

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

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IN THE MATTER OF: :  
: :  
Brookland's Finest, LLC :  
t/a Brookland's Finest Bar & :  
Kitchen :  
3126-3128 12th Street, NE : Show Cause  
Retailer CR : Hearing  
License No. 92010 :  
Case No. 13-PRO-00057 :  
ANC 5B :  
New Application :  
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AUGUST 14, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne

Miller, Chairperson, presiding.

PRESENT  
RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HERMAN JONES, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT  
ERIN MATHIESON, ABRA

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

8:32 p.m.

CHAIRPERSON MILLER: All right.

We have a quorum. I'm going to call the last case of the evening, and that is Case No. 13-PRO-00057, Brookland's Finest Bar & Kitchen located at 3126 12th Street, N.E., License No. 92010 in ANC 5B.

And again I apologize that we're running late today. This is a rare event.

Anyway, would the parties identify themselves for the record?

MR. KLINE: Yes, good evening. Andrew Kline on behalf of the Applicant.

MR. SOLOMON: John Solomon.

MR. HANKINS: Frank Hankins.

MR. TOMELDEN: Arthur Tomelden.

MR. KLINE: And these three gentlemen are the principals of the Applicant.

CHAIRPERSON MILLER: Okay. And the other side?

1 MS. DONALDSON: Sharona  
2 Donaldson.

3 CHAIRPERSON MILLER: Can you  
4 speak up?

5 MS. DONALDSON: Sharona  
6 Donaldson, very nearby resident.

7 CHAIRPERSON MILLER: What party  
8 are you with?

9 MS. DONALDSON: The Protestants.

10 CHAIRPERSON MILLER: Okay. A  
11 group of five or more individuals?

12 MS. DONALDSON; Yes.

13 CHAIRPERSON MILLER: Okay. And  
14 sorry, would you repeat your name?

15 MS. DONALDSON: Sharona  
16 Donaldson.

17 CHAIRPERSON MILLER: Okay.  
18 Sharona Donaldson. All right.

19 MS. PARRISH: Jessica Parish.

20 CHAIRPERSON MILLER: Okay.

21 MS. PARRISH: Protestant. Very  
22 nearby neighbors.

1 MS. STEPTOE: Commissioner  
2 Carolyn C. Steptoe for ANC 5B.

3 CHAIRPERSON MILLER: All right.  
4 Before we start I want to ask whether some  
5 other individuals are here who have filed a  
6 request for reinstatement as a party in this  
7 case. Anybody here who filed those letters?

8 Who is that? Could you come to  
9 the table for the record? I know that  
10 request is pending before the Board and the  
11 Board has not ruled on that yet.

12 MR. KLINE: Madam Chairperson, I  
13 would note for the record that we were not  
14 served with any such request and are not  
15 aware of any such request. Rules of course  
16 require that anything that's communicated to  
17 the Board be served on the other party. I  
18 know we're dealing with laypeople, but we're  
19 at an extreme disadvantage in terms of these  
20 issues.

21 CHAIRPERSON MILLER: Okay. Is  
22 this the first you're hearing about it?

1 MR. KLINE: Yes.

2 CHAIRPERSON MILLER: It is?

3 MR. KLINE: Yes.

4 CHAIRPERSON MILLER: Okay.

5 MS. DONALDSON: I have a  
6 question.

7 CHAIRPERSON MILLER: Yes?

8 MS. DONALDSON: Were they at the  
9 roll calling?

10 CHAIRPERSON MILLER: I believe so  
11 based on this letter.

12 MS. DONALDSON: It was addressed  
13 at the roll calling.

14 CHAIRPERSON MILLER: The request  
15 for reinstatement would not have been  
16 addressed.

17 MS. DONALDSON: But that lady,  
18 Mrs. Fletcher told them that they had to  
19 make a request.

20 CHAIRPERSON MILLER: Right.  
21 Okay. I need to talk to them, but I would  
22 say this: That, right, that she would tell

1       them that as a matter of course, but the  
2       fact that they had filed a letter would not  
3       have been known at that point.

4                   MS. DONALDSON:   How would we know  
5       that we needed to tell them?  We're not  
6       lawyers.  He is.

7                   CHAIRPERSON MILLER:  Okay.  Is it  
8       your letter?

9                   MS. DONALDSON:  No, it's a letter  
10       for the other five Protestants.

11                   CHAIRPERSON MILLER:  Okay.  So I  
12       need to hear from them.

13                   MS. DONALDSON:  Okay.

14                   CHAIRPERSON MILLER:  One is I  
15       believe -- they were the Grace group.

16                   MR. COLE:  Grace group.

17                   CHAIRPERSON MILLER:  Grace group.  
18       And are you with the Grace group?

19                   MR. COLE:  Yes, I am.

20                   CHAIRPERSON MILLER:  Okay.  And  
21       could you identify yourself for the record?

22                   MR. COLE:  Yes, my name is Kevin

1 Cole.

2 CHAIRPERSON MILLER: Okay. And  
3 there was one other.

4 MEMBER SILVERSTEIN: The Holiness  
5 group.

6 CHAIRPERSON MILLER: What are  
7 they called?

8 MEMBER SILVERSTEIN: The Holiness  
9 group is the other group? Or is this -- are  
10 you --

11 CHAIRPERSON MILLER: The First  
12 group?

13 MS. COLEMAN-AUSTIN: Yes.

14 CHAIRPERSON MILLER: Where is  
15 that person? Okay. And could you identify  
16 yourself for the record?

17 MS. COLEMAN-AUSTIN: Yes, Helena  
18 Coleman-Austin.

19 CHAIRPERSON MILLER: Okay. All  
20 right. So let me just ask you, Mr. Kline  
21 has said that he was not served with your  
22 letters requesting reinstatement. Did you

1       serve -- I'll ask you first -- what's your  
2       name again?

