DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF:

Aberash, LLC,
t/a Signature Lounge
1727 Connecticut Ave NW
Protest Hearing
License #117485
Retailer CT - ANC 2B
Case #21-PRO-00017

(Application for a New License)
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Wednesday
June 30, 2021

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

PRESENT:

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

SIMONE ANDREWS, DC ABRA Staff
RICHARD BIANCO, Applicant's Counsel
CATIE BUTLER, Witness
DONNELL BUTLER, Witness
DEREGE DANEALE, Applicant
GLENN ENGELMANN, Witness
RHODA GLASGOW, DC ABRA Investigator
JAMES McGLADE, Witness
LIEUTENANT JOHN MERZIG, DC MPD, Witness
OFFICER BRIAN O'SHEA, DC MPD, Witness
MEG ROGGENSACK, Protestant
JEFF RUECKGAUER, Witness
MIKE SILVERSTEIN, ANC 2B
P-R-O-C-E-E-D-I-N-G-S

1:36 p.m.

SIGNATURE - PART 1 START

CHAIRPERSON ANDERSON: We're on the record. Good afternoon everyone. My name is Donovan Anderson. I'm the Chairperson of the Alcoholic Beverage Control Board.

Joining me today are Board Member James Short, Board Member Rafi Crockett, Board Member Jeni Hansen, and Board Member Edward Grandis. The Board has five members in attendance for the conduct of business today, and that constitutes a quorum.

Before we get underway with this afternoon's hearing, I need to make a few instructions very clear so the conduct of this hearing is understood by everyone.

There's only one hearing this afternoon. We have a protest hearing. And during the hearing should you have any questions or require technical assistance during the hearing, please submit them using the question and answer feature or email simone.andrews2@dc.gov.

The one afternoon hearing today is a
protest hearing case that we have. It's Case #21-PRO-00017, Signature Lounge, License Number 117485, and Ms. Andrews can you please elevate the rights of the Protestants and the Licensee in this case please.

MS. ANDREWS: Sure. Stand by. Mr. Daneale, your rights have been elevated. Mr. Bianco, your rights have been elevated. Mr. Silverstein, your rights have been elevated. Investigator Glasgow, your rights have been elevated. Officer O'Shea, your rights have been elevated. Mr. Rueckgauer, sorry if I pronounce it wrong, your rights have been elevated. Investigator (audio interference), your rights have been elevated.

MR. SILVERSTEIN: This is Mike Silverstein, can you hear me?

CHAIRPERSON ANDERSON: I can hear you, Mr. Silverstein.

MR. SILVERSTEIN: Okay, thank you.

MS. ANDREWS: Mr. McGlade, your rights have been elevated. Mr. or Ms. Francisco, your rights have been elevated. Mr. or Ms. Engelmann, your rights have been elevated. I do see Mr. Tillman (phonetic) but I
don't see that he's assigned to this case. Could you please announce yourself in the chat if you do belong to this case, I'll elevate your rights. Otherwise, that's all Mr. Chair.

CHAIRPERSON ANDERSON: Thank you, Ms. Andrews. All right, good afternoon everyone. This is a protest hearing for Signature Lounge. I will start with introductions and I will start with the Applicant's counsel.

MR. BIANCO: Good afternoon, Mr. Anderson. This is Richard Bianco, last name spelled B-I-A-N-C-O on behalf of the Applicant, Signature Lounge, and with me is Dereje Daneale, and I will have him introduce himself as well.

CHAIRPERSON ANDERSON: Mr. Daneale, if you have a camera, please turn your camera on but also I would like to say and spell your name for the record please.


CHAIRPERSON ANDERSON: Mr. Daneale, do you have a camera, sir? If you don't, that's fine, I'm just asking do you have a camera.
MR. DANEALE: I do, he show me that, I don't know so I might be.

CHAIRPERSON ANDERSON: All right.

All right, so let's start, yes, I can see you, sir.

MR. DANEALE: Come in now?

CHAIRPERSON ANDERSON: Yes, I do see you. All right, thank you. I'm also going to ask all parties if you're not speaking please mute your phone so you're not speaking.

All right, let's start with the protester. Let's start with the ANC.

MR. SILVERSTEIN: Good afternoon, Mr. Chairman. My name is Mike Silverstein representing ANC 2B. I am the Commissioner of ANC 2B06.

CHAIRPERSON ANDERSON: Good afternoon, Mr. Silverstein. I just want to alert the public that as being the Chair of the ABC Board for the past six years, and I believe I served with Mr. Silverstein, he was a Board member that served along with myself and Mr. Short for four years while I was Board Chair.

But I just want to alert the public that although I served as a Board Member with
Mr. Silverstein, my knowledge of him will have
no impact on the determination that's made
today. So I'm confident that I can move forward
and make a decision. Also, Mr. Silverstein has
served as a Board Member during the tenure I
have been Chair of the ABC Board.

MEMBER SHORT: Mr. Chairman?

CHAIRPERSON ANDERSON: Yes, Mr. Short?

MEMBER SHORT: Like yourself, I,
too, served with Mr. Silverstein on our esteemed
ABC Board, and my knowledge of him and my
service with him during this time will have no
bearing on this case whatsoever. Thank you.

MEMBER GRANDIS: Mr. Chairman?

CHAIRPERSON ANDERSON: Yes, Mr. Grandis?

MEMBER GRANDIS: I also want to the
record to know that I used to be on the ANC 2B
and during some of those years Mr. Silverstein
was very active with the ANC. And then when Mr.
Silverstein was appointed to the ABC Board, I as
an attorney would have clients in front of the
Board and he would serve in that capacity. And
I will say that will not influence my
deliberations today. Thank you.

CHAIRPERSON ANDERSON: Thank you, Mr. Grandis. All right. So we have --

MR. SILVERSTEIN: To clarify, Mr. Chairman.

CHAIRPERSON ANDERSON: Yes, Mr. Silverstein?

MR. SILVERSTEIN: I do know Mr. Grandis well, and we have worked -- I do know Mr. Grandis and we have worked on a number of things, but we never did serve at the same time on the ANC. I believe his service was before mine.

CHAIRPERSON ANDERSON: All right, thank you, Mr. Silverstein. Who else is on from the ANC with you, Mr. Silverstein? Please call their names and I would like the folks to identify themselves for the record.

MR. SILVERSTEIN: That will be Meg Roggensack. She is delayed. She's at a Webex seminar and is on her way here. She's delayed by work. She will be here.

CHAIRPERSON ANDERSON: All right, so she's not on as yet, is that correct?

MR. SILVERSTEIN: That's correct,
CHAIRPERSON ANDERSON: All right, that's fine. All right, so we have the Dupont Circle Citizens Association. Mr. Engelmann, please state and spell your name for the record please.

MR. ENGELMANN: Thank you, Mr. Chairman. My name is Glenn Engelmann. First name's spelled G-L-E-N-N, last name E-N-G-E-L-M-A-N-N and I'm the Immediate Past President of DCCA and I'm here today as their designated representative.

CHAIRPERSON ANDERSON: Okay. All right, so those are all the parties that need to be identified at this moment. All right, hold on.

All right. This matter comes before the Board as a protest hearing on an application for a license. The establishment is Aberash, LLC; trade name Signature Lounge; retailer class CT license number 117485 located at 1727 Connecticut Avenue, N.W. The applicant is Derenje Daneale and he is represented by Mr. Richard Bianco.

By way of background, the Board's
record reflects the following. The license application was placard on January 29, 2021. ANC 2B represented by Commissioners Meg Roggensack and Mike Silverstein, and the Dupont Circle Citizens Association were represented by Glenn Engelmann. Each filed a protest.

The Protestants were granted standing at the roll call hearing held on April 26, 2021, and a status hearing was held on May 12, 2021. Here we are today for the protest hearing.

Let us now turn our attention to those preliminary matters that need to be addressed by the Board before we proceed with the hearing.

The Applicant filed a motion to quash the Protestants' subpoena and a motion in limine to limit evidence. The Protestants filed a timely response yesterday afternoon.

Because the filings were made very recently and because the Board has not had an opportunity to fully consider the motion in opposition, the Board is taking oral argument at this time. We'll hear first from Mr. Bianco who is the movant in the preliminary matter, and
then we'll hear from the Protestants. Mr.

Bianco.

MR. BIANCO: Thank you very much Mr.

Anderson. Richard Bianco on behalf of the

Applicant in this case.

It's our position that any evidence
related to Secret Lounge, which is another
establishment located in another neighborhood,
specifically Shaw, is inadmissible in this
matter to determine either the character of Mr.

Daneale or the appropriateness of the
establishment in question, which is Signature
Lounge located on Connecticut Avenue.

Specifically, D.C. Code 25-301(a)(1)
states that to determine character the Board
shall examine 10 years of records "regarding
prior violations of the District of Columbia
alcohol laws." The proffered evidence goes far
beyond that seeking to provide information
regarding a three year old investigation and not
resulting in a violation of any kind.

The information sought to be admitted
today would not be admissible against Secret
Lounge because the Board does not consider
unadjudicated violations. Coincidentally, Secret
Lounge was renewed by this very Board earlier today, meaning the Board has already made the finding that Mr. Daneale is of good moral character and fit for responsibility of holding a license.

Now, if I could turn for a moment to the evidentiary issues under the appropriateness standard, there are specifically three cases that I think have bearing here that I want to go into.

First, it's our position that anything that happened at Secret Lounge is simply irrelevant to the question before the Board today, and that is the appropriateness of this establishment in this particular neighborhood. And I know that in many past cases, the Board relies on a Court of Appeals case called Panutat v The ABC Board, which can be found at 75 A.3d 269 D.C., and it is 2013 case.

It may be more familiar to the Board under the licensee's trade name which was Shadow Room. And in that case, the Board considered a different question than the one that is before the Board today.

Essentially, the Board considered evidence of how the prior nightclub operating at
the same location could be indicative of the peace, order, and quiet impact of the subsequent club.

And the holding in that case is really simple. And basically what the Court of Appeals said is that the Board's practice of considering the adverse effect on the neighborhood attributable to operation of existing establishments in the relevant area is appropriate.

So the Court of Appeals found that the Board's consideration of the operation of the prior establishment, as well as the operation of neighboring establishments is appropriate.

That's not what we have here. What we have here is the proponent of the evidence offering evidence of a non-violation investigation that took place at another establishment outside of the relevant area unrelated to this neighborhood in any material way whatsoever, and that is not appropriate to consider.

Mr. Silverstein in his opposing brief argues 800 Water Street v The ABC Board is controlling here. And the citation there is 992
A.2d 1272, and that is a 2010 case. However it's not. In fact, it has nothing to do whatsoever with the (audio interference). That case was about a revocation on a show cause.

The Board made no finding with respect to appropriateness. Merely, that a licensee could not cancel a license with a show cause proceeding pending. It was a simple holding having nothing to do with appropriateness.

Now I think what is the control and the precedent here from the Court of Appeals is a case called The Jimmy (phonetic) v ABC Board, and it's 433 A.2d 1010, and that is a 1981 case. And here's what that case says and why I think it controls here.

The Board is to evaluate each "unique location" in an attempt to determine the "prospective effect on the neighborhood," and to get there it's appropriate for the Board to include (1) the applicant's efforts to mitigate any operational concerns; (2) the character of the neighborhood; (3) the character of the establishment; and (4) the owner's future plans.

Now the Shadow Room case adds to that analysis by allowing consideration of prior
establishments at the same address and other establishments currently in the neighborhood. There's nothing in any case about the Board considering unadjudicated violations for another establishment in another neighborhood.

To allow this evidence to come in is extremely prejudicial. What it essentially does is it allows the ANC to throw bombs at my client and require us to re-litigate a four year-old issue that did not result in a violation of any kind.

The prejudice far outweighs any probative value which is (audio interference). Trying to equate two neighborhoods and two different establishments is not a relevant consideration when the Board is looking at the appropriateness of this establishment for this area.

And for those reasons, it is our contention that Officer O'Shea should not be allowed to testify, and any evidence related to Secret Lounge on 9th Street is irrelevant in this proceeding and should not be received by the Board as evidence on the record. Thank you.

CHAIRPERSON ANDERSON: Thank you, Mr.
MR. ENGELMANN: Mr. Chairman, Mr. Silverstein will be speaking on behalf of both Protestants with respect to this motion.

CHAIRPERSON ANDERSON: Okay, go ahead Mr. Silverstein. I apologize, go ahead.

MR. SILVERSTEIN: Thank you, Mr. Chairman. We respectfully ask the Board to reject the motion to quash the subpoena and to limit the testimony of MPD Officer Brian O'Shea.

The Applicant's owner does not want the Board to hear about how he's run his other business, but his written objection to the testimony of Officer O'Shea on the grounds it's too remote in time goes to the weight of the evidence afforded by the Board and not its admissibility.

You can give it the weight it deserves, but it is admissible taking into account the time in between when that occurred and now, more than a year of that was under lockdown and nothing has occurred during that time.

The Applicant incorrectly in his
motion lists the scope of Office O'Shea's testimony. He has extensive knowledge of the Applicant's other business, Secret Lounge, how it is operated and affected the neighborhood, is being subpoenaed to provide testimony regarding matters of peace, order, and quiet at Secret Lounge, including an incident that took place in October of 2018 in which Mr. -- Officer O'Shea had responded to the reports of a large fight, and had a table broken over his head during that fight.

The assault took place inside the establishment and affected Officer O'Shea directly. He has had many dealings before and after that.

The Applicant claims that fitness for licensure is not a protest issue in this case. But the Court of Appeals says there's a statutory obligation to satisfy itself in that regard even if it's not raised as a protest issue. And that was Craig v. District of Columbia Alcoholic Beverage Control Board, 21 Atlantic 2nd, 584-590 1998.

Regardless, the Applicant (audio interference). This is going to be a new
business. The Board will be required to predict how its operation may impact on peace, order, and quiet. Evidence of how the Applicant's owner runs his other licensed business is relevant if he seeks to meet his burden in this case.

And the Water Street case does mention that, but the Gerber case, Gerber v. District of Columbia Alcoholic Beverage Control Board, 442 Atlantic 2nd -- 499, I'm sorry, Atlantic 2nd, 1193, 1195 D.C. 1985 speaks of a case where a police officer's past service supported his finding that the applicant's business should be run responsibly. So things in the past and things of that sort can be done to prove a person is going to do a good job, they should also be allowed to show that a person has not done a good job.

The Applicant's owner should not be permitted to hide from, nor should the Board be kept in the dark about his history in the alcohol business. The only history that the Board has to go by, that we all have to go by in this case is precisely the evidence the Applicant's owner seeks to keep from the Board.

The Applicant's going to argue that
his ABRA record is relatively clean. He's going
to point to the lack of violations, penalties,
and sanctions against his current establishment,
but the instant case here, Mr. Chairman, is about
peace, order, quiet, and public safety.

And since he's going to bring up the
clean record, we need to respond by demonstrating
without doubt that these events that he wishes to
hide from or exclude all had serious effects on
peace, order, quiet, and public safety.

This is not about taking away an
existing license, Mr. Chairman. This is about
whether the Applicant meets his burden of proof
that granted him this new license will not
adversely affect peace, order, and quiet at the
new location.

And the Board is obligated to make
that decision and to take it -- that's why we're
here -- and to take into account all available
evidence and history, and the only history we
have to go on is precisely the evidence that the
Applicant doesn't want us to hear.

Thank you, Mr. Chairman.

CHAIRPERSON ANDERSON: Thank you, Mr.

Silverstein. All right. Do you have any
comments you want to make, Mr. Bianco, before I made a determination?

MR. BIANCO: I do. I have three based on what Mr. Silverstein said. We'll take the last one first.

It seems to be the ANC's belief that we intend to bring up the clean record at Secret Lounge. Nothing could be further from the truth. I don't want to put in anything about Secret Lounge. The only reason it is, the investigative history is attached to my motion is because they brought it up as if to say look how bad these guys are. But the reality is they're virtually clean in terms of their operation history over the last four years. So if the evidence of Secret Lounge is excluded, our evidence of compliance will not be brought into this case.

Second, I would just say as a general evidentiary matter pursuant to Federal Rules of Evidence 404, which I realize is not binding but is persuasive, prior bad acts, if there even are any here, are inadmissible to show action and conformity therewith. And here, they're not even trying to show action and conformity. They're trying to show the potential that maybe possibly
there will be action and conformity at some point
inappropriate.

Finally, the ANC puts out there that
the Board has an obligation to consider
character. Absolutely. At the outset I quoted
the statute. The Board has to make a finding of
good character and two things. One, you already
did earlier today; and two, the considerations of
what constitutes good character is related to 10
years of Alcoholic Beverage Control Board records
with respect to violations. And that is not
what's being sought to be put into evidence.
Violations are not their point. They want to
dirty my guy up with investigations and it's not
appropriate.

CHAIRPERSON ANDERSON: All right.
Thank you, Mr. Bianco. I thank Mr. Bianco and
Mr. Silverstein for their arguments. They're
very -- not actually arguments, persuasive
arguments from both sides that were made. And
I'm going to ask the Board to deny the
Applicant's motion.

The Applicant cites The Jimmy, Inc. v
D.C. Alcoholic Beverage Control Board, 43 A.2d
290, 293, D.C. Circuit 1981, and suggests as part
of its analysis that we should evaluate each
unique location according to the particular
circumstances involved in an attempt to determine
the prospective effect of the establishment on
the neighborhood.

The Board, I know that you did quote
this case. Mr. Bianco believes that its more
relevant and controlling case law in the Court of
Appeals decision in Panutat LLC v. District of
Columbia Alcoholic Beverage Control Board, 75

There the Court held that considering
another establishment operation under the same
ownership is permitted and is reasonable.
Specifically, the Court stated that as the Board
reasonably observed in its declaration order, how
the owners operate Shadow Room is indicative of
how they would operate Sanctuary 21.

Therefore, the Protestants may
introduce evidence indicative of the Applicant's
management and operation at his other
establishment.

But, and I want to be very clear here,
the Board will only entertain evidence that
speaks to the appropriateness standards under
Section 25-313. So that's what it is.

So therefore, I'm going to ask the Board to deny the motion, however we will only entertain evidence that speaks under the appropriateness standards of 25-313. So therefore, I make a motion to the Board that we deny the Applicant's motion.

MEMBER SHORT: Mr. Short, I second.

CHAIRPERSON ANDERSON: Is there a second?

MEMBER SHORT: Mr. Short, I second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. We'll have a roll call vote on the motion that was seconded by Mr. Short. Mr. Short?

MEMBER SHORT: Mr. Short, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett.

MEMBER CROCKETT: Rafi Crockett, I agree.

CHAIRPERSON ANDERSON: Ms. Hansen.

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis.

MEMBER GRANDIS: Edward Grandis, I agree.

CHAIRPERSON ANDERSON: And Mr.
Anderson, I agree. The matter passes 5, 0, 0.
Are there any other motions or matters that the
Board needs to consider before we start this
case?

MR. BIANCO: Nothing from the
Applicant. Thank you, Mr. Chair.

MR. SILVERSTEIN: Mr. Chairman, I'm
not an attorney and I would ask for further
clarification on what it is that we are permitted
and when you speak of to the appropriateness
standard. I assume that includes peace, order,
and quiet, and includes cooperation with public
safety officials. Is that correct?

CHAIRPERSON ANDERSON: Hold on. The
appropriateness standards on 25-313 -- yes, Mr.
Silverstein. To be more specific, 25-313,
appropriateness standards. (A) To qualify for
issuance, renewal, transfer of a license to a new
location, or an application for approval of a
substantial change in operation as determined by
the Board under section 25-404, an applicant
shall demonstrate to the satisfaction of the
Board that the establishment is appropriate for
the locality, section, or portion of the District
is located.
(B) In determining the appropriateness of an establishment, the Board shall consider all relevant evidence of the record including (1) the effect on the establishment on real property values; (2) the effect on the establishment on peace, order, and quiet including the noise and litter provision set forth in section 725 and section 726; (3) the effect on the establishment of residential parking needs and vehicle and pedestrian safety; and (4) in the case of a license renewal -- well, this is not relevant because it's not a license renewal. But yes, all right. So you are correct on the appropriateness standards.

I mean we can have some limited testimony, but this should be focused however on the appropriateness standard.

MR. SILVERSTEIN: Thank you.

CHAIRPERSON ANDERSON: All right. It's my understanding that Ms. Roggensack has joined. Can you please state and spell your name for the record please and identify yourself, ma'am? Ms. Roggensack, are you there? All right, I --

MR. SILVERSTEIN: She's logging back
in. She's having trouble. I'm sorry.

CHAIRPERSON ANDERSON: Well I was told
she was logged in, so that's why --

MS. ANDREWS: Sorry, Mr. Chair. She
lost service so I'm going to go ahead and elevate
her rights. Okay, your rights have been elevated
Ms. Roggensack. You can go ahead and unmute
yourself and turn your camera on if you have one.

MS. ROGGENSACK: Thank you. Thank you
very much.

CHAIRPERSON ANDERSON: Could you
please identify yourself for the record, ma'am,
and spell and state your name.

MS. ROGGENSACK: Yes, I am Meg
Roggensack. I am the Advisory Neighborhood
Commissioner for the single member district in
which this proposed establishment will be located
which is (audio interference).

CHAIRPERSON ANDERSON: Ms. Roggensack,
are you in the same location as Mr. Silverstein?

MS. ROGGENSACK: Yes.

CHAIRPERSON ANDERSON: Well, I think
he needs to turn, well, both of your mics cannot
be open at the same time. So if one person's
going to speak, then the other one needs to be
muted because there's a feedback. I just wanted you to know that one person, their line has to be muted. If we have a problem, I'll let you know moving forward. Okay, that's all. Nothing wrong, there's just a feedback and we can't hear clearly.

MR. SILVERSTEIN: My bad, Mr. Chairman.

CHAIRPERSON ANDERSON: All right. Thank you, Mr. Silverstein. Okay, fine. All right. So we're going to start. I just want to remind each party that each side will have one hour to present its case. And each side, you can, I don't know how many witnesses each side has, however, you can only call five witnesses. Each side only has five witnesses.

The one hour to present your case will be taken -- once the case starts, will be taken from your cross-examination. So please do not spend your time cross-examining the other party because that is going to take away from the one hour. Your time will start after the Board has presented its case.

And so the procedure that we're going to follow today is that we'll have preliminary
matters. The Applicant will get five minutes to present its case. The Protestants will have five minutes to present its case. Then the Board will call its first witness.

After the Board calls its first witness, the Applicant will present its case in chief. Once the Applicant presents its case in chief, both sides will have an opportunity to cross-examine.

After the Applicant has presented its case, the Protestants will present its case and cross-examination. Then we'll have rebuttal witnesses. And then we'll have five minutes for closing from the Protestants and five minutes for closing from the Applicant. I'm sorry, five minutes for close from the Applicant and five minutes for close from the Protestants.

I just want to ask -- let me ask this question. Is the ANC and the Citizens Association, are you presenting one case or are you presenting your separate cases? Which one is it, please?

MR. SILVERSTEIN: We are presenting separate cases.

CHAIRPERSON ANDERSON: So the ANC is
calling its own witness, and then the Protestant
is going to call its witness. So ANC will have
an hour, the Citizens Association will have an
hour to present its case, and so therefore just
please remind me so to make sure that each side
is properly represented.

So what we're going to do now is that
the Licensee will have five minutes to present
its case. Then I'll have the ANC have five
minutes, and then the -- I'm sorry, Mr. -- you're
from the Dupont Circle, let them have five
minutes to present its case. Okay.

Your opening and closing does not take
away from your 60 minutes. It's five minutes but
it's not taking away from the 60 minutes you
have. So we'll start with the Applicant and the
Applicant has five minutes to do an opening.

APPLICANT OPENING STATEMENT

MR. BIANCO: Thank you, Mr. Anderson.
We're here today on a new application for
Signature Lounge at 1727 Connecticut Avenue. The
establishment is in a one-story building
featuring a ground level and mezzanine. There
are no outdoor operations as part of this
application.
The establishment has a full service and quite a large kitchen, and they will serve three meals per day, seven days per week. The establishment is built out and equipped for a restaurant, but it will be a tavern. After 10:00 p.m. the establishment will offer entertainment.

You will hear about the measures my client has taken and will put into place to ameliorate noise and disturbance, and to ensure a safe and clean environment for patrons and neighbors alike.

You will hear about the 38 licensees and the roughly 1200 square foot area. Not all, not all 38, but particularly the five tavern licenses and two full-blown nightclubs that either have no restrictions or nowhere near the restrictions that the ANC and DCCA has and continues to demand from my client.

Over our objection, the Protestants will introduce into evidence information about another establishment owned by my client, Secret Lounge. This is a different bar in a different neighborhood with a vastly different operation.

Nonetheless, my client has Secret Lounge in one of the most raucous and difficult
areas of the city which garners very strict scrutiny from ABRA and MPD alike, speaks for itself.

In four years of operation, they have one violation and one warning in Shaw. That is a record that any establishment on 9th Street would be proud of.

After you hear all of the evidence today, we are confident that you will find the proposed Licensee is appropriate for the area, and will not adversely impact the peace, order, and quiet.

To be clear, the Protestants are asking that my client be denied a license. Denied. Flatly denied. There is absolutely no cause for that and no evidence to support such an extreme measure. Thank you.

CHAIRPERSON ANDERSON: Thank you, Mr. Bianco. All right. So let's go to Mr. -- are you, Mr. Silverstein or Ms. Roggensack, who's doing the opening?

MR. SILVERSTEIN: I will do the opening.

CHAIRPERSON ANDERSON: Go ahead, sir.

PROTESTANTS' OPENING STATEMENT
MR. SILVERSTEIN: Good afternoon Mr. Chairman and Board Members. My name is Mike Silverstein. I'm an ANC Commissioner, I'm not an attorney. My fellow Commissioner Meg Roggensack and I will represent ANC 2B. We are asking respectfully that the license application be denied. We take no pleasure in asking nor do we take this protest lightly, sir.

This is a tale of two lounges. One, the Applicant already owns and operates, that's Secret Lounge. And two, an even larger one where he now seeks a license to serve alcohol, that's Signature Lounge. That's the instant case.

When this application came before the ANC two months ago, we were told this would be a full-service Ethiopian restaurant, open for breakfast, for lunch, for dinner. The Applicant could not appear. He was out of the country on family business and we were told that -- well, his representative said there would be entertainment; a small dance floor, a deejay, entertainers singing beautiful Ethiopian songs we were told, and we wouldn't have to go down to 9th Street to get good Ethiopian food. And it sounded great.
Several folks at the meeting asked if it was going to be a restaurant, why the application for a tavern license, and why the 3:00 a.m. closing time on weekends. There were other questions and the representative couldn't answer them, and the owner would be back in a couple of weeks.

We were told the Applicant owned and operated another establishment, Secret Lounge, on 9th Street and knew there had been several events of concern there. So the ANC voted to protest the application so that we might negotiate a settlement agreement to provide peace, order, and quiet protection for our neighborhood.

We're not going to go into those negotiations. We can't. But the more that we learned, the more we've become certain that the Applicant's actions in the operation of Secret Lounge make it clear they granted him a license to operate an even larger establishment that borders on a residential historic district where people can't even double-pane their windows without getting D.C. permission. It would be a terrible mistake.

And more important, we don't think it
would meet the standards for licensure. Remember of course that the burden of proof here is on the Applicant.

The more we see, the more we're certain that what we were handed at first was just another version of a high-end steak house gambit where an applicant promises a high-end steakhouse but delivers a rowdy nightclub.

Here, they started by starting a full-service Ethiopian restaurant, but now it's completely obvious that they cannot succeed without morphing into a nightclub and a hookah bar with a capacity of nearly 300 people.

They are going to provide testimony from an MPD officer from 3D who was assigned to the area where Secret Lounge is located. Officer Brian O'Shea was himself the victim of violence inside the establishment, peace, order and quiet.

You will also hear from MPD Officer who formally worked that area and is now assigned to 2D which is where the new establishment, Signature Lounge, will be located. Lieutenant John Merzig will provide insight into the operations in Secret Lounge, and testify how granting a license to this Applicant to open
Signature Lounge north of Dupont Circle will impact not only on the immediate neighborhood, but on the deployment of police resources in Club Central, on M Street and 19th Street.

The clubs south of Dupont Circle which is the largest nighttime entertainment zone in the City, and is the goose that laid the golden egg for the City in terms of business, in terms of tax revenue, in terms of entertainment, it's an area that needs the protection that it has now.

You will also hear from a gentleman named Jim McGlade who owns and operates a retail shop next door and who for a number of years lived upstairs from that retail store in the abutting structure. Mr. McGlade will speak about how this business will affect his business, how it will affect the current residents of the apartment upstairs which may become unlivable if there's a deejay blasting music at 3:00 a.m. He will explain to you why this former grocery store is simply not built to operate as a nightclub.

I'll testify on ANC issues, and an Inspector/Investigator Rhoda Glasgow will be called to testify about a violation of COVID
protocols that will show in her investigative report the Applicant's lack of concern for the safety and well-being of his own customers, the willful disregard, and the health and safety of the community at large during the worst public health crisis of the past 100 years.

We believe the evidence, Mr. Chairman, will show the Applicant should not be granted a license, but we don't have that burden of proof. The burden of proof of licensure is on the Applicant to prove he deserves it. And it seems that upon viewing the evidence and hearing the testimony that we're going to present, the Board will be compelled to take into account peace, order, quiet, public safety concerns, and the record of the Applicant in his current establishment, and invoke respectfully to deny the application.

Thank you, Mr. Chairman.

CHAIRPERSON ANDERSON: Thank you Mr. Silverstein. Mr. Engelmann.

MR. ENGELMANN: Thank you Mr. Chairman. I'm here today on behalf of the Dupont Circle Citizens Association which is a community association open to all residents in Dupont
Circle. Like the ANC, we are protesting this application because of the negative effects of the proposed establishment on peace, order, and quiet.

The Dupont Circle neighborhood benefits from a strong residential community and indeed a vibrant restaurant environment. The vibrancy of the neighborhood though requires a balance between the needs of business and the need to maintain peace, order, and quiet in the residential areas of the neighborhood.

Part of that balance as has been noted has been locating nightclubs in the neighborhood south of the Circle in the so-called Club Central District. This has ensured that the late night noise and crowds associated with establishments focused primarily on alcohol and entertainment are located in the business district a good distance away from most residents, and certainly away from the historic district.

In addition, this arrangement has fostered a vibrant night life for the neighborhood, and as Commissioner Silverstein noted, for the City as well. However, the neighborhood has a long history of issues with
taverns which operate essentially as nightclubs causing disturbance and havoc to the neighborhood.

The use of outside entertainment promoters with no accountability to the neighborhood has been a particular flashpoint for us, and it has resulted in the ANC adopting guidelines requesting that taverns a no promoter settlement agreement.

The testimony of Jeff Rueckgauer, longtime resident, will discuss some of these issues and details, and we have placed into evidence our most recent settlement agreement with the tavern which includes the no promoter provision.

