.

MR. CAMPBELL: Yes.

MS. JEFFERSON: Okay. Under number five, can you read the items that are marked?

MR. CAMPBELL: Sidewalk caf, tasting permit of the brew pub, onsite sales and consumption.

MS. JEFFERSON: Okay.

MR. CAMPBELL: But there's a correction. There was a correction made and the pub was actually -- that was ruled out of the application in the face of permits. Those were actually removed.

MS. JEFFERSON: And so, when you say removed, by which means were they removed?

CHAIRPERSON ANDERSON: Hold on a
minute, Ms. Jefferson. The only license that's
up for discussion today that the Board will rule,
is what was placarded. It's irrelevant what's on
the application.

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: If it was not
on the placard, it is not something that we'll
discuss today. So, it's not relevant for us to
go through the application to see what was
checked off on the application itself.

The only type of endorsements that are
subject to this hearing today are the endorsement
and the license class and category that's on the
placard. Okay?

MS. JEFFERSON: I appreciate that. I
wanted to ask Mr. Campbell how the folks in
licensing knew how many people to put for the
sidewalk caf'..

He said that that was marked. So, I
don't see a number next to that. So, I'm trying
to understand what he applied for.

So, Mr. Campbell, under sidewalk caf',
it has seats and blank. How were they able to
ascertain what your intent was for the sidewalk
caf,'?
MR. CAMPBELL: An amended application was submitted to ABRA and was accepted. So, with the seating capacity of eight and removal of the pub and tasting permit.

MS. JEFFERSON: And do you recall the date that that amended application was submitted?

MR. CAMPBELL: I may not recall the exact date, but I could try to find the record. I do not recall the exact dates right now. I'll try to find it for you.

CHAIRPERSON ANDERSON: Are you waiting for him, or --

MS. JEFFERSON: Yes, I was waiting for him. I was waiting for him. I'm sorry.

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: Remember, as I stated before, if the Board is going to grant the license, it will be based on what was placarded. Okay? That is the limitation of what the Board can do.

The Board can limit what's on the placard, but the Board cannot expand what's on the placard.

So, it's irrelevant what's on his application. We can only make decisions -- and
I'm glad that you had him go through the placard, because that limits the jurisdiction of the Board.

So, we will only make determination based on what's on the placard, not what's on the application.

MS. JEFFERSON: Thank you. That was my intent, sir. I appreciate that.

If you don't mind, let's go to the next page, item number six. Can you read your response to item number six on this page?

MR. CAMPBELL: Okay. Barbershop will be operating upstairs on the second floor.

MS. JEFFERSON: Okay. And did you have an opportunity to talk to Investigator Ruiz about this barbershop?

MR. CAMPBELL: Not extensively, because the barbershop is not even open as yet. But he asked when he visited, do we have another establishment that will be operated, and which I told him the barbershop upstairs. But the barbershop is not open as yet and the barbershop has its own entryway and a door that closes off from the bar itself and locked.

MS. JEFFERSON: Okay. Given your
proposed hours of operation of the tavern -- and
this is just getting more information on the
nature of the business -- will patrons in the
barbershop be able to come down and get a drink
without going outside? Like, can they just come
down the stairs and go through?

MR. CAMPBELL: No. No. No, no, it's
completely separate, and entry and exit, two
different establishments. They need to go out
one door and enter into the other establishment.

MS. JEFFERSON: Okay. And will you be
serving alcohol in the barbershop?

MR. CAMPBELL: No.

MS. JEFFERSON: None at all.

MR. CAMPBELL: None. It's a
barbershop.

MS. JEFFERSON: Okay. And your
certificate of occupancy that you have, is it
based on just the first floor, or is it based on
the entire premises?

MR. CAMPBELL: First floor.

MS. JEFFERSON: The first floor. And
do you have a basement on the premises?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Okay.
MR. CAMPBELL: The first floor is the basement. Yeah.

MS. JEFFERSON: Basement meaning subterranean.

MR. CAMPBELL: Yeah.

MS. JEFFERSON: Below-ground. Okay.

Can you read number seven?

MR. CAMPBELL: Okay --

(Simultaneous speaking.)

MR. CAMPBELL: -- did he have or previously held a license for the sale of alcohol beverage?

MS. JEFFERSON: And what was your response?

MR. CAMPBELL: No.

MS. JEFFERSON: Okay. Now, this is related to the business. Was it your prior testimony that the business had a license?

MR. CAMPBELL: Yes. Before I purchased it, yes.

MS. JEFFERSON: Okay. So, thank you. Sorry, wrong mouse. I'm going to scroll down. Do you see item number fourteen?

MR. CAMPBELL: Yes, I do.

MS. JEFFERSON: Okay. Can you explain
your rationale for not completing that?

MR. CAMPBELL: This application, I'm not sure this application you've seen, but the other application, this was filled out here.

MS. JEFFERSON: Okay.

MR. CAMPBELL: Yeah, this was filled out.

MS. JEFFERSON: Okay.

MR. CAMPBELL: Yeah, I'm not sure what application you have, but yes, this was filled out.

MS. JEFFERSON: Okay.

CHAIRPERSON ANDERSON: Ms. Jefferson, why are we going through -- I've never had a case where we're going through an application.

So, why are you cross-examining a witness on an application? Why is this relevant to what we have to do? I mean, why are we going through an application?

MS. JEFFERSON: Oh, it's relevant to their qualifications.

CHAIRPERSON ANDERSON: The application?

MS. JEFFERSON: Yes.

CHAIRPERSON ANDERSON: Can you get to
the point, ma'am? Because I don't see --

(Simultaneous speaking.)

MS. JEFFERSON: It's relevant to the licensure. Adhering to laws and regulations, including making false statements on an application.

CHAIRPERSON ANDERSON: I don't know where you are. I think what Mr. Campbell has testified, that the application that you are reviewing, that it was amended.

He just stated that, that it was amended. That's what he stated. He stated that there was an amended application. So, this is not the application.

He filed an application and it was subsequently amended. So, I'm not quite sure why we're going through an application.

MS. JEFFERSON: So, we're going through this, Chair Anderson, because you mentioned the timeliness in which a protest hearing may occur.

And so, if the placard is based on an application that was amended, then the tolling and the timing changes.

CHAIRPERSON ANDERSON: No, but the
placard gives you the 45 days. Now, a person can send an application in at any point, but then, for whatever the Agency will the application and say it's not ready to be placarded.

But once the Agency accepts the application as complete, then the Agency will notify the community that someone's applied for a license, and your 45-day period starts this date.

So, we, the Agency, are the one who establishes a timeline. So, I'm not quite sure -- how is this an issue if we've already, based on the date on the placard, we're the ones who have now decided, not based on the date of the application, but when we issued the placarded notice, we're the ones who have stated that this document is ready to -- the community is now on notice that this is the period that they can protest this application.

So, that's why I'm saying, it's not relevant for us to go through this application, because --

MS. JEFFERSON: It actually is. If you'll please allow me to --

CHAIRPERSON ANDERSON: Well, let's move -- remember, you're cross-examining a
person. And if I was counting this time against your time, you'd be losing your hour.

So, it's always better for us to use our time to do direct testimony. Okay? To do direct testimony. Not in the sense of -- I'm being very honest, I don't know where you're going with this and this is not helping me make a decision. Okay?

MS. JEFFERSON: Okay. Mr. Campbell, can you look at number nineteen? This has to do with appropriateness.

MR. CAMPBELL: Okay.

MS. JEFFERSON: Okay, can you read your response to 19A?

MR. CAMPBELL: 19A?

MS. JEFFERSON: Mm-hmm.

MR. CAMPBELL: Okay.

MS. JEFFERSON: I'll zoom it up a little bit.

MR. CAMPBELL: Yeah, if you could zoom it up a little bit for me.

MS. JEFFERSON: Sorry, this -- oh goodness. This thing at the top. There we go.

MR. CAMPBELL: Okay, I believe I could --
MS. JEFFERSON:  Oops, too big.

MR. CAMPBELL:  Okay, that's fine. You could just --

MS. JEFFERSON:  I'm sorry.

MR. CAMPBELL:  That's fine. Okay, 19A, correct?

MS. JEFFERSON:  Yes, can you please read your response.

MR. CAMPBELL:  Okay. We are providing the surrounding residents with a neighborhood establishment they can walk to for a drink, watch a football game, even listen to live band, keeping the money in the Ward, offering incoming residents local entertainment in walking distance.

MS. JEFFERSON:  Okay. Can you explain what that has to do with real property values?

MR. CAMPBELL:  Well, the establishment like ours can actually enhance the community. We have an establishment, a restaurant that someone can walk to within the vicinity. They don't have to leave the neighborhood.

And, like I said, it's a viable contribution to the residents. It actually helps bring the value up to the neighborhood, to where
they have, like I said, live entertainment that's within walking distance, versus leaving the area and going to another area.

MS. JEFFERSON: And are you a licensed real estate agent?

MR. CAMPBELL: No, ma'am.

MS. JEFFERSON: Are you a licensed appraiser?

MR. CAMPBELL: No, ma'am.

MS. JEFFERSON: Okay, so is there anything in this application that indicates that the community told you that this would increase their real property values?

MR. CAMPBELL: Nothing that -- no.

MS. JEFFERSON: So, is it fair to say that this is just your opinion?

MR. CAMPBELL: Based on research data, yes. I would say yes.

MS. JEFFERSON: But you're not a licensed real estate agent.

MR. CAMPBELL: No, I'm not a licensed real estate agent.

MS. JEFFERSON: Okay. Can you read your response to item B?

MR. CAMPBELL: Okay. We have uniform
security also. Close relationship with MPD for our guests.

We'll be inside for our facility, not hanging on the sidewalk, which our security will enforce such rules.

And also. D.C. blocking of passage law at the close of business each day, our staff police calls out of perimeter within a block, and premises.