3                   MR. COLE:   Cole.

4                   CHAIRPERSON MILLER:   Cole?  Mr.  
5       Cole, did you serve the Applicant or the  
6       Applicant's counsel with this request?

7                   MR. COLE:   Well, I didn't know  
8       that I needed to serve him.  We were told  
9       when we were here last time that we could do  
10      it in that fashion.  So we went on and done  
11      it, we submitted it.

12                  CHAIRPERSON MILLER:   Okay.

13                  MEMBER SILVERSTEIN:   Madam Chair?

14                  CHAIRPERSON MILLER:   Mr.  
15       Silverstein?

16                  MEMBER SILVERSTEIN:   This is  
17       similar in a way of what happened and what  
18       you all saw in our last hearing where Mary  
19       Williams, a Protestant, was involved with a  
20       group that was dismissed, and yet she was  
21       able to testify, which is I guess what you  
22       would want to do, as part of the other

1 groups. Would you be willing to be part of  
2 that as a witness and to testify? There's  
3 nothing to stop you from that.

4 MR. COLE: That's not what we  
5 talked about that back --

6 CHAIRPERSON MILLER: Okay. That  
7 is the other option, though. Well, what --

8 MR. COLE: And they weren't  
9 presented with the first option.

10 CHAIRPERSON MILLER: That's  
11 right, but okay.

12 MR. COLE: What the heck?

13 CHAIRPERSON MILLER: I think that  
14 Mr. Silverstein --

15 MR. COLE: Mike, what are you  
16 doing?

17 MEMBER SILVERSTEIN: No --

18 CHAIRPERSON MILLER: He's jumped  
19 there because we have a question, we have an  
20 issue that we weren't aware of that the  
21 Applicant was not served with the request,  
22 which --

1 MR. COLE: We even talked about  
2 that back then, man, and you go up there and  
3 do that?

4 MEMBER SILVERSTEIN: Yes.

5 CHAIRPERSON MILLER: Yes. Our  
6 rules say if they weren't served then we'd  
7 deny it. That's what our rules say.

8 MEMBER ALBERTI: Is that what the  
9 statute says?

10 CHAIRPERSON MILLER: I believe  
11 our regulation -- and I think what Mr.  
12 Silverstein was saying --

13 MEMBER ALBERTI: Well, maybe Mr.  
14 Kline can --

15 CHAIRPERSON MILLER: -- excuse  
16 me. Our rules do provide that anyone who  
17 wishes to testify can testify. It just  
18 means you're not a party. You can still  
19 testify.

20 MEMBER ALBERTI: Well, I think  
21 the question on the table, if I --

22 MR. COLE: I concur.

1 CHAIRPERSON MILLER: You concur?  
2 Would you be satisfied just to testify?

3 MR. COLE: Yes.

4 CHAIRPERSON MILLER: Okay. Where  
5 is the other one? Would you like to  
6 testify.

7 MS. COLEMAN-AUSTIN: Yes.

8 CHAIRPERSON MILLER: Okay.

9 MS. COLEMAN-AUSTIN: I may have  
10 somebody else who would also be willing to  
11 testify.

12 CHAIRPERSON MILLER: Okay.

13 MS. COLEMAN-AUSTIN: I'm sorry,  
14 you all are speaking so low I can't -- I'm  
15 straining to hear.

16 MEMBER SILVERSTEIN: I'm sorry.

17 CHAIRPERSON MILLER: Okay. We'll  
18 speak up. Okay.

19 Mr. Alberti, did you wish to say  
20 something?

21 MEMBER ALBERTI: I thought the  
22 question on the table was reinstatement for

1 -- I don't which party we're addressing  
2 first. Which party --

3 CHAIRPERSON MILLER: They're both  
4 in the same situation.

5 MEMBER ALBERTI: I understand,  
6 but which party are we addressing?

7 CHAIRPERSON MILLER: We can --

8 MEMBER ALBERTI: Are we  
9 addressing them together?

10 CHAIRPERSON MILLER: -- address  
11 them equally. Yes.

12 MEMBER ALBERTI: Okay. And so  
13 Mr. Kline's objection was neither of the  
14 parties served him with letters?

15 MR. KLINE: No, and I believe,  
16 because it's my practice, that I probably  
17 made that point at the roll call hearing. I  
18 can't say that I specifically remember it,  
19 but I do it almost every time because I know  
20 this is an issue and I point out that if  
21 they're going to file for reinstatement  
22 please serve a copy of us. That's the rule.

1 That's what the rules require.

2 MEMBER ALBERTI: And can you  
3 state the rules for us, where in the statute  
4 that is, Mr. Kline? I mean it would be  
5 helpful. So we have it on the record.

6 MR. KLINE: I understand.

7 MEMBER ALBERTI: I mean that's  
8 going to be helpful. You're making an  
9 objection.

10 MR. KLINE: The Board's  
11 indulgence.

12 Yes, in Section 1600.

13 MEMBER JONES: Are we at least  
14 going to rule on the request --

15 MEMBER ALBERTI: Well, that's why  
16 I'm asking. That's why I'm questioning Mr.  
17 Kline. So we're going to rule on the  
18 reinstatement. That's where I'm heading,  
19 Mr. Jones. I think you and I are on the  
20 same page.

21 MEMBER JONES: That's a first.

22 (Laughter.)

1 PARTICIPANT: May I speak,  
2 please? I'm part of the Grace group that  
3 filed a petition and we were talking. Ms.  
4 Mitchell informed us that we could file the  
5 paperwork.