Maintaining the balance in the neighborhood requires mutual respect, transparency, and a willingness to reach mutually acceptable compromises. As it's been noted, the history of interaction of this Applicant with the neighborhood has demonstrated none of those characteristics.

In the PIP we have submitted, we do prefer and request that this application be denied, but we have also offered a lengthy series
of requirements that if the Board in its wisdom determines otherwise, be imposed upon the Applicant including most importantly a no promoter provision.

Thank you for your time.

CHAIRPERSON ANDERSON: All right, thank you. Before we move on, I just want to get some clarification from the ANC. How are the two representatives going to -- tell me what are you going to do, Mr. Silverstein, and what are you going to do, Ms. Roggensack.

MR. SILVERSTEIN: Ms. Roggensack will question me. I will handle the rest of it.

CHAIRPERSON ANDERSON: Okay, fine. I just want to make sure that I know what role everyone is going to play. All right, thank you. All right, so the Board -- all right, the Board will call its first witness, Mr. Donnell Butler. Mr. Butler, can you spell and state your name for the record please.

MR. BUTLER: Yes, good afternoon Mr. Chairman. My name is Donnell Butler, D-O-N-N-E-L-L B-U-T-L-E-R.

CHAIRPERSON ANDERSON: All right Mr. Butler, can you please turn your microphone up
because your voice is very soft. I want to make sure that we hear you clearly.

MR. BUTLER: How's that?

CHAIRPERSON ANDERSON: That's much better.

MR. BUTLER: That's much better?

CHAIRPERSON ANDERSON: That's better.

BY CHAIRPERSON ANDERSON:

Q All right, Mr. Butler, where are you currently employed, sir?

A Say again?

Q Where are you currently employed?

A Oh, I'm employed for the Alcoholic Beverage Regulation Administration.

Q How long have you been employed with ABRA?

A I've been employed with the Alcoholic Beverage for nearly 22-plus years.

Q Now what is your current job title at ABRA, sir?

A My title is as an Investigator.

Q And what are your duties and responsibilities as an Investigator?

A My duties and responsibilities are ABC violations of licensed establishments in the
District of Columbia to regulate Title 23 and 25.

Q     So what does that mean, sir? What do you do? What is it that you do daily, sir?

A     I go out and I look for violations of licensed establishments within D.C. area.

Q     What do you mean by you look for violations?

A     Any violations that occur within the licensed establishment under D.C. 25 and 23, make sure that the licensee is in compliance.

Q     So tell me, so what do you do? So tell me what you do when you go out. Normally what is it that you do?

A     When I go out I look for the ABC establishment that I'm addressing. I make sure that the managers are there, the owner is there, and alcohol is not being served to minors, and everything is compliance with the laws.

Q     Now, are you familiar with this establishment, sir?

A     Yes, sir.

Q     And how are you familiar with this establishment?

A     I was assigned as an investigator to look into the protest matters of a new
establishment.

Q    And, all right. So, did there come a
time that you wrote a report, a case report
regarding this establishment?

A    Yes, sir.

Q    Now, do you have the ability to share
your screen?

A    Yes, sir.

CHAIRPERSON ANDERSON: Ms. Andrews,
can you please give him the ability to share his
screen please?

MS. ANDREWS: Sure, stand by. Okay,
Mr. Butler, you can share your screen.

CHAIRPERSON ANDERSON: So --
MR. BUTLER: Okay. I have to re-pull
it up. Standby for a minute, sir.

CHAIRPERSON ANDERSON: Thank you.
MR. BUTLER: Okay, I have it now.
Thank you.

BY CHAIRPERSON ANDERSON:

Q    All right. So have you -- can you
bring the case report up?

A    My case report is up, sir.

Q    We can't see it.

A    You can't see it?
Q    No.
A    One second. Let me adjust something here.
Q    All right. So can you identify the document on the screen, sir?
A    Yes, this is a case report that was written by me regarding the protest issues of Signature Lounge.
Q    Now did there come a time that you spoke to any, you interviewed any of the parties in this case?
A    Yes, sir.
Q    Tell us who you interviewed sir, and what were you able to gather from them?
A    Okay. On Thursday, June 3rd, approximately 1:15 p.m. I contacted Glenn Engelmann, protest representative for Dupont Circle Citizens Association via telephone to speak with him regarding the protest investigation of Signature Lounge.
Q    And what information -- what I need you to do, Mr. Butler, just summarize who you spoke to about the protest and what information you were able to gather from that person.
A    Okay. Mr. Engelmann basically stated
that Signature Lounge would impact peace, order, and quiet, and the concerns surrounding Signature Lounge.

I also spoke to -- one second here -- I spoke to Commissioner Roggensack. Ms. Roggensack said she did not want to speak on record, but she referred me to Mike Silverstein and his concerns were Signature Lounge is mainly for safety of the community and the number of times that the establishment would utilize outside promoters for evening entertainment.

And Mr. Silverstein also stated that three times per week outside promoters and entertainment would not be acceptable, stating further that residents would feel unsafe due to various events that have already occurred throughout the city.

Mr. Silverstein stated that he believes allowing the establishment to use outside promoters once a month may be acceptable.

Q Did you get an opportunity to interview the licensee?

A Yes. I interviewed the licensee. I spoke to him Wednesday, June 16, by telephone.

And Mr. Daneale, regarding the Signature Lounge
applicant, Mr. Butler arranged a meeting to meet
with him at 1:00 o'clock p.m. at the
establishment.

He stated that he complied with the
ANC's request regarding music and noise by
putting speakers away from the windows, and
adding approximately 13 cameras.

Mr. Daneale also stated that he wants
to be able to have entertainment at least three
times a week to keep his business solvent and
revenue stable.

He also stated that he does not have
the client following that outside promoters would
be able to generate revenue for his business. He
also stated that he plans to operate a family-
style restaurant offering breakfast, lunch,
dinner and et cetera. And he also stated that,
the Licensee also stated that he would ensure
trash pickup four times a week.

He also mentioned that, he stated that
the previous owner at 1727 Connecticut Avenue
operated a restaurant with a CT license and no
stipulations with a nightclub. He believes that
this CT license is grandfathered in under the
previous owner's CT license.
And the licensee also mentioned in regards to the establishment on 9th Street N.W., he stated that it does not have any violations. That's the gist of that conversation.

Q     All right. So can you tell us a little bit about the characteristics of the neighborhood, sir?

A     Okay. The characteristics of the neighborhood, the zoning is MU20, zoned to intend to permit minimum density, compact mixed-use development with emphasis on residential development and the nearby establishments.

Q     Yes. So how many other establishments are in the area?

A     Okay. According to the District of Columbia Geographic Information System, there are 38 Board-approved ABC licenses located within 1200 feet of the Signature Lounge. And please note that of the five CT restaurant establishments, two have entertainment endorsements, two have sidewalk cafes, one has games and skills endorsement, and none have settlement agreements.

Q     All right. So did -- what type of establishment is this that's being proposed based
on your investigation? What is the mission for your to gather about what type of establishment is being proposed?

     A    If I understand you, they propose to have a CT license, a tavern license with the hours of operation.

     Q    I'm saying based on your conversation with them and what you wrote in your report, what is it that they plan to have? I mean, do they plan to have entertainment? I mean, is this a restaurant? I mean, tell me, what is it?

     A    They plan to have a family-oriented restaurant with American cuisine and Ethiopian cuisine, and entertainment at night. That is what --

     Q    I'm sorry?

     A    That is what the restaurant is set up to be.

     Q    Did they provide you with, like a menu? Did you see a menu? Did they provide you with one?

     A    They didn't provide a menu, no sir.

     Q    Okay. So what are the hours that are being requested for operation?

     A    The hours are from Sunday to Thursday,
the hours of operation 7:00 o'clock to 2:00 a.m. And Friday and Saturday, 7:00 a.m. to 3:00 a.m.; Saturday, 7:00 a.m. to 3:00 a.m. That's the hours of operation. If anything, the hours of sales of beverage, alcoholic beverage are 9:00 a.m. to 2:00 a.m.; Friday and Saturday 9:00 a.m. to 3:00 a.m.

Q Let me go back to their menu. You said you didn't see a menu. Did you ask them for a menu?

A No, I'm sorry, I didn't ask for a menu because they were still under construction at the time.

Q But they told you that -- but did you ask if they had a menu proposed? How did you know what type of food they were going to provide? Did they tell you that specifically?

A Yes, sir. During the conversation he said he was going to serve American food along with Ethiopian cuisine.

Q Now, and if you don't know the answer you can say you don't know the answer, but the hours of operation that have been requested by this establishment, is it different or similar to the hours of operation for the 38 other
establishments that you mentioned that operate in
the area?

A I'm not certain about the difference
between the hours, sir.

Q I didn't ask if there was a
difference. I'm saying are these hours in line?

Do you know whether or not they are similar to
the hours for the other establishments? If you
do not know you can say you don't know. But are
they similar, are they different, do you know?

A I don't know, sir.

Q All right. Did you or any other
investigator visit the premises?

A No, it was only myself, sir.

Q And did you visit the premises? How
many times did you visit and what did you see?

A I visited the establishment
approximately five times. And out of the five
times that I visited there was no -- the
establishment was closed first of all -- no
trash, no loitering, no litter was observed, no
alcohol regulation violation was noted.

Q Did you -- is this establishment open?

A No, sir.

Q So, did you, what time -- did you go
at different times of day to observe the area?
Since this establishment is not operational, did you go at different times of day to get a feel of the neighborhood?

A Yes, sir. Mostly --

Q What times of the day -- I'm sorry, go ahead.

A During my work schedule, I visited them on a Friday, 1:30 p.m. to 1:45 p.m. The neighborhood was pretty quiet, not a lot of people, not a lot of pedestrians walking around. Traffic was pretty moderate.

Wednesday on June 9th I visited them at 2:00 p.m. to 2:30 p.m., and pretty much the same view. Pretty quiet, not a lot of pedestrians walking around. No loitering, no trash.

And I also visited at 10:30 p.m. on the Friday, and you know, it was pretty mild. No pedestrians walking, no loitering, maybe one or two people walking back and forth, but nothing out of the ordinary, and no ABRA violations. And as I said, the establishment was closed the whole time, so there was not -- it was pretty quiet in the neighborhood.
I also visited on Saturday which was 10:00 p.m. -- looks like 10:00 a.m. to 10:15.
And then on Wednesday, 6/17, 12 o'clock p.m. to 1:00 p.m., 1:45 p.m.

Q All right. Are there any exhibits attached to your report?
A Yes, sir.
Q And can you go over the exhibits attached to your report, please?
A Okay. Let me see if I can bring them up. You can start with Exhibit 5 which is the exterior photograph of Signature Lounge.
Q Can you show that to us, please? So why don't you show us the exhibit and then --
(Simultaneous speaking)
A Okay, here's Exhibit 5, the exterior.
Q Why don't you go through -- the exhibit doesn't start at 5. So why don't you just go through all of the exhibits that are attached to your report, sir.
Exhibit 2, a copy of Dupont Citizens Association DCCA protest letter.
Exhibit 3, the District of Columbia
Geographic Information System within 1200 feet.

Exhibit 4 shows another District of Columbia Geographic System, no public schools within 1200 feet.

Exhibit 5, exterior photographs of Signature Lounge.

Exhibit 6 is another view of the establishment of Signature Lounge.

Exhibit 7 is another view of Signature Lounge, the exterior.

Exhibit 8 is the left side adjoining building at 1727 on the left side of the building which is under construction.

Exhibit 9 is exterior of the adjoining building on the right side of the establishment.

Exhibit 10 shows the exterior of Signature Lounge in the rear of Signature Lounge.

Exhibit 11 also shows the exterior rear, another angle.

Exhibit 12 shows the storm bin, it's kind of on the side. It shows the oil bin.

Exhibit 13, as you can see that's on the side view too. That shows Signature Lounge trash cans in back of Signature Lounge.

Exhibit 14 shows a nearby residence at
1724 20th Street, brownstone apartment on 20th Street in the rear of Signature Lounge.

Exhibit 15 shows a nearby residence, 1717 20th Street. It's an apartment building also on the rear of Signature Lounge.

And Exhibit 16 is the inside lounge facing the street, looking out at Connecticut Avenue.

Exhibit 17 is the interior lounge facing the bar area as you enter Signature Lounge.

And here's another view. Exhibit 18 is facing the tables in Signature Lounge.

Exhibit 19 is from the second floor or the mezzanine overlooking the first floor.

Exhibit 20 is the staircase leading to the second floor.

Exhibit 21 is the interior of Signature Lounge second floor lounge area.

Exhibit 22, interior lounge, second floor, table seating area facing the bar.

There's a small bar to the right-hand side of the second floor.

Exhibit 23, the interior of Signature Lounge, second floor table seating area,
approximately seven tables.

Exhibit 24, they have bench seating around the left side of the second floor on the wall.

Exhibit 25 shows a photo of the women's and men's restrooms on the first floor.

Exhibit 26 shows the kitchen area; 27 shows the kitchen area of the stoves; 28 also shows the kitchen area of the sinks.

29, it shows proposed license, ABC hours of operation of Signature Lounge, ABRA 117485.

And number 30 is the email from the Unified Communications showing no calls for service.

And 31, oh 31 is the no call for service.

Q What is 30 please?

A 30 is showing the public notice of Signature Lounge, nature of operation.

Q All right. So you said 31 is the response from the office of Unified Communication. Were you able to -- did they have any information regarding any complaints from that address?
A  None at all, sir. No complaints at all for the area from April to the current June.

Q  Now let me ask the question it's correct that this establishment is not open, is that correct?

A  Correct.

Q  And I saw you showed several interior shots of the establishment. Did the owner represent to you that this is an actual representation if a license was granted this is what the business would look like?

A  When I was there during a walk-through, he was currently talking about re-doing the wallpaper, remodeling the place, so I don't know what it would look like from this day to the next.

Q  So what I'm trying to find, so all the furniture and chairs and stuff that you shared, did you get an impression during the walk-through that if the license would be granted, that this would be an accurate representation of what the place would look like?

A  Yes, sir.

Q  So, I'm sorry. You're saying yes to what?
A    Yes, I'm saying that is a pretty much
accurate representation of what the establishment
would look like if they granted the CT license.
Q    All right. Thank you, Mr. Butler.
You can close your screen now, sir.
A    Okay.
CHAIRPERSON ANDERSON: Do any other
Board Members have any questions for Mr. Butler?
MEMBER SHORT: Mr. Chair, I'd like to
have a couple for him.
CHAIRPERSON ANDERSON: Mr. Short.
BY MEMBER SHORT:
Q    Good afternoon Investigator Butler.
A    Yes, sir. Good afternoon.
Q    How many visits did you make to this
Applicant's location?
A    Approximately five, sir.
Q    And they're closed, so what did you
expect to find when they are closed?
A    Well, I was looking for what I was
assigned to do with peace, order, and quiet; if
there was any noise in the area, any loitering,
any littering, any trash that may be around the
establishment. Other than that, the
establishment was closed and no visible signs of
anything unordinary.

Q This question is to your ability to
maybe predict. Since it was quiet and peaceful
on those visits you made, would it be like that
with the business open in your opinion?

A I can't say. Because once the
business is open, I don't know what the
atmosphere would be like.

Q Thank you. That's a very honest
answer. Now, this is going to be a CT in a
tavern, and they are asking the Board for
entertainment how many nights a week?

A I'm not certain. At least three
nights, at least three nights a week.

Q Okay, and how many nights did they say
they would have a, they would lease the club out
to other people or other agents?

A From what I understand, he will have
promoters at least three nights a week, sir.

Q Did he commit to that?

A That was in conversation. It may not
be a commitment on his part, but that was in
conversation in order to begin his revenue and
make his business payable. Three nights week
would definitely do that.
Okay. And what kind of business do you think he -- I know you said CT, and we know that most CTs don't function until -- at least the ones that do more than 70 percent of their food sales. So, in your opinion, it looked like a pretty large kitchen equipped to handle any kind of crowds, that's a commercial kitchen.

And he had no menu or couldn't tell you any idea of what kind of food he was going to serve other than telling you it was going to be American and Ethiopian. There was no menu as you said to the Chairman, is that correct?

Correct, sir.

So in your 22 years of service to ABRA, how many establishments have you visited that have a CT that don't have a menu?

In the years that I have been an Investigator visiting CTs that don't have a menu, there's not a lot. There's probably none if any. Most of them do have some type of menu. But I would say that if he's up and coming, he's getting his establishment online, then he's probably prepared a menu for this establishment. But at that time I didn't ask for one, he didn't present one at the time.
MEMBER SHORT: Thank you very much Investigator Donnell Butler. Those answers were right on time, and thank you very much. That's all I have Mr. Chair.

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

MEMBER GRANDIS: Yes, Mr. Chairman.

CHAIRPERSON ANDERSON: Yes, Mr. Grandis.

MEMBER GRANDIS: Thank you.

BY MEMBER GRANDIS:

Q Mr. Butler, I want to thank you for attending today, fulfilling your obligations, and the good presentation you made. Thank you very much.

A Thank you.

Q Would you be able to put the document back up so we can see it so I can go through some questions I have?

A Yes, give me a second please.

Q Thank you.

A Okay.

Q Thank you, sir. Could we go to Exhibit 16?
A  Okay, Exhibit 16.

Q  And you explained this that this is
the rear of the establishment that is facing on
20th Street N.W.?

A  No, sir. That's inside the
establishment facing Connecticut Avenue.

Q  Thank you. I wanted that
clarification. Looking at the windows, and you
may not be an engineer, but do you have any
observation on whether those windows actually are
soundproofing or just typical windows?

A  As you said, I'm not an engineer so
from my observation they look like typical
windows.

Q  And I -- we won't take that as an
engineering comment, but it is something I think
we need to discuss. Number 20, could you go to
number 20 please? And as you do that, I'm seeing
tables and chairs, I just want to clarify.
That's actually how it looks today -- oh no,
that's actually how it looked when you went in?

A  Correct.

Q  And did you find out if those tables
and chairs are placed by the new owner with
potential licensing, or is that how they found
them when they rented the place?

A I'm not certain, but when I visited
the establishment that's what I saw and that's
what was there when I visited the establishment.

CHAIRPERSON ANDERSON: I'm sorry to
interrupt. Are we talking about Exhibit 19 or --
I just want the record to be clear.

MEMBER GRANDIS: No, no, we're talking
about Exhibit 19 right now. Yes, I apologize.
That's my error, Mr. Chairman.

CHAIRPERSON ANDERSON: Okay.

BY MEMBER GRANDIS:

Q Okay. Can we go back to 16?
A Yes.

Q Oh, I'm sorry, we already talked about
it. Number 20.
A Number 20.

Q I just don't have the document in
front of me, I apologize.
A Okay, number 20 is up.

Q Okay. It looks like you're going from
one floor to another, is that correct?
A Yes. As you enter into the
establishment and you walk towards the rear,
there's a set of stairways that you see on the
right-hand side leading up to either the second
floor it's called or the mezzanine, whichever you
prefer to call it.

Q And do you know if this is a poster
that has been put up by the proposed licensee, or
is this something he inherited?

A I believe that's something that he
inherited.

Q I thought during the presentation
there was a statement about this being a family-
style restaurant?

A Correct.

Q Okay. I just wanted to make sure I
understood that correctly. Thank you. Let's
see, number 24?

A 24, okay.

Q I think we discussed that. Number 29?

A 29.

Q Oh, can you stop one moment? Do you
know, and maybe you did inquire, all that kitchen
equipment, is that something that the current
potential licensee inherited or has he already
been, you know, putting in new equipment?

CHAIRPERSON ANDERSON: Hold on. Are
you talking about exhibit 28?
MEMBER GRANDIS: Yes.

BY MR. BUTLER:

A 28. I'm not certain if he inherited it or he acquired that particular equipment.

Q Thank you. We can now go to 30 -- no, no, 29, that's where we were heading, 29.

A Okay, 29.

Q And because of my screen, and I apologize it's very small, can you just, for the record, go through the standard hours that they're requesting and whether it's for, including the hours for entertainment?

A As it stands, the hours of operation are from Sunday through Thursday, 7:00 a.m. to 2:00 a.m.; Friday and Saturday, 7:00 a.m. to 3:00 a.m. The alcohol --

Q Could you report -- I'm sorry, go ahead.

A The alcohol sales on Sunday through Thursday are 9:00 a.m. to 2:00 a.m., and Friday 9:00 a.m. to 3:00 a.m.; Saturday 9:00 a.m. to 3:00 a.m.

Q Okay, thank you. And did you talk about the hours of entertainment?

A No sir, we didn't get into that.
Q Oh you didn't, okay. I thought I heard you mention something about 10:00 p.m. is when they would bring the entertainment on?

A No, sir.

Q Oh, okay. I misunderstood you then. Okay, let's go to number 30.

A Okay.

Q Now we're looking, I think, it's pretty small for me to read, but there's something occupancy on there.

A Yes. The nature of operations, the notice of public hearing. The occupancy is, what they state here is 267. A total occupancy load is 277.

Q And it looks like they say, looks for a cover charge. Is that what they're asking for?

A Yes. Entertainment, dancing and cover charge.

Q And did they talk to you about where the dance floor would be if there is a dance floor?

A No, they didn't.

Q Did they talk to you about moving tables and chairs?

A No.
Okay. Did you have an opportunity to get a current C of O? Not the one that they're applying for but on the building now?

A No, sir.

Okay, good. That's a good answer, thank you.

MEMBER GRANDIS: That's all the questions I have. Mr. Chairman, I want to thank you for letting me do that. Thank you.

CHAIRPERSON ANDERSON: Thanks Mr. Grandis. Mr. Butler, you can stop sharing your screen, please.

MR. BUTLER: Okay, there you go.

CHAIRPERSON ANDERSON: Are there any other questions by any other Board Members? Hearing none, Mr. Bianco.

MR. BIANCO: Sure, sure. Good afternoon Mr. Butler.

MR. BUTLER: Good afternoon.

BY MR. BIANCO:

I'm going to have a few questions for you about your investigation. When you visited the establishment, on the occasions that you visited the establishment, did you take note of any other licensed establishments in proximity to
this location?

A Yes. There are a couple licensed establishments in that area.

Q Okay. Are you going from your records or are you going from your recollection of your actual visit?

A My recollection, sir.

Q Okay. So did you observe the establishments that are in proximity actually operating?

A I am trying to remember. Yes, I did at one point remember, but I can't recall the name of the establishment. It's on the south side of the, going southbound on Connecticut Avenue.

Q Okay. And how about the nightclubs that are in the area, are you familiar with those?

A Yes, I'm somewhat familiar with the nightclubs.

Q Okay. Are you -- let me ask you this just taking a step back. Is this an area that you were assigned to in the course of your duties as an ABRA investigator?

A No, sir. No particular areas are
Q    Okay. So on your exhibit, you said there was 38 nearby establishments within 1200 feet, and two of the ones you list are nightclubs. So I want to go down to the second of two which is Assets at 1805 Connecticut Avenue. Is that the establishment that you observed on one of your visits? Is that the one you're talking about?

A     No, sir.

Q    Okay. Have you observed Assets in operation?

A     In passing on some of my night tours, I have observed Assets, yes.

Q    Okay. And what can you tell me about that particular location?

A     That location, during the time I was making my rounds, the nightclub Assets was in operation. They had one, two, maybe three security guards outside of the establishment. I did not interview the establishment. There wasn't a lot of patrons outside. They were open for business though.

Q    Okay. So were there patrons outside? You said there wasn't a lot, but does that mean
there were some patrons outside waiting to get in?

A I think what I noticed on one particular time was maybe one or two patrons waiting to get inside or just standing on the outside of it.

Q Okay. So what did you know about foot traffic on the street in that area?

A There's not a lot of foot traffic in that area. From Connecticut Avenue in front of Signature Lounge there wasn't a lot of foot traffic at all. On that particular corner, Florida Avenue where Assets is located, maybe one or two patrons observed walking to and from. Maybe from the CVS across the street, but not a lot of foot traffic at all.

Q Okay. I want to go back up to the first nightclub that appears in your report which is Gazuza at 1629 Connecticut Avenue. Are you familiar with that establishment?

A I know it's there. There's a lot of establishments that we have to deal with, so I'm not, you know, totally familiar with that particular one. If I have to go there for a reason, then yes, I would be familiar with it.
Q    Okay. So you've never been inside
that establishment?
A     Not that I can recall at this
particular time. At a later date maybe.
Q     Have you observed it in the course of
your duties as an investigator in operation?
A     I didn't pay particular attention to
whether it was open and operating or not, no sir.
MR. BIANCO: Okay great. Thank you
very much. I don't have any more questions for
you.
MR. BUTLER: Okay.
CHAIRPERSON ANDERSON: All right. Mr.
Engelmann, do you have any questions for Mr.
Butler?
MR. ENGELMANN: No questions Mr.
Chairman.
CHAIRPERSON ANDERSON: Thank you. Mr.
Silverstein, do you have any questions for Mr.
Butler?
MR. SILVERSTEIN: Yes, I do.
CHAIRPERSON ANDERSON: Go ahead sir.
MR. SILVERSTEIN: Thank you very much
for your excellent report, Mr. Butler.
MR. BUTLER: You're welcome.
BY MR. SILVERSTEIN:

Q    You mentioned that you had been in that area at night?
A    Yes, sir.

Q    You said that it is a quiet area at night?

(Simultaneous speaking)

A    Yes, in the area of Signature Lounge you're talking?

Q    Yes, sir.
A    Yes, sir. For my visit to Signature Lounge at night, and at night because the restaurant is not currently open, there is not a lot of foot traffic in that area. It's very quiet. Not a lot of trash or loitering.

Q    Both front and back?
A    Front and back, there's not a lot of foot traffic, no sir.

Q    Okay. Mr. Bianco mentioned Assets. Has it been quiet around there lately?
A    Yes, from the past few weeks that I drove through the area it has been fairly quiet.

Q    Has there been a shooting there lately?
A    Not within the past week or so. I
know what you're referring to, but no.

Q      Okay. I would like to go to some of
the exhibits very quickly and point some things
out. And it's important that I point them out
now because I'm not sure, and I'll ask the Chair.

MR. SILVERSTEIN: Would be best for me
to point these out now, these things we're going
to be asking people about, regarding the location
and the proximity to things. Will we have the
opportunity to do that later Mr. Chairman, or
would it be good to just do it now?

CHAIRPERSON ANDERSON: Not with this
witness sir. So if you have a question that you
want to ask the witness about, you ask the
witness. You can ask more questions, but you
won't have this witness.

MR. SILVERSTEIN: Okay.

BY MR. SILVERSTEIN:

Q      Could you go to first, Exhibit 5, if
you could share your screen. We're going to
refer to these later, and these are critical as
to the effect on the neighborhood.

A      Okay, Exhibit 5.

Q      Okay. That is the front of, am I
correct, this is the front of the proposed
establishment, and on the right of it is an establishment called Bite the Fruit?

A Correct, sir.

Q And are they abutting?

A Yes, sir.

Q There's nothing between them, there's just a party wall?

A Just a fire wall, party wall.

Q Okay. Number 9 please.

A Okay.

Q That -- so there's a place called Chocolate City Wellness on the bottom, and Bite the Fruit is on the top, so it would be up against the second floor and the mezzanine of what will be Signature Lounge, correct?

A It appears to be, yes. I can't say the structure inside of Signature Lounge, the wall is abutting the top floor as you see the windows there. But it appears to be.

Q I just want to make sure when we refer to these things that the Board has these pictures in their mind. Number 10, the rear of Signature Lounge as taken from the street.

A Yes.

Q Can you tell us a little about the
street. Is it a one-way street, is it small, and how far is it to the properties across the street where all the people live?

A Yes. The rear of Signature Lounge is on 20th Street. And the brownstone apartments are across the street maybe two, three doors down on the opposite side.

Q Could you go to Exhibit 14?
A 14, okay.

Q This is 1724 20th Street?
A Yes, sir.

Q Is this the one that is almost directly behind Signature Lounge, which is 1727?
A Yes, it's exactly opposite or diagonally across from Signature Lounge on the rear side.

Q So maybe about 50 steps from the front of that to the back of Signature Lounge?
A Yes, about 50. Yes, I would say so.

Q And Exhibit 16 is also going to be very critical. This is the front of Signature Lounge, the sidewalk there?
A Yes. That's from the inside of Signature Lounge looking out towards Connecticut Avenue.
Q    There's a railing there to delineate, I assume, a sidewalk caf', correct?
A    Yes, sir.
Q    And there's a tree box there?
A    Yes, sir.
Q    And this is absolutely critical. How much space do you think there is between the railing and the tree box?
A    I would estimate about five, six feet maybe --
Q    Five or six feet --
A    -- between that tree box and the railing.
Q    Yes.
A    I would say my estimate right now would be about may six, maybe seven from each.
Q    And they're asking for an occupancy of 277, and people standing in line at night?
A    What I understand is the occupancy, yes, is 277. The occupancy load is 277. Total capacity 267.
Q    Okay, well, we're going to bring that up. But I just wanted the Board to have the opportunity to see these things, and thank you for taking these shots. Exhibit 20?
Okay. The -- forget the picture. The issue here is one of noise and a noise conduit. This is a stairway that leads up to the mezzanine, correct?

Correct, sir.

And on the back of -- behind that photo, behind that picture rather, is the shop next door, correct, or the building next door?

The building next door, yes sir.

Did you see anything in the way of major noise baffling or anything there?

No sir, I can't say that I have.

And finally, Exhibit 21, the party wall itself.

Yes, sir.

Again, do you see any -- that's directly against -- you have a case where the noise goes up the stairs, but what is there at that point that separates it from the place next door and also the apartment above it?

All I can say is just as you go up the stairway there's just a wall to the right-hand side that you're looking at that leads to the small bar towards the end. I don't know the
sound barrier or how thick the wall is next to
the apartment that's adjacent.

MR. SILVERSTEIN: Well, your report
was thorough. I want to thank you for it, I want
to thank you for the pictures, and thank you for
the opportunity to present them now to the Board.
Mr. Chairman, we may want to go back and refer to
those pictures later. Will that be a problem?

CHAIRPERSON ANDERSON: Mr.
Silverstein, these are part of the Board's
records. And so Mr. Butler took the pictures,
you have questioned him about these records, so
I'm not quite sure. I guess at some point if you
have a witness who you want to testify and --
this is the Board's records and you can recall
later on if you have someone who can further
elaborate on them.

MR. SILVERSTEIN: Okay. I don't want
to create any additional time problems. It's
just when people are describing, for example,
where they are in comparison to this and why it's
a noise conduit or things like that, that's why
we did it now. Thank you, sir.

CHAIRPERSON ANDERSON: Do you have any
further questions?
MR. SILVERSTEIN: No, sir.

CHAIRPERSON ANDERSON: All right. Any final questions for Mr. Butler by any Board Member? All right. Mr. Butler, thank you very much for your testimony, sir.

MR. BUTLER: You're welcome sir.

CHAIRPERSON ANDERSON: All right. Mr. Bianco, call your first witness please.

MR. BIANCO: Dereje Daneale.

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

MR. DANEALE: I do.

CHAIRPERSON ANDERSON: All right, thank you. Your witness Mr. Bianco.