MS. JEFFERSON: So, you mentioned uniform security. Who is this uniform security? Who are they employed by?

MR. CAMPBELL: Uniform security? Well, we have Mr. Allen's agency. We also have numerous agencies that we work with also. Security agencies.

I've been in the security field since 2012 as well. I work closely with MPD. So, we have a wide variety of contacts with security officers, also MPD, which I work closely with.

MS. JEFFERSON: Are you a security guard?

MR. CAMPBELL: Yes, I'm a licensed security officer as well.

MS. JEFFERSON: In which jurisdiction?
MR. CAMPBELL: In D.C.

MS. JEFFERSON: You're a licensed security guard in D.C.

MR. CAMPBELL: District of Columbia. I'm an SP. I'm a special police officer.

MS. JEFFERSON: Okay. And is it your plan to perform the function of security when the establishment is having entertainment?

MR. CAMPBELL: No. We would have officers onsite. I would not be performing the security. I will be an addition, but I will not be the primary security officer.

MS. JEFFERSON: But you would be performing security.

MR. CAMPBELL: No, we would have a security officer there. But --

MS. JEFFERSON: You said you would be performing. I'm just looking for clarification.

MR. CAMPBELL: I said we'd have a security officer there. If needed, I will assist, but there will be officers there. Just like the staff is answering, I will staff everyone. It's a team effort, but we would have licensed security guards there as well.
MS. JEFFERSON: And would you be carrying your firearm at that time?

MR. CAMPBELL: No.

MS. JEFFERSON: Okay. You mentioned Mr. Allen's security agency. Is it licensed in the District of Columbia?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Are you sure about that?

MR. CAMPBELL: As far as I know, yes.

MS. JEFFERSON: Okay. So, do you recall the sign that Investigator Ruiz showed?

MR. CAMPBELL: What sign did he show me? I'm sorry.

MS. JEFFERSON: About the sign that the neighbors have. That was his exhibit. I'll go back to the -- yeah, his Exhibit 18. The photograph where the neighbors ask for people to be quiet. Do you recall seeing that?

MR. CAMPBELL: Yes. Yes.

MS. JEFFERSON: Okay. Item C, because I want to move forward. Item C, can you read your response?

MR. CAMPBELL: I wasn't prepared for this. All right, let's see here. A little
smaller, is it?

MS. JEFFERSON: I'll try to zoom it.

Every time I zoom it --

MR. CAMPBELL: I'm fine with this.

I'm fine. I don't want you to mess with it.

That's fine. All right, C, right?

(Simultaneous speaking.)

MR. CAMPBELL: Okay. Many of our customers are from the surrounding neighborhood, walking distance also. The traffic we anticipate will be after 9:00 p.m., when other businesses on the block will be closed, leaving parking for our customers.

In addition, 70 percent of our neighborhoods have private parking lots.

MS. JEFFERSON: Okay. So, you said many of your customers are from the surrounding neighborhood. Are these customers that have already gone to your establishment?

MR. CAMPBELL: Or catering. Premier Lounge is geared to cater to the community. Our target customers is the community. We want the community to come, to walk from their homes, get a drink, watch sports games, and go back home.

It's geared for the communities.
That's what it's for. It's a neighborhood bar and lounge. So, what we're targeting is customers within walking distance. The walk to the establishment and walk back home. That's our target group.

MS. JEFFERSON: Okay. And have you met with any of the local civic or citizen associations, or ANCs?

MR. CAMPBELL: Yes, we met with ANC Commissioner.

MS. JEFFERSON: Which one?

MR. CAMPBELL: Mr. Gates.

MS. JEFFERSON: Okay. Okay.

MR. CAMPBELL: And which actually endorsed us.

MS. JEFFERSON: He endorsed you.

MR. CAMPBELL: Yes, for provisional license and --

MS. JEFFERSON: So, he submitted an ANC resolution?

MR. CAMPBELL: Yeah, for -- we were applying for a stipulated license, which he endorsed us, and we have that document.

MS. JEFFERSON: Well, stipulated license and the application for licensing is not
the same.

MR. CAMPBELL: Yes, I know. Yes.
Yes, this was previously -- this was before this
was contested, yes.

MS. JEFFERSON: So, as it relates to
this application, did the ANC support you? Did
they provide a letter of support?

MR. CAMPBELL: No, we did not actually
request a letter of support. It was off the
record we'd spoken as well. But we did not
actually request on record a letter of support.

MS. JEFFERSON: So, this is just your
assumption that this is something that the
community wants and would go to. Because you've
never actually met with the formal ANC, have you?

MR. CAMPBELL: We've met with
individuals from the community. And we have met,
like I said, Mr. Gates, which he stated he lived
in that area for years and have been going to
Charlie's, and wants to come to Premier Lounge as
well, once we fully open.

MS. JEFFERSON: Do you know where
Mr. Gates lives? Where Commissioner Gates lives?

MR. CAMPBELL: No, I haven't look up
his address. No.
(Simultaneous speaking.)

MS. JEFFERSON: I'll just state as a matter of public record, he lives at Takoma, near Takoma Metro, which is not within the impacted area. I'll move on. I'm almost done.

Do you recall meeting Investigator Ruiz back when you rented the catering license?

MR. CAMPBELL: I recall meeting Mr. Ruiz.

MS. JEFFERSON: Investigator Ruiz? Do you yourself have any licenses with ABRA?

MR. CAMPBELL: No.

MS. JEFFERSON: You don't.

MR. CAMPBELL: No.

MS. JEFFERSON: So, you don't have an ABC manager license.

MR. CAMPBELL: Oh, I'm sorry. Sorry, I apologize. Yes, I'm sorry. Yes, I guess -- yes, I have an ABC manager license. Yes, I do.

MS. JEFFERSON: Okay. Did you go to the required training?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Okay. And when you went to that training, did you read the ABRA regulations?
MR. CAMPBELL: Yes.

MS. JEFFERSON: And when you read those ABRA regulations, after that did you sign any document stating that you had read them? Do you recall that?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Okay. So, you understand that by certifying that, you are stating that you understand what the law is and what's required of you.

MR. CAMPBELL: Correct.

MS. JEFFERSON: Okay. So, can you help us to understand when Investigator Ruiz met you in the prior, did you present the license to -- when the caterer was there, did you present a license for Premier?

MR. CAMPBELL: No. I presented the license for a catering company. The catering company, as a representative, presented their license.

I showed Mr. Ruiz my manager's license, but the catering company showed their documents, their license, as well. Their documentation for the event, and I showed Mr. Ruiz my manager's license and I identified
myself as the owner.

  MS. JEFFERSON: Did you show any type
of license to consume alcohol at the premises?

  MR. CAMPBELL: No. For Premier, no.

  MS. JEFFERSON: What about for
Charlie's?

  MR. CAMPBELL: No.

  MS. JEFFERSON: Okay. Are you
familiar with your Instagram handle?

  MR. CAMPBELL: Actually, no. To be
honest, I'm not a social media guy. I don't do
any social media at all.

  MS. JEFFERSON: Do you all pay someone
to do it for you?

  MR. CAMPBELL: Yeah, we kind of
outsource it. Mr. Allen generally handles that.

  MS. JEFFERSON: Mr. Allen handles
that? Okay --

  (Simultaneous speaking.)

  MR. CAMPBELL: Yeah, he takes care of
that. So, he outsources it to have individuals
handle that, but I do not do social media at all.

  MS. JEFFERSON: And if Mr. Allen or
you saw something on social media that was
incorrect, would you ask someone to take it down?
MR. CAMPBELL: Yeah, absolutely.

MS. JEFFERSON: Okay. So, is it fair to say that the representation of your establishment on social media is a fair representation of what Premier Lounge is and how it operates?

MR. CAMPBELL: I would say no. I have not really -- like I said, I've not really been on social media a lot. Mr. Allen -- like I said, I've not been on there probably as much as I should have. So, in general, Mr. Allen handles that. So, I don't want to go into specifics because, I'll be honest with you, I have not -- I couldn't tell you -- if you ask me about something on there, I really couldn't tell you, because I don't even have a Facebook page.

MS. JEFFERSON: Okay. I'm going to move on. Do you recognize this page?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Okay. And are you the actual owner of the property?

MR. CAMPBELL: No, that would be Eileen Gear. That was who I was giving the amended application to. I know where you're going with that. That's who was handling that
MS. JEFFERSON: Okay, thank you. And I just have -- let me see -- one more thing. Two more. Have you ever been interviewed for any publications about your business?

MR. CAMPBELL: No, not myself. No.

MS. JEFFERSON: You haven't.

MR. CAMPBELL: No.

MS. JEFFERSON: Okay. Let me do this. Can you see the screen?

MR. CAMPBELL: Yes, I can see the screen.

MS. JEFFERSON: Okay, is that you?

MR. CAMPBELL: No, that is not me.

MS. JEFFERSON: That's not you.

MR. CAMPBELL: No. It looks like me, but it's not me.

MS. JEFFERSON: Oh, okay. So, that's not you. So, who is this?

MR. CAMPBELL: That is Mr. Allen.

MS. JEFFERSON: That's Mr. Allen. And where is this picture taken?

MR. CAMPBELL: I'm not sure. I was not there, but that appears to be Premier.

MS. JEFFERSON: Okay. Okay, let me
just -- let me see if there's any other questions. Otherwise -- hold on. Okay, no questions. I'll turn it over to the Board.

CHAIRPERSON ANDERSON: Thank you, Ms. Jefferson. Any questions by the Board members?

MEMBER SHORT: I have one, Mr. Chair.

CHAIRPERSON ANDERSON: Yes, Mr. Short.

MEMBER SHORT: I guess it's good afternoon, Mr. Campbell. Good afternoon, Mr. Campbell.

MR. CAMPBELL: Good afternoon. I can barely hear you.