6 CHAIRPERSON MILLER: Excuse me.  
7 Excuse me. You're not on the record.

8 Okay. So unless you're one of  
9 the parties in this case I can't recognize  
10 you at this point.

11 PARTICIPANT: I was the one that  
12 filed the paperwork for the Grace group. My  
13 name is on there. And during that --

14 CHAIRPERSON MILLER: No, you're  
15 not on the record. You're not on a mic. So  
16 what you're saying is not being taken --

17 MEMBER SILVERSTEIN: Not being  
18 picked up.

19 CHAIRPERSON MILLER: You're with  
20 the Grace group, with Mr. Cole's group?

21 MR. COLE: Yes. The young lady  
22 in your position last time suggested to Ms.

1 Cole on how to go about filing. And that's  
2 what she was stating.

3 MEMBER JONES: Would that be Ms.  
4 La Verne Fletcher?

5 MR. COLE: Yes, Ms. Fletcher.

6 MEMBER JONES: Okay. Thank you,  
7 sir.

8 MR. COLE: Yes, sir.

9 MR. KLINE: If I may? 23 DCMR  
10 Section 1716 and 1720. Seventeen sixteen  
11 deals with motions, which is -- this would  
12 be a motion to seek reinstatement.  
13 Seventeen twenty deals with ex part,  
14 communications.

15 CHAIRPERSON MILLER: 1703 also  
16 deals with service of papers.

17 MEMBER ALBERTI: 16, Mr. Kline?

18 MR. KLINE: 1720 is ex part,  
19 communications.

20 MR. KLINE: 1703.2, specifically.

21 MEMBER SILVERSTEIN: 1703.2?

22 MEMBER ALBERTI: And what was the

1 other one?

2 MR. KLINE: 03 and 1716 and 1720.

3 MEMBER ALBERTI: Okay.

4 CHAIRPERSON MILLER: Okay. I am  
5 surprised that there should be any issue  
6 that papers are required to be served on  
7 opposing parties in our cases, in contested  
8 cases.

9 Okay. I think that we need to  
10 move this along. It's quarter of 9:00. And  
11 I think what Mr. Silverstein was suggesting  
12 and what these individuals agree to is that  
13 they won't be parties, but they will be  
14 allowed to testify as individuals.

15 MR. KLINE: Madam Chair, to the  
16 extent that they're listed on a Protest  
17 Information Form and to the extent that  
18 their testimony is relevant, we don't have  
19 any objection.

20 CHAIRPERSON MILLER: Okay. It  
21 seems like all the parties and individuals  
22 are in agreement to proceeding that way, so

1 I would move that we deny the request for  
2 reinstatement and allow the individuals to  
3 testify as individual in accordance with our  
4 rules, but not as a party. Do I have a  
5 second?

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Okay. Any  
8 more discussion?

9 MEMBER ALBERTI: Yes, my  
10 understanding of the statute and having  
11 consulted briefly with our general counsel  
12 is that it's within the Board's discretion,  
13 especially since this is an administrative  
14 body and we're dealing in this case with  
15 parties that are laypeople --

16 (Off mic comment.)

17 MEMBER ALBERTI: I'm sorry. That  
18 it's within the Board's discretion and this  
19 is based on the fact that we are an  
20 administrative body and in this case, as in  
21 many cases, we're interacting, we're dealing  
22 with laypeople, people who don't have legal

1 representation. So I think it's fully  
2 within our discretion to grant reinstatement  
3 despite the fact that they didn't serve the  
4 other party.

5 And so with respect to that, I am  
6 going to vote against this motion.

7 CHAIRPERSON MILLER: Okay. Based  
8 on the fact that all the parties including  
9 the individual agree to their participating  
10 in this case as witnesses and not as a  
11 party, and because of the lack of service  
12 and thereby lack of notice to the Applicant  
13 and the other parties, I am supporting this  
14 motion.

15 Are there any other comments?

16

17 (Off mic comment.)

18 CHAIRPERSON MILLER: I'm so  
19 sorry.

20 (Off mic comment.)

21 CHAIRPERSON MILLER: I'm so  
22 sorry. I am moving a motion to deny the

1 request for reinstatement because the motion  
2 was served on the Applicant and thereby the  
3 Applicant didn't have notice, and nor did  
4 the other parties. However, I'm also making  
5 this motion that they will then be allowed  
6 to testify as witnesses in this case, which  
7 is what they have indicated is really what  
8 they want to do. When you're a party, you  
9 get to cross-examine, put in evidence and  
10 things like that. And they have indicated  
11 that they're happy to be a witness and then  
12 nobody is prejudiced.

13 Okay. Are there other comments?

14 (No audible response.)

15 CHAIRPERSON MILLER: Okay. Then  
16 all those in favor of the motion to deny the  
17 request for reinstatement, say aye? Aye.

18 MEMBER BROOKS: Aye.

19 MEMBER SILVERSTEIN: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed?

22 MEMBER JONES: Opposed.

1 MEMBER ALBERTI: Opposed.

2 CHAIRPERSON MILLER: I believe  
3 the vote is 3-2-0 to deny the request for  
4 reinstatement. Correct, Mr. Brooks?

5 MEMBER BROOKS: (No audible  
6 response.)

7 CHAIRPERSON MILLER: All right.  
8 Okay. All right. So what that means is  
9 that they will be able to just testify after  
10 the end of the Protestants' case, just give  
11 testimony a maximum of three minutes as to  
12 their view in this case.

13 MEMBER ALBERTI: May I ask a  
14 question on procedures for that?

15 CHAIRPERSON MILLER: Yes.

16 MEMBER ALBERTI: Will both  
17 parties be able to cross-examine them?

18 CHAIRPERSON MILLER: Yes.

19 MEMBER ALBERTI: Okay. Thank  
20 you.

21 CHAIRPERSON MILLER: Okay.

22 MR. KLINE: Madam Chair, just for

1 the record, I had reserved on relevance and  
2 on whether they had been named in the PIFs.  
3 And I'll reserve that objection and we can  
4 deal with when the time comes.