MR. BIANCO: Thank you.

BY MR. BIANCO:

Q Dereje, can you state your name and spell your last name for the record please?

A My name is Dereje Daneale, D-E-R-E-J-E, last name Daneale, D-A-N-E-A-L-E. I'm the owner of Signature Lounge.

Q Okay. That was my next question. And the corporate name for Signature Lounge is
Abarash, LLC, correct?

A       Yes.

Q       And it's located at 1727 Connecticut Avenue, N.W., is that correct?

A       Yes.

Q       Okay. And you just testified that you are the owner of that establishment. Are there any other owners?

A       No.

Q       Okay. So it's just you?

A       Yes.

Q       Now, this is a new establishment, but do I understand correctly that you are not operating right now even without alcohol service?

A       No.

Q       No meaning you're not operating, correct?

A       Not operating. We've been closed more than six months.

Q       Okay. And when do you plan to open?

A       As soon as we get the license.

Q       Do you have all of your other licenses and permits?

A       Yes.

Q       Okay. And what is your occupancy?
Okay. And can you describe the setup of your establishment?

Basically, we want to do breakfast and lunch and dinner. At same time, you know, nighttime nightlife, you know, band, deejay, that's the plan.

I understand, and we're going to get to that. But let me take a quick step back for a moment, and let's talk about the physical layout of the establishment. How many floors is it?

There is one floor and mezzanine too.

And what's on the ground floor?

The first floor is where we have the tables and a bar and restaurant, and at the same time behind the kitchen.

Okay. And what's on the mezzanine?

Mezzanine is Signature Lounge. We have food, chairs and tables.

All right. So I'm going to ask Mr. Chairman if I could get the ability to share my screen so I could go through my exhibits.

Ms. Andrews, can you please allow Mr. Bianco to share his
screen please?

MS. ANDREWS: Sure. Stand by. Okay Mr. Bianco, you can share your screen now.

MR. BIANCO: Excellent. Thank you very much. Okay.

BY MR. BIANCO:

Q So Mr. Daneale, you should be able to see on your screen what is marked as Exhibit 1, are you able to see that?

A Yes, it's the front side of Signature Lounge.

Q Okay. There was some discussion in the Investigator's testimony about this railing, this railing here. What is that?

A Basically, outside seats of the place.

Q Yes. But does your application include a request for a sidewalk caf,?

A No.

Q Okay. So did you construct that railing or was that railing there when you moved in?

A No. The previous owner, he used the same areas.

Q Okay, great. Do you have -- is there anything in your application that would allow for
operations outside?

A      No.

Q      Okay.

MR. BIANCO: Mr. Chair, is it your preference that I move exhibits as we go through or do you want to wait until the end?

CHAIRPERSON ANDERSON: We can move them as we go through them.

MR. BIANCO: Okay. I move Applicant's -- oh, I'm sorry, one more foundation question before I move it.

BY MR. BIANCO:

Q      Is that how the establishment looks today from the outside?

A      Yes.

MR. BIANCO: I move for admission of Exhibit number 1.

CHAIRPERSON ANDERSON: Mr. Silverstein or Mr. Engelmann, any objection?

MR. SILVERSTEIN: No objection.

MR. ENGELMANN: No objection.

CHAIRPERSON ANDERSON: So moved without objection.

BY MR. BIANCO:

Q      I want to go onto what I've marked as
Applicant's Exhibit 2. Do you recognize that?

A Yes.

Q And what is that?

A This is the first floor restaurant, the bar and the tables.

Q Okay. How many bar seats do you have?

A Probably 20.

Q Okay. And how about tables? How many do you have?

A Same amount, maybe 22.

Q Okay. And how many seats at each table?

A The first floor we set up like four to six people.

Q Per table, okay. And is this how the establishment looks today?

A Yes.

Q And how about when you open? How is this going to compare to how the establishment is going to look? Will it be the same or different?

A A similar look.

Q Okay. So what are you going to do, if anything, that is different?

A The lounge, you know, will have furnitures.
Q Okay. But is the number --

CHAIRPERSON ANDERSON: I'm sorry Mr. Bianco, I did not hear what he said.

MR. BIANCO: Okay. Can Dereje --

MR. DANEALE: It is lounge, lounge and restaurant.

BY MR. BIANCO:

Q Okay, so what my question is, is the number of tables that you have there going to change?

A Yes.

Q And how is that going to change?

A So basically, if you do the restaurant and the lounge, the difference between the tables and the furniture. So when you put furniture with a couple tables. So that's how it set up.

Q Okay. And how many tables is that going to affect? You said a couple, but what does that mean?

A So probably the same numbers, 15 or 20.

Q Okay. So, when you open, you're going to have how many tables?

A Around 15 per floor.

Q And I see at the top, on the ceiling
at the top of the photograph I see a number of white boxes. What are those?

A Those are speakers.

Q Okay. And how many of those do you have?

A I think six.

Q Okay. Are there presently any other speakers in this area of the establishment?

A Yes.

Q Okay, where?

A We had a plan to put a different situation in place and we talked to the ANC Commissioner about the situation. I switched the place to a different direction so it's not noisy and disturbing the people.

Q Okay. I didn't 100 percent understand what you're saying there. So you said something about switching the direction of the speakers. Can you explain that?

A So we had a plan to put some speakers close to the window side. But after the conversation with Commissioner Michael, and I changed you to know put in the middle of the restaurant.

Q Okay. So you moved the speakers away
from the windows and towards the middle of the
restaurant. Is that what you're saying?
   A    Yes.
   And when you say the speakers, are
these white speakers on the ceiling what you're
referring to that you moved away from the
windows?
   A    Not that one, a different one.
   Q    Okay. You can't see it in this
picture? Is that right?
   A    No.
   Q    So how close are the speakers to the
windows and doors?
   A    It's really far. After a wall, we had
a restroom. After restroom, we had kitchen.
After kitchen, then last the window side and the
wall. Really far.
   Q    Okay. So by really far, do you mean
30 feet, 50 feet, can you put a number on it?
   A    Probably 50 feet, 100 feet.
   Q    Okay.
MR. BIANCO: Move admission of Exhibit
number 2.
CHAIRPERSON ANDERSON: Any objections?
MR. SILVERSTEIN: No objection.
MR. ENGELMANN: No objection.

CHAIRPERSON ANDERSON: So moved.

BY MR. BIANCO:

Q Moving on to Exhibit number 3, what does this show?

A This is the mezzanine floors, the lounge.

Q Okay. And how many tables or seats do you have there?

A We have six tables. Each table we can sit 10 people.

Q Okay. And is that how the mezzanine looks today?

A Yes.

Q Is that how it's going to look when you open up?

A Yes. It will look similar.

Q Well, how is it going to be different?

A The difference is maybe remove the big tables to the lounge and the furniture stuff.

Q Okay. Are you going to serve food on this level of the establishment?

A Yes.

Q Okay. And are you going to serve breakfast and lunch on this level of the
establishment?

A Yes. Breakfast, lunch and dinner.

Q And dinner, okay. So, where -- so when are you going to move these tables?

A As soon as, you know, approve of the license so when ready to open up.

Q And I see, and there's been some testimony about the benches along the side wall. What are those for?

A That is the previous owner. He used them for seats against the wall.

Q Okay. So you didn't put those in?

A Same concept before.

Q Now, I don't see any speakers on the ceiling here. Are there any ceiling speakers on this level?

A No.

Q Okay. Are there going to be?

A No.

Q Okay. What's the total number of speakers you intend to have on this level?

A Maybe one.

Q Okay. And where's that going to be?

A On the ramp to the stairway.

Q So on the stairway or near it?
A    In the stairway.

Q    And is there going to be any dancing

on this level of the establishment?

A    No, first floor, not mezzanine.

Q    Okay. So what's this area of the

establishment primarily going to be used for?

A    Dining and the lounge.

MR. BIANCO: Move admission of

Applicant's number 3.

CHAIRPERSON ANDERSON: Any objection

by any parties?

MR. SILVERSTEIN: No objection.

MR. ENGELMANN: No objection.

CHAIRPERSON ANDERSON: So moved.

BY MR. BIANCO:

Q    Moving to Applicant's number 4, do you

recognize that?

A    Yes. This is the kitchen.

Q    Okay. And I see some wires that are

hanging there. What are those?

A    That's for our systems, and that

refrigerator for foods.

Q    Okay. Is that going to stay like that

or is that going to get fixed?

A    They are processing to fix now above
the dance floor.

Q And what kind of cooking equipment do you have in this establishment?

A We have food refrigerators, and stoves, and grill. In six months we will have like pizza.

Q Do you have a fryer?

A Yes, I do. Fry too.

Q Do you have an oven?

A Yes.

Q Okay. You mentioned that refrigerators. Do you have a walk-in?

A Yes, we do have a walk-in refrigerator and underground.

Q Okay. So there's a basement area that has a walk-in?

A Yes.

Q Tell me about your food program?

A Basically, we have plans to start from brunch to dinner. So that's the plan to make me a place, to convince me to set up in location that we did.

Q Okay. And what specific food are you going to offer on your menu?

A We try to do, you know, seafood,
burgers, fries, and same time Ethiopian food.

Q Okay. So tell me about breakfast.

What are you going to serve for breakfast?

A We do eggs, pancakes, and you know, juice, coffee, teas, waffles, French toast.

Q What about for lunch? What's going to be on your lunch menu?

A So lunch, we try to do some spaghetti, lettuce, Ethiopian food, and steaks. That's the plan for lunch.

Q Is the dinner menu going to be different than the lunch menu?

A It's similar. The difference is we have a happy hour menu and late night after 4 o'clock with a similar menu.

Q Are you going to have a formal printed menu when you open?

A Yes. We already ready now.

Q Okay. You're already ready?

A Yes.

Q Okay. What type of Ethiopian food are you going to serve?

A Most traditional foods.

Q Okay. Could you describe what those are, please?
A Ribs, pig foot, some veggies, different, you know, wild turkey, different kinds of grapes and lettuce and spaghettis.

Q Okay. Tell me about the hours of operation of your kitchen. What hours are you going to be open?

A Yes, we have plan to open in 6:00 in the morning, 7 o'clock until closing Sunday-Thursday. Sunday is 2 o'clock and Friday-Saturday is 3:00 a.m.

Q So your kitchen is going to be open whenever the establishment is open, is that what I'm hearing?

A Just open to closing.

Q Okay. Have you hired your kitchen staff yet?

A Yes.

Q How many have you hired?

A Six people.

Q And how many are you ultimately going to have?

A Around 20 people to include the bartender, barman, hoster.

Q I'm just asking about the kitchen.

What's the total number of kitchen employees that
you're going to have?

A  Six.

Q  And you've hired them all already?

A  Yes.

Q  Okay. And do you have a chef?

A  Yes.

MR. BIANCO: At this point I'll move admission of Exhibit number 4.

MR. SILVERSTEIN: No objection.

MR. ENGELMANN: No objection.

CHAIRPERSON ANDERSON: So moved.

BY MR. BIANCO:

Q  All right. So now tell me, Dereje, tell me about the front of the house staff. What jobs are you going to have in the front of the house?

A  You mean outside, the front, we'll have uniformed security.

Q  How many security are you going to have?

A  We have two security uniforms. Then the next door when in, we have a host, somebody putting the table reservations to assign to people.

Q  Okay. And how many hosts are you
going to have?
A  I have two hosts.
Q  Okay. And how about wait staff. How many waiters and waitresses are you going to have?
A  We just hired a couple, so assuming eight waitresses, and six bartenders, and two bar backs to help the people or to run out to help them, kitchen runners.
Q  Runners, okay. So tell me about when a guest enters your establishment, what is that going to look like? What are they going to go through when they enter your establishment.
A  You know first, the security makes sure that no one underage, you know over 21, and make sure search well. Nothing, no guns or knives that cannot get in the building, so make sure really search individual person.
Q  Okay. Is that going to be in place during breakfast and lunch as well?
A  Yes.
Q  You're going to search people when they're coming in for breakfast at 7:00 a.m.?
A  Yes.
Q  Okay. And then after they go through
security, what's the next thing?

A So the hostess that assigns the seats, the tables, and how many people have reservations or walk-in, you know, as the second step.

Q Okay. And are people going to be handed menus or is there some other process by which they're going to order food?

A So we had a plan to make a website. Nowadays, people will see the website, you know, want to look at menu. Some of them just walk in the halls.

CHAIRPERSON ANDERSON: Hold on Mr. Bianco. It might just be my feed, but I did not hear anything he said because I believe that there were some issues. Mr. Deneale, what type of equipment are you using sir? Are you using your phone?

MR. DANEALE: Yes.

CHAIRPERSON ANDERSON: Can you just, can you put the phone down so it stays stationary sir, because it's moving. So whatever you're using, can you just have it that it remains stationary sir. Because it's moving. So are you able to put it down so that it stays stationary and it doesn't move? Because I think you have it
in your hand and it keeps on moving.

MR. DANEALE: Is that clear now?

CHAIRPERSON ANDERSON: Yes, it shouldn't move. So make sure it stays and it doesn't move. It's kind of distracting that your background keeps on shifting.

And I believe, I don't know if was just my feed, but I did not hear your answer to the last question because I believe that your internet was -- I heard you, but I didn't hear anything you said because of the interference.

MR. BIANCO: I could go back and ask him the question again if that helps.

CHAIRPERSON ANDERSON: Yes, please ask him the question. And please sir, have the phone stay in a stationary position, sir.

MR. DANEALE: Okay.

BY MR. BIANCO:

Q So what my question was is that when customers enter, are you going to be handing them a printed menu or is there some other way that they're going to order?

BY MR. BIANCO:

A So what I said is that we, you know, website and the menu and the venue look like,
some people even that, but no matter what the
cost, that's our job to anybody here in the
building to hand out the menu.

Q      Okay. And what times of the day are
you going to be handing out menus?

A      We do, that's the reason I hired two
hosts and daytime and a nighttime.

Q      So what times? Is it all times or
less than all the time?

A      All the time.

Q      Okay. And later on in the evening,
after 10 o'clock, can you describe what your
establishment is going to look like? How is it
going to change, I suppose is my question?

A      So, as the night life, we are
assuming, you know, we have more security, we are
assuming five to six securities. Two securities
in the front door, to make sure no one underage,
no one person to be drunk, and somebody takes
care, drinks something, not let them in the
building and to search everybody and they have
wand to search them. Then the host, she take
them to give them menu to let them see the
tables.

Q      Okay. So you said you are going to
have five or six security and two of them were
going to be at the door. Where are the other
ones going to be?

A  Two of them on the first floor and one
of them in the upstairs, and one of them in the
stairway and walk around the building.

Q  So, I want to show you what I have
marked as Exhibit Number 5, do you recognize
that?

A  Yes. This is the back side of the
building.

Q  Okay. On the left-hand side of the
screen here I see here I see a door. Where does
that door lead to?

A  That is a door, employees in and out,
employees and trash. Any service company to use
that entrance.

Q  Okay, and when you go in that door,
where does it lead to?

A  As soon as you get in the door you see
the kitchen.

Q  Okay. And is that door going to be
used by customers for any reason?

A  No.

Q  During business hours, are you going
to have that door opened or closed?
   A  It's closed.
   Q  Okay. Is it going to be locked?
   A  Not locked, but it's closed. That is an emergency exit.
   Q  Okay. Is this how the rear of it looks today?
   A  Yes.
   Q  And are you making any changes to that?
   A  No. We supposed to put in the two cameras on the back too.
   Q  Okay. And they are not there yet?
   A  Not yet, the one, the wire handout, the cameras system, we are working on it.
   Q  And when is that going to be completed?
   A  Almost done wire but we are waiting for cameras. We ordered it. We waiting for shipment.
   Q  Okay. Move admission of Applicant's No. 5.

CHAIRPERSON ANDERSON: Any objection?
MR. SILVERSTEIN: No objection.
MR. ENGELMANN: No objection.
CHAIRPERSON ANDERSON: So moved.

(Whereupon, the document previously marked as Exhibit 5 for identification was received into evidence.)

BY MR. BIANCO:

Q Moving on to Applicant's Number 6, and I am going to turn this so everybody can see it. If you will all bear with me. All right. So what is that?

A This is the back side of the building, using an audio and a trash can in place.

Q And do you have a trash contract?

A Yes.

Q And who is that with?

A NBB.

Q And how often is this trash going to be picked up from your establishment?

A Four times a week.

Q Okay. And what time of day?

A Probably 7 and 8 a.m. until noon.

Q Move admission of Applicant's Number 6.

CHAIRPERSON ANDERSON: Any objections?

MR. ENGELMANN: None.

MR. SILVERSTEIN: No.
CHAIRPERSON ANDERSON: So moved.

(Whereupon, the document previously marked as Applicant's Exhibit 6 for identification was received into evidence.)

BY MR. BIANCO:

Q Okay. So Derege, you talked a little bit about your plans for security and I want to drill on that in a little bit more detail. Are you going to be hiring your own people in-house or using a private company?

A It's a private company.

Q Okay. Do you have a contract with them yet?

A Yes I do.

Q Which one is it?

A So we have a big company. It was a similar to Secret Lounge, it had an insurance holding and trend (phonetic), and more expansive company.

Q Okay and you said it was going to be, I'm sorry you said there was going to be six security guards. Is that going to be every day, or is there going to be a different number on different days?

A Yes, different numbers on different
Q Okay. Can you describe how that is going to be broken down?
A Yes. Most probably Monday, it is the slowest day and they don't see that much customers, so the number will be down. So the weekend will be more traffic and so you can add more people that's the way it is set up.
Q And how will the security people be trained?
A Will trained for the companies.
Q How about training for your specific establishment? Will they receive any training there?
A Yes you do. Someone in the training, in the security company, you know, learned the company people to how the building looked like, how you are going to work out, to train them.
Q And who is going to do that training?
A Somebody train person to be known security system.
Q And have you identified that person yet?
A Yes I do.
Q Okay who is it?
A His name is David, he used to work at big company, and I think he worked at the government too, so he is familiar with the area.

Q Do you know his last name?

A Not really, I’m not sure.

Q So we talked a little bit throughout the course of your testimony about security cameras. And how many total cameras are you going to have?

A You know, when I see the building, when I take over, I see five or six cameras but basically now I changed to sixteen cameras, including the back, the front, and inside upstairs, downstairs, kitchen, entire building. And --

Q Okay, did you say sixteen, I didn't hear you?

A Yes, sixteen cameras.

Q And do those -- does your camera system have the ability to record as well as view?

A Yes we do, so we had a, we kept them from to keep the curve until a month, 30 days.

Q Okay. Are you familiar with the establishment that operated at this property
prior to you?

A       Yes.

Q       And what establishment was that?

A       You mean the, the new restaurant or --

Q       The previous restaurant.

Q       The previous owner's restaurant was called Bistro Bistro. We meet them and we get some information about the area and the business.

Q       Okay and do you know if there were any restrictions on Bistro Bistro's license?

A       Never.

Q       Do you know if it was a restaurant or a tavern?

A       It was tavern license, I basically have the same license as we have.

Q       So how about -- tell me how people are going to get to your establishment.

A       So you need, you know, basically when you open new business, you need to promote and to use social media and, you know, Twitter, Facebook and Instagram. We need that, that's our tool for business --

Q       Go ahead, you can finish.

A       And the same time we need to tell people we know, we need a promo to promote the
place.

Q  Okay. I'm asking you a different question. I am asking you how people are going to physically get there. Are they going to drive, or take metro, or describe that process for me, please.

Q  Basically, based on the conversation with Mike, you know, I recommend the customers that, you know, and neighborhood parking, that parking illegal but already recommend Uber, taxi, is very close to the metro, that is where we recommend to the people.

Q  And are you going to have any signage with respect to parking?

A  We do in front of the building.

Q  Okay. And what is that going to say?

A  Say you know, please don't park in neighborhoods area and no parking and illegal parking no. Better to use an Uber, taxi and metro.

Q  Okay. Can you tell me what kind of buildout did you do at the property when you took over?

A  So we do, you know, we renovation a couple of stuff, you know, to upgrade it. And
wallpapers, you know, to fix some different broken stuff, to fix it. And make sure everything work. The A/C system works, the light system work, to upgrade it and check it.

Q Okay. And you have a lease for this premises?
A Yes.
Q How long is the lease?
A Ten years.
Q So you were here at the beginning part of the hearing, when we were arguing over whether the Board would hear information for Secret Lounge and over my objection, they ruled that they could. So I'm going to ask you some questions about Secret Lounge if that is okay.
A That's fine.
Q All right. So, are you the owner of Secret Lounge?
A Yes.
Q Are you the only owner or are there others?
A I am only owner.
Q Okay. How long has it been in operation?
A Almost four to five years.
Q And when was that last renewed?
A It was renewed today.
Q Okay, and since the time you have been open, do you have any violations?
A I can say no but we had one warning for a COVID time, I can explain, if you can. Basically we used six feet you know you see 9th Street and honest and we a tough crowd, we can see, I don't have any violation but one, I have, we do six feet and people are six people at a table. So one of the guys say we are not going to be full capacity, and the officer, when he walked in the door is locked, that is a violation, that is the only I have is warning.
Q Okay. So I have brought up on my screen what was attached to my motion as Exhibit B, do you see that?
A Yes.
Q Okay. And it says investigative history, and I can represent to you that I got this from ABRA and you were just talking about a COVID violation and I am highlighting number one on this investigative history, from 8-29-20. Is that what you were referring to?
A That is what I explained to you now.
Q    And that resulted in a warning, correct?

A    That's it.

Q    Okay. Now I want to go back down here to 2018. And this says there was entertainment without an endorsement and you got a $1,000 fine. Do you remember that?

A    I do remember that, basically when I was applying for the license, Andrew Klein, I submit all the documents including insurance in the license. So Andrew's office, one of the persons who made the processors, she forgot to put on the insurance license endorsement.

    So I was assuming I have it because I submit all the documents to him and the investigator when she came, she told me you don't have endorsement license, and I say I have it. And she said check out.

    And the next day I call Andrew Klein's office. He found out the person she posted the license, she forgot, I never made a payment, the payment went through Andrew Klein office because of he made a mistake.

Q    But the fine was paid there and that was your only violation. Is that what you are
saying?

A That's what we have it.

Q And can you tell me the difference between how Secret Lounge operates and how Signature Lounge is going to operate?

A This is, you know, one thing the initiate the Board should realize, I'm really open and person to do anything you know to work with them. I don't have any issue, I don't have any problem to work with them, but the differences, the reason why I came there, this is two totally different businesses.

At 9th Street business, only night life. The Connecticut Avenue, we had a plan. We had a couple of family members, you know, I called them and I will hire more people given the option to work.

And the plan is the morning, lunch and dinner and breakfast. That's the difference with 9th Street and Connecticut Avenue.

Q Let me ask you about 9th Street. Do you serve any food at 9th Street?

A Yes we do.

Q Okay what do you serve there?

A We do chicken wings, fries, chicken
tender, fries, you know, burgers, steaks.

Q Okay. And what are your hours at the
9th Street location?
A The hours 10:00 a.m. to 2:00 a.m.
Thursday to Sunday. Then the weekend is 10:00
a.m. to 3:00 a.m. and Friday and Saturday. And
included, you know, any holidays.
Q And the hours that you are asking for
at Signature Lounge are earlier. Correct?
A Yes.
Q Because you want to serve breakfast.
Is that right?
A Yes breakfast, lunch and dinner.
A Okay. Can you describe the 9th and U
Street areas compared to 1727 Connecticut?
A Yes. That's the reason, you know, a
difference is this is more night life and really
people walk around, people are really hard to
come in the building. The difference is at
Connecticut Avenue, we want to go out this kind
of situation to better business, to do breakfast,
lunch and dinner. That is the concept to come
there, but I don't know this kind of situation to
control.
Q Are there a lot of establishments at
9th Street, 9th and U Street NW?

A Most of them, you know,
(unintelligible) you see the records, you know, and this block, records to have a good record, better than anybody in this block.

Q But are there a large number of establishments? Are there a lot?

A Yes.

Q Do you know how many?

A Probably at least ten, in just one block.

Q Okay.

A About ten businesses.

Q How does it compare to the number at 1700 block of Connecticut Avenue? Is there more on 9th Street or less?

A I think less.

Q All right. Derege, thank you very much for your testimony and I'm sure Mr. Silverstein will have some questions for you at this point.

A Thank you.

CHAIRMAN ANDERSON: All right.

LIEUTENANT MERZIG: Mr. Silverstein, this is Lieutenant Merzig, and if I could
interrupt, I am kind of on a time crunch here. I
know my Officer Brian O'Shea, he is about to hop
on a train, so if you want to get his testimony,
he has got to do it now.

CHAIRPERSON ANDERSON: I'm sorry sir
we're not in that part of the case of yet, so
you'll. Mr. Silverstein cannot call you as a
witness, because Mr. Silverstein has not
represented his case. We are, the Applicant is
presenting his case, so that's not an issue that
we can deal with because we're still in the
presentation of the Applicant's case sir.

LIEUTENANT MERZIG: Okay,

understandable.

MR. SILVERSTEIN: We will do our best
to be in touch with Officer O'Shea and Lieutenant
Merzig, you will be able to testify as well sir?

LIEUTENANT MERZIG: Assuming my
battery doesn't last. I'm on the street working
right now.

MR. SILVERSTEIN: Okay.

LIEUTENANT MERZIG: So I'll do my best
to stay with you guys.

MR. SILVERSTEIN: Thank you.

CHAIRPERSON ANDERSON: Okay. Mr.
Silverstein, do you have any questions for the -

MR. SILVERSTEIN: Yes I do.

CHAIRPERSON ANDERSON: Yes. Go ahead sir.

BY MR. SILVERSTEIN:

Q Thank you Mr. Daneale. How many tables do you have in the place, upstairs and downstairs?

A Downstairs I would assume probably 15-20, the first floor. Upstairs we have six tables, some big tables, we have (audio interference) can seat it.

Q How are you going to fit 267 people in there with all of those tables? Do you move them?

A Some of them is going to move, the setup is different.

Q Okay. You move them every night or on those nights when you have a large crowed, correct?

A Yes sir.

Q Okay. You say it's going to be -- you are going to be wanding people and checking people when eating breakfast and lunch?

A We do.
Q  And no one under 21?
A  No.
Q  Not even for breakfast or lunch?
A  Maybe breakfast. We do check the ID
but not allowed to drink alcohol.
Q  But you will allow people under 21 so
that say it is a family a restaurant? Why are
you so insistent on promoters who take a 25 to 35
percent cut on your take three or four nights a
week if you are going to be mostly a restaurant?
A  Yes, you know, basically, I'm not even
happy to do it to promoters. But this is a new
business, so I'm not willing to give someone
thirty percent on my sale and they have a lot of
employees. But we have a new place. You need to
have promoters to make, you know, the money and
to survive. So if you know the people a couple
of months, you don't need it. I don't have any
promoters at Secret Lounge, I promote by myself,
because we promote it as a business, that's the
concept. So we don't want to pay more money for
outside promoters to do the business.
Q  Is this going to turn into a night
club and a hookah bar at night?
A  A night club, yes.
Q  Do you plan to do with hookah?
A  I don't decide yet.
Q  Okay. You go with promoters at Secret Lounge, or you don't --
A  We don't have right now.
Q  Can you make it without promoters?
A  Why not, yes I do.
Q  I mean at Signature Lounge.
A  I don't think it's a new business, only if you need promotions. My only concern to me is the promoters. I told you I don't want to spend more money for promoters on myself, not about to give the entrance or something. Now it used to be doing only outside the entrance to get the promoters.

Now all the promoters ask you on yourself, so I'm not willing to give my sale to 30 to 40 percent for somebody to promote my place. That's why I just show the people I am here right now, I give discounts for services to come in and enjoy the place. Just need the promo a couple of times.

Q  How would you describe the crowds that you have at Secret Lounge, is it quiet, lively?
Do things get lively or louder as the night goes
on? And how much security to you have there for how many people, on a weekend?

A I have six securities, the people I have security at Wood Trend (phonetic) and we have insurance on two premiums, if anything, incidents happen. Because I learned from the beginning, we have company, we not have insurance, now admit that, I do have a good company to have insurance to structure people and to control the crowd.

Q Back in 2018 there were several outbreaks of violence in and around your current establishment, and the police requested the ABC Board hold a fact-finding hearing. And in answer to that, you voluntarily, and I stress voluntarily, offered to have an RDO unit. Did the RDO unit calm things down for you? Help calm things down? Was it helpful?

A We do, you know, if we ask even if the 9th Street people to encourage them to use an RDO system, because I'm really tired when I start, I see the difference. So it is safety for everybody not only for business owners, not only neighborhood, for everybody.

Q So things got calmer with the RDO?
A    Yes.

Q    Is the RDO part of your business plan for Signature Lounge?

A    Yes I do.

Q    You offer one?

A    Yes.

Q    Do you still have an RDO at Secret Lounge?

A    We do have, when all business owners get together to hire more police officers and start and RDO. When COVID come, I have RDO services.

Q    You still have an RDO? Did you maintain the RDO during the shutdown or do you still have it? What is the status of your RDO, I'm trying to -

A    The RDO status right now I used to have it by myself and is now during almost eight to ten business others to go together.

Q    Are you telling us that you are not getting an RDO personally or you are telling us you are involved in it? I'm trying to figure this out. You say from the beginning an RDO at Signature Lounge.

A    Yes I do. I had a plan to start RDO
at Signature Lounge.

Q     And you are paying for one now at Secret?

A     Say again?

Q     And you are paying for one now at Secret? You are paying for one at Secret?

A     I explain to you, as a group, we pay for it for 9th Street now, we used to pay for it myself. I pay a lot of money and pay half of them, but now we get together to hire more officers on the block.

Q     Why aren't you are hiring your own?

A     I mean it's not only hire by myself to make safety on the block because the crowd is more and more business than one block, so we need more police officers on the block. And we see a couple of incidents happen, and so now police try to resolve that as we get together.

Q     Is it true that you are behind on your RDO payments?

A     No.

Q     Okay. How would you describe your level of cooperation with police?

A     As I say, you can't see other records.

This is a time right now in the District of
Columbia, so many crowds. There is a lot of people fighting and violated, but they see this block all business owners have a good record, I can say that, it's one, why wait?

Q Okay. And did you meet your nextdoor neighbor, Mr. McGlade, who owns the shop in the abutting business, in the abutting building next door and do you know his concerns?

A I do, I met him. I just walked through there, I talked to him. I hear you guys you have, you know, worrying about nighttime. He is going to broken the line, this and that, I talked to him personally. He don't have any issue. I told him we work together, the neighborhood. There is no issue with him.

Q No further questions. Thank you very much. Thank you for being here.

CHAIRPERSON ANDERSON: Thank you Mr. Silverstein. Mr. Englemann, do you have any questions?

BY MR. ENGELMANN: Yes, just a couple. Thank you. You mentioned that you are going to have five to six security on weekends. Fewer on Mondays through Thursdays. How many security folks to you plan on Monday through Thursdays?
A Assuming two securities.

Q And the training the security is going to get, you indicated, outside contractor you are hiring is going to be responsible for, is that correct?