CHAIRPERSON ANDERSON: I can barely hear Mr. Short. You're not on camera and I can hardly hear you.

MEMBER SHORT: Can you hear me now?

CHAIRPERSON ANDERSON: Your voice is -- I don't know why your volume is so low, but your volume is very low.

MEMBER SHORT: Same volume I've been using all day, but at any rate though, I'll try to --

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: No, we cannot
hear you, Mr. Short. We can't hear you. No, I'm serious, we cannot hear you, sir. You're going to try to ask your question?

MEMBER SHORT: Yeah, I'm trying.

CHAIRPERSON ANDERSON: All right, go ahead. We can hear you better now. Go ahead, sir.

MEMBER SHORT: Okay. The question I wanted to ask Mr. Campbell, Mr. Campbell, have you ever operated a business and didn't have a license to do so? Ever?

MR. CAMPBELL: No.

MEMBER SHORT: Have you ever represented that you had a license when you did not have one?

MR. CAMPBELL: No.

MEMBER SHORT: When you were asked to produce your ABC manager's license and using a caterer, did you know that you couldn't do that until you had a license to do so?

MR. CAMPBELL: You can -- repeat that for me, please?

MEMBER SHORT: Did you present an ABC manager's license to an ABRA investigator while having a caterer open that business for you that
had not been licensed as of yet?

MR. CAMPBELL: You said the caterer was not licensed as yet?

MEMBER SHORT: You were not licensed as of yet. Did you do that?

MR. CAMPBELL: I guess I presented my manager's license to ABRA. To the investigator.

MEMBER SHORT: Did you have a business license to operate a business at that time?

MR. CAMPBELL: Yes.

MEMBER SHORT: You had a business license? From whom?

MR. CAMPBELL: I had a basic business license.

MEMBER SHORT: To sell alcohol?

MR. CAMPBELL: No, not to sell alcohol. No.

MEMBER SHORT: So, that means, with your theory, anybody with a basic business license can get a caterer and start selling alcohol. Is that correct? Is that your understanding?

MR. CAMPBELL: No.

MEMBER SHORT: Why did you do that?

MR. CAMPBELL: That was a special
event, which they were able to host events, like
birthday parties and so forth, and a caterer,
naturally they would provide refreshments and
food, so forth, for the events, which they're
permitted to do.

MEMBER SHORT: But you know that you
didn't have a license to sell alcohol. Correct?

MR. CAMPBELL: Yes, we weren't --
MEMBER SHORT: The caterer can only
use his license at licensed alcohol
establishments.

MR. CAMPBELL: I was not aware of
that.

MEMBER SHORT: So, you did all the
training to get your manager's license, but you
didn't know that.

MR. CAMPBELL: I wasn't -- no, I was
not aware of that.

MEMBER SHORT: What made you think
that you could have a party with a basic business
license and a caterer, and you had not got
permission from the ABRA ABC Board to sell
alcohol in the District of Columbia?

MR. CAMPBELL: Well, I reached out and
requested some information, and I did some
research to see if they were able to host it, those waters were approached.

And I did not see anything that would prevent it, that negated us from hosting it. I don't know what provisions actually you're speaking of, but I was not aware of that.

MEMBER SHORT: Well, that was October of 2021, correct?

MR. CAMPBELL: Correct.

MEMBER SHORT: How many days had you been operating prior to that October date when the investigator came by?

MR. CAMPBELL: October was the first time we was in the events hosting. October.

MEMBER SHORT: How many did you do before the investigator came and told you that you were doing it illegally?

MR. CAMPBELL: I think they might have done maybe like two, three shows. Or, maybe like two shows, two events. Yes, I think they might have did like two or three events.

MEMBER SHORT: Well, had not the investigator came by, you would have been still operating now, correct?

MR. CAMPBELL: We were aware -- no,
pretty much kills operations that -- like I said, it wasn't an everyday thing. Like I said, they hosted, what, I would not say we would continue to operate, but we did shut down once we spoke to the investigator.

And that was not brought to our attention either. So, we still weren't -- even after speaking with the investigator, I still wasn't aware that we were breaking the law. We weren't aware of that.

MEMBER SHORT: Why did you stop then?
Why did you stop then? Why did you stop?

MR. CAMPBELL: Because I know the attention that was being brought, and I didn't want any issues. And it seems that there was a problem, like the investigator even being out there. I didn't not want to draw that kind of attention.

Like I said, I wasn't aware that what we did we were not permitted to do. Otherwise, I wouldn't have even done it in the first place.

And like I said --

MEMBER SHORT: So, you all -- mm-hmm.
Okay. So, you are a special police officer registered with the Metropolitan Police
MR. CAMPBELL: Correct. Correct.

MEMBER SHORT: Are there any regulations that you're trained under as a special police officer and registered with the Metropolitan Police Department, about businesses?

MR. CAMPBELL: Correct.

MEMBER SHORT: At the Training Academy in Southwest in the Metropolitan Police Department. Correct?

MR. CAMPBELL: No, special police officers undergo a different training. Undergo a different training, a 48-hour class, which is conducted by different schools and instructors. But not the training facility down in Southwest.

MEMBER SHORT: Where did you register with the MPD? Where did you register with MPD to get your special policemen's license in the District of Columbia?

MR. CAMPBELL: The region, SOMB. SOMB. SOMB and DCRA pretty much handles it, but SOMB manages the security license.

MEMBER SHORT: So, you're a special police officer and you're on duty, and someone is
breaking the law, do you have arrest powers?

MR. CAMPBELL: Yes, I do, on those
premises that we're employed by only. Our
jurisdiction -- as special police officers,
jurisdiction is limited.

MEMBER SHORT: Okay, I understand
that. Very much so, I won't tell you why, but I
do understand public safety very well.

I would just simply say this to you.
As a special police officer, and you were working
a building, and someone had a basic business
license, was selling alcohol, and did not have an
alcohol license, what would you do if someone
called you as a special police officer on a
property that you had sworn to protect?

MR. CAMPBELL: If they were operating
on my premises without an alcohol license?

MEMBER SHORT: Yes.

MR. CAMPBELL: Okay. Naturally, that
party would be shut down, but it would cause -- a
first call would be to MPD and we would notify
District of Columbia. MPD would then, we would
shut that party down.

MEMBER SHORT: So, it didn't come to
your mind in October of 2021 that you were doing
something illegal, and you're a special police
officer who knows better.

MR. CAMPBELL: That's not -- for
special police officers, that is not part of our
training. That is completely -- that's out of
our jurisdiction as well.

MEMBER SHORT: Thank you. That's all
I have, thank you. That's all I have, Mr. Chair.

CHAIRPERSON ANDERSON: Thank you,
Mr. Short. Any other questions by any other
Board members?

Hearing none -- well, you can only ask
a question, Ms. Jefferson, based on the questions
that Mr. Short asked. Okay? So, it's only based
on the questions that Mr. Short asked. Go ahead.

MS. JEFFERSON: Mr. Short mentioned to
you about the violations. And your prior
testimony was that you had read the regulations
and certified to such. Is that correct?

MR. CAMPBELL: Correct.

MS. JEFFERSON: Okay, you mentioned at
the very beginning when you introduced yourself,
that there were no prior violations. Is that
still a correct statement?

MR. CAMPBELL: Prior violations? We
weren't cited for any violations. To my knowledge, Mr. Ruiz -- we never received any violations. I was shut down. We spoke, like I said. This is first news to me. I was never told that it was illegal to do.

The catering company has a legal license. We was unaware that this was not permitted.

MS. JEFFERSON: Okay. That caterer, was it District Space?

MR. CAMPBELL: Yes.

MS. JEFFERSON: Okay, and were you aware that District Space was renting its license to other similarly situated business doing the same thing?

MR. CAMPBELL: No.

MS. JEFFERSON: You were not aware of that.

MR. CAMPBELL: No.

MS. JEFFERSON: How did you learn about the caterer?

MR. CAMPBELL: That was through Mr. Allen. That was through Mr. Allen.

MS. JEFFERSON: Okay. But did you do any due diligence on who this caterer is? You
just trusted your business partner?

MR. CAMPBELL: Well, we had a trusting relationship. With anything, we trust.

MS. JEFFERSON: Okay. No further questions.

CHAIRPERSON ANDERSON: Mr. Campbell, any clarifications? I know you're under cross-examination, so you're still presenting your case.

But any clarification that you need to give regarding the testimony that you just gave, based on the questions that Mr. Short had asked, or Ms. Jefferson had asked? Any clarification that you need to clarify the record, sir?

MR. CAMPBELL: Just the license part. The license for the caterers hosting events. To my knowledge, like I said, if we were breaking the law, so to speak, I'm a little confused why we weren't shut down, where Mr. Ruiz didn't instruct us at that point.

And we even reached out, like I said, to members at ABRA, just a clarification. I was not aware of this statute that this was unpermitted. Otherwise, like I said, we wouldn't have even allowed them to rent.
CHAIRPERSON ANDERSON: All right, sir. Anything else you want to say before you rest your case?

MR. CAMPBELL: No, that's it, Mr. Chair.

CHAIRPERSON ANDERSON: Okay. You know, Ms. Jefferson, I said that I was going to take a break at five o'clock, but since you're going to now present your case, I believe that this is an appropriate time to take a break.

So, we'll be off the record until five o'clock. So, we'll take like a twelve-minute break, so we'll be off the record.

Everyone can just turn your camera off and turn your microphone off, and we'll be back on the record at five o'clock.

Could all the Board members look at your email, please, and please look at your emails. This is about an unrelated case, so please look at your emails, please. But we'll be back on the record at five o'clock.

(Whereupon the above-entitled matter went off the record at 4:48 p.m., and resumed at 5:02 p.m.)

CHAIRPERSON ANDERSON: We're back on
the record. Do you have a witness you wish to
call Ms. Jefferson? You're on mute ma'am.