5 CHAIRPERSON MILLER: Okay. I  
6 want to cite the rule.

7 MEMBER ALBERTI: I think, Mr.  
8 Kline, you don't understand the Chair. The  
9 Chair is suggesting that they are not being  
10 called as witnesses by the parties who have  
11 standing. They are being called by the  
12 Board to allow them to testify, not  
13 necessarily as witnesses, but we're allowing  
14 community members to testify. And I think  
15 the Chair is going to cite a statute that  
16 allows us to do that.

17 CHAIRPERSON MILLER: A  
18 regulation. The regulation that I'm  
19 following is 1701.6. "At any proceeding  
20 before the Board on application for issuance  
21 or renewal of a license or transfer of a  
22 license to a new person or a new location

1 the Board shall hear as witnesses all  
2 persons residing within and without the  
3 neighborhood who desire to be heard provided  
4 that such testimony is not irrelevant or  
5 duly repetitious."

6 Okay. Ready to start the case?

7 MEMBER SILVERSTEIN: Let's begin.

8 CHAIRPERSON MILLER: All right.

9 The Applicant goes first. They have the  
10 burden of proof to show appropriateness.  
11 And then the Protestants will make their  
12 case.

13 You each have a chance to do  
14 opening statements, if you choose. They're  
15 not required. So the Applicant will go  
16 first. Put on witnesses. You'll get a  
17 chance to cross-examine the witnesses, as  
18 will the Board. And then after the  
19 Applicant complete its case, then the  
20 Protestants will go, and then those other  
21 witnesses.

22 Okay. Are we ready?

1 MR. KLINE: We're ready.

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

4 MS. PARRISH: Yes, I wanted to --

5 CHAIRPERSON MILLER: Watch the  
6 microphones there, by the way. Sometimes  
7 papers get on them and make noise. Okay.

8 MS. PARRISH: I just wanted to  
9 bring to light that you have an incorrect  
10 number of Protestants. You have 35 and we  
11 have 55.

12 CHAIRPERSON MILLER: Oh, and we  
13 have our Government witness who goes first.  
14 I'm sorry about that. We have 35 where --

15 MS. PARRISH: In --

16 CHAIRPERSON MILLER: Is this in  
17 the investigator's report? Okay. Well, the  
18 investigator will address that then when she  
19 goes up there.

20 So we're going to start with  
21 opening statements and then the investigator  
22 will go first with respect to giving

1 testimony.

2 MR. KLINE: Madam Chair, before I  
3 do that, one other point. The calendar has  
4 consistently labeled this application as one  
5 for a CR. The application is one for a CT.

6 CHAIRPERSON MILLER: Okay.

7 MR. KLINE: I thought I wanted to  
8 make that clear to the Board at the outset  
9 so that the record is clear and that there's  
10 no confusion on that point.

11 CHAIRPERSON MILLER: Okay. Thank  
12 you for noting that.

13 And I also want to just say  
14 before we start that there shouldn't be any  
15 photo taking, photography, and there  
16 shouldn't be any cell phone use.

17 I know it's too late. You got it  
18 in.

19 (Laughter.)

20 CHAIRPERSON MILLER: But I mean  
21 from now on so that -- it's going to be very  
22 distracting.

1 MS. PARRISH: I have a question.

2 CHAIRPERSON MILLER: You have a  
3 question?

4 MS. PARRISH: Yes. What's the  
5 difference between a CR and a CT?

6 CHAIRPERSON MILLER: Okay. I  
7 can't address that right now. I can really  
8 only address procedural questions. So  
9 somebody will help you with that though  
10 later.

11 MS. PARRISH: Okay.

12 CHAIRPERSON MILLER: Okay. Mr.  
13 Kline, opening statement?

14 MR. KLINE: Yes, thank you, Madam  
15 Chair, Members of the Board. This is an  
16 application for a CT restaurant, CT license  
17 at 3126-3128 12th Street, N.E. This is in  
18 the Brookland neighborhood of Washington.

19 As you see from the room filled  
20 with spectators at this hearing, there's  
21 quite a bit of interest in this application.  
22 There are a number of people who are here in

1 support and there are obviously people who  
2 are here opposed to the application.

3 Our evidence will show that this  
4 Applicant intends to operate a neighborhood  
5 gathering place, a place where all those  
6 living in the neighborhood will be welcomed.  
7 The neighborhood has been sorely lacking  
8 such an establishment, from my  
9 understanding, since the well-known Colonel  
10 Brooks' Tavern closed several years ago.  
11 It's our understanding that there's been a  
12 void in the community. These three  
13 gentlemen seek to fill that void.

14 The evidence will show that they  
15 have substantial experience running this  
16 type of establishment, and at least one of  
17 them has substantial ties in the community  
18 in that he has lived in the community for  
19 the past 11 years, is raising his family  
20 there, raising three children there. And to  
21 the extent that there is any concerns, the  
22 evidence will show that he is available and

1 will be available to address any concerns  
2 that anyone in that neighborhood might have.

3 It's a small place. There is  
4 some outside seating. And we intend to walk  
5 the Board through the layout of the  
6 establishment and the intended operation.

7 At the conclusion of the hearing,  
8 after having heard all the evidence and  
9 having heard what these gentlemen have done  
10 in terms of working with the community to  
11 come up with an operating model that  
12 satisfies not all, but most of the residents  
13 in that community, we will be asking that  
14 you approve the license with only the  
15 restrictions that are contained in a  
16 settlement agreement which you have already  
17 seen and I understand have approved, or will  
18 shortly be approving with some modifications  
19 that have been requested. Thank you.

20 CHAIRPERSON MILLER: Okay. Thank  
21 you.

22 So, Protestants, if you'd like,

1 it's optional, you can give an opening  
2 statement about what you're going to show in  
3 your case.