A Yes that is the reason we had insurance and responsible to sign it. So if you have insurance the responsible is so you and is literally -- are going to be responsible.

Q Right, but have you personally reviewed what that training is going to look like, and are you comfortable it is going to be adequate for the size of your establishment?

A Yes I review that. I have been helping companies with Signature Lounge, I have the best experience now. I took them there I showed them the area, the back, the front, the inside, how we are going to control the place. It was very comfortable and liked the job.

Q You mentioned, it sounds like you have some plans to renovate the space before you open. Can you describe what your plans are?

A We not like renovate, it's just changing the wallpapers, you know. That's what we do. And the previous owner, he has, like I
said, five to six security cameras, security cameras, were I removed that and we made a more sixteen cameras is clearly in the front, the back and the side of the building, upstairs, downstairs and in the hallway.

Q Okay, and one of the pictures the inspector showed of the walkway to the upstairs portion, are you going to paint that area and take off the wallpaper?

A And we do wallpaper. If you see the wall, it's two different colors, white and the other one is a blue something. So basically when you see the light side you see the other colors in the wallpapers, we come through all the way down.

Q Okay. I think there was a picture of a woman there. Is that going to remain?

A We are going to remove that. We are going to cover.

Q Okay. Those are all my questions, thank you.

CHAIRPERSON ANDERSON: All right.

Thank you Mr. Engelmann. Mr. Daneale, can you please, no, all right, no don't close. I was about to ask you to close your screen, but don't
do that. Mr. Bianco, I need you to go to Exhibit 2. Is that Exhibit 2, is that correct? Mr. Daneale?

MR. DANEALE: Yes.

CHAIRPERSON ANDERSON: Can you tell me if a license was granted to you, what changes, if any, will you make to Exhibit 2?

MR. DANEALE: Basically we would probably change most of the chairs. We see some of them were broke and fixed, so we, assuming we could change couple furnitures to remove the old tables and chairs.

CHAIRPERSON ANDERSON: All right. Let me ask a question sir. Approximately how many tables and chairs are currently in this area?

MR. DANEALE: Probably for this one it is around 15, it is pretty long.

CHAIRPERSON ANDERSON: So you are saying there are approximately 15 tables in this Exhibit? If a license was to be granted, how many tables would be there?

MR. DANEALE: Similar or same I guess.

CHAIRPERSON ANDERSON: I don't want similar. How many would be there? There were 15 there, you said you would remove, how many would
be there? Five, two, ten, fifteen, how many, approximately how many are going to be here sir?

MR. DANEALE: Probably ten?

CHAIRPERSON ANDERSON: Mr. Daneale, let's go to Exhibit 3. All right. If a license, approximately how many tables are in this Exhibit 3 sir, currently in the establishment?

MR. DANEALE: Around ten.

CHAIRPERSON ANDERSON: If a license was to be provided to you, how many tables would be in this area?

MR. DANEALE: Ten.

CHAIRPERSON ANDERSON: Mr. Bianco, can you please stop sharing your screen for the moment, please? Mr. Bianco?

MR. BIANCO: Yes, I'm trying to turn off the screen share here. I'm just having an issue with it. Got it, thank you, appreciate the indulgence.

CHAIRPERSON ANDERSON: All right. You're asking for the alcohol consumption will be
9:00 a.m. to 2:00 a.m. Sunday through Thursday, 7:00 a.m. to 3:00 a.m. So you said you were going to serve breakfast.

So when will, I mean when, when will
you start serving breakfast sir, because what you have asked the Board for, unless something, I'm looking at the wrong information.

        But it says that hours of sale and consumption is Sunday through Thursday 9:00 a.m. to 2:00 a.m. and Friday and Saturday 7:00 a.m. to 3:00 a.m. So if you are going to serve breakfast, how are you going to open at 9 o'clock?

        MR. DANEALE: So we have different shifts. So the people work night shift are not going to be in the morning, so the morning shift is going to do the breakfast and lunch.

        CHAIRPERSON ANDERSON: Hold on, I'm somewhat confused. Hold on a minute sir. I'm looking at what information. Let me go back to, let me go back to, I want to see what - hold on. So I can ask more questions. I'm looking at conflicting information so let me, hold on a minute. Give me one minute. All right. Okay.

        Say, so it says that from the hours of operation, Sunday from 7:00 a.m. to 6:00 a.m., Monday 7:00 a.m. to 2:00 a.m., Tuesday 7:00 a.m. to 2:00 a.m., Wednesday 7:00 a.m. to 2:00 a.m., Thursday 7:00 a.m. to 2:00 a.m., Friday 7:00 a.m.
to 3:00 a.m. and Saturday 7:00 a.m. to 3:00 a.m.

So if you are going to serve
breakfast, you are going to tell me you are going
to start serving breakfast at 7:00 a.m.

MR. DANEALE: Yes.

CHAIRPERSON ANDERSON: And so you're
also stating that your kitchen will be
operational from 7:00 a.m. to 2:00 a.m. or from
7:00 a.m. to 3:00 a.m. during the times that the
business is open?

MR. DANEALE: Yes.

CHAIRPERSON ANDERSON: All right.

Now, you also stated that you are going to have
five or six security. So when is that the
security, when is it that you will have security
working in the establishment?

MR. DANEALE: Seems it when I open, I
start security.

CHAIRPERSON ANDERSON: I'm sorry, you
are going to do what sir?

MR. DANEALE: Since I open, I will
start security.

CHAIRPERSON ANDERSON: So you are
telling me at 7:00 a.m. in the morning you are
going to have five or six security guards
working?

MR. DANEALE: No I didn't say that, I said --

CHAIRPERSON ANDERSON: I'm asking --

MR. DANEALE: Two guards.

CHAIRPERSON ANDERSON: Listen, listen to the question I am asking you sir. If the course of operation that you have asked for are 7:00 a.m. to 2:00 a.m. on Sunday, 7:00 a.m. to 2:00 a.m. on Monday, 7:00 a.m. to 2:00 a.m. on Tuesday, 7:00 a.m. to 2:00 a.m. on Wednesday, 7:00 a.m. to 2:00 a.m. on Thursday, 7:00 a.m. to 3:00 a.m. on Friday and Saturday 7:00 a.m. to 3:00 a.m.

You stated that you are going to have five or six security. When is it, what times are you going to have five or six security? Are you going to have five or six security personnel working at this establishment at 7:00 a.m. in the morning? I'm asking you, when do you plan to have security at your establishment sir?

MR. DANEALE: So, the plan is the security staff after 2:00 p.m., so in the morning brunch and lunch, the waitress and the person at work just check the ID and those you know
underage liquors or something.

So the security staff, 2:00 p.m., two
security Monday through Thursday as the slowest
day. And if we had a weekend, the same two
security continue until 10:00 p.m., 10:00 p.m.
another four security is going to be hired to
cover all night.

CHAIRPERSON ANDERSON: I don't have
any other questions. Any questions from any
Board members?

MEMBER SHORT: Yes, Mr. Chair I would
like to ask a question.

CHAIRPERSON ANDERSON: Yes Mr. Short,
go ahead.

MEMBER SHORT: Good afternoon Mr.
Daneale.

MR. DANEALE: Good afternoon.
MEMBER SHORT: Mr. Daneale, you are a
law-abiding business owner, correct?

MR. DANEALE: Yes.
MEMBER SHORT: Are you familiar with,
and this question has been asked already, but
I'll just lay some foundation before I ask this
question.

Are you familiar with DC law 3-22 or
better known as the Mayor's Smoke Free and
Tobacco laws and was signed into law earlier this
year in the District of Columbia?

MR. DANEALE: I'm not familiar but not
make that a law, I think in the process.

MEMBER SHORT: Excuse me? Please
repeat that answer, I didn't hear you.

MR. DANEALE: I'm not familiar with
that.

MEMBER SHORT: Okay, well can I
familiarize you with it before I ask the next
question?

MR. DANEALE: Sure, sure.

MEMBER SHORT: Okay. The law states,
according to the law, smoking is prohibited in
all enclosed public places in the District of
Columbia, including but not limited to the
following: banks, health care facilities,
educational facilities, monuments, public
transportation facilities and areas, restaurants,
retail and food production establishments, retail
service establishments, retail stores, shopping
malls, theatres, sports arenas, waiting rooms.

So smoking is prohibited anywhere
where there is closed, when your doors are
closed, there is not supposed to be any smoking.

MR. DANEALE: We understand. I respect the law.

MEMBER SHORT: I see where you had one violation in your previous establishment for disobeying the Mayor's order, is that correct?

MR. DANEALE: What kind of violation?

MEMBER SHORT: No? Did you ever violate the Mayor's order during this health emergency on 9th Street?

MR. DANEALE: I mean I had a warning violation but --

MEMBER SHORT: Yes, you tell me you violated the law, you got a warning for violating the law right?

MR. DANEALE: Yes.

MEMBER SHORT: So you know the difference between smoking and not smoking in the Mayor's order that the Council just recently passed this year? You know the difference then, correct?

MR. DANEALE: Yes.

MEMBER SHORT: So there will be no smoking at your establishment? Is that correct?

MR. DANEALE: Yes, I followed the
rules and regulations.

MEMBER SHORT: Excuse me.

MR. DANEALE: I just followed the rules, whatever the Mayors and the violation, I followed the rules.

MEMBER SHORT: So in your settlement agreement that you get with the community, you would be willing to put that in the settlement agreement?

MR. DANEALE: Yes.

MEMBER SHORT: That you are a law-abiding citizen, you obey all the Mayor's orders and the Council's laws?

MR. DANEALE: I followed the Mayor's orders.

MEMBER SHORT: Are you willing to put that in the settlement agreement?

MR. BIANCO: Sir, I am going to object.

MEMBER SHORT: I am asking the question --

MR. BIANCO: Hold on Mr. Short, there is no settlement agreement, we have a hearing so --

MEMBER SHORT: I'm quite aware of
that. I simply said if there were to be, if there were to be. Since he is a law-abiding citizen, he has violated the Mayor's order before and he said he will never do it again. Now said he knows, I read the law to him, so there will be no excuses if this happens again, would it?

CHAIRPERSON ANDERSON: Mr. Short asked you a question Mr. Daneale, do you have an answer, please answer. Do you have an answer sir?

MR. DANEALE: I don't have an answer.

CHAIRPERSON ANDERSON: Mr. Chair, that is very plain to me that he knows the law, and I hope he never comes before this Board again, and I'll remind him of his testimony. Thank you very much. That's all I have at this time.

CHAIRPERSON ANDERSON: Thank you Mr. Short. Are there any other questions by any of the Board members?

MEMBER GRANDIS: Yes Chair, and I would thank you for the opportunity.

CHAIRPERSON ANDERSON: Yes Mr. Grandis.

MEMBER GRANDIS: Sir, we all appreciate you being here today and I know it may
seem like it is tough grilling but this is a new license and we want to make sure that the community is comfortable with the type of establishment and the hours you are having.

So we appreciate you being here and being patient with us. If I could ask the attorney to put up the exhibit again, I would like to go through some of the exhibits with the Applicant.

CHAIRPERSON ANDERSON: Ms. Andrews, can you please, I don't know if Mr. Bianco is still going to be able to share his screen.

MS. ANDREWS: Yes he can share.

CHAIRPERSON ANDERSON: Thank you.

MR. BIANCO: Bear with me for one second while I bring it back up. All right, here we go Mr. Grandis, he's all yours.

MEMBER GRANDIS: Can you help me find the picture?

MR. BIANCO: Absolutely. Here you go.

MEMBER GRANDIS: Mr. Bianco, I want to thank you for your assistance. Thank you so much.

MR. BIANCO: Sure.

MEMBER GRANDIS: Something just popped
Okay. Can we go to Exhibit 2? I think we have talked about it, but I would like to go back to number 2. Thank you.

Sir, the reason I think you, we ask questions about tables and things, because there is sort of a culture in DC that CT's that offer food, often morph so into late hours into, really would be a CN.

And if the Applicant is going for a CT we want to give the community assurance that it will ask for what a CT generally have. So if I understood the responses you gave to our Chairman, you're not going to, you are going to reduce the number of tables a few, which I understand because you want to upgrade and not have broken old furniture.

But I think my question is, if you plan to have entertainment starting at 10 o'clock, and that is how you are going to advertise it, and I heard you say are going to be marketing, marketing, marketing, which is something a new establishment should do.

When your patrons at 10 o'clock come in, are there going to be 12 tables with the
chairs? I think there are six at each table, is that, are the tables going to stay stationary where they are? But do you plan in your business model to have to relocate stuff on the first floor?

MR. DANEALE: So basically we have a lot of tables in the first floor, that's why we move a couple of them, is to have the people come. We have to have a dance floor and walk, standing and to use in a bar, more access to our place.

MEMBER GRANDIS: You just confused me more. Because I thought you already stated earlier that you're not going to have a dance floor on the first floor. So now you are saying you are going to have a dance floor on the first floor?

MR. DANEALE: I did, I say I have a dance floor first floor, no you did --

MEMBER GRANDIS: So I misunderstood you?

MR. DANEALE: I did, I say that.

MEMBER GRANDIS: Do you know how big a dance floor you are going to apply for?

MR. DANEALE: Not really.
MEMBER GRANDIS: That's an answer.

Thank you. So you do plan to relocate some of the tables every night for your patrons who come in after 10 o'clock?

MR. DANEALE: So what was my plan is the right side of the wall is empty, so we try to make all the wall side two furniture to make more space in the middle.

MEMBER GRANDIS: I understand. So you are going to make it more like a night club on the first floor so you move the tables against that wall, which I understand is what you believe your business model. Well that is a concern I think the community would have is that it doesn't look like a restaurant after 10 o'clock and your license doesn't require a restaurant.

But you are telling us in your application you are going to be a restaurant and now it looks like you actually are going to be a restaurant until 10 o'clock, but at 10 o'clock you will become a CN, but your license is not a CN. So I just want to make sure that I understood that will be a dance floor on the first floor if you get the license as you like.

MR. DANEALE: Thank you.
MEMBER GRANDIS: And I think you talked about speakers. I thought I understood you to say there are no plans to have speakers in the space but maybe in the stairwell. So are you committing to the Agency that there will no speakers in the picture that I see until they get to the stairwell to go upstairs? Is that what you are committing to?

MR. DANEALE: So the plan for speakers is downstairs.

MEMBER GRANDIS: That is downstairs?

MR. DANEALE: Yes.

MEMBER GRANDIS: Earlier you said, and maybe I misheard you. Earlier, I think you were asked that question, and I think that you said there are no speakers planned for that area until you get to the stairwell. Did I misunderstand you?

MR. DANEALE: I think you misunderstand what I say. The way I say it is the first floor around the dancing floor area, we tried to put speakers in left and right, we hang the speakers, we have big rooms and big rooms, we have big kitchens, after the kitchens is the last wall in outside 20th Street.
MEMBER GRANDIS: Okay. Thank you. So if the Board determines that there should be no speakers in that area, would that be acceptable to you?

MR. DANEALE: So there is no speaker in upstairs and how is going to use entertainment without any speakers?

MEMBER GRANDIS: Thank you. So let's go to the next Exhibit No. 3. I think that is the upstairs, thank you. Now are you saying for the record that those, I think you said maybe ten tables currently, are you going to keep those tables at 10 o'clock until closing or do you plan to move some?

MR. DANEALE: I am going to plan to move them.

MEMBER GRANDIS: Why?

MR. DANEALE: The way you set up against the wall, we have more tables for people to use it.

MEMBER GRANDIS: Wait a second. On the second floor, you are going to, you say you are going to move the tables against the wall so more of the center is open for the public, for your customers?
MR. DANEALE: What I say is we had six
tables in the middle of the pictures.

MEMBER GRANDIS: Yes sir.

MR. DANEALE: So we made them in the
middle of those tables and the rest of the tables
is against the wall to have all entire walls, to
have furniture the way you see the pictures. You
see the furniture on the walls, so when you put
the tables in front of the furniture, that is
what we planned.

MEMBER GRANDIS: So what I am seeing
in the picture is the way you plan to have it?

MR. DANEALE: This, this is the way
that it is. You see the furniture is still
there. So basically we put a table full of
furniture.

MEMBER GRANDIS: Is there going to be
a dance floor on the second floor?

MR. DANEALE: No.

MEMBER GRANDIS: Are there going to be
speakers on the second floor?

MR. DANEALE: No.

MEMBER GRANDIS: Therefore, you are
asking us to approve speakers on the first floor
but no speakers on the second floor?
MR. DANEALE: Yes.

MEMBER GRANDIS: And you are also saying that you are going to have food service until 3:00 a.m., which I think is something the community would applaud that people who drink have access to a meal, and so therefore these tables that are there, they will be able to sit at those tables after 10 o'clock?

MR. DANEALE: Yes.

MEMBER GRANDIS: Thank you. Now looking at the back of the picture, I believe that's the back wall that's facing 20th Street, is that correct?

MR. DANEALE: No.

MEMBER GRANDIS: Where would 20th Street be in this picture?

MR. DANEALE: You cannot see this picture, it's only the street.

MEMBER GRANDIS: 20th Street from the other side?

MR. DANEALE: The other side.

MEMBER GRANDIS: Thank you, you answered that question. I think that is a bank of windows on the wall that is abutting 20th Street.
MR. DANEALE: You don't see it in the 20th Street for this picture.

MEMBER GRANDIS: Not in this picture. So my question is do you understand that to protect the quiet of the neighborhood after 10 o'clock, you may not be able to open those windows?

MR. DANEALE: Never opens. That's the reason I moved the speakers. The previous owner had a speaker upstairs. I moved that because of noise complaint and, you know, to assuming maybe it is going to be humid outside.

MEMBER GRANDIS: Thank you, you have been very helpful. And you mentioned something about a walk-in refrigerator. Where is that walk-in refrigerator located?

MR. DANEALE: It was underground the business.

MEMBER GRANDIS: In the basement? And where do you plan to store your alcohol?

MR. DANEALE: We have a space to have a storage in the basement.

MEMBER GRANDIS: So I don't have the full application in front me, I have what's part of the hearing here. It's my understanding you
are looking for an ABC license for the basement, the first floor and the mezzanine, the entire building?

MR. DANEALE: Yes.

MEMBER GRANDIS: Will customers be allowed to go into the basement?

MR. DANEALE: No.

MEMBER GRANDIS: Thank you, let me see. Mr. Bianco, can you help me find the picture that shows the back of the building please? Thank you. Sir, I see there are cars parked there. Do you know what that area, do you know if that area is part of the ownership of the owner of the building?

Or are you made aware that the property line is really along the building and that area is public space and not private space?

Are you aware of that?

MR. DANEALE: Which one, the car parked over there?

MEMBER GRANDIS: Yes sir.

MR. DANEALE: I believe that is for the building.

MEMBER GRANDIS: I thought that may be your belief. I am just suggesting that the
property line for all those buildings is the line
of the building and the area that's between that
building wall and other walls in the street,
including the sidewalk, is public property.

And therefore you can apply for a
permit, but if the landlord has given you a lease
and it says that you have a legal right to that
space, you may want to confirm that. I'm just
giving you a heads-up. Areas below Florida
Avenue is called the Auto Stop. Areas below
Florida Avenue is the Old City, and in the Old
City property lines were generally along the back
of buildings.

Now you get north of Florida Avenue,
that probably will be a parking lot. I'm just
sharing. Your lease may say something, but I
don't believe you or your patrons can actually
park there.

Now I see there is a hood that's going
up the building, so I guess that is for a hood
that's in the kitchen to use as an exhaust,
correct?

MR. DANEALE: Yes.

MEMBER GRANDIS: Okay. Do you know if
you have a permit for that?
MR. DANEALE: Yes.

MR. GRANDIS: Okay. Thank you. Can you go to the picture with the trash receptacle? Can you turn that? Thank you. Okay. These trash receptacles along the back wall of your building and the building next to you, but there is no enclosure. Correct? In other words, anyone can walk up to those?

MR. DANEALE: Yes.

MEMBER GRANDIS: Do you know the ones that you have leased, do you know if you keep them locked?

MR. DANEALE: Lock what?

MEMBER GRANDIS: I believe on the regulation that commercial receptacles need to be locked until they are empty, but I'm just sharing that with you? Do you know where your grease will be collected?

MR. DANEALE: Yes.

MEMBER GRANDIS: Where will your grease be collected?

MR. DANEALE: See the picture, see the grease tank, is one of them on our properties.

MEMBER GRANDIS: So okay, I'm ignorant on this issue. So are you saying one of the ones
along the back wall collects your oil, that you
put oil in it? Is it one that and how often is
it collected, by contract?

MR. DANEALE: Once a month, about
every fifteen days.

MEMBER GRANDIS: Now, you are aware
that you don't, your property does not back up to
an alley, correct? It backs up to 20th Street,
is that correct?

MR. DANEALE: Yes.

MEMBER GRANDIS: So therefore many
commercial buildings back up to the alley so your
building directly faces apartment buildings and
town houses that are all residential and there
are some businesses on your side of the street,
but there are very few businesses right across
the street, it's residential.

So how do you plan to keep the noise
from interfering with the residents on the other
side of 20th Street?

MR. DANEALE: So as I explained to you
earlier, first I admitted when I see, when I
talked to Mike, so I removed the speakers in the
second floors that encloses to the 20th Street to
add a (simultaneous speaking).
The second plan is more make sure protect the windows as being closed and anytime chance you never open that windows.

MEMBER GRANDIS: Yes.

MR. DANEALE: Third, is make sure the back door is always locked, it was business hours.

MEMBER GRANDIS: Thank you for that.

Do you currently have a security plan for Secret?

MR. DANEALE: Yes.

MEMBER GRANDIS: Do you plan to have a security plan submitted to ABRA to see if it's consistent with the security policy for this establishment?

MR. DANEALE: The new one?

MEMBER GRANDIS: Well it wouldn't, yes because it's a new establishment.

MR. DANEALE: Yes.

MEMBER GRANDIS: I'm asking, because it sounds like you are morphing into a night club after 10 o'clock, that's just the way is see it. You are going to have a cover charges. Very few CRs and CTs have cover charges. So it sounds like to me something night life. Have you been asked to submit a security plan for this one?
MR. DANEALE: Yes I am willing to submit that one?

MEMBER GRANDIS: A document or a security plan?

MR. DANEALE: A security plan.

MEMBER GRANDIS: Thank you sir. And would you consider an RDO with this establishment on the nights when you have cover charges?

MR. DANEALE: Yes.

MEMBER GRANDIS: Okay. Have you looked into valet parking?

MR. DANEALE: No.

MEMBER GRANDIS: Well let me just finish up by sharing with you that like many neighborhoods in the city, some have become more night life and some have become less. This area north of DuPont Circle has been, I would say, vigilant to not have new night clubs north of Connecticut Avenue.

And I'm not saying that's a legal issue, you are entering, as you said yourself, you are entering a neighborhood that is quiet at night. It's not hustle and bustle. There are very few restaurants open after 10:00 p.m.

I know myself having a late-night
restaurant opportunity is a great thing. It's not the restaurant I am concerned about, I am concerned you say you want to be a CT, so therefore, I want you to behave like a CT. I want to thank you for your time. Mr. Bianco, thank you for sharing the exhibits.

MR. DANEALE: Thank you.

MEMBER SHORT: Mr. Chair, I have one follow-up question, if I could, just one question.

CHAIRPERSON ANDRESON: Yes Mr. Short.

MEMBER SHORT: I would like to ask Mr. Daneale, if or what is the number of persons he is allowed to have on the second floor.

MR. DANEALE: It is probably fifty.

MEMBER SHORT: How many people on the second floor?

MR. DANEALE: Fifty peoples.

MEMBER SHORT: Are you aware if you have more than 50 or more people than you need a second means to leave with an exit off the second floor. You can't exit all those people down the same, downstairs because they will be sharing that way to get out with the people already downstairs.
Are you aware that if you have over 50 people, 50 or more people or 49, north of 50 people on that floor, you need a second exit from the second floor?

MR. DANEALE: So I was just I assuming when you often see how it is going to be how many people are going to be fitted in the upstairs.

MEMBER SHORT: Well Mr. Daneale, before you go any further, I just would like to simply say to you, someone should answer those questions down in Florida where the people who lost their lives.

I say that because I'm a former person who Department of Safety and I would hate to see you have to go through that explaining to people why people couldn't get out of the second floor because you didn't have enough exits. That's all I have Mr. Chair. Thank you.

CHAIRPERSON ANDERSON: Thank you Mr. Short. Mr. Bianco, please close your screen. Are there any more questions by any Board members? Now Mr. Silverstein, do you have any questions of the Licensee based on the questions that were asked by the Board.

MR. SILVERMABN: No I do not.
CHAIRPERSON ANDERSON: Mr. Engelmann, do you have any questions of the Licensee based on the questions that were asked by the Board?

MR. ENGELMANN: Just one. With respect to speakers, are you going to allow promoters to bring in their own sounds systems?

MR. DANEALE: No.

MR. ENGELMANN: Thank you.

CHAIRPERSON ANDERSON: Any other questions sir? Is that it?

MR. ENGELMANN: That's it.

CHAIRPERSON ANDERSON: Mr. Bianco, do you have any follow-up questions to your client based on the questions that were asked by the Board?

MR. BIANCO: No I don't.

CHAIRPERSON ANDERSON: Thank you. Do you have another witness sir?

MR. BIANCOE: No I don't have any other witnesses, sir. The Applicant rests.

CHAIRPERSON ANDERSON: All right. Thank you very much. Who wants to go first, the ANC or the Civic Association? It doesn't matter. Who wants to go first?

MR. SILVERSTEIN: The ANC.
CHAIRPERSON ANDERSON: All right. Mr. Silverstein, do you have a witness?

MR. SILVERSTEIN: Is Officer O'Shea available, can you hear him?

CHAIRPERSON ANDERSON: Is Officer O'Shea, I see his name on the line, so if Officer O'Shea is there, he can testify. Officer O'Shea, are you there? Officer O'Shea, are you there?

MR. SILVERSTEIN: Officer O'Shea is supposedly on the metro and may have lost contact with us.

CHAIRPERSON ANDERSON: But he is still signed in online. I see his name in front of me, so I don't, he is not. Ms. Andrews, is he logged in?

MS. ANDREWS: Yes he is logged in. It appears he has, he doesn't have the best service, but he is able to share and show his camera if he so desires.

MR. BIANCO: Could I suggest we take a quick five-minute break. I could use one, I don't know in the case of anyone else.

MR. SILVERSTEIN: Let me ask, so could I. Do we still have a 5:15 hard stop?

CHAIRPERSON ANDERSON: I'm sorry, we
don't have a 5:15 hard stop. We are, we have a
hearing that we are doing today.

     MR. SILVERSTEIN: Okay, I was not
advised of that, I was sitting here panicking.

     CHAIRPERSON ANDERSON: It was that I,
the parties had a hard stop, they had to let me
know and I told them the parties would have acted
accordingly to ensure that this hearing moves
forward so each side has an hour to do their
case, and so therefore we are moving accordingly.
So Mr. --

     MR. SILVERSTEIN: I'm told, excuse me,
I'm told that Officer O'Shea is on the phone and
his phone number is, well I can't give that out
but --

     CHAIRPERSON ANDERSON: Why doesn't
Officer O'Shea, if he's on the phone, why doesn't
he identify himself so Ms. -- just give me a
couple of numbers on his phone number.

     MS. ANDERS: Mr. Chair I hate to
interrupt but there is only one call in and that
is the court reporter. Mr. O'Shea has joined the
meeting today on his device, if that's a phone,
that's fine, but we can see his name. He can
unmute himself.
MR. SILVERSTEIN: No, he is calling us on his phone. Should we give him a number to call or how do we work this out?

CHAIRPERSON ANDERSON: Ms. Andrews, what is the call-in number so he can call in? He needs to disconnect from the, if he is going to call in. Is there a call-in number that he can use to call in?

MS. ANDREWS: Yes, Mr. Silverstein, I am going to send you the call-in information via the chat, okay?

MR. SILVERSTEIN: Okay, go ahead.

CHAIRPERSON ANDERSON: It will be in the chat sir, so look in the chat and get back to Officer O'Shea.

MR. SILVERSTEIN: Okay. I will mute and I will give that information to him.

CHAIRPERSON ANDERSON: Thank you.

MR. SILVERSTEIN: Hi Brian --

CHAIRPERSON ANDERSON: Mr. Silverstein, you are not, Mr. Silverstein, you are still, we can hear you.

MEMBER SHORT: You know he is hard of hearing, Mr. Chair.

MR. SILVERSTEIN: I muted --
CHAIRPERSON ANDERSON: Mr. Silverstein, we can still hear you.

MR. SILVERSTEIN. Okay, I will mute right now. Okay I have given him that, do you want to take a quick five-minute break.

CHAIRPERSON ANDERSON: All right.

It's 4:48 p.m. We will be off the record until 4:55 p.m.

(Whereupon the above matter went off the record at 4:48 p.m. and came back on the record at 4:55 p.m.)

CHAIRPERSON ANDERSON: All right. We are back on the record. Mr. Silverstein, you have 51 minutes and 27 second left, you have 51 minutes and 27 seconds left in your case. Do you have a witness to call?

MR. SILVERSTEIN: My witness I would like to call Officer Brian O'Shea.

CHAIRPERSON ANDERSON: Officer O'Shea?

OFFICER O'SHEA: Yes, good afternoon sir.

CHAIRPERSON ANDERSON: Can you raise your right hand please?

MR. SILVERSTEIN: Yes we can.

CHAIRPERSON ANDERSON: Officer O'Shea,
can you raise your right hand please?

OFFICER O'SHEA: Yes sir.

CHAIRPERSON ANDERSON: Do you swear and affirm to tell the truth and nothing but the truth?

OFFICER O'SHEA: I do.

WHEREUPON,

BRIAN O'SHEA

Was called as a witness for the ABCB and, having been first duly sworn, was examined and testified as follows:

CHAIRPERSON ANDERSON: All right.

Thank you. Your witness Mr. Silverstein.

MR. SILVERSTEIN: First and foremost Officer O'Shea, could you confirm to us the status of the RDO unit for the account for Secret Lounge?

OFFIER O'SHEA: Yes sir, the most recent information I have from this morning, and I was informed that Secret Lounge is in arrears in the amount of roughly $4,900 to the City for failure to make payment for the cost of the RDO.

MR. BIANCO: Mr. Anderson.

CHAIRPERSON ANDERSON: That's okay.

He asked the question, you allowed the witness to
answer the question. Let's move on sir, you need to object.

MR. BIANCO: That's where I wanted to address specifically, not the answer to the last question, however, the procedural matter. Although the Board decided my motion against me as to the evidence. I would like to avoid having to object to every single question.

So it would be my hope that the parties and the Board would agree to allow me to note a running objection as to all testimony that Secret Lounge so the issue is preserved without having to interrupt after each and every question.

CHAIRPERSON ANDERSON: All right. So noted sir.

MR. BIANCO: Thank you.

CHAIRPERSON ANDERSON: So noted.

MR. SILVERSTEIN: Officer O'Shea -

CHAIRPERSON ANDERSON: Go ahead.