MS. JEFFERSON: Thank you sir. I'd
quickly like to call Mr. Allen if he's still
available.

CHAIRPERSON ANDERSON: Who is Mr.
Allen?

MS. JEFFERSON: Mr. Allen was the
other co-owner, is he not available?

CHAIRPERSON ANDERSON: So, you want to
call the owner as a witness?

MS. JEFFERSON: Yes, I don't see him
online.

CHAIRPERSON ANDERSON: Well, I mean
did you -- I'm sorry, Mr. Campbell?

MR. CAMPBELL: Let me check, he might
have gotten disconnected here.

MS. JEFFERSON: He was on earlier.

CHAIRPERSON ANDERSON: Is Mr. Allen
voluntarily testifying?

MS. JEFFERSON: Only Mr. Allen can
speak for Mr. Allen I guess. Thank you all for
your patience with us, and thank you all for your
service to the District of Columbia. I know the
last two years have been very challenging for you
all, and I do remember late night, and early
mornings with the board down at 441 with reams of
paper.

CHAIRPERSON ANDERSON: Well, Ms.
Jefferson, you're giving us a late night again	onight.

MS. JEFFERSON: No, we're not going to
have a late night, I've got things to do, I've
got my summer wear on, I've got things to do, so
we're going to wrap this up.

CHAIRPERSON ANDERSON: All right,
thank you for the compliment, we're here, we're
public servants here to serve the public. All
right, so Mr. Allen is testifying?

MS. JEFFERSON: Yes, I'd like to call
Mr. Allen.

CHAIRPERSON ANDERSON: All right Mr.
Allen, can you raise your right hand please? Mr.
Allen, can you raise your right hand? I can't
see you sir. Do you swear, or affirm to tell the
truth, and nothing but the truth? I can't hear
you sir, you're on mute. You're on mute, you're
still on mute. You need to unmute your phone
sir.

MR. ALLEN: Unmute my phone?
CHAIRPERSON ANDERSON: I can hear you now sir.

MR. ALLEN: I can hear you, okay, good.

CHAIRPERSON ANDERSON: So, just raise your hand, do you swear, or affirm to tell the truth, and nothing but the truth?

MR. ALLEN: Yes.

WHEREUPON,

Justin Allen was called for examination by Counsel for the Protestant, having been first duly sworn, assumed the witness stand, was examined and testified as follows:

DIRECT EXAMINATION

CHAIRPERSON ANDERSON: Go ahead Ms. Jefferson.

MS. JEFFERSON: Okay. Mr. Allen, good afternoon.

MR. ALLEN: How are you doing Ms. Jefferson?

MS. JEFFERSON: I'm doing okay, we're getting close to the end.

MR. ALLEN: That's great.

MS. JEFFERSON: I'm going to be very
quick, hopefully.

BY MS. JEFFERSON:

Q You, and Mr. Campbell are 50 50 business partners, correct?
A Correct.

Q And you have a security business?
A Yes.

Q Did you hear Mr. Campbell's testimony when he stated that security services possibly could be handled by your business?
A Yes.

Q Okay, is that a factual statement?
A Yes.

Q Okay, and can you tell us the type of events that would have security services, or warrant security services?
A Well, if we're anticipating a big crowd for a particular event, we would definitely make sure that we have security present. We like to make sure we over staff to make sure we have adequate security on premises, to make sure that we control the patrons on the interior, as well as keeping people moving along as they leave, and to keep the noise down, and have them walk around in the alleys in the neighborhood, the traffic,
to assist with making sure everything in the area is taken care of.

Q       Okay. Do you mind sharing the name of your security company?

A       Executive Security Services.

MS. JEFFERSON: Okay, Chair Anderson, I would like to request Ms. Fashbaugh to allow me to share my screen.

CHAIRPERSON ANDERSON: I don't think she took it away from you, so you can try again.

MS. JEFFERSON: There it is, okay. I'm just opening what I need to open.

BY MS. JEFFERSON:

Q       Okay, Mr. Allen, are you familiar with this document?

A       I can't see anything at this time.

MS. JEFFERSON: No one sees anything?

CHAIRPERSON ANDERSON: I can see the screen, can you see her screen, can you see Exhibit No. 5 sir?

MS. JEFFERSON: 15.

CHAIRPERSON ANDERSON: 15.

MR. ALLEN: No sir.

CHAIRPERSON ANDERSON: So, you can't see the document she shared?
MR. ALLEN: No, I just see the grid of people -- okay, I can see it now.

MS. JEFFERSON: Okay.

BY MS. JEFFERSON:

Q Are you familiar with this document?

A Yeah, I sure am.

Q Okay, and this is the same company you just mentioned?

A Yes ma'am.

Q Okay, can you read what number two says?

A The screen is small, no, I cannot.

Q Let me -- can you see it? I've zoomed it pretty large.

A Yeah, I'm zooming it too, defendant Executive Security Services LLC is a Maryland corporation.

Q Can you read the second part? It goes to the next page, please.

A Okay, that provides security services business for Columbia in the district and the surrounding metropolitan area.

Q And then can you read number three please?

A Defendant Allen is the founder, and
CHAIRPERSON ANDERSON: I cannot hear you sir, can you raise your voice?

MR. ALLEN: The defendant Justin Allen is the founder, and co-owner of ESS.

BY MS. JEFFERSON:

Q Can you explain what this document is about as it relates to security services?

MR. ALLEN: Can you be more specific?

MS. JEFFERSON: I mean why does this document exist?

MR. ALLEN: I have to go through it again, I'm not familiar with it, can you scroll back down?

MS. JEFFERSON: Okay.

MR. ALLEN: Okay, here it says with the District of Columbia.

BY MS. JEFFERSON:

Q Okay, and were you assessed from the Office of the Attorney General related to this security business that is proposed to provide security services?

A We provide security services in D.C.

Q Is ESS licensed in D.C.?

A Yes, we have a license in D.C.
Q What kind of license, who gave you this license? Let me start back with that.

A SOMB (Phonetic.) Security Office.

Q Do you have a license with DCRA? We can't hear him, he's -- can you repeat yourself?

There was a glitch.

A SOMB, Security Office Management Branch.

Q Okay, and are you licensed with DCRA?

A I'm licensed in D.C.

Q That was not my question, I asked you if you were licensed with DCRA.

A Yes.

Q So, why does this document say that you're a Maryland corporation, why does it say that you're a Maryland corporation --

CHAIRPERSON ANDERSON: Ms. Jefferson, Ms. Jefferson, let me cut to the chase. It said that they are a Maryland corporation who does business in the district. So, the law says you can be licensed, you can be a corporation, meaning that you are incorporated, you can be incorporated in Delaware, you can be incorporated in California. All it says is that they are incorporated.
What it means is that they formed their business in a different state, but they can operate in the District of Columbia, and that's what it says.

MS. JEFFERSON: That's not what it says, it doesn't say that they can operate, it says that they provide security, there's a difference, there's a legal distinction.

CHAIRPERSON ANDERSON: No ma'am. It says that they're a Maryland corporation that operates in the District of Columbia, nothing is wrong with that. Go back to --

MS. JEFFERSON: It doesn't say that they are licensed to operate in the District of Columbia, there is a legal distinction.

CHAIRPERSON ANDERSON: Let me ask you a question --

MS. JEFFERSON: And I'm bringing this up in light of Betty's Dojo, and Champion Kitchen that had a Maryland licensed security firm that was not licensed in the District of Columbia to provide security.

CHAIRPERSON ANDERSON: Ms. Jefferson, hold on Ms. Jefferson, hold on. Okay, this is a court case --
MS. JEFFERSON: It's been settled.

CHAIRPERSON ANDERSON: But listen. Is there anywhere in this court document that was issued by the District of Columbia that said they were operating illegally in D.C.? Is that in this document?

MS. JEFFERSON: This document doesn't say that they are operating, it is silent, so I asked the question.

CHAIRPERSON ANDERSON: Ma'am, I'm just trying to cut to the chase.

MS. JEFFERSON: Okay, I asked the question.

CHAIRPERSON ANDERSON: It's a court case, is there anywhere in this document that says they were illegally operating in D.C.? Is that in that? If that's not here, then that's not an issue, because a court would have fined them saying that you're illegally operating in D.C. So, if the document says that, then let's address that issue.

But if it doesn't say that, I'm just saying nothing is wrong with them being a Maryland corporation, they said they're a Maryland corporation that operates in D.C., and
nothing is wrong with that.

MS. JEFFERSON: I agree with you. The attorney general's action was related to wages, and not licensing. It's totally different, there are two different parts of the code. So, I will move on, I'm just going to say for the record that operating as an employer under title 32 of the code is not the same portion of the code as being licensed. So, I will move onto other questions I have.

CHAIRPERSON ANDERSON: But Ms. Jefferson, I'm just stating though, if they were operating illegally within the District of Columbia, the attorney general would also fine them for illegal operation. So, therefore if that's not a part of this matter, one of the reasons why this matter was brought in the District of Columbia is because the District of Columbia has jurisdiction.

Although they are a Maryland company, they do business in D.C., so D.C. has jurisdiction over them to issue a decision. If D.C. did not have jurisdiction over them, the superior court would issue a decision, and D.C. superior court would have to take the decision,
take it to Maryland, and have Maryland implement it.

But what this has said is that D.C. has jurisdiction over them, that's why they are ordering them to do certain things in D.C.

That is actually not what the document says, I have litigated it pro se in superior court, as well as in federal court. The jurisdiction is the District of Columbia because the wage theft occurred in the District of Columbia. This is a consent order, it doesn't include all the issues, but I will move on in the interest of time.