4 MS. DONALDSON: Okay. We, the  
5 very nearby protestants, will demonstrate to  
6 the ABRA Board through testimony and  
7 evidence if this alcohol license is approved  
8 it will have a negative impact on our public  
9 safety of our children, seniors and other  
10 very nearby residents, parking, peace and  
11 quiet, noise and property value. We the  
12 very nearby protestants will also  
13 demonstrate to the ABRA Board through  
14 testimony and evidence how if this alcohol  
15 license is approved will have a severely  
16 negative impact on our nearby churches and  
17 other operations.

18 CHAIRPERSON MILLER: Could you  
19 remind me your name and which group you're  
20 with?

21 MS. DONALDSON: Sharona  
22 Donaldson.

1 CHAIRPERSON MILLER: Okay.

2 MS. DONALDSON: With the five  
3 protestants.

4 CHAIRPERSON MILLER: Okay. Good.  
5 And was that on behalf of the ANC as well?

6 MS. DONALDSON: Yes.

7 CHAIRPERSON MILLER: Okay. So  
8 now we're going to turn to our investigator.  
9 Good evening. Do you swear to  
10 tell the truth, the whole truth and nothing  
11 but the truth?

12 INVESTIGATOR MATHIESON: Yes, I  
13 do.

14 CHAIRPERSON MILLER: Okay. Thank  
15 you. Okay.

16 INVESTIGATOR MATHIESON: Just  
17 want me to start?

18 CHAIRPERSON MILLER: Sure.

19 INVESTIGATOR MATHIESON: Okay.  
20 Great. I was assigned the protest --

21 CHAIRPERSON MILLER: Why don't  
22 you start with your name and position?

1 INVESTIGATOR MATHIESON: Sure.

2 CHAIRPERSON MILLER: Okay.

3 INVESTIGATOR MATHIESON: First  
4 name is Erin, last name is Mathieson, M-A-T-  
5 H-I-E-S-O-N. I'm an investigator for the  
6 Alcohol Beverage Regulation Administration.

7 CHAIRPERSON MILLER: Okay. Thank  
8 you.

9 INVESTIGATOR MATHIESON: I was  
10 assigned the protest for the class CT new  
11 license application for Brookland's Finest,  
12 trading as Brookland's Finest --

13 CHAIRPERSON MILLER: Can you all  
14 hear back there?

15 No? Okay. Could you speak up?  
16 Did we turn the mics off somehow?

17 MEMBER ALBERTI: You're up pretty  
18 high.

19 CHAIRPERSON MILLER: Oh, okay.

20 INVESTIGATOR MATHIESON: I was  
21 assigned the protest investigation of a  
22 class CT new license application for

1 Brookland's Finest, LLC, trading as  
2 Brookland's Finest Bar & Kitchen located at  
3 3126 to 3128 12th Street, N.E.

4 The new license application was  
5 submitted to ABRA on June 12th, 2013 with a  
6 proposed total occupancy of 99, including 75  
7 seats. The new license application also  
8 included a summer garden endorsement with a  
9 total of 40 seats.

10 The new license application for  
11 Brookland's Finest Bar & Kitchen was being  
12 protested by two groups; the ANC 5B and a  
13 group of 35, which is five or more. ANC 5B  
14 appointed Vice-Chairperson Carolyn Steptoe  
15 as the designated represented for the  
16 protest, and the group of 35 designated  
17 three representatives; Jeanna Cullinan,  
18 Jessica Parrish and Deborah Hughes. ANC 5B  
19 submitted a letter in a timely fashion, as  
20 did the group of 35.

21 An amendment to the new license  
22 application was submitted by Brookland's

1       Finest, LLC that proposed the following  
2       hours for the establishment: Operation was  
3       Sunday through Saturday 7:00 a.m. to 2:00  
4       a.m. Thursdays and on Friday and Saturday  
5       until 3:00 a.m. The hours of sales for the  
6       establishment begin at 8:00 a.m. and  
7       subsequently end at 2:00 a.m. and 3:00,  
8       respectively. The hours of operation for  
9       the summer garden were from 7:00 a.m. to  
10      10:00 p.m. weekdays and 11:00 p.m. on Friday  
11      and Saturday. The hours of sales for the  
12      summer garden are consistent with the hours  
13      of operation that I just mentioned.

14                The protest issues are the  
15      following: Adverse impact on peace, order  
16      and quiet; adverse impact on residential  
17      parking and vehicular and pedestrian safety;  
18      real property values; over-concentration;  
19      and other, which was listed as proximity to  
20      churches.

21                On Saturday, August 3rd, 2013, I  
22      interviewed Carolyn Steptoe, who's the

1 designated representative for ANC 5B, in  
2 reference to the protest of Brookland's  
3 Finest Bar & Kitchen. Ms. Steptoe stated  
4 that Brookland is a low-density residential  
5 neighborhood with families and senior  
6 citizens and described the area as being  
7 comprised of mostly single-family detached  
8 homes or row houses surrounded by churches.

9 In reference to the adverse  
10 impact on peace, order and quiet, Ms.  
11 Steptoe stated that the ANC is concerned  
12 with the amount of patrons the establishment  
13 will bring to the area and the hours of  
14 sales for alcoholic beverages, and  
15 specifically with late-night closing that  
16 would impact the neighborhood.

17 Ms. Steptoe that the ANC was  
18 concerned with patrons leaving being loud  
19 and potentially boisterous disrupting the  
20 peace and quiet of the residents, and added  
21 that the ANC was concerned with the impact  
22 that deliveries, food pickup, trash and

1 noise associated with cleaning up, including  
2 emptying of bottles would potentially have  
3 in terms of disrupting the neighbors.

4 Ms. Steptoe further stated that  
5 the establishment is located in extremely  
6 close proximity to residences and explained  
7 that the Brookland area is currently a very  
8 quiet neighborhood and the nature of the  
9 business would disrupt that.