BY MR. SILVERSTEIN:

Q Officer O'Shea, were you referring to collections, or?

A Yes, sir, that would be correct.

Q Very well. You were on, how long have
you been with APD?

A    Just under six years.

Q    You are on the receiving end of an APO, an assault on a police officer at Secret Lounge on October 28, 2018. And the event you described to the Board as complete pandemonium in a fact-finding hearing. Could you tell the Board what happened that night and that particular episode and the lack of peaceful and quiet?

A    Yes sir. To the best of my recollection, that evening my partner and I responded to, I believe it was, went to 1928 9th Street, but at any rate, the establishment at Secret Lounge for the report of some sort of melee in progress and another officer had called for assistance.

Upon arriving, both the entry to the establishment and some folks were trying kind of fleeing out, and we walked up the flight of steps and at that point we encountered a very large fight.

The lighting was very low and dim, there was broken furniture all about and people were actually assaulting one another. At that point, we attempted to break up the melee,
separate those, the fighting parties, and make
arrests as appropriate and during that
interaction I was assaulted by a subject prior to
placing him under arrest.

Q     What happened here and what was with
the table?

A     Yes I was, while I was attempting to
separate the fighting parties, to break up the
fight, the subject who I subsequently arrested
was able to get ahold of me and physically throw
me into a table which had broke and my body
weight and I messed up my back and my head after
breaking the table.

Q     Was this your first interaction, or so
to speak, with the interior of Secret Lounge?
Had there been any previous fight inside?

A     I can't recall being involved in any
previous fights inside, specifically inside the
establishment. I also can't say that I haven't
been. This was a very busy beat that I used to
work on that included 9th Street. I certainly
had many interactions and encounters in the
immediate vicinity and outside of Secret, and
stuff like that.

Q     There were fights outside?
A Yes I would call them, disorderly, simple assaults, in the time that I was assigned to the beat that included the 9th Street, it was the third time to respond to or even to witness the initiation or start of a fight or simple assault and conduct other disorderly events.

So again, when I was assigned to that beat it was not uncommon to deal with both coming out and going in being involved in disorderly behavior and criminal offenders.

Q Two months before that particular --

CHAIRPERSON ANDERSON: Hold on Mr. Silverstein. Ms. Roggensack, your phone needs to be on mute, you are kicking up feedback. Okay go ahead.

BY MR. SILVERSTEIN:

Q Two nights before the incident there had been a murder in the area, in the vicinity of the club, and a 22 year old young man was shot and killed out on the street. Was this club area at times out of control? The area itself?

A I think that's a fair characterization of the night on the block of 9th Street, to include this particular club. As I said previously, responding to that area for a variety
of events was a very, very common event for me at that time, and for my colleagues.

And at times, due to the events that were more serious in nature to include felony offenses, some violent, and just to include the homicide that you just referenced, which to the best of my recollection was a actually double-shooting, two victims were shot and one unfortunately subsequently passed way.

But yes, the 1900 block of 9th street I would describe on that block as a chaotic neighborhood, where a chaotic crowd, was more accurate where more often facing challenges regarding people fighting, acting violent toward one another, generally disregarding, you know, the law, that kind of thing.

Q Did things get better at Secret Lounge after the assault, which was two months after the murder? Or did things get better in the vicinity after the assault?

A It would not be, I would not judge it to have gotten better in my estimation of my time working there. I don't actually recall anything serious time where the 1900 block of 9th street was not problematic.
Q Are the issues with peace, order and quiet around, are there issues with peace, order and quiet around 1928 9th Street and does Secret Lounge contribute to the problem?

A In my opinion yes. There is a problem with peace, order and quiet there particularly during the hours of club operation and specifically on weekends and holiday nights, is anything but peaceful or quiet in my opinion.

Q But they are not the only one. Mr. Daneale has said, and I don't think anybody could deny, there are ten other clubs or licensed establishments in that block, so how do you parcel out the blame? How do you point to one establishment -- and I'm not saying necessarily, they do 10 percent, 90 percent -- something like that, how to you parcel out the blame and say --

A Yes, I don't think I could do that. I would have to say that in my experience in that block, is generally speaking, a variety of establishments and clubs contribute to the overall chaotic nature of what goes on there.

I wouldn't be comfortable allotting portion of the share. I think it's kind of a shared outcome of what is going on in those
establishments.

Q. But how does Secret Lounge contribute to the problem in terms of perhaps the way, how do they contribute to the problem?

A. Well, in my estimation, based on my judgment and my observations, I believe that they habitually over-serve people. I regularly would observe people walking out who appeared to me, in my experience, to be highly intoxicated.

I would quite often and see folks getting out of cars to go inside who were holding alcohol or even, you know, small bottles of liquor suggesting to me, you know, of course, people were having a good time.

I'm not above that certainly, but people would regularly frequent the establishment who perhaps were already intoxicated and then the club engaged in over-serving, which unfortunately, we see the result of people acting foolishly and sometimes criminally because they of their lack of inhibitions and all that kind of thing.

Q. You are saying, the incidents inference appear to be people who have been and being over-served once they get in there.
A  Yes, that's what I'm saying.

Q  That is an establishment with a capacity of 188 and from the standpoint of peace, order and quiet and public safety. How well do they manage this establishment, which is smaller than the one they are asking for?

A  Generally speaking, I guess I would have to refer to my previous comment about overserving. I think that is indicative of how the place is managed, largely kind of, and again, is based on the time that I worked on that block, but I would say it is managed irresponsible in fashion.

Q  And from your experience as a police officer, with all this experience with Secret Lounge, do you believe the same owner would have the same problems or even bigger problems with a larger reestablishment and the capacity of 277?

MR. BIANCO: Objection, speculation.

CHAIRPERSON ANDERSON: Hold on Officer O'Shea. Mr. -- I know that you are a lawyer Mr. Silverstein. Mr. Bianco is asking the Officer to speculate, do you have any arguments before I make a ruling?

MR. SILVERSEIN: I'll withdraw the
question and I am finished. I will turn him over to you folks. No further questions. Thank you Officer O'Shea and thank you for your service.

OFFICER O'Shea: No problem sir.

CHAIRPERSON ANDERSON: Hold on Officer O'Shea. Mr. Engelmann, do you have any questions of Officer O'Shea?

MR. ENGELMANN: No questions Mr. Chairman.

CHAIRPERSON ANDERSON: All right. Thank you. Mr. Bianco, do you have any questions for Officer O'Shea?

MR. BIANCO: I do. Good afternoon Officer O'Shea. This is Richard Bianco, I represent the Applicant in this case.

OFFICER O'SHEA: Good afternoon sir.

BY MR. BIANCO:

Q I am going to have a few questions for you and then I'll let you go. Hopefully it won't be too long.

A Sure no problem at all.

Q So when you, the first part of your testimony, you talked about responding to a call at 1928 9th Street and there was a fight in progress, correct?
A That is correct. Yes.
Q When was that?
A To the best of my recollection, it was in October of 2018.
Q Okay. And as I understand your testimony correctly, you broke up the melee and in doing so you were assaulted and you made an arrest.
A That is correct.
Q Who is the person that you arrested?
A Unfortunately I couldn't answer that sir, I don't have all the recollection of that and I don't have that information in front of me.
Q Fair enough. Is it to be best of your recollection somebody that worked for the establishment?
A I don't believe, I couldn't tell you with absolutely certainly, but my feeling is that it is not. I can tell you that several people were arrested and that incident but my answer would be the same, I couldn't tell you with certainty but I don't recall it being closed.
Q Okay. And did you or anyone of your colleagues issue a citation to the establishment for that incident?
A I did not issue a citation but I can't speak for anybody else, and I'm not aware that.

Q Okay. Are you aware whether or not the Chief of Police closed the establishment for 96 hours in accordance with the authority to do so in relation to that incident?

A I can't say, I actually, I don't know.

Q Okay. So moving on from that incident, you testified a bit about being assigned to the 9th and U Street area as a beat, or as I suppose the 1900 block of 9th Street is a better way to refer to it. Can you describe that area on a Saturday night? What's it like?

A Sure, and for clarification, at that time, my beat did include the 1900 block of 9th Street in the area we are referring and then 9th and U, all the way to 14th Street. So you know, I wasn't, I couldn't say that I was constantly on 9th Street, you know, as for calls and things like that.

But to your question, my experience is on 9th Street figuratively is very, very corrupt. We have problems, largely being the impetus problem, the distribution of alcohol which leads to fights, leads to occasionally to robberies, or
more violent offenses, double parked, DUIs, loud
screaming, disorderly behavior, just generally
speaking, very chaotic.

Q    Sure. So you mentioned the double-
parked cars. I take it there was encumbered
traffic with that as well? Was there a lot of
traffic on 9th Street during busy times?

A    I would say the traffic problem is
exasperated by that, it would appear to me
largely patronizing the clubs are double-parked.

Q    Okay and how about foot traffic? What
are the sidewalks look like? Is there a lot of
pedestrian traffic?

A    Usually no, yes I would, yes and I
would say particularly during the hours of club
operation, is lot of foot traffic. I think a lot
of those (audio interference) traffic incurred
from place to place, but I would say particularly
during the hours of club operation that is a
heavily traffic, full of pedestrians and others.

Q    Okay. And how about with respect to
noise? Is there noise of people? You mentioned
people screaming, how about noise coming out of
establishments, what is that like?

A    Yes, it is pretty loud, I couldn't
give you a decibel count or anything like that, but it's loud, it's definitely loud.

Q     So we have street traffic. We have pedestrian traffic. We have noise. We have people screaming. That is not isolated to Secret Lounge, is it?

A     No, no.

Q     Okay. It's that entire block. And do you know how many establishments are located in that general area?

A     I couldn't tell you exactly. I think one of the previous witnesses said something like were ten, but I would say 8 to 10 probably is a reasonable estimate, depending on what you consider closest to that, you know. If we are just talking about the 1900 block of 9th Street, I would say ten would be a reasonable estimate.

Q     So what is the line specifically in terms that we use, that the ABC Board uses? Let's say within 1200 feet of Secret Lounge, would you be surprised to learn that there were 70 establishments in that area?

A     No, I would not be surprised at all, 1200 feet, certainly, yes.

Q     And to be clear, the incident that
we're discussing here in October of 2018, on the
1900 block of 9th Street, does that impact the
peace, order and quiet of the DuPont Circle
neighborhood in any way that you could discern?

A I couldn't make that judgment.

Q Okay. So let's go, let's fast forward
to two months later. So now we are in December
of '18, roughly when we have this shooting issue.

A I believe the shooting was prior to
the (audio interference). I can't tell you for
certain, but I remember the shooting being more
toward the end of the summer, maybe two months
prior to, not after it, but I can't tell you that
for certain.

Q Okay, so we're dealing with roughly,
thank you for the clarification. We are dealing
roughly with August of 2018?

A That's my best guess.

Q Okay. And if I understood your
testimony correctly, there was shooting on the
shoot in proximity to Secret Lounge? Is that
right?

A This is correct.

Q Was that shooting in any way linked to
Secret Lounge?
A  I don't, I can't speculate on that. You would have, to, I don't even know if that case has been closed, and I can't speculate on it. I was one of the first officers to respond, but you know again, that would be a more appropriate question for a homicide detective for the investigation.

Q  I understand completely, thank you. So I take it there was no citation issued to Secret at that that time?

A  Not to my knowledge.

Q  To your knowledge, was there a 96-hour closure?

A  Not to my knowledge, or not that I recall.

Q  Okay thank you. I think that is. Oh, are you familiar in your scope, in the course of your duties, are you familiar with the 1700 block of Connecticut Avenue NW?

A  I would not say to my duties insofar as you know, marginally, it is a different district, I live in the city, I know the city, the periphery of the Third District, so sometimes I would pass through, transfer it, but I don't have any specific similarity about, you know, the
neighborhood or anything really.

Q Well let me ask you this. From your personal observation, how does the 1700 block of Connecticut Avenue compare to the 1900 block of 9th Street?

A You know, the traffic, it's hard, it's kind of a large crowd and you know (audio interference).

Q I'm sorry Officer O'Shea, you were, most of your response was garbled and broken up. Would you mind saying that again?

A Sure. I'm just suggesting that it is, you know, I believe the question, comparing to the 1900 block of 9th Street, I'm not sure I can do that in any way that is helpful. But as far as I know it's both blocks, a street that attracts as many people and crowds as the 1900 block of 9th Street.

Q Very good. Thank you very much for your time, I appreciate it. The Board may have some questions for you now.

A No problem at all.

CHAIRPERSON ANDERSON: Thank you, Mr. Bianco. Does any of the Board members have any questions for Officer O'Shea.
MEMBER SHORT: Mr. Chair I would like to make a comment.

CHAIRPERSON ANDERSON: Yes Mr. Short.

MEMBER SHORT: Officer O'Shea, we thank you very much for your service sir. You and the other officers (audio interference).

OFFICER O'SHEA: No problem at all, sir, happy to do it.

MEMBER SHORT: Officer O'Shea, can you please again repeat for me so I can put it in my notes the report you gave on RDL4, the previous establishment that we are discussing here today. I'll follow behind you.

For the most up to date information I have received from the Metropolitan Police Department this morning was that Secret Lounge was in for (audio interference) for RDO.

MEMBER SHORT: Please forgive me, you kind of dropped. Can you repeat that number again please?

OFFICER O'SHEA: Four thousand and nine hundred dollars, forty-nine hundred dollars.

MEMBER SHORT: So that indicates that he received, or that Licensee received those services but they have not paid for them. Is
that correct?

OFFICER O'SHEA: That is my understanding, yes.

MEMBER SHORT: Does the District government have any way of collecting those funds even when they move to a new location?

OFFICER O'SHEA: I don't know what the process, I couldn't speak to the process for the government collection calculation.

MEMBER SHORT: Last question. Once a person is dropped because of nonpayment, until they make those payments, they cannot receive RDO again, is that correct?

OFFICER O'SHEA: That is correct.

MEMBER SHORT: Thank you very much and be safe out there, Officer O'Shea. Thank you, that's all I have.

OFFICER O'SHEA: Thank you sir.

CHAIRPERSON ANDRESON: Any other questions from any other Board members?

MR. DANEALE: Can I ask him a question?

CHAIRPERSON ANDRESON: No sir, no sir, you can't ask him a question. Only your lawyer can ask questions sir. Are there any other
questions by any other Board members? You need
to check with your lawyer and if he asked the
question, and I will give him an opportunity.

Any other questions by any of the
Board members? Hearing none. Oh I'm sorry, Mr.
Bianco, do you have any questions of the Officer
based on the questions that were asked by the
Board?

MR. BIANCO: I don't but if you would
briefly indulge me. It sounded like my client
wanted to ask something so I sent him the text
message to see what he wants to ask. So might I
trouble you for a few seconds to see what he
wants to ask?

MR. DANEALE: I'm texting you.

MR. BIANCO: Okay. I do have one
question.

CHAIRPERSON ANDERSON: Okay Mr.
Bianco.

MR. BIANCO: Do you know whether or
not anyone invoiced Secret Lounge for the RDO?

OFFICER O'SHEA: I can't answer that
specifically, no sir. I'm not aware of how that
process works or how they are notified of that.

MR. BIANCO: Thank you very much.
CHAIRPERSON ANDERSON: Any other questions Mr. Bianco?

MR. BIANCO: No, sir.

CHAIRPERSON ANDERSON: Thank you. Mr. Engelmann, do you have any questions you want to ask Officer O'Shea, based on the testimony that was given, based on the testimony that was made, based on the questions that was asked by the Board?

MR. ENGELMEN: No, sir.

CHAIRPERSON ANDERSON: Mr. Silverstein, Do you have any follow up questions to Officer O'Shea or any questions?

MR. SILVERSTEIN: Thank you, no, sir.

CHAIRPERSON ANDERSON: All right, Officer O'Shea, thank you very much. Thank you very much for being with us today and you are now free to go. Thank you very much sir.

OFFICER O'SHEA: Okay. Thank you Mr. Chairman. You all have a nice day.

CHAIRPERSON ANDERSON: All right, thank you. All right. We have, Mr. Silverstein, you have 40 minutes. Do you have another witness?

MR. SILVERSTEIN: Yes sir I do. I have
Lieutenant John Merzig? Is Lieutenant Merzig available?

CHAIRPERSON ANDERSON: Is Lieutenant Merzig on the phone?

LIEUTENANT MERZIG: Yes, Lieutenant Merzig here.

CHAIRPERSON ANDERSON: All right. Lieutenant Merzig, do you have a camera sir? If you do, if you can turn, if you don't have it, that's fine. There you go, I can see you. I hope you are not driving.

LIEUTENANT MERZIG: Not yet but we are about to pull off so I might have to, I'll put the video off and just be on the speaker.

CHAIRPERSON ANDERSON: All right. I just need to, can you raise your right-hand sir?

LIEUTENANT MERZIG: Yes.

CHAIRPERSON ANDERSON: You affirm to tell the truth and nothing but the truth?

LIEUTENANT MERZIG: I do.

CHAIRPERSON ANDERSON: Thank you.

Your witness Mr. Silverstein.

BY MR. SILVERSTEIN:

Q Thank you. Thank you Lieutenant Merzig. How long have you been with MPD?
A Little over a year now.

Q And how long were you at 3D?

A I worked in the 3rd District for approximately three years.

Q And currently you are in 2D?

A Yes that is correct.

Q So you were where Secret Lounge was and you are now where Secret Lounge or Signature Lounge was required in your service area, correct?

A That is correct. Yes.

Q When you worked in the supervisory capacity in 2D over near Secret Lounge, were there issues of peace, order and quiet and public safety surrounding that establishment?

A Hold on for me for one -- all right, I'm sorry, I may have occasional interruptions. We are working on -- we have been handling protests all day. Can you repeat the question?

Q Were there issues of peace, order and quiet and public safety surrounding Secret Lounge when you were in the supervisory capacity over there?

A Yes there were.

MR. BIANCO: Mr. Chairman, I am going
to object to that question to the extent that is
calls for information that is outside of this
fact-witnesses' personal knowledge.

If he is being asked to provide
information about what somebody has reported to
him, I can't cross-examine on that fact, it would
be unfair or hearsay. So I want clarification if
he is talking his personal knowledge or what
somebody else told him.

BY MR. SILVERSTEIN:

Q      Was it your personal knowledge sir,
that there are issues of peace, order and quiet
in public safety surrounding Secret Lounge?

A     Yes, I directly worked on the ground
in the 1900 block of 9th Street for at least a
year to the best of my knowledge.

Q      And your work over there -- you get
cooperation, you get interfacing with the
establishment and the investigations and things
like that, than did the patrol officers?

A     Well I was a patrol supervisor, so I
was a Sargent there. I oversaw the club zone
scene in that area and O'Shea was one of my
officers there. As he had said, we covered the
1900 block of 9th Street and U Street from 9th to
14th.

Q    Is there anything particular about the clientele at Secret Lounge, and without getting into why the establishment and aura of the place?

A     I mean it was an area where when we heard a call go out for service, we knew there was usually going to be problems from that area.

Q     And would the violations outside of the place, just in the area, were there problems that required an RDO?

A     Yes, between all the fights that happened, the fights spilling out of the club and the homicide that happened in front of the club, you know, I believe there was a multitude of problems that happened in front of that club that caused them to be basically forced by ABER to have an RDO. But I would have to look at the ABER paperwork to see if that was one of their stipulations for remaining open.

Q     How would you say the cooperation of MPD and your level of facing the problem?

A     I can just give you one example. On the night of the homicide, our investigation did reveal that the dispute arose inside of Secret Lounge.
The dispute was pushed out onto the street and then it escalated to such a point where somebody lost their life. And then I believe after that, they closed the doors and locked them so that police couldn't get inside.

Q  Review that last part again, was this before closing time?

A  The shooting happened at approximately 1:15 a.m. and it was, and I believe it was August 27th if my memory serves me correctly.

Q  The crime and violence can happen almost anywhere. You can't always blame the establishment if something bad happens there. So what's the particular issue with Secret Lounge in terms of transparency in working with police, compared to some other clubs where there might be problems?

A  I worked in club zone areas all across the city, from China Town as an officer to the 3rd District on U Street, up in Adams Morgan, and now as a Lieutenant here in 2d. I have worked in the DuPont Circle area.

So I have plenty of experience dealing with clubs and all different parts of the city and it's been my experience, not all clubs are
the same as far as it comes to dealing with the police. Some are very cooperative, they give you every asset, to all their cameras, full recording, everything like that.

And then there is other clubs like Secret Lounge that shut the door on you and lock it, you know, when somebody is out there bleeding to death and you need to look at their cameras.

Q    Do they follow the rules generally or is it, is it something that they are cooperative when they have to be, or do they go out of their way.

A    I think it's when they are forced into compliance they will follow the rules.

Q    Has this changed at all since the two episodes that we discussed or?

A    I can't really speak to the change because after I worked on U Street for a year, I transitioned over to running the 3rd District Crime Suppression Team, so I haven't been down in the 1900 block of 9th Street.

Q    There is a big disconnect here Lieutenant, and it's a disconnect between relatively clean ABRA record for this establishment and what you describe. Which is
you speak of disorder, citywide 1033 calls that
Officer O'Shea spoke of, calls for every
available officer and you speak of a total lack
of cooperation or lack of cooperation with MPD
and disregard for public safety.

How can it be that they have a clean
record and yet this is what you are talking
about? How can that be?

A I'm sorry, we're making movement right
now. Can you repeat that question, I had to turn
my camera off.

Q I'm sorry, there is a disconnect here
and it's a disconnect between the clean ABRA
record, relatively clean ABRA record for this
establishment and what you are describing, the
lack of disorder, the lack of cooperation, and
disregard for public safety. How can it have
such a clean record and yet still what you are
describing?

A I mean, there can be any reasons for
that, lack of enforcement, lack of just, lack of
accountability, you know, there is any number of
reasons. But I would manage to guess if you
pulled the MPD reports looking at reports taken
for ABRA violations at that location, there would
be several of them.

Q  How many, there are fewer than 2,000
ABRA investigators in the entire agency, and how
many police are there and how often are your
police out there?

A  At least my team, they covered that
area, there were 20 of us. We had Sunday,
Monday, Tuesday off and our typical shift was
from 9:00 p.m. till 7:30 in the morning.

Q  Now you are moving over to 2D, you are
in 2D?

A  Correct.

Q  And the past two weeks we have had two
shootings in club areas on Connecticut Avenue,
I'm just talking about resources here. Two weeks
ago an incident just up the block from where
Signature Lounge would be.

Four days ago a double shooting
outside of Decades in middle of club central,
south of the circle. Last night a man and his
wife were coming home from dinner on 14th Street,
which is not necessarily DuPont, but close by,
and he was shot and killed.

And are you looking at the CAT TV, the
club actions down there? Are you doing things in
the club zone to respond to this, to what's there now, what is happening there now?

A   As of yet, a CAT team has not been brought back. On multiple fronts here that has strained our manpower between protests in the city and the rise of violence that is going on right now. But with the clubs opening back up, it is going to be challenging to pull from that unit which would require, I would say at least ten extra officers.

So that would mean pulling ten officers that right now we have patrolling the 2nd District in neighborhoods you know. The 2nd District is very large so they are spread out all across the 2nd District and to have to consolidate them to DuPont Circle, that would definitely strain the manpower.

Q   Lieutenant, how would granting a license to this Applicant, with what you have heard about what they are planning to do, how would this affect the deployment of MPD resources in the entire 2nd District?

A   Well I would answer that by saying, obviously first, as it is I'm sure with Secret Lounge, it probably wouldn't affect it that much.
But as we are seeing it now with the clubs opening back up and some more violent acts starting to happen directly inside these clubs.

If we have any more, you know, issues of violence, or you know, general disorder calls for people fighting, you know, and DUIs, crashes, it will definitely affect manpower and manpower will have to be dedicated to this area to basically just keep the peace.

Q What would that mean for people who live in the residential neighborhood?

A It will mean longer response times. It will just pull all of those resources further away from you know, like what I would describe is an ideal deployment where everybody is spread out and able to handle, you know, the randomness of police calls that happen anywhere in the city. Any emergency can happen anywhere, anytime, so we try to be prepared for that.

Q Finally, and I thank you so much for your service and for, right now you are down there I assume by the White House with all those, with the protests going on there. Do you know anything more than what Officer O'Shea did regarding RDO payments? Are those in a
collection situation?

    A     Yes so, I'm not in 3D but I spoke with
the 3D RDO Coordinator, Lieutenant Markowitz, and
he forwarded me along a printout from a
collection agency with the outstanding balances
for Secret Lounge that they never paid. So they
basically received nearly $5,000 of services from
the Metropolitan Police Department that they
never paid for.

    Q     And it has gone to collections?

    A     Yes it is with a collection agency
right now.

    Q     Thank you. I'm sure that Mr. Bianco
has some questions of you. Thank you very much
for your service, stay safe.

    A     Thank you.

CHAIRPERSON ANDERSON: Mr. Bianco, any
questions?

MR. BIANCO: Yes, I do have some
questions. If you'll bear with me for just a
moment.

So Lieutenant, you testified that you
responded to the shooting outside of Secret
Lounge in August of 2018, correct?

LIEUTENANT MERZIG: I did not testify
MR. BIANCO: What was your involvement with that particular incident then?

LIEUTENANT MERZIG: I just said I have general knowledge of that case.

MR. BIANCO: Okay. So you weren't actually there?

LIEUTENANT MERZIG: No, I was not.

MR. BIANCO: And does all of your knowledge of that case come from reports that you read?

LIEUTENANT MERZIG: Yes.

MR. BIANCO: Okay. And did you receive those reports contemporaneously at the time they occurred or have you since reviewed them for the purposes of testimony today?

LIEUTENANT MERZIG: I've reviewed -- I would say both. Since that was my area obviously, I was very interested in a homicide that happened in my area. I believe I was off that night, but -- so I have the knowledge from officers that were on that scene, they described it to me.

And then I have the knowledge that I gained afterwards by reading the testimony, to
include the after-hearing testimony regarding the shooting at the club.

MR. BIANCO: Understood. But all second-hand knowledge nonetheless, correct?

LIEUTENANT MERZIG: Correct.

MR. BIANCO: Okay. Do you know whether or not the establishment was issued a citation for that incident in August of 2018?

LIEUTENANT MERZIG: No. I'd have to look at the record to see what --

MR. BIANCO: Okay.

LIEUTENANT MERZIG: -- was determined.

MR. BIANCO: Do you know whether or not there was an ABRA violation found by the establishment in August of 2019?

LIEUTENANT MERZIG: I don't know that either.

MR. BIANCO: Do you know whether or not there was a MPD closure of the establishment in August 2018?

LIEUTENANT MERZIG: No, I don't know that.

MR. BIANCO: Okay. So you describe the situation whereby following the shooting, somebody at the establishment closed and locked
the doors, correct?

LIEUTENANT MERZIG: Correct.

MR. BIANCO: How did you come to gain that knowledge?

LIEUTENANT MERZIG: I believe that was in the testimony that I read from the ABRA hearing.

MR. BIANCO: Okay. And when shooting starts, wouldn't closing and locking doors be a prudent response?

LIEUTENANT MERZIG: I would say running and hiding would be a prudent response.

MR. BIANCO: Okay. And closing open doors and locking them would not fall within that category?

LIEUTENANT MERZIG: If somebody was shooting, I would not take the time to lock my door.

MR. BIANCO: Okay. But you wouldn't say that's inappropriate though when shooting starts that somebody close and lock a door?

LIEUTENANT MERZIG: I'm sorry. Repeat the question?

MR. BIANCO: You wouldn't say that that is a inappropriate response?
LIEUTENANT MERZIG: No. No, that's fine.

MR. BIANCO: Okay. And wouldn't that prevent a gunman from coming inside and shooting more people?

LIEUTENANT MERZIG: Yes.

MR. BIANCO: Okay. So you talked about the size of your team covering the 9th to 14th Street area, I suppose, around the time of the shooting and I believe you said that it was 20 officers that were on that particular assignment, right?

LIEUTENANT MERZIG: That there's -- yes, I would say an approximation. Our numbers would sometimes move from, you know, 19, 20, 21, 22 that were assigned to the unit.

MR. BIANCO: Okay. But that wasn't isolated just to Secret Lounge, was it?

LIEUTENANT MERZIG: No.

MR. BIANCO: So those 20 officers or roughly 20 officers would have been assigned to cover all 70 establishments in that particular area, correct?

LIEUTENANT MERZIG: Correct.

MR. BIANCO: Okay. And you also
testified about a recent rise in violence. What
did you mean by that?

LIEUTENANT MERZIG: Just referring to
the violent crime statistics that are on the rise
in the District of Columbia.

MR. BIANCO: Okay. And I read news
stories as much as anybody but, could you be more
specific? When did this rise in violent crime
start and where are we now?

LIEUTENANT MERZIG: Just talking from
my own knowledge on it, you know, the
Metropolitan Police Department keeps stats that
you can go and look on their website, as far as
the reportable violent crimes. But I'd probably
say it started seriously increasing in 2018 and
that it continued in 2019 and 2020.

MR. BIANCO: Okay. And the increase
in violent crime that you're referring to, is
that city wide or is that isolated to one
specific area?

LIEUTENANT MERZIG: We've seen
percentage increases in every district in violent
crime. Most of it is centered usually, in the
Sixth and the Seventh District, but you're
correct in saying that it's spread out in the
MR. BIANCO: Okay. So Mr. Silverstein asked you about how you think Signature Lounge might impact the deployment of manpower in the 1700 block of Connecticut Avenue; do you remember that?

LIEUTENANT MERZIG: Yes, I do.

MR. BIANCO: Okay. And I just want to make sure I understood your answer correctly, which is well, if there's issue of violence then it would affect manpower, but until that happens you won't know; is that accurate?

LIEUTENANT MERZIG: Yes. I mean, so typically, you know, we are -- if there's incidence, we will react to them and if there's enough, we will set up a team or taskforce, something along those lines, to address what's going on or if we see patterns going on.

MR. BIANCO: Okay. And having worked both the 1900 block of 9th Street and now the area including the 1700 block of Connecticut Avenue, how would you describe the difference between those two areas?

LIEUTENANT MERZIG: I would say the U Street corridor that I would refer to, which
includes the 1900 block and 9th Street, if you'll allow that. The amount of foot traffic and club density is much higher than the whole Dupont Circle and north of Dupont Circle area.

MR. BIANCO: Right. Okay. Thank you very much, Lieutenant. I appreciate your time. I'm sure the Board will have some questions for you.

CHAIRPERSON ANDERSON: All right. Thank you. Any questions by the Board members?

MEMBER GRANDIS: Yes, sir.

CHAIRPERSON ANDERSON: Mr. Grandis.

MEMBER GRANDIS: Officer, I want to thank you for your valuable time. I know you're probably engaged with global issues and we don't want to distract you too much, but I do want to ask you a couple questions.

It's been cited that there was a hearing that was regarding this shooting in front of the, I guess it's Secret's; is that correct?