BY MS. JEFFERSON:
Q Exhibit No. 16., Mr. Allen, do you recognize this?
A Yes, those are photos taken at one of the events.
Q Okay, where is this location?
MR. ALLEN: Ma'am?
MS. JEFFERSON: Where was this picture taken, you said one of the events, where?
MR. ALLEN: At Premier.
BY MS. JEFFERSON:
Q At Premier, and what's behind you?
A Bottles, and wine.

Q Okay, and how did it get there?

A How did it get there? It was placed there.

Q I mean did you buy it, was it there when you bought the business?

A You said how did it get there, it was placed there.

Q Yeah, how did the liquor, how did the alcohol, and wine get there?

A It was placed there.

Q It was placed there, by whom?

A I can't recall at this time.

Q Okay, and at the time this photo was taken, did you have an alcohol license for sales, or consumptions on the premises?

A I can't recall at this time, this was at an event that the picture was taken.

MS. JEFFERSON: Okay. For board members, this is Exhibit No. 16.

CHAIRPERSON ANDERSON: What about Exhibit No. 16 Ma'am?

MS. JEFFERSON: He has identified himself in this photo. I'm not going to restate his testimony, but he has authenticated the
document.

CHAIRPERSON ANDERSON:  Okay, Mr. Allen has stated that this is him in this, so you want to bring this into evidence, you want me to move this into evidence?

MS. JEFFERSON:  Yes please.

CHAIRPERSON ANDERSON:  Mr. Campbell, do you have any objection?

MR. ALLEN:  No sir.

MR. CAMPBELL:  No objection.

MS. JEFFERSON:  Okay.

CHAIRPERSON ANDERSON:  All right, so moved.

(Whereupon, the above-referred to document was marked, and received into evidence as Exhibit No. 16.)

MS. JEFFERSON:  Thank you.

BY MS. JEFFERSON:

Q  Mr. Allen, you're very familiar with security, so is there a security plan in place?

MR. ALLEN:  A security plan in place for Premier?

MS. JEFFERSON:  Yes.

MR. ALLEN:  Yes.

MS. JEFFERSON:  Is it reduced to
writing?

MR. ALLEN: I'm sorry?

MS. JEFFERSON: Is it written?

MR. ALLEN: Is there a written security plan in place for Premier?

MS. JEFFERSON: Yes.

MR. ALLEN: No, nothing is in writing as of yet, we're not open to the public.

BY MS. JEFFERSON:

Q Okay, and do you have a plan for fire escape, like the barbershop, since there appears to only be one exit?

MR. ALLEN: So, are we discussing Premier, or are we discussing the barbershop now?

MS. JEFFERSON: Well, Premier, there's a door that connects the two, so when there's a fire, where do people go?

MR. ALLEN: Through the door to the exit. What is your question? I'm sorry, I'm not understanding your question.

MS. JEFFERSON: I'm just wondering if there's a fire, do you have a written plan for fire escape?

MR. ALLEN: Yes, there is a plan in place for fire escape.
BY MS. JEFFERSON:

Q    And it's written?
A    There's a plan in place for the fire escape.

Q    Is it written?
A    There are signs posting on how to get out of the building when there's a fire.

Q    Is there a written plan in place?
A    Sure, yes.

Q    Do you have that?
A    Not on me right now.

Q    Okay.  Mr. Campbell mentioned that you're responsible for social media, is that correct?
A    No, he didn't say I'm responsible for social media, he said I normally handle that, and out source it as well.

Q    Okay, thank you for the correction.  Do you give them guidance as in what to post?
A    Yes.

Q    Okay, in terms of content?
A    I don't micro manage them, as far as like the content, I just give them an idea of what we would like, and they go from there.

Q    And if there was something
objectionable on social media, or something that wasn't accurate, would you have told them to take it down?

MR. ALLEN: What do you mean in regards to accurate, like wrong times, or?

MS. JEFFERSON: Wrong time, wrong event. Let's say they say we're having taco night, but you're having barbecue. Let's say the hours are wrong.

MR. ALLEN: Right, if there's something wrong, I would have them adjust it, or I would adjust it myself.

BY MS. JEFFERSON:

Q So, what about if they said that there was a cover charge, would you have told them to take it down if that was incorrect?

A If anything was incorrect, and I actually see it, then I would move to get it removed.

Q Okay, and so are events, is that the main avenue in which events are promoted, or have been promoted in the past?

A We have events at our establishment.

Q But how do people know to come? Is it the Instagram?
A One way was Instagram, yes.

Q What were the other ways?

A Word of mouth.

Q Okay, so you use no other social media?

A No, no, not for Premier, no.

Q Okay, and at any time did you say that there would be drinks available?

A I can't recall at this time, I'm not looking at the social media platform.

MS. JEFFERSON: Okay. I think that's it for Mr. Allen.

CHAIRPERSON ANDERSON: Mr. Campbell, do you want to ask Mr. Allen any questions sir?

MR. CAMPBELL: Yes.

CROSS EXAMINATION

BY MR. CAMPBELL:

Q Mr. Allen, when did you start your company?

A 2013.

Q And your primary place of business, where was that, D.C., or Maryland?

A My office is located in Maryland, and we operate more so, 90 percent of our contracts in the District of Columbia.
Q And from that time you obtained the D.C. securities license from SOMB, correct?

A Correct.

Q I couldn't hear you.

A Correct, yes.

Q And to this day, you still currently have a license to operate as a security entity in D.C.?

A Correct.

MR. CAMPBELL: That's it, I have no more questions for Mr. Allen.

CHAIRPERSON ANDERSON: Thank you. Any questions by any board members?

MEMBER SHORT: Yes Mr. Chair, I would like to ask a question of Mr. Allen.

CHAIRPERSON ANDERSON: Go ahead Mr. Short.

MEMBER SHORT: Thank you. Again, good afternoon Mr. Allen.

MR. ALLEN: Hey, how are you doing sir?

MEMBER SHORT: Fine. Now, the picture that was taken with you standing in front of alcohol, where was that picture taken?

MR. ALLEN: That was at Premier at our
establishment. I really can't recall.

MEMBER SHORT: Can you tell us who purchased that alcohol, and how did you get the alcohol there, was it there when you bought the building?

MR. ALLEN: Any time we have alcohol, it's through the catering licensee that we use.

MEMBER SHORT: So, that was the caterer's alcohol that was on the back of your bar?

MR. ALLEN: Any time we have alcohol in the establishment, it's through the catering company that we use.

MEMBER SHORT: Okay, thank you, that's all I have Mr. Chair.

CHAIRPERSON ANDERSON: Thank you. Any other questions by any other board members? Mr. Campbell?

MR. CAMPBELL: Yes, I'm here.

CHAIRPERSON ANDERSON: Do you have any questions to ask Mr. Allen based on the questions that Mr. Short asked? Just based on the questions that he asked sir.

MR. CAMPBELL: No.

CHAIRPERSON ANDERSON: Thank you. Ms.
Jefferson, any questions you want to ask?

    MS. JEFFERSON: No.

CHAIRPERSON ANDERSON: Thank you Mr. Allen for your testimony, thank you very much.

Ms. Jefferson, do you have another witness?

    MS. JEFFERSON: Yes, I'd like to call Mr. Jackson Carnes.

CHAIRPERSON ANDERSON: Mr. Carnes, can you raise your right hand please? Do you swear, or affirm to tell the truth, and nothing but the truth?

    MR. CARNES: Yes.

WHEREUPON,

    Jackson Carnes was called for examination by Counsel for the Protestant, having been first duly sworn, assumed the witness stand, was examined and testified as follows:

CHAIRPERSON ANDERSON: Okay, your witness ma'am.

DIRECT EXAMINATION

    BY MS. JEFFERSON:

    Q    Good afternoon Mr. Carnes. You are one of the protestants, correct?

    A    Correct.
Q Do you live in Shepherd Park?
A I do.
Q How close is your residence to Georgia Avenue?
A It's abutting.
Q And how long have you lived there?
A I have lived there for I want to say about five years.
Q Okay. Two years ago, where were you employed?
A I was an employee of the Council District of Columbia.
Q For which council member?
A Council Member Brandon Todd.
Q Okay, and what was your role?
A I was the director of constituent services.
Q Okay, and in that role you talked to a lot of communities, businesses, and residents, is that correct?
A That is correct.
Q Okay. At any point during your tenure in Council Member Todd's office, did constituents, residents, or businesses tell you that they want taverns, bars, lounges, or night
clubs on Georgia Avenue?

A I cannot recall a single instance of that ever occurring.

Q Do you recall residents telling you that they do not want them on the corridor?

A Yes.

Q Okay, was it once?

A Multiple times.

Q Okay, and can you tell me, last year in the fall -- I'm sorry, last summer, starting around July, who did you work for?

A I was the executive director of the upper Georgia Avenue Main Street.

Q Okay, and what are the boundaries of that Main Street?

A Georgia Avenue from Missouri Avenue on the south side, to Eastern Avenue on the north side.

Q Okay, so would 7307 be within those boundaries?

A Yes.

Q Okay, and as it relates to your role, is some of it promoting businesses?

A It is.

Q Okay. And in doing so, the main
street program, which is run by DSLBD, is it not correct that main streets can develop plans, or strategies for their corridor?

A Absolutely.

Q And have you seen one before for Georgia Avenue?

A I have.

Q Was there anything in there that said a tavern, or bar would enhance real estate values for Georgia Avenue?

A No.

Q Okay. How often do you walk on Georgia Avenue?

A Almost every day.

Q Okay, would you say that Georgia Avenue is a clean street?

A No.

Q Okay, in your opinion what do you believe contributes to the litter on Georgia Avenue?

A I think there's a multitude of factors, I think some of the businesses, particularly restaurants that operate as night clubs, or other types of establishments contribute. There's also other issues with the
clean team along upper Georgia Avenue that contributes to additional litter in the area.