10 Ms. Steptoe advised that the ANC  
11 is particularly concerned again with people  
12 leaving the establishment and not  
13 immediately leaving the area upon closing.  
14 There is concern that there will be  
15 loitering and noise disturbances for the  
16 residents.

17 The ANC is extremely concerned  
18 about people who could be having drinks  
19 outside in the morning and evening hours,  
20 and added that there is a lot of children in  
21 the area that will be walking and playing  
22 and forced to observe intoxicated people.

1                   Additionally, there are numerous  
2 churches located in close proximity to the  
3 establishment and Ms. Steptoe stated that  
4 the ANC feels the opening of this  
5 establishment will interfere with the church  
6 services. Specifically Ms. Steptoe added  
7 that there is likelihood for public  
8 drunkenness and disturbances with disruptive  
9 behavior.

10                   Furthermore, Ms. Steptoe added  
11 that Luke C. Moore High School is located at  
12 10th and Monroe Streets and described this  
13 as an alternative high school for students  
14 who have had issues in their previous  
15 school. Ms. Steptoe advised that some of  
16 the students could be as old as 23 years of  
17 age, in which case the service of alcohol at  
18 this location would further disrupt the  
19 school.

20                   Ms. Steptoe added that Petit  
21 Scholars Day Care, which is located in the  
22 2900 block of 12th Street, N.E., would also

1 potentially be disrupted by alcohol being  
2 served at 8:00 a.m. and would create a  
3 negative impact for parents and their  
4 children and people who are walking to the  
5 Metro.

6 The ANC is additionally concerned  
7 with an increased element of crime that  
8 could potentially come to the neighborhood  
9 should the establishment be allowed to open  
10 with a liquor license.

11 In reference to the adverse  
12 impact on residential parking, Ms. Steptoe  
13 advised that the application submitted by  
14 the Licensee stated that there is metered  
15 parking available and a public garage, which  
16 is in fact not true. Ms. Steptoe added that  
17 most of the people will be parking in front  
18 of the neighborhood houses which will  
19 disrupt the parking availability to the  
20 neighbors.

21 Additionally, Ms. Steptoe added  
22 that the establishment will be drawing

1 patrons from new condo projects and that a  
2 majority of the people coming to the area  
3 would likely not be walking which would  
4 further escalate parking issues, drunk  
5 driving and pedestrian safety issues all  
6 around the block.

7 lastly, Ms. Steptoe added the ANC  
8 is also concerned with the negative impact  
9 upon real property values. In addition to  
10 that, there is also concern with over-  
11 concentration. And Ms. Steptoe added that  
12 if the license is approved, there will be  
13 eight establishments that exist within one-  
14 and-a-half miles from Michigan Avenue to  
15 Rhode Island Avenue.

16 Monday, August 5th, 2013 I  
17 received an email from Jeanna Cullinan, who  
18 is the designated representative for the  
19 group of 35. I will read the following  
20 contents from the email as a description of  
21 the concerns of the group of 35:

22 "One, the group of 35 is

1 concerned about the increase the level of  
2 trash, noise, traffic congestion, vermin and  
3 other nuances that will disturb the peace,  
4 quiet and order of the neighborhood."

5 Excuse me, that was nuisances. "Of even  
6 more concern is the potential increase in  
7 crime that is associated with liquor-serving  
8 establishments including violent and  
9 property crime.

10 "Two, because the establishment  
11 is not located near a Metro station, doesn't  
12 have a parking lot/garage and Jackson Street  
13 has no parking meters or nightly  
14 restrictions, the group of 35 is concerned  
15 that patrons will drive to the  
16 establishments and park their vehicles on  
17 neighborhood streets, thereby limiting the  
18 amount of parking available to residents."

19 On Tuesday, August 6th, 2013 I  
20 met with John Solomon, who is one of the  
21 three owners of Brookland's Finest Bar &  
22 Kitchen. In reference to the general

1 business operations of Brookland's Finest  
2 Bar & Kitchen, Mr. Solomon stated that he  
3 would like the establishment to serve as a  
4 neighborhood restaurant catering to the  
5 residents who are in the immediate area.  
6 Mr. Solomon stated that he would not be  
7 promoting the establishment or advertising  
8 the restaurant in any other parts of the  
9 city. Mr. Solomon further stated that he  
10 understands the nature of the community and  
11 added that one of his business partners  
12 currently lives in Brookland.

13 In reference to food at the  
14 establishment, Mr. Solomon advised that the  
15 restaurant will have a coffee program in the  
16 morning hours which will be served with a  
17 light breakfast, followed by lunch, dinner  
18 and a late-night menu. Mr. Solomon did  
19 provide copies of the menus at a later date.  
20 Additionally, Mr. Solomon added that there  
21 was a children's menu as he is aware that  
22 there are a lot of children in the

1 neighborhood and would like to include that  
2 in his current business plan.

3 In reference to the summer garden  
4 endorsement which was included in the  
5 application, Mr. Solomon added that the  
6 occupancy for the summer garden has since  
7 been reduced from 40, which was on the  
8 original application, to a total of 24.  
9 Additionally, the space for the summer  
10 garden will be used for seated guests only.

11 When asked if the business plan  
12 included ways to mitigate potential negative  
13 impacts upon the peace, order and quiet of  
14 the neighborhood, as well as vehicular and  
15 pedestrian safety, Mr. Solomon advised me  
16 that he had already signed a settlement  
17 agreement with 149 of the residents in the  
18 Brookland area and further advised that this  
19 agreement addressed all of the concerns that  
20 had been raised by the Protestants thus far.