LIEUTENANT MERZIG: Yes. To my knowledge, I'm referring to testimony that --

MEMBER GRANDIS: Yes.

LIEUTENANT MERZIG: -- Assistant Stuart Emerman gave --
MEMBER GRANDIS: Yes. Yes.

LIEUTENANT MERZIG: -- at that hearing.

MEMBER GRANDIS: Thank you. And I thought you also said that in that hearing it was acknowledged that the confrontation, prior to the shooting, was actually inside that establishment?

LIEUTENANT MERZIG: Correct.

MEMBER GRANDIS: And then I also heard you state for this record, that in that hearing it was also noted that the establishment closed the doors and locked them once the shooting occurred.

LIEUTENANT MERZIG: Correct.

MEMBER GRANDIS: Did that testimony, was it able to be determined if the owner was present when the doors were locked? Was the owner present that evening? Is that --

LIEUTENANT MERZIG: I could not -- I couldn't testify to that. I couldn't tell you that either way.

MEMBER GRANDIS: Okay. Well, thank you.

Mr. Chairman, is it possible to recall this particular hearing has been brought into
this hearing to have that hearing record made a
part of this hearing so we can get clarification?

CHAIRPERSON ANDERSON: There's a
standing objection by counsel regarding the
nature of -- I'm sorry. Go ahead, Mr. Bianco,
you have something?

Well, no. The questions addressed to
me. There's a standing objection because remember
there was a motion filed by the applicant that
requested that we -- that a subpoena not be
issued and that their testimony be limited.

So I do not believe that its
appropriate for us to bring that case in this
case. I believe --

MEMBER GRANDIS: Then why did you
allow all that testimony --

(Simultaneous speaking)

MEMBER GRANDIS: -- because without
having that record in front of us, we can't
determine if that was accurate?

CHAIRPERSON ANDERSON: There's a
standing objection and I believe there's a
witness also here who is supposed to testify
regarding that issue. There is a Board witness.

Mr. Silverstein is calling one of the -- I am not
going to put it into the record.

I'm not going to pull it in the record, bring it here, it's up to the protestant to bring things that I imagine that Ms. -- there's a witness here who is going to testify, I believe, regarding the incident.

MEMBER GRANDIS: Okay. And let me just say --

MR. SILVERSTEIN: Mr. Chairman?

MEMBER GRANDIS: -- that --

CHAIRPERSON ANDERSON: Hold on a minute, Mr. Grandis.

Yes, Mr. Silverstein?

MR. SILVERSTEIN: The protestants would like to bring in -- this was in our path, Exhibit 1, the district did have a fact-finding hearing in December 5th, I believe it was, 2018 regarding a homicide that occurred August 27th, 2018, in Secret Lounge, testimony of Assistant Chief of Police, Stuart Emerman.

CHAIRPERSON ANDERSON: All right. Mr. Silverstein, all right. It's my understanding, it's not on the record as yet, that the protestant have asked for that information. So in the presentation of this case, if the
protestant --

LIEUTENANT MERZIG: My phone's about
to die. O'Shea just testified from the train.
Okay?

CHAIRPERSON ANDERSON: I'm sorry. It
appears that the witness is stating that his
phone is about to die. So I don't know where
we're going to go with this. With his further
testimony?

MR. SILVERSTEIN: Will I be able to
introduce it now as a --

LIEUTENANT MERZIG: I'm sorry. Were
you guys raising me?

MR. SILVERSTEIN: No, we were not.

CHAIRPERSON ANDERSON: No. I'm sorry.
All right. So not at this juncture. So --

LIEUTENANT MERZIG: Okay.

CHAIRPERSON ANDERSON: -- it's not --
the Board does not bring the documents into
exhibits in certain, so granted. So that's --

(Simultaneous speaking)

MEMBER GRANDIS: Thank you. Thank
you. Thank you. I raised it, just to be clear,
I just wanted to be clear. I generally support

CTs. I generally support CNs if it's appropriate
where it's going to be established.

I generally do not support CTs that become CNs.

CHAIRPERSON ANDERSON: I would like to --

MEMBER GRANDIS: No. I'm just stating that if we're looking at a CT license, I want them to know that I generally support the implement of a CT license.

CHAIRPERSON ANDERSON: Well, I -- we're in the middle of this hearing and I would appreciate all the Board members, we need to keep an open mind.

We're not the --

MEMBER GRANDIS: I have an open mind. I'm just stating that I support CTs as they are designed. And I support CNs as they are designed. I don't think I'm doing anything inappropriate by stating that.

CHAIRPERSON ANDERSON: All right. This is a protest hearing. The applicant is requesting a CT license. That is the license that's here. There is no application here for CN license.

I want to make sure that the record is
clear that the protestant -- that the applicant is asking for a CT license. If Board members or anyone think that it's morphing into a CN or sub-CN, that's a different situation. But currently, this is a new license for a CT.

And I just want to make sure the record is clear that that's the issue that we're discussing, whether or not this applicant can get a CT license.

I don't want us to be talking about a CN license, because that's not here. The licensee is not asking for a CN license. If individuals believe that this is the not the appropriate license for them to request this, this is not the juncture for us to have that conversation.

So all that's been requested here is a CT license and I need us to focus the hearing on whether or not this CT license is appropriate for this area and whether or not -- and the Board actually listen to what the testimony will deliver it and make it a determination whether or not we're going to grant the license, deny the license, or grant the license with conditions or -- and I don't know.
But I just want to make sure that the record is clear where we're heading. Okay? So that's where we are. Do you have any other questions you want to ask, Mr. Grandis?

MEMBER GRANDIS: I do. Thank you for this opportunity. Thank you very much, sir.

CHAIRPERSON ANDERSON: All right. All right. Any other questions by any of the Board members?

Mr. Bianco, any questions after the officer gave the testimony for that by the Board?

MR. BIANCO: No.

CHAIRPERSON ANDERSON: Mr. Engelmann, any questions of the officer based on the questions that were asked by the Board?

MR. ENGELMANN: No, Mr. Chairman.

CHAIRPERSON ANDERSON: Thank you. Mr. Silverstein, any questions of the officer based on the questions that were by the Board?

MR. SILVERSTEIN: Yes, based on the question of rules and following the CR and CT and CN.

How does the way that an establishment is run and follows the rules affect the crowd that they bring?
LIEUTENANT MERZIG: Yes, I'm here. I'm here. I mean, this is my personal opinion, but from what I've seen on the streets that clubs that are play fast and loose with the rules, they're going to have clients that are going to be just pretty much the same as them.

MR. SILVERSTEIN: No further questions. Thank you. Be safe, sir.

CHAIRPERSON ANDERSON: Lieutenant, thank you very much for your testimony today. Thank you for being here with us and have a good day.

LIEUTENANT MERZIG: Yes. Thank you. I'm going to disconnect.

CHAIRPERSON ANDERSON: Yes, sir. You can disconnect. Thank you very much.

All right. Let me see, as far as time is concerned. Mr. Silverstein, you have 26 minutes left in your entire case. Do you have any other witnesses? Mr. Silverstein?

MR. SILVERSTEIN: I'm sorry. I need to unmute myself. We'd like to call ABRA Investigator Rhoda Glasgow.

CHAIRPERSON ANDERSON: Remember, you have 26 minutes left in your case. All right.
MR. SILVERSTEIN: Yes, sir.

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

INVESTIGATOR GLASGOW: I do.

CHAIRPERSON ANDERSON: All right.

Thank you. Go ahead, Mr. Silverstein.

MR. SILVERSTEIN: Thank you very much, Investigator Glasgow, for being here and getting through this so far. We're going to talk about one specific event and that is the inspection, attempted inspection of Secret Lounge on the night of August 29th, 2020.

And I'm going to walk you through it step-by-step. First, what were you doing that night and do you recall, you're aware of which one I'm talking about, right?

INVESTIGATOR GLASGOW: Yes, I do. I was monitoring establishments on 9th Street actually, when I saw a bunch of people standing in front of Secret Lounge. So I approached the door and I realized it was locked.

Some of the patrons were complaining that that's what they were doing for a while now.
So I started banging on the door and a security guard, I don't think he noticed me at the time, so I put my badge up on the door. I'm not sure if he noticed it again. I then called my supervisor and asked him how to proceed?

MR. SILVERSTEIN: Okay. How long did you knock?

INVESTIGATOR GLASGOW: I would say I was knocking for, like, five minutes, actually.

MR. SILVERSTEIN: How loud?

INVESTIGATOR GLASGOW: I'm sorry?

MR. SILVERSTEIN: How loud did you knock?

INVESTIGATOR GLASGOW: Oh, I was trying to knock as loud as I could possibly do it because the music was on inside. So --

MR. SILVERSTEIN: Do you --

INVESTIGATOR GLASGOW: -- and the street is very noisy.

MR. SILVERSTEIN: Do you know if anybody inside saw you or heard you?

INVESTIGATOR GLASGOW: At that point, no. I remember -- I think he did see me, the security inside did see me, but he didn't acknowledge that I was there. That's when I
called my supervisor.

MR. SILVERSTEIN: So you called your supervisor and what did your supervisor say?

INVESTIGATOR GLASGOW: He said to standby and he would contact the fire marshal so he can come out there and address the situation.

MR. SILVERSTEIN: And while you waited, did you see anyone leave or enter Secret Lounge?

INVESTIGATOR GLASGOW: No.

MR. SILVERSTEIN: The door was locked and left unattended for how long, do you think?

INVESTIGATOR GLASGOW: Well, the fire marshal took about 15 minutes to get there from when I got there and he came and started banging at the door as well.

And at that point he had, well, basically a harder knock than I did. So it got the attention of the security guard who then looked through the door and then ran upstairs to get the owner.

MR. SILVERSTEIN: Wait. The security guard saw the fire marshal? Was the fire marshal in uniform?

INVESTIGATOR GLASGOW: Yes, he was.
MR. SILVERSTEIN: And he did not open the door?

INVESTIGATOR GLASGOW: No. Not immediately, no. He went to the second floor to get the owner and then the owner came downstairs.

MR. SILVERSTEIN: Did you show a badge at that point as well or?

INVESTIGATOR GLASGOW: No. The fire marshal had the point at that time.

MR. SILVERSTEIN: Well, they let you in or what happened when he came downstairs? He came downstairs with the owner you say?

INVESTIGATOR GLASGOW: Yes. The owner came downstairs and opened the door for us to come in.

MR. SILVERSTEIN: And when they finally let you in, what did you see upstairs? So what did you see on the first floor?

INVESTIGATOR GLASGOW: Well, the first floor was kind of empty. There was not a lot of people. Mostly staff. When we went up to the second floor, there were people sitting around there. Social distancing was not adhered to. Some people were walking around without masks. I saw people sitting at the bar, they were
conduction bar service as well. And people
weren't socially distanced.

MR. SILVERSTEIN: They were not
sitting with too many people at a table or what
was the things you saw?

INVESTIGATOR GLASGOW: Yes. Yes, they
were more than six at a table in some groups of
people. You couldn't really tell one table from
the other because they were all combined,
basically.

MR. SILVERSTEIN: And the owner had
been up there while this was occurring?

INVESTIGATOR GLASGOW: Yes.

MR. SILVERSTEIN: And there was bar
service?

INVESTIGATOR GLASGOW: Yes.

MR. SILVERSTEIN: Bar service, this
was during what you call Phase II?

INVESTIGATOR GLASGOW: Yes.

MR. SILVERSTEIN: Was bar service
legal?

INVESTIGATOR GLASGOW: It was
restricted. It was not allowed.

MR. SILVERSTEIN: So no masks, no
social distancing, more than six to a table,
people walking around without masks and bar
service?

INVESTIGATOR GLASGOW: That is
correct.

MR. SILVERSTEIN: Anything else you
want to add?

INVESTIGATOR GLASGOW: While we were
up there, the fire marshal explained to the owner
that he cannot lock the door at any point because
patrons were inside of the establishment.

MR. SILVERSTEIN: And this was Fire
Marshal Pennington?

INVESTIGATOR GLASGOW: Yes.

MR. SILVERSTEIN: I have no -- thank
you very much for sticking it out this long.
Thank you for your help and for your service at
ABRA. I have no further questions.

INVESTIGATOR GLASGOW: Thank you.

CHAIRPERSON ANDERSON: All right. Mr.
Bianco, any questions of the witness?

MR. BIANCO: No questions.

CHAIRPERSON ANDERSON: I'm sorry. I
should have asked Mr. Engelmann.

Mr. Engelman, any questions of this
witness?
MR. ENGELMANN: No questions.

CHAIRPERSON ANDERSON: All right.

Thank you. And any questions of the witness by any Board members?

MEMBER GRANDIS: Yes, sir.

CHAIRPERSON ANDERSON: Yes, Mr. Grandis?

MEMBER GRANDIS: Thank you, Chairman.

I want to thank you for being patient with us today as you've heard. I want to thank you for your great service to the city. I'm going to try again.

Now, you were at this establishment after the shooting; did I hear that correctly?

INVESTIGATOR GLASGOW: I am not sure when the shooting happened. I was there on August 29th of 2020.

MEMBER GRANDIS: At what time?

INVESTIGATOR GLASGOW: I got there approximately 8 o'clock.

MEMBER GRANDIS: Oh, in the evening?

INVESTIGATOR GLASGOW: Yes.

MEMBER GRANDIS: Okay. And this is when the doors were locked?

INVESTIGATOR GLASGOW: Yes, when I saw
the doors were locked. Yes.

MR. ENGELMANN: And --

INVESTIGATOR GLASGOW: I pulled on the
door a couple of times and I verified that it was
locked.

MR. ENGELMANN: Okay. And was this,
based on their license, was this legal operating
hours that they would usually be open at 8
o'clock?

INVESTIGATOR GLASGOW: Yes.

MEMBER GRANDIS: And the doors were
locked?

INVESTIGATOR GLASGOW: Yes.

MEMBER GRANDIS: And there were
patrons inside, not just staff?

INVESTIGATOR GLASGOW: That is
correct.

MEMBER GRANDIS: Do you know if the
owner was present?

INVESTIGATOR GLASGOW: He was.

MR. ENGELMANN: Thank you very much.

Thank you for your time and thank you for your
testimony.

INVESTIGATOR GLASGOW: Thank you.

CHAIRPERSON ANDERSON: Any other
questions by any other Board member?

   All right. Hearing none, Mr. Bianco

any -- I'm sorry, let me ask Mr. Engelmann first.

   Mr. Engelmann, any questions of the

witness based on the questions that were asked by

the Board?

   MR. ENGELMANN: No.

   CHAIRPERSON ANDERSON: All right.

Mr., hold on. Mr. Bianco, any questions of the

witness based on the questions that were asked by

the Board?

   MR. BIANCO: No, sir.

   CHAIRPERSON ANDERSON: All right.

Thank you. Mr. Silverstein, any follow-up

questions for the witness based on the questions

that were asked by the Board?

   MR. SILVERSTEIN: No, Mr. Chairman.

But may I, at this time, ask that Exhibit 5, I'm

sorry, not Exhibit 5, but Exhibit 3, the

Alcoholic Beverage Regulation Administration case

report be entered into the record?

   CHAIRPERSON ANDERSON: And Mr. Bianco,

I'm going to allow it in the record because it's

part of ABRA's records. And so it's part of our

records, Mr. Bianco.
MR. BIANCO: Understood. Could I just
make my objection for the record?

CHAIRPERSON ANDERSON: Go ahead, sir.

MR. BIANCO: Okay. We have a four-
fold objection. Number one is our standard
objection as to relevance of anything with
respect to Secret Lounge. Number two, this is an
unadjudicated -- it's not adjudicated as a
violation. It's merely a warning, so it has no
relevance to the ultimate issue that that Board
is deciding.

Number three, it's unnecessarily
repetitive and cumulative as we have the
investigators testimony. There's no need to need
to enter a written exhibit.

And finally, any prejudice of this
exhibit outweighs the probative value. Thank you
for letting me make the record, sir.

CHAIRPERSON ANDERSON: All right.

Thank you, Mr. Bianco. And the only reason it
is, it is a part of ABRA's records.

So it's the same owner as a part of
the record and the Board will use the document
for whatever, I'm sorry, in a sense of if it's
determined that it's relevant at some point, you
can argue a determination for -- we'll give it
the probative value that it's worth. And I don't
know what that is at this at this juncture.

CHAIRPERSON ANDERSON: All right.

MR. SILVERSTEIN: And Mr. Chairman?

CHAIRPERSON ANDERSON: So it's a part
of the record, Mr. Silverstein. Yes, go ahead, sir.

MR. SILVERSTEIN: At this time, might
I also enter into record Exhibit 2, which is also
a transcript of a ABRA fact-finding hearing,
February 6th, 2019, regarding the APL on Brian
O'Shea.

And Exhibit 1 --

CHAIRPERSON ANDERSON: Let's do one at
a time. The first one you said was Exhibit what?

MR. SILVERSTEIN: Exhibit 2, which is
the transcript of the ABRA fact-finding hearing
of February 6th, 2019.

CHAIRPERSON ANDERSON: And that's
fine, Mr. Bianco?

MR. BIANCO: I believe that the Chair
has already ruled on this issue and that it was
not to be admitted. But again, for the record,
one, we have a standing objection as to relevance
of anything with respect to Secret Lounge.

Number two, I think it is repetitive as the officer was here and actually testified and has been cross-examined. Number three, if the testimony contained in the transcripts that is of anyone other than Officer O'Shea is hearsay. I can't cross-examine on it. It's going to be accepted for the truth of the matter of service, which makes it unfair hearsay.

It is unnecessarily accumulative.

Officer O'Shea is here and prejudice outweighs any probative value. It's simply unnecessary.

CHAIRPERSON ANDERSON: All right. I'm going to allow that exhibit in and the Board will give it the weight that it's due. All right.

What other exhibits you're trying to move into evidence, Mr. Silverstein?

MR. SILVERSTEIN: It would be a transcript of ABRA's fact-finding hearing of December 5th, 2018, regarding the homicide which occurred on August 27th, 2018, at Secret Lounge. Specifically, the testimony of Assistant Chief of Police, Stuart Emerman.

CHAIRPERSON ANDERSON: And this is exhibit what number?
MR. SILVERSTEIN: Exhibit 1, sir.

CHAIRPERSON ANDERSON: Mr. Bianco?

MR. BIANCO: Sure. We have our standing objection. I believe the Board has already ruled on this issue.

But in addition, I would like to submit that Lieutenant Emerman is not here. He can't be cross-examined. It's hearsay. And I think, what is even more problematic, is that our witness that was here has no first-hand knowledge of the events.

So it is incredibly prejudicial and it's something that we can't explore and I can also, at the time this testimony was taken, I didn't have the opportunity to cross-examine with respect to a totally different establishment three years later.

It's incredibly prejudicial. And I think it's totally irrelevant to the underlying issue that the Board is trying to decide and it most certainly should be excluded based on Lieutenant Merzig's testimony that he had absolutely no first-hand knowledge of what occurred on that night.

CHAIRPERSON ANDERSON: All right.
Thank you for your position, Mr. Bianco. I'm going to allow it into evidence and the Board will give it the weight it so deserves. Any other exhibits or any other questions for Ms. Glasgow, so we can release her, Mr. Silverstein?

MR. SILVERSTEIN: No. Thank her for her patience. Thank you very much for your service.

CHAIRPERSON ANDERSON: Ms. Glasgow, thank you very much for being on the hearing this entire time. Thank you for your testimony today. And have a great day, you are free to go. Thank you.

All right. Mr. Silverstein, do you have another witness?


CHAIRPERSON ANDERSON: Jim Glade?

MR. SILVERSTEIN: Is Mr. McGlade there?

CHAIRPERSON ANDERSON: James, is it James McGlade?

MR. SILVERSTEIN: Yes.

CHAIRPERSON ANDERSON: Mr. McGlade, I
see your name is on my screen. Are you there, sir?

MR. MCGLADE: Yes.

CHAIRPERSON ANDERSON: Do you have a camera, sir? If not, let me know. Do you have a camera you can access so I can see you at least when I swear you in?

MR. MCGLADE: Yes. Just one second.

CHAIRPERSON ANDERSON: All right.

Thank you.

MR. SILVERSTEIN: How much time do I have, Mr. Chairman? I don't want to --

CHAIRPERSON ANDERSON: 21 minutes and 16 seconds, sir.

MR. SILVERSTEIN: Okay.

MR. MCGLADE: I don't have a camera.

CHAIRPERSON ANDERSON: All right. If you don't have a camera, it's fine. Mr. McGlade, can you raise your right hand, please? Sir?

MR. MCGLADE: Sure.

CHAIRPERSON ANDERSON: Is it up?

Okay. I can see you. Do you swear or affirm to tell the truth and nothing but the truth?

MR. MCGLADE: Yes, I do.

CHAIRPERSON ANDERSON: All right.
Thank you. Go ahead. Your witness, Mr. Silverstein.

MR. SILVERSTEIN: Mr. McGlade, you run a business next door. Tell us the name of the business and what your hours are.

MR. MCGLADE: The name of the business is called Bite the Fruit. B-I-T-E, T-H-E, F-R-U-I-T. Bite the Fruit. Our hours are, during the pandemic, 12:00 to 8:00 and until this gets passed us, our normal hours, for over 20 years, was 11:00 to 11:00 and on weekends 11:00 to midnight or 12 o'clock.

MR. SILVERSTEIN: Okay.

MR. MCGLADE: Sometimes on holidays we'd stay till 1:00.

MR. SILVERSTEIN: So your hours then, overlap the hours of a club we're going over next door?

MR. MCGLADE: Yes.

MR. SILVERSTEIN: Okay. We're running a little late. So I'm going to keep this as quickly as we can. How did the previous business that was there, Bistro Bistro, affect your business? And let's start with outside, the sidewalk, ingress and egress into your business
and how was that?

MR. MCGLADE: It affected it greatly due to the fact that it had promoters and there were trucks at the door for them and lines were forming down the street in front of my store and a lot of people that were coming in late that worked the swing shift were kind of intimidated and called me on the phone and said, look, you know, we can't break the line of people. Who are these people? What's going on?

As far as the cleanliness, the next morning we'd find, all up and down the street, half pints of this or half a bottle of that or loaded with cigarettes or cigar butts. And a lot of debris on the sidewalk.

MR. SILVERSTEIN: Okay. Now, let's talk about inside. Let's talk about the noise problem. And let's talk about the building itself. It was built as a grocery store?

MR. MCGLADE: Yes.

MR. SILVERSTEIN: How bad was the noise inside? Could you hear it inside your store?

MR. MCGLADE: Right. Bistro Bistro was originally Larimer's Grocery Store, which was
around for many years.

Yes. My building is connected to that building and the sound would be so loud that we would just have to turn off our sound in our store, which is just retail store music and it would just reverberate right up the wall and at that time, I was living in the apartment on the third floor. And that sound would continue till 2:30, quarter 3:00 in the morning Friday, Saturday night.

And then it got to the point where I did just move out of the building and I moved up I Columbia Heights and I've been there for about seven years.

MR. SILVERSTEIN: You were forced to move out of your apartment?

MR. MCGLADE: Well, no one forced me but I like to get a good night's sleep and I don't really go to bed early, but the point is when you do want to go to bed, you want to go to bed?

MR. SILVERSTEIN: Really?

MR. MCGLADE: Yes.

MR. SILVERSTEIN: Why didn't you complain to ABRA?
MR. MCGLADE: Well, we actually did. We actually talked to the owner several times. And when he realized that the money he was paying promoters and the money he was paying for a quote, security, which I'm not sure how long that lasted, and the DJ that they were doing and all this other stuff, and at the end of the night they were walking away with like $1,000 and the place was destroyed. All the tables were moved, all the chairs were moved. Everything was moved and you got to get staff to get it back together because if it was a weekend, they were open at 11:00, like a brunch on Saturday's and Sunday's.

So yes. So he finally threw the towel in and said, you know what, it just isn't worth it. Let me just get me a restaurant.

MR. SILVERSTEIN: Can you explain to the Board why this is such a serious problem and how much insulation is there between that place and your place?

MR. MCGLADE: Well, there is no insulation and as someone said earlier, I'm not an engineer, but because of the brick wall on my side and the brick wall on his are connected, the sound just reverberates right through. There was
not a space. There's not a sound space there, if I'm saying that correctly.

So therefore, that noise will come right through, much bigger.

MR. SILVERSTEIN: How much, what is it like 10 inches, 12 inches, 20 inches of brick? Do you have any idea?

MR. MCGLADE: The idea is, I think the walls are like eight-inch bricks or seven and a half inch times two. So it's 12 to 14 inches is the wall. I also think that's probably a fire code too of buildings that are adjoined.

MR. SILVERSTEIN: Is there a person living on the third floor now?

MR. MCGLADE: Yes, there is.

MR. SILVERSTEIN: What's going to happen to him or her?

MR. MCGLADE: Yes. I don't know. You know, I'm at liberty to speak about my store. I've been here a long time and I extended. You know, I just signed another 10-year lease here. Yes, I'm not sure what's going to -- I would imagine, if they don't wake up about 12:01. I would imagine.

Plus, the, you know, what's going on
and of course we have another tenant downstairs and I'm sure there going to -- they're very clean downstairs and very neat. I'm sure they will find out in the morning. Okay, we got to do a cleanup here.

MR. SILVERSTEIN: So are you saying does this makes your business less profitable, more difficult, are you able to -- do you have to shout over the music?

MR. MCGLADE: Absolutely. I mean, we would just talk loud and again, there were other people in there previously, and we actually would hire an extra person just to stay on the floor upstairs just for safety and our own security because we know when we locked up, it was at 12 o'clock or 12:30 or 1 o'clock, you know there was a 99 percent chance there was a crowd on the sidewalk.

MR. SILVERSTEIN: No further questions. Thank you.

CHAIRPERSON ANDERSON: Mr. Engelmann, thank you. Do you have any questions for this witness?

MR. ENGELEMMAN: No questions.

CHAIRPERSON ANDERSON: Mr. Bianco?
MR. BIANCO: Yes, I do.

Mr. McGlade, I have a few questions for you.

CHAIRPERSON ANDERSON: I'm sorry.

Hold on one minute, please. Hold on one minute, please. No, I'll do that when I ask questions of the Board. Go ahead, Mr. Bianco.

MR. BIANCO: Sure. Mr. McGlade, I do have a few questions for you.

The testimony you gave was about an establishment called Bistro Bistro, correct?

MR. MCGLADE: It -- well, it was the same owner of the next thing that's up on your canopy right now. He changed the name a couple times, but the same ownership.

MR. BIANCO: Okay. But that was different from Mr. Daneale, it's a separate owner from him, correct?

MR. MCGLADE: Separate owner from who?

MR. BIANCO: From the applicant who is before the Board right now?

MR. MCGLADE: Yes.

MR. BIANCO: Okay. And how long did the previous owner operate at the establishment next to yours?
MR. MCGLADE: I would say about 2010, 2011, give or take. So probably eight years, at least. The place has been vacated for about two years; I believe.

MR. BIANCO: Okay.

MR. MCGLADE: So that's six to eight.

MR. BIANCO: Okay. And did you ever come to some kind of an agreement with the owner of the establishment to take, sort of actions to ameliorate your concerns?

MR. MCGLADE: Well, the agreement was, you know, you got to clean your act up. We want the neighborhood, you were going to be a restaurant, a French-style restaurant and you're not. Then you went into Lebanese food and you're still not. You're still, you know, running club nights out of it.

So we did. You know, we're not enemies. And he just finally threw the chips in and said it's just not paying off. It took him two years to figure it out.

MR. BIANCO: But by agreement, you mean, a man-to-man handshake agreement or a formal written agreement?

MR. MCGLADE: Yes. Sure. Sure.
MR. BIANCO: Okay.

MR. MCGLADE: Yes, no. I didn't ever threaten to go to ABRA or the ANC and we could work this thing out. And then we eventually did.

MR. BIANCO: No. I appreciate that and that was actually my next question, which is did you ever go to ABRA or the ANC to try and get a formal agreement?

MR. MCGLADE: No.

MR. BIANCO: Okay.

MR. MCGLADE: No, I did not.

MR. BIANCO: And what is the reason why you didn't do that in this eight years of having to endure these issues?

MR. MCGLADE: Okay. Well, he didn't have this club scene for eight years. I would say the first maybe three or four years strong, it was just a restaurant. Every now and then he'd have, you know, a group staying until midnight or something like that. And I believe, I believe he also had a CT license.

It didn't happen toward the end. I think the numbers started to fall off around 2014, '15 and he was trying to create revenue and to keep it going. I'm pretty sure he had a
MR. BIANCO: Okay. Thank you. I don't have anything else, Mr. McGlade.

MR. MCGLADE: Thank you.

CHAIRPERSON ANDERSON: All right.

Thank you. Any questions by the Board and I think before we ask Board questions, Mr. Grandis wanted to say something.

MEMBER GRANDIS: Mr. Chairman, thank you for this opportunity. I just thought once that Mr. McGlade definitely was going to be in front of us, I would like to the record to show that I have known Mr. Jim McGlade, I guess, over 30 years maybe?

And it's a pleasure to see you, Mr. McGlade --

MR. MCGLADE: Thank you.

MEMBER GRANDIS: -- but that will not influence me on how we deliberate on this matter. Thank you very much.

CHAIRPERSON ANDERSON: All right.

Thank you, Mr. Grandis. Any questions by any Board members?

MEMBER SHORT: Mr. Short.

CHAIRPERSON ANDERSON: Yes, Mr. Short.
MEMBER SHORT: Thank you. Good afternoon, Mr. McGlade.

MR. MCGLADE: Good afternoon, Mr. Short.

MEMBER SHORT: How many years have you been in business on that block of Connecticut Avenue?

MR. MCGLADE: I've been in this location since 1994. The store has changed name, but we've been here since 1994. So if you do the numbers, we're talking what, 30 years?

MEMBER SHORT: Okay. Now, 30 years ago, what was the neighborhood like when you moved in in 1994?

MR. MCGLADE: It was pretty active. A strong presence of people running down. I mean, the Hilton Hotel was extremely popular. A 1200 room hotel with conventions and so. We didn't have the major convention center downtown that they have now.

And yes, it was good neighborhood. But it was also a neighborhood with diversity of mains. So I mean, I enjoy Ethiopian food. My family's in the food business. I wish them success if they want to be a restaurant.
MEMBER SHORT: Okay. For my edification, what was next door to you in 1994 when you moved in? What was there?

MR. MCGLADE: 1994 for me was Larimer's Grocery next door.

MEMBER SHORT: Sure?

MR. MCGLADE: I am 99 percent sure of that question.

MEMBER SHORT: Okay. Yes, I ask that question because a lot of persons who participate in these hearings say to people, why would you move into a neighborhood where there was a nightclub already? Because I want to establish, we have a lot of solid neighborhoods in Washington D.C. I've been here since 1946, so I've been a bit long.

But any rate, we have a lot of solid neighborhoods where people just respected one another, whatever kind of licenses they had. So I just want to establish, for the record, when you moved there there was no nightclub or any atmosphere like that in the neighborhood?

MR. MCGLADE: No. The only part -- the only nightclub that was in the neighborhood was down the street was called the Royal Palace.
And I think they've been longer than maybe I've been around, so it's about 68 years.