Q  Okay. And as it relates to peace order, and quiet, if we were to combine your tenure with Council Member Todd's office, your tenure as the director of Main Street, and just being a resident in this community, have alcohol licensees assisted with maintaining the peace, order, and quiet in general, or have they been a detriment to them?

A  Generally a detriment.

Q  Okay, and let's see, I think I have one more question for you, maybe two. Have you been to Premier when you were the Main Street director?

A  I did visit once, I'm not sure I stepped in, but I did look inside. I was a walk through with community members, including Council Member Janice Louis George, and we observed a fully stocked bar inside Premier.

Q  Do you remember when that was?

A  I believe it was the first, or second week of October.

Q  Of which year?

A  2021.
MS. JEFFERSON: Okay, no further questions for Mr. Carnes at this moment.

CHAIRPERSON ANDERSON: Thank you. Mr. Campbell, do you have any questions of Mr. Carnes?

MR. CAMPBELL: Just a couple questions.

CROSS EXAMINATION

BY MR. CAMPBELL:

Q Mr. Carnes, you said you walk up, and down Georgia Avenue pretty much daily. Have you ever found any trash debris in front of Premier, is that an issue for you?

A I have observed trash, yes.

Q Okay, in the area of the property?

A Yes.

Q Okay, also you stated that you've lived there for five years, there's several other businesses within the vicinity that have similar licenses, Cork and Bottle has an entertainment license, and so forth. How do you view those businesses, were they a benefit to the community, or were they a detriment to the community? Since they've been there before you moved there.

A So, Cork and Bottle is a liquor store,
I'm not aware that they have an entertainment license, and they actually recently closed. I will say in the immediate area around Cork and Bottle, there has been an enormous amount of littering, as well as day time drinking in public space.

Q  Okay, what about Quilox Lounge?

A  There have been numerous noise complaints, as well as a group of neighbors that protested the liquor license for that establishment.

MR. CAMPBELL: Okay, but they are in operation with entertainment, and liquor license, okay, that's it. I have no further questions for Mr. Carnes.

CHAIRPERSON ANDERSON: Thank you Mr. Campbell. Any questions by any board members?

MR. ALLEN: I have a question sir.

CHAIRPERSON ANDERSON: No sir, you can't ask a question. Well, the way it works is that Mr. Campbell is basically the lawyer, and so he has to ask the questions, I can't have two people asking the witnesses questions. So, if you have a question, maybe you can text Mr. Campbell, let him ask the question, I'll give you
that since you're an owner, so you can text him,
and he can ask the question for you.

MR. ALLEN: Okay.

CHAIRPERSON ANDERSON: Do you still
have a question that you want to ask? Mr. Allen?
I think he's frozen. Mr. Allen was frozen, Mr.
Campbell, do you have any other questions that
you want to ask?

MR. CAMPBELL: One more question for
Mr. Carnes here.

BY MR. CAMPBELL:

Q On the day you said where you were
walking, and you looked inside Premier, did you
see anybody at that time, was myself, or Mr.
Allen present?

A There was somebody present, I don't
recall if it was you, or Mr. Allen.

Q Okay, now how were you able to see
inside of the establishment?

A Either you, or Mr. Allen opened the
door of the establishment.

Q Okay, you stood outside, the door was
left open, or you walked inside, how did you see?

A I did not walk inside, and I don't
believe anybody else did from the walk through.
But the door was propped open, and you could
visibly see alcohol on the bar inside.

MR. CAMPBELL: All right, no further
questions.

CHAIRPERSON ANDERSON: Thank you. Ms.
Jefferson, do you have any recross that you want
to ask?

MS. JEFFERSON: Yes.

RE CROSS EXAMINATION

BY MS. JEFFERSON:

Q Mr. Campbell -- sorry, Mr. Carnes --
I'm sorry, the C's. Mr. Carnes, Mr. Campbell
asked you about the trash in the front, and the
rear, how familiar are you with trash on Georgia
Avenue?

A I'm very familiar.

Q Do you participate in clean ups?

A I do, I do a cleanup of Georgia Avenue
nearly daily.

Q And when you walk Georgia Avenue, is
it always during the day?

A It is.

Q Have you ever walked Georgia Avenue
when it's dark, or night time?

A I have.
Q   Okay, and you mentioned the trash at
Cork and Bottle?
A   Yes.
Q   Is that attributed to patrons, or some
other means?
A   I would say some could be patrons,
there are many individuals that loiter in the
area, and frequently drink all day long, and
emergency services is called regularly to the
block to aid individuals.
Q   And do you think that enhances
property values, seeing people publicly
intoxicated in our community?
A   Absolutely not.
Q   Okay, and is Cork and Bottle on the
same block as Premier?
A   It is not. It is the next block to
the north.
MS. JEFFERSON:   Okay, no further
questions.
CHAIRPERSON ANDERSON:   Okay, thank you
Mr. Carnes for your testimony today. Ms.
Jefferson, how many more witnesses do you have
ma'am?
MS. JEFFERSON:   Yes, just -- I told
you, it's summer time, look at you smile, I got a
smile out of Chair Anderson, I should have done a
screen shot. Usually you're looking at me, and I
just want to, Ms. Fashbaugh, if she can just do a
screen shot so I can save that, because this is a
rare moment, and you don't know, my eyes are
tearing up to have you smile at me.

CHAIRPERSON ANDERSON: Thank you Ms.
Jefferson.

MS. JEFFERSON: And then I got a smile
out of Mr. Short too, he doesn't smile too often
either.

CHAIRPERSON ANDERSON: That's why I'm
asking you, because I'm trying to schedule
something else after.

MS. JEFFERSON: You've got plans.

CHAIRPERSON ANDERSON: I'm talking
about another hearing, I'm trying to schedule
another hearing.

MS. JEFFERSON: Okay, I thought you
had plans.

CHAIRPERSON ANDERSON: Yeah, but as a
matter of -- I always keep my Wednesdays open to
do this, because I never know when this will end.
But anyway, so --
MS. JEFFERSON: We've had that 6:30 hearing spot before, I feel sorry for those folks.

CHAIRPERSON ANDERSON: Thank you.

MS. JEFFERSON: I'll be quick.

CHAIRPERSON ANDERSON: Who is your next witness please?

MS. JEFFERSON: I wanted to call Investigator Ruiz, I just had a quick follow up question.

CHAIRPERSON ANDERSON: Is Mr. Ruiz?

I don't -- Mr. Ruiz, you're still under oath.

MR. RUIZ: Yes sir.

CHAIRPERSON ANDERSON: So, you can ask your question.

MS. JEFFERSON: Okay, Mr. Ruiz, hold on, let me get ready. Your prior testimony was -- hold on just a second. Chair Anderson, does he need to be sworn in again?

CHAIRPERSON ANDERSON: I started off by telling him he's still under oath.

MS. JEFFERSON: Okay, thank you.

DIRECT EXAMINATION

BY MS. JEFFERSON:

Q Mr. Ruiz, you mentioned the catering
incident, and we talked about that prior. Were you the investigator in that matter?

A  I was, yes.

Q  Okay, and I'm sorry, I'm closing other documents so that -- okay, there we go. Are you familiar with this document?

A  Yes.

Q  Okay, and I'm going to just --

CHAIRPERSON ANDERSON: Let me just ask, has this case been adjudicated as yet?

MS. JEFFERSON: Yes.

MR. RUIZ: Yes, this case had an OIC done.

CHAIRPERSON ANDERSON: Okay, we're fine, go ahead.

BY MS. JEFFERSON:

Q  Okay. Can you just kind of give us an overview, let's limit it to Premier, what the date was, and what this document is about?

A  Yes. So, this was from November 26th, 2021. I visited the location to verify basically just a regulatory inspection as far as to determine how the license was being used at the time, due to knowing that it was routine on license location. So, I went in, made contact,
and discovered through my investigation that a caterer's license was being used to operate for that evening.

Q      Okay, and when you say you went through, is this Premier you're referring to?

A      Correct.

Q      Okay, and were you just randomly in the corridor, or was this in response to a complaint?

A      So, the visit to Premier rose out of findings from visiting another location that this particular caterer was operating at in which another investigator shared information that they were also at Premier Lounge possibly operating as well. So, at that time I decided to go up, and just verify, and make sure everything was in order.

MS. JEFFERSON: Okay. And I'll just go down to the part that's relative to this issue. So, it says here in your report, it's very faint, and I can't make it harder, I apologize, I'm going to try to zoom.

MR. RUIZ: It's fine on my end, I can read it.

MS. JEFFERSON: Okay, it's a very long
paragraph, so I'm just going to ask you to read -- let's see, what is it? The part that says with the male employee comma, later, do you see that part?

MR. RUIZ: Male employee later identified?

MS. JEFFERSON: Yes, that part, I'm trying to put my cursor there, I don't know if you can start there.

MR. RUIZ: Got you, I got it. So, the male employee later identified as Everal Campbell, and I list the ABRA license for that card that I observed, gathered the documents, and directed Investigator Ruiz to a hallway to speak. Investigator Ruiz reviewed the ABC license, and noted that it was issued to a previous tenant of the address whose license expired in 2016.

Investigator Ruiz asked for the current ABC license, and Mr. Campbell stated that he misunderstood Investigator Ruiz's request. A male district space representative produced a copy of a caterer's ABC license for district space, and of course their ABRA license number, and showed Investigator Ruiz a contract that was similar to the contract reviewed at the previous
location I visited for Chuck's.

Investigator Ruiz asked Mr. Campbell if he was the owner of the establishment, and Mr. Campbell said that he was. Investigator Ruiz asked the male representative for district space if he was an ABC manager, and he stated he was not. Investigator Ruiz asked if the caterer was on site, and the male representative stated no, but he had Mr. Numoconda (Phonetic.) on the phone.