21 In reference to trash, Mr.  
22 Solomon advised that the trash pickup will

1       only be during the hours of 9:00 a.m. and  
2       5:00 p.m., and furthermore added that the  
3       dumpster area would not be visible from the  
4       street or by the neighbors. And  
5       additionally the establishment will be  
6       responsible for keeping the immediate area  
7       clean. Also in the settlement agreement the  
8       establishment agreed to conduct regular  
9       rodent and pest abatement as needed.

10               In specific regards to the  
11       removal of bottles at the end of the night  
12       that could potentially create noise  
13       disturbances to the neighbors, Mr. Solomon  
14       stated that the establishment has already  
15       agreed to only dump bottles in the recycling  
16       bins during the hours of 9:00 a.m. and 10:00  
17       p.m. and additionally will dispose of them  
18       in bags to further alleviate any  
19       disturbances.

20               In reference to noise, Mr.  
21       Solomon confirmed that the establishment did  
22       not apply for an entertainment endorsement

1 and further stated that the only type of  
2 music that will be played is background  
3 music. Mr. Solomon advised that there would  
4 be no music played on the outdoor summer  
5 garden area and the settlement agreement  
6 actually restricts the establishment from  
7 playing loud or live music or from music  
8 speakers on the summer garden.

9 Furthermore, the establishment  
10 will also be posting signs per the  
11 settlement agreement inside the  
12 establishment encouraging patrons who are  
13 exiting to be considerate of the residents  
14 in the neighborhood upon leaving that  
15 location.

16 I advised Mr. Solomon that an  
17 additional concern of the Protestants was  
18 the proximity of the location to nearby  
19 churches, including the Guiding Star Baptist  
20 Church, which is located at the rear of the  
21 establishment. Mr. Solomon stated that he  
22 didn't foreseen any disturbances with the

1 church services and further stated that  
2 there would be no music outside or noise  
3 audible on the sidewalk, therefore he did  
4 not foresee how his establishment would have  
5 a negative impact on the church.

6 Additionally, Mr. Solomon added  
7 that there had -- in the voluntary  
8 agreement, excuse me, settlement agreement  
9 he had also agreed to instruct patrons who  
10 wished to smoke to use the 12th Street, N.E.  
11 side of the premises to avoid any  
12 disturbance to the Jackson Street, N.E.  
13 residences.

14 In reference to parking, Mr.  
15 Solomon stated that he did not believe there  
16 was a large number of patrons who would be  
17 driving to the location. Mr. Solomon again  
18 reiterated that the establishment would be  
19 there to serve the neighbor and he believed  
20 that most of the regular customers would be  
21 walking from their perspective residences or  
22 using bikes or perhaps even the Metro. Mr.

1 Solomon further elaborated and stated that  
2 he was currently working with DDoT,  
3 Department of Transportation, to have  
4 bicycle racks installed in close proximity  
5 to the establishment, which is also part of  
6 the settlement agreement.

7 Mr. Solomon advised that the  
8 original application was submitted by his  
9 attorney's office and that there was an  
10 error in the application in reference to  
11 parking where it stated that there was a  
12 garage and metered parking. Mr. Solomon  
13 stated there is currently not a parking lot  
14 available for use, however, if a lot were to  
15 become available, he did feel as though this  
16 would be something to help his establishment  
17 and the neighborhood and he would gladly  
18 work to secure spaces in such a lot.

19 Furthermore, Mr. Solomon added  
20 that in the settlement agreement he has  
21 agreed to work with the neighborhood and  
22 support their effort to obtain residential

1 zoned parking on the 3100 block of 12th  
2 Street, N.E., as well as Jackson Street,  
3 N.E., which parking is currently available  
4 to anyone.

5 Characteristics of the  
6 neighborhood include zoning. Brookland's  
7 Finest Bar & Kitchen, which is located again  
8 at 3126-3128 12th Street, N.E., is located  
9 in a C-1 Zone. The C-1 Zone that  
10 Brookland's Finest is located in abuts an R-  
11 1 Residential Zone at the rear. The Guiding  
12 Star Baptist Church, located at 1025 Jackson  
13 Street, N.E., which is the first property  
14 behind Brookland's Finest Bar & Kitchen, is  
15 the start of the R-1 Zone. Across the  
16 street a commercial zone includes 1036 and  
17 1038 Jackson Street, N.E. and then abuts the  
18 R-1 Zone which begins at 1020 Jackson  
19 Street, N.E.

20 In reference to nearby  
21 establishments, according to the District of  
22 Columbia GIS information system, there is

1 currently only one ABC licensed  
2 establishment operating within 1,200 feet of  
3 the establishment, and that is Optimism,  
4 which is located at 3301 12th Street, N.E.,  
5 also the holder of a class CT license.

6 In reference to schools, there  
7 are no schools, recreation centers, public  
8 libraries or day care centers located within  
9 400 feet of the establishment.

10 The characteristics of the  
11 premises in reference to the outdoor area  
12 include a building that is occupied in  
13 similar size to the --

14 CHAIRPERSON MILLER: Ms.  
15 Mathieson?

16 INVESTIGATOR MATHIESON: -- ones  
17 that are next to it.

18 CHAIRPERSON MILLER: I just want  
19 to tell you that since your report is in the  
20 record --

21 INVESTIGATOR MATHIESON: Right.

22 CHAIRPERSON MILLER: -- if you

1 want to -- you're almost done anyway --

2 INVESTIGATOR MATHIESON: Yes.

3 CHAIRPERSON MILLER: -- but if  
4 you want to just highlight instead of  
5 reading everything that you might have  
6 prepared --

7 INVESTIGATOR MATHIESON: Okay.

8 CHAIRPERSON MILLER: -- that's  
9 okay. It's up to you though.

10 INVESTIGATOR MATHIESON: Okay.

11 CHAIRPERSON MILLER: Okay.

12 INVESTIGATOR MATHIESON: I was  
13 going to do that for the rest of it. The  
14 interviews I was going to summarize.

15 CHAIRPERSON MILLER: Okay. Yes.  
16 Okay.

17 INVESTIGATOR MATHIESON: I'll  
18 skip over that. In reference to the effect  
19 on peace, order and quiet, the ABRA  
20 investigators monitored the proposed  
21 location for a total of 11 separate  
22 occasions from Wednesday, July 24th, 2013

1 through Monday, August 5th, 2013.