But Mr. Laramie was another Italian grocery store, the Origio opened up there and they had shop for a couple years, but again, I think the rent got them first.

MEMBER SHORT: Was the Royal Palace, was that nudie bar?

MR. MCGLADE: Yes, you could call that a nudie bar. Yes.

MEMBER SHORT: I just say that because I'm very familiar with the community and I used to be at the Hilton Hotel a lot and just up and down that block when I worked the fire department years ago.

I went on the fire department in 1971, so I saw this city and downtown convicted. So they use mention because of things first. And some kind of way we lost our path and so business that open up as one thing morph into another thing and then people say to them, well, why did you move next door, move into their neighborhood?

You're not the very first, but we have some citizens, like yourself, since 1994 who had a business there and flourished before all of
this morphing of CTs and CNs and all the other applicants.

I just want it on the record, Mr. McGlade, that you've been a D.C. business owner, taxpayer, and you deserve to have some peace and quiet in your business. And I respect that.

Thank you very much for your testimony. That's all I wanted to do was get on the record.

MR. MCGLADE: Thank you.

CHAIRPERSON ANDERSON: Any other questions by any other Board members?

Mr. Engelmann, any questions of this witness based on the questions that were asked by the Board?

MR. ENGELMANN: No, sir.

CHAIRPERSON ANDERSON: Mr. Bianco, any questions of the witness based on the questions that were asked by the Board?

MR. BIANCO: No, Mr. Anderson.

CHAIRPERSON ANDERSON: Mr. Silverstein, any questions of the witness based on --

MR. SILVERSTEIN: No, sir.

CHAIRPERSON ANDERSON: -- the questions that were -- no?
Mr. McGlade, can you please, sir, I'm not sure if you have done this but can you please spell your name for the record? Can you say and spell your name for the record, please?


CHAIRPERSON ANDERSON: All right. Thank you very much, Mr. McGlade. Thank you very much for your testimony today and you're free to go. Thank you.

MR. MCGLADE: Thank you, guys.

CHAIRPERSON ANDERSON: All right. Mr. Silverstein, do you have any more witnesses?

MR. SILVERSTEIN: Yes. Commissioner Roggensack is going to question me. I will be a witness.

CHAIRPERSON ANDERSON: All right. Ms.

MS. ROGGENSACK: And because we are at the same location and there are some sound difficulties, what I might suggest is that I raise the four questions and then ask Commissioner Silverstein to respond, would that be acceptable?

CHAIRPERSON ANDERSON: Well, another
thing that you could do, I mean, how close are you to him?

MR. SILVERSTEIN: We're sitting at a conference table.

MS. ROGGENSACK: Yes.

CHAIRPERSON ANDERSON: Well, are you able to use the same screen, the same line or I don't know if you're doing social distancing. So I'm not going to ask you to do something that --

MR. SILVERSTEIN: Can't hear.

CHAIRPERSON ANDERSON: So that's why I was asking, because if you're able to sit closer so you can use the same screen then I would suggest that. But I'm not asking you to do this space in social distancing. You let me know if that's something that you can do. If you're unable to do it, then we'll figure it out.

MR. SILVERSTEIN: Okay. We'll do it.

CHAIRPERSON ANDERSON: Which one are you doing?

MS. ROGGENSACK: I can't hear him now.

MR. SILVERSTEIN: Yes. You can see me. All right. Let me turn on my video. Okay, video. Here we are.

MS. ROGGENSACK: And Mike, I can't
hear because you got the --

(Simultaneous speaking)

MR. SILVERSTEIN: Okay. I will put this on. Go ahead.

CHAIRPERSON ANDERSON: No, but she said she can't hear you.

MR. SILVERSTEIN: You can't hear me?

CHAIRPERSON ANDERSON: So you'll have to take off your headphones.

MS. ROGGENSACK: Yes.

MR. SILVERSTEIN: Okay.

CHAIRPERSON ANDERSON: Can you hear him?

MR. SILVERSTEIN: Can you hear?

MS. ROGGENSACK: Yes.

MR. SILVERSTEIN: We can hear.

CHAIRPERSON ANDERSON: All right.

Okay. You have 15 minutes left in your case.

All right?

All right. So who's the next witness?

MR. SILVERSTEIN: I am.

CHAIRPERSON ANDERSON: Can you raise your right hand, please?

Do you swear or affirm to tell the truth and nothing but the truth?
MR. SILVERSTEIN: I do.

CHAIRPERSON ANDERSON: All right, fine. Go ahead, ma'am. Ask the questions.

MS. ROGGENSACK: Thank you very much, Chair.

My first question Commissioner is how did you get here and why did everything break down?

MR. SILVERSTEIN: We got here and had hoped, as I mentioned before, that we could have an Ethiopian restaurant that it would be an addition to the neighborhood, that we wouldn't have to drudge down to 9th Street for really good Ethiopian food.

And there were just so many different answers and then we've looked at the record of the other place and we looked also at the size of what was going to be there. And basically, the neighborhood situation.

And the more that we looked at it, there was also this concern and it's a huge concern, however, the business plan of the applicant that he has to have the ownership with all these things that have caused problems, it's apparent it's not going to be a restaurant from
open to close.

And the COVID violation, which we just found out the gravity of it, locking the place and not being around the door and things like this during COVID, we just felt that we have to protest this because we can't accept this in our neighborhood without a protest.

MS. ROGGENSACK: And why all this concern over a promoter? What is it about that particular model that leaves us concerns that would trigger or feel that you need to go to a formal protest?

MR. SILVERSTEIN: This is not new and what we're doing here is horrific in its victory. It started with a real concern as a community, as a ANC, started with a legit restaurant Heritage India in a block just south of Dupont Circle. Ran into financial troubles --

MR. BIANCO: I'm going to, Mr. Anderson, I'm going to interpose an objection here. Mr. Silverstein --

CHAIRPERSON ANDERSON: What's the nature of the objection, sir?

MR. BIANCO: The objection is relevance. And I'm going to explain what that
is. Mr. Silverstein just testified about an establishment called Heritage India, south of Dupont Circle. It has nothing to do with this establishment.

The incident that he is going to testify to occurred in 2011, which I know from his exhibit form. And most importantly, Heritage India lies outside of the 1200-foot relevant area for consideration of the Board on this particular license.

Operations of other establishments, it's very clear, can only be considered within the 1200-foot area, this is not it. And it's 10 years old.

So we object on relevance to anything outside of the 1,200-foot area.

MR. SILVERSTEIN: May I respond?

CHAIRPERSON ANDERSON: Yes, Mr. Silverstein.

MR. SILVERSTEIN: I am not saying, in any way, that what happened at Heritage India has anything to do here other than why we, as a community, have serious concerns about promoters. That we are not picking on this one. That this is an historic thing that was brought about by
incidents, one of which, involved the Secret Service having to go and protect the White House. This isn't something that has to do with anything other than real, serious threats and bloodshed. We're not doing this because we don't like promoters.

We're doing this because we've had these things occur and I'm trying to explain to the Board why we have this policy.

CHAIRPERSON ANDERSON: I'm going to overrule the objection on relevancy issues. I mean, I've given some leeway, but Mr. Silverstein, in the question and answer, I need your questions to be focused and the answers to be focused on this establishment and their appropriateness of the Board. If the appropriateness or inappropriateness of the Board issuing a license for this establishment. Okay?

So I need us to focus on the issue at hand. All right, is there another question? Go ahead.

MR. SILVERSTEIN: Very briefly. Very briefly even, I can answer the question about promoters?

CHAIRPERSON ANDERSON: You can answer
the question, sir.

MR. SILVERSTEIN: Okay.

CHAIRPERSON ANDERSON: Very briefly.

MR. SILVERSTEIN: Heritage India.

They rented the place out to a promoter one night. There was a fight. It spilled out onto Connecticut Avenue. Jhonte Coleman, 34-years-old was shot to death. Five other people were wounded. It's a block from where I live, just down from Dupont Circle.

There was a promoter night at Caf', Asia, which was also in our ANC. A fight inside became a stabbing outside. While MPD was responding to the stabbing, a gunfight broke out in the 1700 block of Pennsylvania Avenue. That's a block away. Secret Service protective unit responded. The Secret Service actually processed the crime scene. They wouldn't let MPD near it, finding more than a dozen shell casings.

This is what has got our neighborhood so concerned about these things. We're not picking on them. There are other cases and I don't want to belay or repeat testimony.

Dupont Circle has had serious problems with promoters. You're going to hear during the
DCCA testimony about the awful saga on P Street, which led to the Board restricting the actual operating hours of the place that had been using promoters.

And our experience has been, if you allow these things that it's so much better to stop them before they happen because making them stop once that happens is so difficult.

I don't want to take any more time other than our feeling that here, if you can't make it without promoters' night after night. If that's your business plan, then your business plan is doomed to fail. Either to fail economically or to fail by not providing the neighborhood with an acceptable forever peace, order, and quiet.

I think that's shows all I need to say about that.

CHAIRPERSON ANDERSON: Any other questions?

MS. ROGGENSACK: Yes. The testimony and another question on that. We've talked about the idea that an RDO could be available to address some of these questions.

So I want to just ask how that will,
if at all, delay the concerns of ANC 2B that have about this application?

MR. SILVERSTEIN: Well, that was another area of concern. If there are ever going to be any kind of promoters with big crowds or anything like that, and you're talking a late-night establishment of 288 people.

So we would certainly need an RDO and in order to have one it's got to be paid for. And it's got to be there any night that there's that coverage -- that there's that much of a crowd.

But having heard what we heard, again, it's sort of like we've been painted into a corner here.

MS. ROGENSACK: Is it fair to say, Commissioner Silverstein, that at the end of the day what we have is, what I think even Commissioner Merzig described as a lack of accountability and lack of an enforceability that this particular proposition here? Is that really what we're concerned about?

MR. SILVERSTEIN: No. I think what we're concerned about, more than anything else, is that the Dupont Circle area, which includes
Club Central, which includes the 19th Street corridor, which includes Penn Street and now some of these other locations, is the biggest night entertainment place in the city.

The hospitality industry is the second largest industry in our city after government. And before the pandemic, it provided 60,000 jobs, $3 Billion a year in revenue, $300 million a year in tax revenue to the city. And this is the piece that laid the golden egg and our concern is that people need to a, understand that it's going to be safe, b, that you can still have it as lively and livable for those of us who live there.

We chose to live there because it's a wonderful neighborhood. Nobody wants this place to be Sterling, Virginia or Lovettsville or something like that where you can hear the rooster. It's a city, but we need the lively, but livable. It needs to be safe and that's our biggest concern.

CHAIRPERSON ANDERSON: Any other questions?

MS. ROGGENSACK: No. No further questions from the Chair.
MR. SILVERSTEIN: We rest.

CHAIRPERSON ANDERSON: All right.

MR. SILVERSTEIN: I have no other questions --

CHAIRPERSON ANDERSON: All right.

Hold on. Hold on. All right.

Mr. Engelmann, do you have any questions of Mr. Silverstein?

MR. ENGELMANN: No, I don't.

CHAIRPERSON ANDERSON: Mr. Bianco, do you have any questions of Mr. Silverstein?

MR. BIANCO: I do. I do.

CHAIRPERSON ANDERSON: Go ahead, please.

MR. BIANCO: Mr. Silverstein, and I brought this up in my objections, but I think I need to ask you about it so that it's on the record in the form of testimony.

You talked extensively about a situation that occurred at Heritage India. When did that situation occur?

MR. SILVERSTEIN: Sometime just after the beginning of time, in 2011.

MR. BIANCO: And where was Heritage India located?
MR. SILVERSTEIN: In its original iteration, just south of Dupont Circle.

MR. BIANCO: Okay. And looking at the investigators report, I could bring it up, but you have such knowledge of the area, I'm going to assume you can do this off of the top of your head.

As I read the investigators report and the map that he drew of the 1,200-foot radius, Heritage India falls outside of that, correct?

MR. SILVERSTEIN: You bet it does and so does Caf' Asia, which was the other incident.

MR. BIANCO: Okay. And Caf' Asia, that incident took place in 2014, if I'm correct about that, right?

MR. SILVERSTEIN: December 28th, 2013, just before New Year's Day.

MR. BIANCO: Okay. 2013. Okay. And again, outside of the 1,200-foot radius?

MR. SILVERSTEIN: Yes, sir. Now, I would --

MR. BIANCO: Now --

MR. SILVERSTEIN: -- I would point out that this has nothing to do with that. It has to do with why the we are so concerned with
promoters.

MR. BIANCO: Understood. And now, I want to talk about what the investigator reported with respect to other establishments that are actually within the 1,200-foot radius.

So according to the investigator, there are five CT licenses within that 1,200-foot area. Did any of those have restrictions against using promoters?

MR. SILVERSTEIN: I do not know and I do not believe so.

MR. BIANCO: Okay. Would you be able to say for certain if I told you the names of the establishments?

MR. SILVERSTEIN: No, I could not.

MR. BIANCO: Okay.

MR. SILVERSTEIN: Not right now, I couldn't say for certain. I can say I don't know that they do and I'm not sure that they do or not. If I ask me do you I think they don't? I would say, I think they don't.

MR. BIANCO: That's good enough.

That's good enough. And there are, according to the investigator's reports, report two nightclubs, two CNs within the 1,200-foot radius.
One being Gazuza and the other being Assets, are you familiar with those establishments?

MR. SILVERSTEIN: I'm familiar with them not being, patronizing them, but, yes.

MR. BIANCO: Okay. And do you know whether or not Gazuza, I hope I'm saying that right, Gazuza has any restrictions on using promoters in their establishment?

MR. SILVERSTEIN: No, I do not.

MR. BIANCO: Okay. No, you don't know or no, you don't know if they or you don't know?

MR. SILVERSTEIN: I do not know.

MR. BIANCO: Okay. How about Assets? Do they have any restrictions on promoters?

MR. SILVERSTEIN: No, they don't. They've had other problems, but not that.

MR. BIANCO: Okay. And these other problems that you're referring to, and I think you referred to earlier, do those problems in any way relate to the use of promoters?

MR. SILVERSTEIN: No, they do not.

MR. BIANCO: All right. Thank you, Mr. Silverstein, I don't have anything else.

MR. SILVERSTEIN: Thank you.

CHAIRPERSON ANDERSON: All right. So
I did ask you already, Mr. Engelmann, if you have any questions and you said, no; is that correct?

MR. ENGELMANN: That's right. No questions.

CHAIRPERSON ANDERSON: All right. For the Board, does the Board have any questions of Mr. Silverstein?

MEMBER SHORT: I have one of them, Mr. Chair.

CHAIRPERSON ANDERSON: Go ahead, Mr. Short.

MEMBER SHORT: Mr. Silverstein, your testimony's been a lot about promoters. Very briefly, can you explain your knowledge, personally of promoters, and businesses in Washington D.C.?

MR. SILVERSTEIN: Yes, sir. I can. And I think I've that it involved first, those two incidents. It also involved a number of incidents that occurred when I served on the Board.

And there was a series of stabbings and shootings that occurred over an extended period of time and the Board was -- and it was, like, week after week another young person or two
were stabbed or shot at an event where there were promoters.

And it all seemed to involve one type of music. It all seemed to involve or often seemed to involve one particular band. And we wanted to stop the violence but didn't know how because you can't ban a certain type of music, whether it's hip hop or something else. You don't do that.

And you certainly -- it wasn't the band's fault. And you can't say you're not going to let this band play. But what we found was that this particular band, those promoters and promoted events where this would happen all around the city, and the promoters might bring in people from different crews or different neighborhoods who didn't get along or people who didn't -- they were just factions that were not -- didn't get along.

MEMBER SHORT: Okay. Shorten this up and short a wee bit. During your time while you served on the Board, let's just say not every promoter --

MR. SILVERSTEIN: No.

MEMBER SHORT: -- but there was
certain promoters?

MR. SILVERSTEIN: Oh, yes.
Absolutely.

MEMBER SHORT: If it was a live band
or no live band, wherever certain promoters, who
worked in certain parts of town, there was
cuttings, stabbings, shootings and all those
things that make a community unsafe?

MR. SILVERSTEIN: Yes, sir.

MEMBER SHORT: Thank you so much for
your testimony, but I just want to get that on
record. Promoters have given themselves a bad
name because of a lot of bad things happen when
they are takeover businesses.

MR. SILVERSTEIN: Yes, sir.

MEMBER SHORT: Thank you. Thank you
for your testimony.

CHAIRPERSON ANDERSON: Any other
questions by the other Board members?

MEMBER GRANDIS: Yes. Yes, Mr.
Chairman.

CHAIRPERSON ANDERSON: Go ahead, Mr.
Grandis.

MR. ENGELMANN: Thank you. Thank you,
Mr. Chairman.
Mr. Silverstein, it's a pleasure to have you before us today and it's very helpful to our deliberations your experience in ADC matters. So thank you very much.

For the record, and you may have already stated, but just for clarification. How many years have you been on the Dupont Circle ANC?

MR. SILVERSTEIN: 18.

MEMBER GRANDIS: Okay. And during that time, the ANC has had applications before it regarding CT licenses?

MR. SILVERSTEIN: Yes, we have.

MR. ENGELMANN: And over these years, based on community input to the ANC, are there any basic guidelines or policies, I don't want to use a legal term, that helps format the positions of the ANC when it comes to CT licenses?

MR. SILVERSTEIN: There is a -- the policy and procedures manual says that the ANC opposes the use of promoters. That's one.

The other policies are basically based on location for things like noise, or, you know, what may fly in Club Central did not fly on 18th and Swan when someone wanted to open a, I believe
it was a tavern there, but I'm not positive it was a tavern because I was on the Board and I recused myself as completely as I could from ANC matters.

You have one bite at the apple, and you either did one or the other and I did the Board.

MEMBER GRANDIS: So what about this concept of the endorsement such as here's a CT that wants to have dancing. Does the ANC have any views on that? Or if it wants to have cover charge? For CTs, not CNs.

MR. SILVERSTEIN: I think basically, that we look at these things and if it doesn't, you know, if it doesn't smell right, if it looks more like a nightclub, we say, no.

But what may have occurred ten years ago or something may have slipped under the radar, one of the difficulties that you have with these things is that you have a constant turnover of people. It's a volunteer position. There are seven new commissioners out of nine this year, which frankly is the only reason I stayed on.

We've had some institutional memory, even if it's faltering. And these things --
there is not a clear path historically. We do the best we can with a volunteers.

MR. ENGELMANN: Mr. Silverstein, I want to thank you for that. I ask questions because neighborhoods over time know what works in their neighborhood and what doesn't. And I think it helps inform us to know what the Dupont Circle neighborhood thinks is healthy for it.

Thank you very much.

MR. SILVERSTEIN: If I might, Mr. Grandis, we know better what doesn't work than what does work that you learn more from bad experience and from hard knocks then you do from success.

But generally, we've been pretty successful.

MR. ENGELMANN: Thank you for your testimony today.

MR. SILVERSTEIN: Thank you, sir.

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

Mr. Engelmann, do you have any questions about Mr. Silverstein based on the questions that were asked by the Board?

MR. ENGELMANN: No, I don't.
CHAIRPERSON ANDERSON: Mr. Bianco, any questions for --

MR. BIANCO: Yes, I do.

CHAIRPERSON ANDERSON: Go ahead, sir.

MR. BIANCO: All right. Mr. Silverstein, in your testimony, you discussed a policies and procedures manual for the ANC, correct?

MR. SILVERSTEIN: Yes, sir.

MR. BIANCO: And if I had your testimony correct, you stated something to the effect of that the ANC opposes use of promoters, is that the policy?

MR. SILVERSTEIN: I think they generally oppose the use of promoters. I believe that's in there. But it doesn't mean they have to do it. It's not in the bylaw.

MR. BIANCO: Okay.

MR. SILVERSTEIN: It's a guideline.

MR. BIANCO: The guideline is just across the board; we don't like promoters or we oppose promoters? What is the guideline?

MR. SILVERSTEIN: I don't have it in front of me and to be honest with you, I don't know when it was put in there.
MR. BIANCO: But, to your knowledge, the use of promoters in nightlife establishments is perfectly legal, is it not?

MR. SILVERSTEIN: It is certainly is if it does not -- you know, the use per say is, if it does not create other issues.

MR. BIANCO: Understood. And I did just have one more question. Did the ANC protest the nightclub license Gazuza?

MR. SILVERSTEIN: That was -- I do not know whether it did or note.

MR. BIANCO: Okay.

MR. SILVERSTEIN: When did that occur?

Could you tell me?

MR. BIANCO: 2019, I believe. They were most recently up.

MR. SILVERSTEIN: I was probably on the Board then and I do not know.

MR. BIANCO: Okay. Okay. Thank you very much, Mr. Silverstein.

MR. SILVERSTEIN: Thank you.

CHAIRPERSON ANDERSON: Thank you, Mr. Bianco. Do you need to have ma'am, Ms. -- I'm sorry.

MR. SILVERSTEIN: Roggensack.
MS. ROGGENSACK: Roggensack.

CHAIRPERSON ANDERSON: Roggensack, do you have any questions you need to -- any complication questions that Mr. Silverstein based on the questions that were asked by the Board?

MS. ROGGENSACK: Yes.

CHAIRPERSON ANDERSON: Go ahead. Yes, ma'am.

MS. ROGGENSACK: Yes, I have -- I have three. The first is regarding the first hearing of this issue at the ANC. Was the applicant there when the ANC first heard this application? Did he appear?

MR. SILVERSTEIN: No, he did not. He had a family issue --

CHAIRPERSON ANDERSON: All right. Hold on, hold on, hold.

MS. ROGGENSACK: Well --

MR. SILVERSTEIN: I don't think this has to do with --

MS. ROGGENSACK: My question was whether a legally authorized representative --

CHAIRPERSON ANDERSON: I'm sorry. Hold on, hold on. Hold on, Ms. please. Ms. Roggensack, once he starts speaking, you need to
mute your microphone. Okay?

As soon as he's going to start speaking and vice versa. Okay? All right. Go ahead.

MS. ROGGENSACK: Was there a legally authorized representative at the ANC hearing at which this application was discussed?

MR. SILVERSTEIN: Mr. Alan Ebert who represented himself as the authorized representative. Yes.

MS. ROGGENSACK: With respect to this application and this establishment, what has been the level of neighbor engagement or neighbor feedback relative to other applications of this type? Would you say it's more, less, the same? How would you characterize it?

MR. SILVERSTEIN: Well, I would characterize it that at first the ANC and DCCA were all in favor of this. And no one sent out any alarms. That as we became more concerned about the moving and this becoming, morphing into a night club and hookah bar later into the night, there became concern among the neighbors.

No one put anything out on any list serves. There was no campaign or anything of
that sort. But there has been, in the past
couple of weeks, especially with now three
shootings in Dupont Circle area and in this month
of June, there's this real concern. And even
though this has, you know, none of this is tied
to this establishment.

There is just an overall fear about
safety and about whether people are safe in the
area. Whether we're going to end up losing
business and all that because people will be not
feel it is safe.

So we've been very -- we've tried to
downplay it now. You know, that we can handle
this well and now, there's just great concern.

MS. ROGENSACK: We'll talk more about
this in a minute. But there was some photographs
that were shown earlier of the street and that
showed two buildings. But isn't it correct that
there are actually roughly six residential
buildings on that 20th Street behind the club?
Is that about right?

MR. SILVERSTEIN: There are and
there's also an even larger residential building,
Chateau Thierry at the corner of 20th and S.

There are, I would assume, several hundred people
who live over there.

MS. ROGGENSACK: And some concerns about security. Isn't it correct that there was actually a violent car jacking right at the corner about a month or two ago?

MR. BIANCO: I'm going to object as to relevance and beyond the scope of the Board's questions.

CHAIRPERSON ANDERSON: I'm going to sustain the objection. You have -- I've been generous. You have four and a half minutes left. I thought that you, when Mr. Silverstein was testified, when he rested this case, he had like five minutes left. And so I didn't realize this was going out of hand.

So I'm just letting you know that you're running out of time. And so I'll give you some leeway and maybe a couple more minutes. But we need to -- I told each party they had an hour and you're at the end of the rope and so I'm going to sustain the objection.

MR. SILVERSTEIN: That's fine.

CHAIRPERSON ANDERSON: So go ahead and --

(Simultaneous speaking)
MS. ROGGENSACK: Chair, that was my last question.

CHAIRPERSON ANDERSON: All right.

Thank you. All right --

MR. SILVERSTEIN: We're done.

CHAIRPERSON ANDERSON: Mr. Engelmann, do you have witnesses, sir?

MR. ENGELMANN: Yes, I do. I'd like to call Catie Butler as our first witness.

CHAIRPERSON ANDERSON: How many witnesses do you have, sir?

MR. ENGELMANN: One other and then a short -- some short testimony from myself.

CHAIRPERSON ANDERSON: All right.

Okay.

MR. ENGELMANN: There are three witnesses including myself. But I'll be brief.

CHAIRPERSON ANDERSON: All right.

Hold on.

MR. BIANCO: Mr. Chair --

CHAIRPERSON ANDERSON: How many --

MR. BIANCO: -- would it be okay if we took a five-minute break?

CHAIRPERSON ANDERSON: All right.

Okay. It's 6:56. We're off the record for, I
mean, we'll take 10 minutes --

MR. BIANCO: Very good.

CHAIRPERSON ANDERSON: -- till 7:05.

We're off the record until 7:05.

(Whereupon, the above-entitled matter went off the record at 6:56 p.m. and resumed at 7:07 p.m.)

CHAIRPERSON ANDERSON: All right.

We're back on the record. All right. So we're now at the stage where D.C., the Dupont Circle Citizen's Association will do its case presentation.

Do you have a witness, sir? Who's your first witness?

MR. ENGELMANN: Our first witness is Catie Butler.

CHAIRPERSON ANDERSON: Ms. Butler?

Catie Butler.

MR. ENGELMANN: She's on as an attendee.

MS. ANDREWS: Mr. Chair, she's on. I'm going to elevate her rights. Stand by. All right, Ms. Butler, your rights have been elevated.

MS. BUTLER: Hi there.
CHAIRPERSON ANDERSON: Do you have a camera, Ms. Butler, or are you just on the phone?

MS. BUTLER: Hi.

CHAIRPERSON ANDERSON: Are you --

MS. BUTLER: I'm on. Yes.

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?

MS. BUTLER: I do.

CHAIRPERSON ANDERSON: Thank you, ma'am. Your witness, sir.

MR. ENGELMANN: Okay. Can you please state your name and address for the record?

MS. BUTLER: My full name is Catherine Tara Butler. I go by Catie and I live at 1721 20th Street Northwest in Apartment 101.

MR. ENGELMANN: And for the Board, can you describe where you would reside in relation to the proposed establishment?

MS. BUTLER: So I am right out -- like you can see their back entrance and I'm right across the street from them, basically. I might be a little bit to the left, but -- and there's -- my neighbors are directly across, but I'm,
MR. ENGELMANN: Can you estimate how many feet you are from the back of the establishment?

MS. BUTLER: So it's one -- well, it's one driving lane with some parking on either side. So I would say, I'm terrible at estimating, but 50 feet, 60 feet? Not that far.

MR. ENGELMANN: Okay. And 20th Street there is a one-lane road other than the parking on either side?

MS. BUTLER: Yes.

MR. ENGELMANN: Okay. Can you describe for the Board your feelings about the proposed establishment?

MS. BUTLER: So it's not just my feelings it's a lot of my neighbors as well. But since my house is so close and I'm actually in the front of this condo's building. We're about six units that were just built a little over maybe a year and a half, two years ago.

And so I'm on the first two levels, the ground and first floor and then I have a rooftop on the third floor. Or the first, second, and third floor. And my bedrooms
actually face the street and I can hear usually
everyone that's going up and down if they're
talking.

It hasn't really been too much of an
issue because I grew up in the city, so I'm used
to the noise. But every now and again, there
might be someone loud, you know, coming home from
the bar or going to bars, but they usually just
pass on by. But you can hear them from my
bedrooms.

And I'm sure, I know that's the case
for my downstairs neighbors, who live in the
basement who have two windows on the street, as
well as the countless neighbors around me.

So we're really concerned about the
noise that this night club will present. And
it's not just about music, it's also about the
number of people that they're going to be allowed
to have in there, which will eventually spill out
at the end of the night.

Other concerns we have have to do with
the location. I mean, if you look at -- I'm not
an expert at this, but if you look at the actual
zoning maps in D.C. there's not really a night
club that has this many residential units, you
know, it's on the backside there's what 50 percent, if you drew a circle around it, it's in a residential use zone.

Assets mostly has just mixed-use around it and it's mostly just offices and then South Dupont is all mixed-use. There's really nothing that compares.

So, I mean, this is a historic district, I mean, I can't even get -- I can't get permission to change certain aspects of my façade like changing the windows.

So it's really just -- it's always been a quiet residential street and I think -- I know, I didn't even realize there was another night club, Gazuza, but if memory serves me correct, that only backs into one apartment building on the backend and it has an alley.

And it also used to have a Chipotle and other places like under it. So I don't think it's that big of a place. Whereas this one will have -- the whole entire building will be for the applicant.

Trash, is another issue, of course. Parking. I mean, that's something you kind of expect in D.C. but I will say that, of late, I
avoid that side of the street when I walk my dog at night because there's just so many rats. I mean, they're everywhere. It's been a problem for all of the condo associations, but there were a lot rats over by the back of their building recently and not just them, but the people next to them too where that's been an issue.

The largest concern I also have is my safety and the safety of my neighbors. So I work at an accounting firm. I work late hours. Sometimes, I mean, I don't like to stay at the office too late, but I come home at 12:00, 1:00, or 2:00 and I continue working from home and late into the night and I don't want to have to have any issues when I'm coming home or fear for my safety when I'm walking home.

And I know that in the letter that my neighbors sent to the Board, many of us expressed similar concerns. Especially many of us who, well, I'm not but, many of us who are senior citizens who also still work and come home late at night.

And this is just been compounded by the recent crime in the neighborhood. And even though safety is always an issue in D.C., when
you add almost 300 people and liquor to the mix, and then late hours, it's just kind of a recipe for disaster.

So I just wanted to say that on behalf of myself and most of my neighbors, we are generally afraid for our safety for what this applicant is proposing to do with the space.

Now, we do have restaurants in the area and if this is just going to be a restaurant, we would have no issue with it. But based on what they're proposing with the hours, I mean, you can do a simple Google search and see what the hours are for the restaurants in that area.

I mean, I go to Le Diplomate, that's not open past 11:00. There's even, what is it a bar, McClellan's Retreat, that actually has pretty good whiskey if anyone likes it.

There not even open past 12:00 on weekends, and that's a bar. So I just don't understand how this is going to be a restaurant concept when it's open till 2:00 or 3:00 in the morning and then it opens again in four or five hours.

I mean, that doesn't give our
neighbors a lot of respite from any noise or other issues that could arise.

So while I would be more than happy if this was just a restaurant and it actually acts like a restaurant. I just feel like the actions may not match what are being said here at this hearing.