Investigator Ruiz inspected the establishment's kitchen, and found food available, and being cooked on site. Investigator Ruiz also observed a fully stocked bar. Investigator Ruiz also observed approximately 40 patrons in the establishment smoking hookah, dancing, and consuming alcoholic beverages. Investigator Ruiz asked Mr. Campbell where the alcohol came from. Mr. Campbell stated that the caterer provided the alcohol, and the food. Mr. Campbell also stated that it was a private birthday party, and not an event open to the public.

BY MS. JEFFERSON:

Q Okay, and as you mentioned earlier,
this has already been adjudicated. So, is it --
there was a license for the prior tenant that was
shown to you. When a license is expired, is the
licensee required to turn it in, what happens to
the license?

A Normally it would be destroyed if it
was turned in. It really depends I guess. It
probably was left behind.

Q Okay, but the license is not valid for
the sale, and consumption of alcohol at the
premise, that license that you were shown?

A It was not.

Q Okay, and it says right here that you
carried out a review of social media, and those are
the Instagram account that the establishment had
been operating since September of 2021, and was
advertising being open to the public on Fridays,
and Saturdays from 3:00 to 3:00, and Sundays from
1:00 to 8:00, so those are your Exhibit Nos. 23,
and 29.

A 23 to 29, yes.

Q So, I'm going to just scroll through
in the interest of time. Let me get to 23.
Okay, can you identify what this is Investigator
Ruiz?
This is an Instagram post posted by Premier Lounge in regards to a soft grand opening.

Q Okay, and what about this one? Is this still -- this is Exhibit No. 24, I'm sorry, I'm trying to make it big enough for the board to see, but large enough for them to see the image. What is in this exhibit?

A This is a photo of the stocked bar posted on the Instagram account.

Q Okay, and what's on this exhibit?

A This is an advertisement for the location of Premier Lounge inviting the public to party every Friday, and Saturday, doors open at 6:00 p.m. to 3:00 a.m.

Q Okay, and this one here?

A This is another Instagram post for advertising a Halloween party on Saturday, October 30th.

Q Okay, and I can't see what this is, I don't know what this is.

A This was, I believe a screen shot, or a photo of just people inside the establishment off the Instagram account.

Q Okay, and I'm not going to ask you
about this one. So, let me ask you, when you saw the Instagram account, did you get the impression that alcohol was being served, and consumed, or being advertised to entice people to come, because they would be served, and they would consume alcohol?

A Yes.

Q Okay, and your report that I just showed you for the matter that's been adjudicated, that was in 2021?

A Correct.

Q Okay, and District Space, how familiar are you with them? Let me reframe the question. How many investigations in the last year have you participated in where District Space was the caterer, and they were operating on the premises of a non-ABRA licensee?

A Three.

Q Three, okay. Mr. Campbell stated in his testimony that there were only two, or three events without the license. So, you were possibly at one of those two, or three. Based on your observations, do you believe that's an accurate assessment?

A Two to three events that were thrown
with the caterer's license, correct.

Q    That occurred at the premises where alcohol was sold, and consumed, do you think that was an accurate assessment?

A    I've been to three of their events myself, as far as visiting. I would say it could be roughly accurate that I've personally witnessed.

MS. JEFFERSON: Okay, no further questions, thank you for staying on Investigator Ruiz, I really appreciate it. I know you probably have to work tonight, so thank you very much.

CHAIRPERSON ANDERSON: Mr. Campbell, do you have any questions for Mr. Ruiz?

CROSS EXAMINATION

BY MR. CAMPBELL:

Q    Mr. Ruiz, just one question, just on that night when we first met, when you requested to get the license, how did I hand over, I guess the license, was it just a single license pulled out, or was it several licenses in something that I gave to you, how did I present that?

A    The license was in a, I guess a picture frame of some sort behind glass, or
plexiglass of some sort with other permits, and licenses if I'm not mistaken.

Q Okay, so with food manager's license, and so forth, okay. Once we got clarity on what you were requesting, that was presented, correct?

A Yeah, when I requested the alcohol license, yes.

Q Okay, and was I cooperative at that time with you, with your investigation?

A Yes, currently at that time you were cooperative, yes.

Q Okay, did you find any wrongdoings, any illegal activities?

A Those that evening were attributed to the caterer, yeah.

Q Okay, but not to us, there was no illegal activity that we were partaking in, there was no illegal activity found, correct?

A Correct.

Q Appreciate it. And we weren't shut down, we weren't told to cease any operations, correct?

A No.

MR. CAMPBELL: Okay, thank you so much, appreciate it, thank you.
CHAIRPERSON ANDERSON: The question that he asked, I don't know what the answer is. You asked one question, and he said no. But if he's saying that you are correct that there was nothing illegal, or is he saying that the question is incorrect? Because the response is no, and I don't know what that means. So, Mr. Ruiz, can you please clarify by what you mean no?

MR. RUIZ: Premier Lounge that evening, I did not find violations of the law for.

CHAIRPERSON ANDERSON: Thank you sir. Are you done Mr. Campbell?

MR. CAMPBELL: Yes, I'm finished.

CHAIRPERSON ANDERSON: Any questions by any board members?

MEMBER SHORT: I'd like to ask a question Mr. Chair.

CHAIRPERSON ANDERSON: Go ahead Mr. Short.

MEMBER SHORT: Again, hello Investigator Ruiz.

MR. RUIZ: Hello Mr. Short.

MEMBER SHORT: You said you found no illegal activity the night you were there?
MR. RUIZ: Ppertaining to the Premier Lounge itself, no.

MEMBER SHORT: Is operating a business, and not paying any taxes on the whiskey you're selling in the District of Columbia, is that legal, or illegal?

MR. RUIZ: That would be illegal.

MEMBER SHORT: So, you did witness illegal activity, if you saw people consuming, and paying for drinks at the Premier Lounge the day you were there, and you were given false papers, so there was a lot of illegal activity. And the testimony I've heard today, unless I'm wrong.

MR. RUIZ: If I may just clarify?

MEMBER SHORT: Okay.

MR. RUIZ: For that particular evening, which was my first visit to this location, they had a caterer, catering license presented by the caterer, which I verified with the caterer that they were operating at that location. But so technically there was compliance, but there were violations that the caterer sustained to include not providing paperwork for that evening.
So, the caterer at that time, I found to be in control of what was going on.

MEMBER SHORT: So, am I to assume that if I had a B, a basic business license, and I hired a caterer, I could just operate? I'm not doing anything wrong, I'm not paying any taxes of course, I'm not doing everything everybody else who has a legal license -- so what, I'm just trying to understand, that's okay for a basic business license to go out, and get a caterer, and start an alcohol establishment, is that right, or wrong?

MR. RUIZ: I don't believe so, that's incorrect.

MEMBER SHORT: Okay, that's all I have, thank you. That's all I have Mr. Chair.

CHAIRPERSON ANDERSON: Thank you Mr. Short. I just want to correct the record, that Mr. Ruiz had talked about the case, I don't remember the case, I think it's 21, regarding District Space.

MR. RUIZ: 79.

CHAIRPERSON ANDERSON: I'm sorry, what was the case Mr. Ruiz?

MR. RUIZ: 22-CMP-79.
CHAIRPERSON ANDERSON: And it's correct that all the violations that were found that night was against the caterer, and not against this particular potential applicant, is that correct?

MR. RUIZ: That's correct.

CHAIRPERSON ANDERSON: And what is it that -- do you know what a caterer's license, or responsibility of a caterer Mr. Ruiz?

MR. RUIZ: Yeah, somewhat.

CHAIRPERSON ANDERSON: So, what is a caterer supposed to do?

MR. RUIZ: So, a caterer is hired for an event, contracted by a customer to prepare, and provide food, alcohol being incidental to the service that they do provide, which allows them to have an alcohol license. They're also supposed to purchase the alcohol, because they are the licensee, and control the alcohol, and then remove that alcohol from the event that day, from the premises.

So, they can't store the alcohol, so each event is its own event in its right.

CHAIRPERSON ANDERSON: So, you're stating that for that event Premier Lounge had
contracted with District Space, the caterer's license to provide the food, and at least what your understanding to produce the food, and alcohol for that night, is that your understanding?

MR. RUIZ: That's correct.

CHAIRPERSON ANDERSON: Okay, any other questions by any board members? That's not you miss. Board members, any other questions by any of the board members? He's your witness ma'am, this time he's your witness, you'll get the last bite at the apple. Any other questions by any other board members? Since there are no questions by any other board members, Mr. Campbell, any questions of the witness based on the questions that were asked by Mr. Short, and myself?

MR. CAMPBELL: No chairperson.

CHAIRPERSON ANDERSON: All right Ms. Jefferson, don't make a fool of me now, this is your opportunity, you have the last -- it's your witness, so you have the last say.

REDIRECT EXAMINATION

BY MS. JEFFERSON:

Q Investigator Ruiz, I think -- the
license that was shown to you by Mr. Campbell, was it posted on the wall?

A    Yes.

Q    Okay, so when you entered the establishment without looking at it closely, and seeing the ABRA logo on there, would your initial -- is it fair to say your initial impression would have been without reading it, that this is an ABRA licensee?

A    That's what I thought at the time.

Q    Okay, and so in your opinion, why would someone post, and keep on the wall an expired license? What's the point?

A    I'm not sure.

Q    Okay. If you went to an establishment, and didn't see an ABRA license posted, would that be a violation?

A    Yes.

Q    Okay. Once you found out that the license was expired, the fact that it was posted, was that a violation?

A    No.

Q    That was not a violation?

A    No.

Q    Okay. When you went there, was it
your prior testimony that your intent was to
examine the caterer?

A       Yes.

Q       So, you didn't go there with the
intent to look for violations at Premier, is that
correct?

A       I went there to review the premises,
and the establishment, and what was going on that
evening, knowing that it may have been a caterer
on site, but wasn't 100 percent sure.