So I think basically, I don't really see how, with other mom and pop shops that are right next door, how that's going to contribute to our neighborhood. I think, if anything, it will just create more problems and think that they will not have a positive impact.

MR. ENGELMANN: Catie, you've described your building. Can you describe the other residences that are in close proximity to where you live?

MS. BUTLER: So directly across the way is a group of, I would have to describe condominium townhouses. So they look like they're separate townhouses, but they're actually one huge condo association and there's some that face the back of their, of Signature Lounge's back entrance. And then there are even some directly behind it because it's kind of a big
plot of land.

And then you have multiple apartment
units. You have the Chateau Thierry and then
next door to us is a very large, six, seven,
eight-story apartment building and then next to
them you have the Scientology National Affairs
Office, I believe.

So a mix of things, but it's all, it's
a residential, you know, RU kind of zoning space.

MR. ENGLEMAN: Right. And that part
of the block is within the historic district, is
that correct?

MS. BUTLER: Yes. I couldn't even
extend my patio on top of my rooftop because
that's against the rules.

MR. ENGLEMAN: Okay. Well, thank
you. That's been very clear and as sort of in
the interest of time, I'll close my questions
there.

CHAIRPERSON ANDERSON: All right.

Thank you. Mr. Silverstein, do you have any
questions of this witness?

MR. SILVERSTEIN: No, I do not, Mr.
Chairman.

CHAIRPERSON ANDERSON: Thank you. Mr.
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1 Bianco, any questions of this witness?  
2 MR. BIANCO: Yes, I do. Thank you very much. I do have a couple of questions.  
3 So if I understood your testimony correctly, rats are presently a problem in the neighborhood, is that the case?  
4 MS. BUTLER: Yes.  
5 MR. BIANCO: And crime is certainly a problem in the neighborhood, is that the case?  
6 MS. BUTLER: For recent? Yes. But I've only lived in my present spot for a little over a year. But three years prior to that I was living on 19th and T and I grew up in Georgetown.  
7 MR. BIANCO: Okay.  
8 MS. BUTLER: And I have to say it's a problem all over the city.  
9 MR. BIANCO: Okay. And at this point, the establishments not open, right?  
10 MS. BUTLER: No. But there has been a lot of rats, like, I got scared one night because there was about seven of them kind of following each other and one of them kind of came after my dog and I had to push him out of the way.  
11 MR. BIANCO: Okay. So you've been
living in your present condominium for a year, you said?


MR. BIANCO: Okay. So when you -- I just want to make sure I understand the timeline correctly. When you moved into that new condo, was there an establishment operating at this location or no?

MS. BUTLER: I'm not sure because I was working and trying to unpack and then by the time that I was going to explore COVID hit. So I can't say whether or not there was.

MR. BIANCO: Okay. And you gave some testimony about you having some concern about the hours.

MS. BUTLER: Yes.

MR. BIANCO: The 2:00 and 3:00 a.m. hours. And if I understood your testimony correctly, another establishment that is a tavern at 2131 Florida Avenue called McClellan's Retreat, which has great whiskey, doesn't have hours that are that late, correct?

MS. BUTLER: Yes. And that's a full-on bar.
MR. BIANCO: Okay.

MS. BUTLER: I think they serve some bar food but they're not like a restaurant.

MR. BIANCO: Understood. Are you familiar with the hours of any of the other establishments in the surrounding area given your Google search?

MS. BUTLER: So Le Diplomate, I think goes till 11:00. City Lights of China, which is not, like, two buildings up from the applicant, closes at 9:30. What else? There's a new place called La Casa, I couldn't find their hours. And they're not opening until next month.

MR. BIANCO: How about Board Room at 1737 --

MS. BUTLER: So Board Room, Board Room I've actually been to. It's actually a nice laid-back kind of location if you just want to have a beer and play a board game with your friends, for like older millennials we kind of like that kind of stuff because it's not too noisy and also it doesn't really abut our road because there's another building. It's not on 20th Street, basically.

MR. BIANCO: Understood. But their
hours are until 2:00 during the week and 3:00 on the weekends, correct?

MS. BUTLER: I think so. But it's also just a very chill vibe. It's more like a pub.

MR. BIANCO: Okay. How about the Bier Baron Tavern at 1523 22nd Street, did you check the hours on that one?

MS. BUTLER: No. And I've not heard of it either.

MR. BIANCO: Okay. And the night club that we've been talking about, Gazuza at 1629 Connecticut, do you know what their hours are?

MS. BUTLER: So I don't know if I know exactly their hours, but I'll be quick, I've been up and down that way because I used to go to the Chipotle all the time in high school because my friend lives nearby and I don't know how long it's been there, but even know, I didn't even think it was a club.

It has blacked-out windows. It's on, like, an upper level above the old Chipotle and -

MR. BIANCO: Would you --

MS. BUTLER: Yes. You don't hear
MR. BIANCO: Okay. Would you be surprised to learn that their hours are till 2:00 and 3:00 as well?

MS. BUTLER: Well, if they're a night club, that kind of makes sense.

MR. BIANCO: All right. Thank you. I don't have any further questions.

CHAIRPERSON ANDERSON: All right. Thank you. Any questions by any of the Board members?

MEMBER GRANDIS: Yes.

CHAIRPERSON ANDERSON: Yes, Mr. Grandis?

MR. ENGELMANN: Is it Ms. Butler? I'm sorry, my eyesight is not perfect. But it's Ms. Butler, correct?

MS. BUTLER: Yes.

MR. ENGELMANN: Again, I want to thank you, as a resident, for taking time out of your day and especially the long day that you've had to be tortured by us. But we really all value the residents and businesses that come before us and let us know for our records.

I think I only have one question. Mr.
Bianco asked you about the Board Room?

MS. BUTLER: Yes.

MEMBER GRANDIS: And I think he was trying to impress everyone or to yourself that did you know that they had, I think, Mr. Bianco, if I heard you correctly, that they're open till 2:00 or 3:00 a.m. depending on the night of the week? I think that's what I heard?

You're familiar with them, but you did not know how late their open, correct?

MS. BUTLER: I mean, I think I knew that they were open kind of late on weekends, because there was one time I was walking my dog after getting home late and I actually ran into some friends who were heading to the Board Room and it must have been midnight.

But I haven't been there in a while.

But it a very relaxed atmosphere.

MEMBER GRANDIS: And have you ever been there or walked, even just walked by there and they've had a cover charge?

MS. BUTLER: You're talking about the Board Room?

MEMBER GRANDIS: Yes.

MS. BUTLER: No.
MEMBER GRANDIS: And have you ever walked by there or been told that they've had promoters promoting some event there?

MS. BUTLER: No. Not to my recollection.

MEMBER GRANDIS: And is the Board Room closer to this applicant then Gazuza, which is a night club --

MS. BUTLER: Yes.

MEMBER GRANDIS: -- is the Board Room closer?

MS. BUTLER: Much closer. It's on the same block.

MEMBER GRANDIS: Okay. Well, I just wanted to make sure I understood what you knew about the Board Room and its late hours and that, from your knowledge, it does not use a cover charge, nor does it have promoters.

MS. BUTLER: No.

MEMBER GRANDIS: Thank you very much.

MS. BUTLER: Thank you.

MEMBER GRANDIS: Thank you for your time.

CHAIRPERSON ANDERSON: Any other questions for any other Board members?
Mr. Bianco, any questions of the witness based on the questions that were asked by the Board?

MR. BIANCO: No, Mr. Chair.

CHAIRPERSON ANDERSON: Mr. Silverstein, any questions of the witness based on the questions that were asked by the Board?

MR. SILVERSTEIN: No, sir. No, sir.

CHAIRPERSON ANDERSON: Mr. Engelmann, any questions you need to ask of your witness based on the questions the Board was asked?

MR. ENGELMANN: No, sir.

CHAIRPERSON ANDERSON: All right.

Thank you. Thank you very much, Ms. Butler, for your testimony. All right. Thank you very much.

Do we have another witness?

MR. ENGELMANN: Yes, we do. I'd like to call Jeffrey Rueckgauer.

CHAIRPERSON ANDERSON: Mr., what's the last name? Redrush? I'm sorry.

MR. ENGELMANN: Rueckgauer.

CHAIRPERSON ANDERSON: Mr. Rueckgauer, can you raise your right hand, please?

MR. RUECKGAUER: Yes.

CHAIRPERSON ANDERSON: Do you swear or
affirm to tell the truth and nothing but the truth?

MR. RUECKGAUER: I do.

CHAIRPERSON ANDERSON: All right.

Thank you. Your witness, sir.

MR. ENGELMANN: Can you restate your name and your address?


MR. ENGELMANN: And how long have you lived at that address?


MR. ENGELMANN: And I believe you live in an apartment building; is that correct?

MR. RUECKGAUER: Correct.

MR. ENGELMANN: And do you have a particular position within that building?

MR. RUECKGAUER: Yes. I am the president of the tenant association since 2007. The building represents 250 units. About half of them are on the P Street side.

MR. ENGELMANN: Okay. And can you
tell the Board a little bit about the background, sort of the history of the neighborhood with the taverns morphing into night clubs?

MR. RUECKGAUER: Yes. In 2005 a restaurant known as Marrakesh Palace came to the ANC seeking a CT or had a CT license from the previous occupant of that address, but they sought an entertainment endorsement that would allow them to have promoted events.

What they had said though was that that was going to be for a Mediterranean restaurant with belly dancing several nights a week during dinner service.

They eventually got that endorsement, however, I noticed that what the construction that was going on at the building was that there was the second and third floors were not part of the restaurant and that I had observed materials going in that gave me a reason to believe that that was going to be discotheque.

I raised concern with the ANC. The applicant insisted, on the record, that under no circumstances was anything like a discotheque being built there. He would not run a discotheque. And that was that.
Opening night, a few months later, everyone in the neighborhood just gob smacked that there was a discotheque that had opened up in the second floor. It went by the name of Pasha Lounge. It had a line going to 22nd Street up 22nd Street and it was quite rambunctious.

It was very loud. A lot of hollering and hooting and just general disruption. Then it was, a few hours later, the main event of the evening, promoter, got on a bull horn and announced the arrival of their performer who arrived with an entourage in three limousines, which caused even more noise.

It just went downward from there. But as the evening ended, people were getting into fights in the street. MPD had been summoned a number of times. And MPD couldn't clear the street until about an hour after closing. So it was about 4:00 a.m.

That went on, more or less, for the next year and a half, until a settlement agreement was signed, which put a prohibition on promoter events and reduced the operating hours by an hour.

That was the result of orders from the
ABRA Board. Because of what their conduct. That didn't stop them from having their promoters. They snuck them in anyway and they just didn't, they tricked us because they didn't bother to tell it was a promoter. The promotion material they'd leave out, that it was a promoted event or another third-party.

So it just got to the point where we were calling the police constantly. ABRA was not responsive. We were just basically left out in the cold to deal with this mess.

And the result, I mean, we finally did get any relief until the establishment changed hands in 2012 and that's when it finally got quiet.

MR. ENGELMANN: Jeff, was there another establishment with this similar problem?

MR. RUECKGAUER: Yes. In 2010, a place called Bento opened in 2120 in the Residence Inn restaurant base on the ground floor. And they followed suit in a very similar manner. They were a CR establishment, but when dinner service ended, they became a night club.

They too, they had illegal valets going. They had promoters coming in, people
getting into fights out in the street. And so
some nights we had, literally, both sides of the
street were this just sea of people who were
making noise and the establishments were
basically telling the neighborhood, we don't care
about, you know, about your trying to sleep or
people -- their trash service, the city cleans up
the streets, so leave it to them.

I mean, the attitude was very much
were not responsible for what these promoters are
coming in and doing. We're just renting them the
space. We have no responsibility and it's like,
no, it's your space. You get to dictate
conditions that the promoters have to abide by
and if you can't get them to abide by it, stop
doing business with them.

Mr. Bouza from Marrakesh went on to
say that there was no way possible for him to
continue to operate because of the overhead of
the lease, that he had to ask that he able to
have promoters in there. And he made this
impassioned plea to ABRA to let him continue to
do it. They didn't yield, fortunately.

MR. BIANCO: Mr. Anderson, I'm sorry
to interrupt. But I really tried to give a lot
of latitude, but we're talking about
establishments outside of the 1,200-foot range by
far in 2005 and 2010. What on earth does this
have to do with what's before the Board?

(Simultaneous speaking)

CHAIRPERSON ANDERSON: Hold on a
minute. Once again, Mr. Bianco, you have to
object to the question. You can't object while
the witness is testifying.

So I'm going to overrule the
objection. You have to --

MR. BIANCO: Well --

CHAIRPERSON ANDERSON: I'm sorry, Mr.
Bianco, you need to object to the questions that
are being asked by counsel or you have to object
that it's been broad.

But you can't have the witness for 10
minutes and then in the middle of the witness
testifying, you're now objecting to the question.

So I'm going to overrule the
objection. Let's move on.

MR. BIANCO: Thank you, Mr. Anderson,
but that does put me in a position to have to
object to every question.

CHAIRPERSON ANDERSON: Then fine, sir.
That's what you do. And you do and I'll make a
ruling accordingly.

Go ahead, sir.

MR. ENGELMANN: Let me just --

MR. RUECKGAUER: Go ahead.

MR. ENGELMANN: Yes. Jeff, just one
clarification. The Marrakesh is around the
corner from the Bier Baron?

MR. BIANCO: Objection. Relevance.

CHAIRPERSON ANDERSON: Why is this
relevant, sir?

MR. ENGELMANN: I'm just responding to
Mr. Bianco's concern. I'll withdraw the
question.

CHAIRPERSON ANDERSON: All right.

See, Mr. Bianco, next --

MR. BIANCO: Just trying to get us out
of here, Mr. Anderson. I apologize.

MR. ENGELMANN: I'm trying to do that
too, Mr. Bianco.

Mr. Rueckgauer, you're familiar with
the ANC's guidelines about promoters?

MR. RUECKGAUER: I am.

MR. ENGELMANN: Can you share your
thoughts on the importance of that?
MR. BIANCO: Objection. Relevance.

Foundation.

CHAIRPERSON ANDERSON: I'm sorry.

What was the question? I apologize. What was the question?

MR. ENGELMANN: I was asking Mr. Rueckgauer about the ANC guidelines on promoters.

CHAIRPERSON ANDERSON: I'm going to allow that, Mr. Bianco. We have had a lot of testimony earlier regarding this ANC guidelines. So I'll just allow it and the Board will give it whatever weight it's due.

MR. RUECKGAUER: The issues with the promoters came in about 2014, it went into the policies and procedures manual. It came out of East Dupont moratorium, which did have language that forbade restaurants from having more than a certain number of promoted events during any given year.

The problem then became what was going on with the West Dupont side was that there was no adequate responsiveness from the regulatory agencies to give any kind of immediate satisfaction or a reasonable time satisfaction. So that it got to the point where an ABRA hearing
or investigation would take over a year before there was any decision made.

That happened in a couple of cases involving Marrakesh. Several of them never received any decision. They were just no action.

So it certainly seems they decided well, because we can't count on the regulatory framework to be responsive to residents when there's an actual problem occurring and that it was the burden of the police department not having adequate resources.

The ANC thought, well, we're just going to have to, well, let's try this. Let's try putting a restriction thing that we're going to oppose or contest any promoted event language in the settlement agreement.

It did not mean to shut out the them entirely. The idea was if an applicant felt they had a compelling reason for having it, the ANC would be open to considering it and perhaps granting it.

It shifted the burden of proof onto the applicant on it to demonstrate that their business model was sound and they could justify having a seed to it, versus letting them have it
right from the get go and then everyone has to
deal with running to catch up and try to undo the
damage.

MR. ENGELMANN: Okay. Thank you.
Thank you, Mr. Rueckgauer. I have no further
questions.

CHAIRPERSON ANDERSON: All right.
Thank you. Mr. Silverstein, you have any
questions of this witness?

MR. SILVERSTEIN: No, I do not, Mr.
Chairman.

CHAIRPERSON ANDERSON: Mr. Bianco, any
questions of this witness?

MR. BIANCO: You testified about the
ANC's policy with respect to the use of
promoter's, correct?

MR. RUECKGAUER: Yes, sir.

MR. BIANCO: Are you on the ANC?
MR. RUECKGAUER: I am a member of the
land use committee. But I am not an elected
official.

MR. BIANCO: Okay. So does the land
use committee deal with ABC Board issues?

MR. RUECKGAUER: Generally, no.

MR. BIANCO: Okay. Do you speak for
MR. RUECKGAUER: No, I do not. I am simply a concerned citizen who actually was involved in some of that drafting work. But I'm not, as community participant.

MR. BIANCO: Thank you very much. I don't have any more questions.

CHAIRPERSON ANDERSON: Thank you. Any questions from any Board members?

Hearing none, thank you very much, sir, for your testimony. Thank you very much.

MR. RUECKGAUER: Thank you.

CHAIRPERSON ANDERSON: Do we have another witness?

MR. ENGELMANN: I just wanted to make a short statement and then move the admission of the one exhibit I had. The proposed settlement agreement between DCCA and Duffy's Pub.

CHAIRPERSON ANDERSON: Well, if you want to make a statement, sir, you know that I have to swear you in and then you will be subject to cross-examination.

MR. ENGELMANN: Yes. Unless there's another way to get the settlement agreement in. I'm happy to do that. It will be very brief.
CHAIRPERSON ANDERSON: Raise your right hand, sir.

Do you swear or affirm to tell the truth and nothing but the truth?

MR. ENGELMANN: Yes, I do.

CHAIRPERSON ANDERSON: Go ahead.

MR. ENGELMANN: Again, Glenn Engelmann, I reside at 1412 Hopkins Street Northwest. Me, a past president of DCCA.

There's been a lot of testimony about standards in the neighborhood around promoters. I just want to point out to the Board that's sort of consistent with DCCA's position here.

The most recent tavern license in the neighborhood, which is for an establishment which will be known as Duffy's Irish Pub. We did negotiate a settlement agreement with the operator.

Part of that is a promise of no promoters. Again, consistent with what's been testified here today. And with that I'd like to move the introduction into the record of that settlement agreement. It's listed as DCCA Exhibit 1.

MR. BIANCO: I object --
CHAIRPERSON ANDERSON: What's the nature of the objection?

MR. BIANCO: The nature of the objection is relevance. Generally, settlement discussions aren't admissible and this is settlement discussion and an unsigned agreement, apparently, on behalf of an establishment that is not the subject property before the Board. It's completely irrelevant to the issue before the Board. Has no bearing on the proceedings.

CHAIRPERSON ANDERSON: Okay. Hold on. Is this a signed settlement agreement regarding another establishment?

MR. ENGELMANN: Yes. It's a signed settlement agreement between DCCA and the establishment. It'll be before the Board, as I understand it, in July.

CHAIRPERSON ANDERSON: No. I'm sorry. I cannot allow that. No. I cannot. First and foremost, this is a settlement agreement that is going to be presented to the Board for our consideration for a case that's currently being protested.

So I thought this was a settlement agreement -- I thought this was an existing
settlement agreement for another establishment in that. But since this is a contested case, this is --

MR. ENGELMANN: Well --

(Simultaneous speaking)

CHAIRPERSON ANDERSON: Go ahead, sir.

MR. ENGELMANN: Just to clarify. It was entered into ahead of settlement. The operator, in this case, reached out the neighbors ahead of time. There hasn't been a protest filed. We agreed to a settlement, which is --

CHAIRPERSON ANDERSON: Right. But what you're saying though, this is the settlement agreement that the parties are going to provide to the agency, for the agency to sign off on.

MR. ENGELMANN: Yes. That's correct.

CHAIRPERSON ANDERSON: No. I'm going to -- this document cannot be admitted into evidence. All right. So it cannot.

So this document will not be allowed to -- hold on. Hold on one minute, please.

Yes. This document will not be allowed to be into evidence. If it was a Board approved settlement agreement, yes. But it's not, so, no.
So let's move on. Do you have anything that you want to say, sir?

MR. ENGELMANN: No, I don't.

CHAIRPERSON ANDERSON: All right. Mr. Engelmann?

MR. SILVERSTEIN: No, I don't.

CHAIRPERSON ANDERSON: Mr. Bianco, any questions of this witness?

MR. BIANCO: No, sir.

CHAIRPERSON ANDERSON: All right. Thank you, sir for your testimony. Do you rest?

MR. ENGELMANN: Yes, I do.

CHAIRPERSON ANDERSON: All right. So this is where we are now. Hold on one minute, please.

All right. I'm going to give each side; the applicant will be given five minutes to close. And each protestant will have five minutes to close.

What I need for each side, for the applicant to tell us what it is that the applicant is asking from the Board. And for each of the protestant, I'm asking the protest -- each of the protestant, be specific what it is that
you're asking the Board to do.

All right? So let's start with the --

all right. All right. Do the parties want five

minutes before we do closing?

(Simultaneous speaking)

CHAIRPERSON ANDERSON: I'm sorry. We
can go directly or we can break for five minutes.

MR. SILVERSTEIN: I'm ready to go.

MR. BIANCO: I could use five minutes.

CHAIRPERSON ANDERSON: I'm sorry?

What did you say, Mr. Bianco?

MR. BIANCO: I could use five minutes.

CHAIRPERSON ANDERSON: I'm sorry.

What is that you want to do, Mr. Silverstein?

MR. SILVERSTEIN: If Mr. Bianco needs
five minutes, I'm fine with that. I'm ready to
go.

CHAIRPERSON ANDERSON: Mr. Engelmann,

what is it that you wish to do?

MR. ENGELMANN: I'm ready to go, but
again, if Mr. Bianco wants five minutes, I'm

happy to wait five minutes.

CHAIRPERSON ANDERSON: All right.

It's 7:42, all right, 7:50, I'll do the eight

minutes. 7:50 will be eight minutes and we'll be
back on the record to do a closing. 7:50. Thank you.

MR. BIANCO: Thank you very much.

MR. SILVERSTEIN: Thank you.

(Whereupon, the above-entitled matter went off the record at 7:42 p.m. and resumed at 7:50 p.m.)

CHAIRPERSON ANDERSON: We're back on the record. It's 7:50. Where is everyone? Everyone needs to log back on. Mr. Bianco?

MR. BIANCO: Yes, I'm here.

CHAIRPERSON ANDERSON: Mr. Engelmann?

MR. ENGELMANN: I'm here.

CHAIRPERSON ANDERSON: All right.

Fine. Mr. Bianco, you have five minutes, sir.

MR. BIANCO: Thank you very much.

Mr. Chairman, members of the Board in compliance with your instructions I want to very clearly state what we are asking for. We are asking that the Board grant the CT license that my client has applied for with the endorsements applied for without any condition or restriction.

Most of the protestant's case rests on things that occurred at another establishment in another neighborhood and I think it's very
important that the testimony that we heard from
difficult and dense neighborhoods to deal with
from a night life perspective.

The incidents cited were in 2018 and
although thoroughly investigated by the MPD, by
ABRA, there were fact-finding hearings on each,
effectively zero finding of any wrongdoing on
Secret's part whatsoever. No violations. They
have operated at that location for four or five
years. They've accumulated exactly one violation
and one warning in that period of time.

I know the Board is pretty much sick
of me before you and having arguments about what
goes on at 9th and U Street Northwest, but
because you've seen me so much issue, on that
neighborhood, I think you very well understand
the difficulties that that neighborhood
experiences from a night life perspective and
those difficulties don't really have anything to
do with Secret Lounge.

I feel the character of the Dupont
Circle neighborhood that the applicant proposes
to locate his business in. The protesters point
to incidents that occurred at other
establishments, bearing no relationship to my client's establishment whatsoever, that occurred in 2005, 2010, 2014, all outside of the relevant 1,200-foot radius.

And I think it's important to note that these other incidents that occurred 10 or 15 years ago evidently drove some policy by the ANC, and we unfortunately heard extensive testimony on it, drove some policy by the ANC of promoters are bad. No promoters.

Well, is this really a policy? I think any claimant, this is a policy, is specious based on the evidence before the Board. And what evidence am I referring to but the investigators report and the testimony thereon.

Specifically, of the five taverns that are located within the relevant area, as set forth in the investigators report, zero have settlement agreements. Zero. Zero have promoter restrictions.

Of the two night clubs, full-blown night clubs located within the relevant 1,200 square foot area, zero have promoters' restrictions. One of two night clubs has a settlement agreement.
So what really is this policy, if it's not enforced against anybody? They're seeking to enforce it against my client and no one else. What really is this policy?

And I think it holds up as well when you look at the previous establishment that was at this location. No promoter restriction. No settlement agreement.

Why, given the context of this, should these conditions be imposed on this specific license when there clearly is no policy? At least not one that is being enforced in any way, shape or form?

We put on evidence today to give the Board some insight into what my client's plan is for the property with respect to his seating, with respect to his music, entertainment and security. All very important things. All relevant considerations.

The Board is in a position where it has to predict the future in this case, essentially. What may happen? There's not a track record for this particular establishment.

And while that's not easy to do, we do have guidance form the relevant case law as to
what the board should look at. And where that
case law puts us is exactly the evidence that we
put on.

What does the applicant plan to do?
What are the measurements that the applicant is
putting in place? What is the overall character
of the neighborhood? And we've had evidence of
those and they all weigh in my client's favor to
grant this license.

We think after the Board has the
opportunity to consider the voluminous evidence
that has been put before it today and deliberate
on the same, the conclusion that you will reach
is that this establishment, as purposed, is
appropriate for the 1,200 square foot area that
is a relevant consideration for this particular
proceeding. Thank you very much.

CHAIRPERSON ANDERSON: Thank you very
much, Mr. Bianco. And Mr. Engelmann? Mr.
Engelmann, you're next.

MR. ENGELMANN: Thank you. DCCA would
like the Board to deny the requested license. As
I stated earlier when the initial word was out
about an Ethiopian restaurant, it was well
received and in fact, DCCA initially wasn't going
to contest the license.

But as things evolved, as the testimony was given to the ANC, it was clear that the operating plan was vague and it had morphed really into more of a night club type establishment and sort of consistent with DCCA's policy, this was something we should contest.

The testimony today didn't add, frankly, a lot of clarity about the operating model. It continues to shift, in our view. And our thought that restrictions might be a way to alleviate some of the real neighborhood concerns sort of evaporated today with the news that the operator is in arrears with respect to RDO payments on the existing establishment.

Clearly, an RDO would be part of it, but if there are arrears, it's hard to see how you can impose any restrictions that we can have confidence on.

So again, the neighborhood has a long history of balance. What's proposed here is not consistent with the neighborhood, not consistent with the area.

I think Ms. Butler's testimony was pretty clear about the character of the block and
we'd ask you to deny the application.

CHAIRPERSON ANDERSON: Thank you, Mr. Engelmann. Mr. Silverstein.

MR. SILVERSTEIN: Thank you, Mr. Chairman. And I'll be brief.

We seek denial of the application.

The burden of proof in this case is on the applicant. The applicant's business plan is clearly that of a CT that morphs into a night club, and the applicant acknowledges he cannot succeed without the use of promoters.

Promoters would require enhanced security and an RDO and the applicant's financial dealings are such that, despite his testimony today otherwise, he has not paid for his RDO at his current establishment and that debt is in collections.

The applicant has failed completely to meet his burden to establish that he would not negatively impact peace, order, and quiet. We respectively ask that the Board deny the application and thank you for your attention and your patience.

CHAIRPERSON ANDERSON: Thank you very much.
All right. All right, do the parties wish to file proposed findings of fact and conclusion of law or waive your right to do so?

MR. BIANCO: For the Applicant, I'd prefer not to, but if the other parties are going to, I will as well.

MR. SILVERSTEIN: We waive. We do not seek to delay this any longer.

MR. ENGELMANN: Same for DCCA.

MR. BIANCO: Then nothing from Applicant either. We're good.

CHAIRPERSON ANDERSON: All right.

Well, thank you very much.

The record is not closed. This is a new license, so I believe that we will issue this decision within 90 days, but I believe that we will issue this decision as quickly as possible because it is a new license.

All right. Bear with me another minute, please. I have too many papers in front of me. All right.

As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia and according to the D.C. Official Code, Section 2574(d) of the Open Meetings Act, I move
that ABC Board hold a closed meeting for the
purpose of seeking legal advice from our counsel
on case number 21PRO00017, Signature Lounge,
pursuant to D.C. Official Code Section 2574(b)(4)
of the Open Meetings Act and deliberating upon
case number 21PRO00017, Signature Lounge for the
reason cited in D.C. Official Code Section
2574(b)(13) of the Open Meetings Act. Is there a
second?

MEMBER CROCKETT: Ms. Crockett

seconds.

CHAIRPERSON ANDERSON: Ms. Crockett

has seconded the motion. I'll now take a roll
call for what's on the motion that has been
properly seconded by Ms. Crockett.

Mr. Short?

MEMBER SHORT: Mr. Short, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett, I

agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Edward Grandis, I

agree.
CHAIRPERSON ANDERSON: And Mr. Anderson, I agree.

As it appears that the motion has passed, I hereby give notice that ABC Board will recess these proceedings to hold a closed meeting and ABC Board continues its role pursuant to Sections 574(b) of the Open Meetings Act.

I want to thank everyone for their presentation today. I know it's been a long day and so I want to thank everyone who has participated and the Board will deliberate, look at everything presented, review the documents and evidence and carefully consider the evidence presented and make a decision what we believe is the best interest of the residents overall of the District of Columbia.

So I just want to thank you everyone for their participation. And if you give me one more minute, I will close the record officially for the day.

All right. As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia and according to Title 3, Chapter 405, Office of Open Government, I move that ABC Board hold a closed meeting on July 15, 2021, for
the purpose of discussing and hearing reports
concerning ongoing or planned investigation of
alleged criminal or civil misconduct or violation
of all regulations and seek legal advice from our
legal counsel as the Board's investigative
agenda, legal agenda, licensing agenda, budgeting
line 15, 20, 21 as published in the D.C. Register
on July 9th, 2021. Is there a second?

MEMBER SHORT: Mr. Short, I second.

CHAIRPERSON ANDERSON: Mr. Short has
seconded the motion. I will now take a role
call, go through the motion before it now that's
its been seconded.

Mr. Short?

MEMBER SHORT: Mr. Short, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Raif Crockett, I
agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

CHAIRPERSON ANDERSON: Edward Grandis,
I agree.

CHAIRPERSON ANDERSON: And Mr.

Anderson, I agree.
As it appears that the motion has passed. I hereby give notice that the ABC Board will hold the beforementioned closed hearing.

Pursuant to the Open Meetings Act, notice will also be posted on the ABC's Board hearing room bulletin board, placed on electronic calendar, on ABRA's website, and published on D.C. Register in a timely manner as practical.

I would like to thank the parties for their active participation today. I would also like to thank the Board members for their active participation today and I also like to thank the public who has tuned in today for this hearing.

We are now formally adjourned for the day. I now direct all Board members to return to executive session for further development.

Have a great night and thank you very much.

(Whereupon, the above-entitled matter went off the record at 8:05 p.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Signature Lounge

Before: DCABRA

Date: 06-30-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]

Court Reporter