Q       But that's what provoked you to go
there in the first place, was another
investigator, or at least your prior testimony
stated that it was another investigator that
prompted you to go to Premier in the first place
because they were alleging that the caterer, not
the premises was conducting, or participating in
illegal activity?

A       That's correct, yes.

Q       Okay, when you go somewhere, and you
have a particular focus, has it ever happened
where you may have overlooked something because
your intent was to look at one particular issue,
or do you do a full compliance review for every
premise you go to?
A I mean, I think it's possible to miss something.

Q Okay, is it possible that you could have missed violations when you went there in November, and the caterer was there? Is it possible? I'm not asking you if you did, I'm just asking you is it possible?

A It could be possible, I'm not sure.

MS. JEFFERSON: Okay, no further questions. Is this when I move to admit exhibits?

CHAIRPERSON ANDERSON: All right, thank you very much Mr. Ruiz, for your testimony today, and I think that you are now free to go.

MR. RUIZ: Thank you.

CHAIRPERSON ANDERSON: All right, Ms. Jefferson, do you rest?

MS. JEFFERSON: I'd like to do a closing -- no more witnesses, but I'd like to do closing.

CHAIRPERSON ANDERSON: Yeah, both sides are going to have an opportunity to do closing. So, what documents are you asking us to admit?

MS. JEFFERSON: Okay, I just want to confirm you had stated earlier that Exhibit Nos.
1, and 2 --

CHAIRPERSON ANDERSON: What was Exhibit No. 1?

MS. JEFFERSON: Exhibit No. 1 was the investigator's report, Exhibit No. 2 --

CHAIRPERSON ANDERSON: That's in the administrative records.

MS. JEFFERSON: That's what I'm confirming.

CHAIRPERSON ANDERSON: Right.

MS. JEFFERSON: Number two is in the administrative record.

CHAIRPERSON ANDERSON: What was number two please?

MS. JEFFERSON: That's the placard.

CHAIRPERSON ANDERSON: That's part of the administrative record, so yes.

MS. JEFFERSON: Exhibit No. 3 is in the record, that is the group of five protest.

CHAIRPERSON ANDERSON: That's a part of the administrative record.

MS. JEFFERSON: Okay. Exhibit No. 8, which is the purchase of the business.

CHAIRPERSON ANDERSON: That was moved into evidence, yes.
MS. JEFFERSON: Okay, the Exhibit No. 10 is the application for licensing, is that already a part of the record?

CHAIRPERSON ANDERSON: That's part of the administrative record.

MS. JEFFERSON: Okay. Exhibit No. 11, which is the investigative report that we just talked about with Mr. Ruiz that's been settled with District Space.

CHAIRPERSON ANDERSON: That's part of the administrative record.

MS. JEFFERSON: And I assume the order associated with that as well, which is Exhibit No. 12.

CHAIRPERSON ANDERSON: That's part of the administrative record.

MS. JEFFERSON: Okay, Exhibit No. 15 -- I'm sorry, let me skip over that. Exhibit No. 16.

CHAIRPERSON ANDERSON: What's 16 please?

MS. JEFFERSON: That was the article with the picture of Mr. Allen.

CHAIRPERSON ANDERSON: That was number 16, I did admit number 16 to the record.
MS. JEFFERSON: Okay, that's it.

CHAIRPERSON ANDERSON: All right, thank you. So, now you rest. Where is -- there is Mr. Campbell. Now, each side will have five minutes to do a closing statement, this is what I want. I need you to tell us what is it that you want the board to do specifically. So, you have five minutes Mr. Campbell to make a closing statement, and I need you to be specific, what it is that you want the board to rule.

And then Ms. Jefferson, you'll have five minutes to tell the board what it is that you want the board to do. Go ahead Mr. Campbell.

MR. CAMPBELL: Okay. We would like the board to approve our application. We've had that facility for over three years without incident, including the recent visit by ABRA, Mr. Ruiz, the inspector, which no violations were found for conducting ourselves in any illegal manner. We're in no way trying to circumvent ABRA. We believed in our operation, that we were operating perfectly legally by contacting with the catering company, which we had an agreement with for those three events.

We believe Premier would be a valuable
addition to the community, and we're working to
work with the community to enhance it, and to
have an open dialogue. So, we hope that the
board will move to approve our application moving
forward. That's it.

CHAIRPERSON ANDERSON: Thank you Mr. Campbell, go ahead Ms. Jefferson.

MS. JEFFERSON: Good afternoon, thank you all for your patience this afternoon, with all of us, and again, thank you for your service to the residents, and businesses of the District of Columbia. As a border community that straddles the District of Columbia, and Maryland line, Shepherd Park, and Tacoma neighborhoods are unfortunately becoming accustomed to an over concentration of last chance ABRA licensed establishments.

That exploit, or have exploited the differences in alcohol beverage regulations between the two jurisdictions while maintaining their Maryland residency, and derelict clientele. While normally our civic, and citizen associations would protest such an application, several long standing members of our community have decided to take a different approach.
And we have protested in our personal capacities as this group of five, or more individuals in the unfortunate event that any of us would need to seek appellate level review. We have stated this before this board on multiple occasions, but I will reiterate it again. Enough is enough, we are fed up, and we are determined not to return to the old days of inappropriate alcohol establishments proliferating in our community.

Because they believe that they can operate without impunity, or are given multiple chances time, and time again. We surmise that this licensing hearing should be looked through a racial equity lens, and that regardless of the racial makeup of the protestants, or the applicants, that the board should be reminded that communities of color are disproportionately impacted in a negative manner by alcohol establishments.

Especially those that have already proven to violate the law. To be clear, and for the folks watching online, our community welcomes appropriate, and law abiding establishments. And in fact we even support them financially. But
inappropriate establishments that don't obey
district laws, such as Premier, are not welcome
in our community.

The public depends on its licensed
establishments to observe, and follow all
applicable laws, and regulations. Premier Lounge
has demonstrated through substantial evidence on
the record today, that they have violated the law
time, and time again since opening, and have
demonstrated even an unwillingness to follow
district laws, and regulations despite certifying
that they have read them.

The group has numerous concerns about
the nature, and operations of Premier Lounge, and
we believe that this establishment is not
appropriate for this locality, and section in the
district, which includes many family, young
children, senior citizens, and houses of worship.
As we mentioned in our protest letter, we are
protesting the application based on peace, order,
and quiet, including litter, and noise.

The adverse effect on real property
values, the negative impact on residential
parking, and vehicular, and pedestrian safety,
and also the poor record of compliance. In
addition, we believe that the board lacks the authority to grant this license because of false representations that were made, including omitting the fact that the New 7307 was a prior licensee that had its license suspended, and then was expired for fail to renew.

We believe that the applicants are not qualified, and have shown that they are not of good character, and have demonstrated that by substantial evidence on the record, and that they are not fit for the responsibilities of licensure because they've already shown to you that they don't even understand what the requirements are.

So, today we are asking you to deny the application, and to save our community from another establishment that will further deteriorate our community, and cause a deterioration in property values, cause problems in public safety, trash, and litter, and also cause challenges as it relates to parking, and vehicular safety, and pedestrian safety, thank you.

CHAIRPERSON ANDERSON: Thank you Ms. Jefferson. I want to thank the parties for their presentations today, and I appreciate the brevity
of the case in chief. I mean we are here to serve the public, and we'll do whatever we need to do to serve the public. Do the parties wish to file proposed findings of fact, and conclusion of law? All right, so what that is, and you can change your mind if you so desire, but let the board know.

So, what that means is that the transcript will be available I believe within two weeks, and so therefore that means that you would review the transcript, state what was in the transcript. You cannot add the legal brief you're providing the board, you cannot add any new facts that did not come out today at the hearing.

So, therefore, those responses will be due to the agency 30 days after you have received the transcript, okay? Mr. Campbell, do you have -- I mean that's -- it's not required, but the protestant is going to file it, and so you can also file if you so require, but that -- it's not required, but that's being done. As I said before, we'll send you the transcript, you'll have to read the transcript.

And then you draft to say factually
this is what was presented, and this is what the
law states based on the facts that were presented
at the hearing. No new information, if it's not
in the transcript, it cannot be argued in the
document that would be provided to us. All
right, so as I said before, you should get the --
you'll get the transcript approximately in the
next two, to three weeks.

And the proposed findings of fact, and
conclusions of law, they're due to us within 30
days after receiving the transcript. Thank you.
So, you will get that. So, let me close the
record in this case. Any questions by anyone?
All right. As chairperson of the Alcoholic
Beverage Control Board for the District of
Columbia in accordance with D.C. official code
section 2575 of the Open Meetings Act, I move
that the ABC Board hold a closed meeting.

For the purpose of seeking legal
advice from our counsel on case number 22-PRO-
00022 Premier Lounge pursuant to D.C. Official
Code Section 2575(b)(4)(a) of the Open Meetings
Act, and deliberating upon case number 22-PRO-
00022 Premier Lounge for the reasons cited in
D.C. Official Code Section 2575(b)(13) of the
Open Meetings Act. Is there a second?

MEMBER SHORT: Mr. Short, I second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. I will now take a roll call vote on the motion now that it has been properly seconded. Mr. Short?

MEMBER SHORT: Mr. Short, I agree.

CHAIRPERSON ANDERSON: Mr. Cato?

MEMBER CATO: Bobby Cato, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett, I agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Edward Grandis, I agree.

CHAIRPERSON ANDERSON: And Mr. Anderson, I agree. The matter passes six, zero, zero. As it appears the motion has passed, I hereby give notice that ABC board will recess these proceedings to hold a closed meeting pursuant to section 2575 of the Open Meetings Act. Again, I would like to thank everyone for their presentation today, and the board will take
this matter under advisement. Have a great day, thank you very much.

(Whereupon, the above-entitled matter went off the record at 6:14 p.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Premier Lounge

Before: DC ABRA

Date: 06-29-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

[Signature]
Court Reporter