2 The establishment was not  
3 operating. The monitoring was conducted to  
4 assess the surrounding area of the  
5 establishment. At no time during the  
6 monitoring did the investigators observe any  
7 disruptions of peace, order and quiet or any  
8 incidents of vehicular or police department.

9 On most visits parking was  
10 available on 12th Street, N.E. and also in  
11 the surrounding Jackson Street, N.E. and  
12 Irving Street, N.E. area. There were  
13 instances of moderate vehicular traffic on  
14 12th Street, N.E., however, the  
15 investigators did not observe any issues  
16 with vehicular or pedestrian safety.  
17 Neighborhood watch signs are posted  
18 throughout the area.

19 In reference to parking, most of  
20 the parking that is along that block of 12th  
21 Street, N.E. is not regulated with meters  
22 and the signs that exist only restrict

1 parking from certain areas such as fire  
2 hydrants and curbs. Along Jackson Street,  
3 N.E. and Irving Street, N.E. the parking is  
4 also loosely restricted with only one side  
5 of the street having posted signs. The  
6 signs that are posted do restrict parking to  
7 two hours 7:00 a.m. to 8:30 p.m. Monday  
8 through Friday.

9 There are two bus stops in close  
10 proximity to the establishment, and  
11 additionally the Brookland CUA station is  
12 approximately 0.6 miles walking from  
13 Brookland's Finest Bar & Kitchen, which is  
14 located again at 3126 12th Street, N.E.  
15 There is also a Capital Bikeshare located at  
16 12th Street, N.E. and Irving Street, N.E.,  
17 which would service the immediate community.

18 That is a summary of my  
19 investigative report.

20 CHAIRPERSON MILLER: Okay. Thank  
21 you. So we're going to start with Board  
22 questions. Are there any Board questions?

1 Mr. Silverstein?

2 MEMBER SILVERSTEIN: First, to  
3 both sides, because the Protestants said  
4 you're not lawyers and are not familiar with  
5 this, you're going to each get 90 minutes to  
6 do your case and the questions that you ask  
7 of witnesses are taken from that 90 minutes.  
8 So I don't want you to be blindsided.

9 Ms. Mathieson, thank you for a  
10 certainly full and complete report. One  
11 thing we ask, because you have been an  
12 investigator for some time, were there any  
13 red flags that you see, anything in this  
14 application that you think the Board should  
15 take into account, anything that maybe you  
16 had to take a good look at or be concerned  
17 with?

18 INVESTIGATOR MATHIESON: Nothing  
19 that stood out as a red flag, no.

20 MEMBER SILVERSTEIN: I have no  
21 further questions because I'm sure me  
22 colleagues will.

1 CHAIRPERSON MILLER: Right.

2 Other questions?

3 (No audible response.)

4 CHAIRPERSON MILLER: Oh, I just  
5 have a couple of them. One is one of the  
6 Protestants was asking earlier about the  
7 difference between a tavern and a  
8 restaurant. And so this Applicant is  
9 applying for a tavern license.

10 INVESTIGATOR MATHIESON: Correct.

11 CHAIRPERSON MILLER: Do you have  
12 any concerns that they're applying for a  
13 tavern versus restaurant, or can you address  
14 that?

15 INVESTIGATOR MATHIESON: No, upon  
16 questioning the Applicant in regards to food  
17 service at the location, he provided a full  
18 menu. There is a coffee program, as he  
19 stated. A light breakfast will be served,  
20 lunch, dinner and late-night menu including  
21 a children's menu. All menus were provided  
22 to me immediately upon request, so it does

1 appear as though they will be serving --  
2 excuse me, have a full food service.

3 CHAIRPERSON MILLER: Okay.

4 INVESTIGATOR MATHIESON: Even  
5 though they are a tavern class license.

6 CHAIRPERSON MILLER: Okay. And  
7 could you explain what the summer garden  
8 abuts or what's across from it, or you know,  
9 where is it in the context of the street?  
10 Like what's on the street?

11 INVESTIGATOR MATHIESON: I don't  
12 have the exhibits in front of me, but there  
13 are some photographs in the report. And the  
14 way it was explained to me there is a -- the  
15 way I understood, I should say, there's a  
16 pavement area that's before -- it's on the  
17 Jackson Street, N.E. side next to the  
18 establishment, however, before the  
19 establishment, or before the sidewalk. So  
20 it's sort of space in between the  
21 establishment and the sidewalk area where  
22 the summer garden would be located.

1                   CHAIRPERSON MILLER:  So what's  
2                   across from it?  What's across the street?

3                   INVESTIGATOR MATHIESON:  Across  
4                   from it are residences.

5                   CHAIRPERSON MILLER:  What?

6                   INVESTIGATOR MATHIESON:  So there  
7                   are -- actually directly across from it is a  
8                   business called Healing Hands.  And then  
9                   next to that there's -- start the residences  
10                  on Jackson Street, N.E.

11                  CHAIRPERSON MILLER:  Okay.  So  
12                  there's a business and resident?

13                  INVESTIGATOR MATHIESON:  Correct.

14                  CHAIRPERSON MILLER:  Residences.

15                  INVESTIGATOR MATHIESON:  The  
16                  commercial zone, as I was referencing,  
17                  doesn't begin immediately.  So directly  
18                  across the street is still part of the  
19                  commercial zone, but it does abut the  
20                  residential zone.

21                  CHAIRPERSON MILLER:  Okay.  Any  
22                  other Board questions?

1 MEMBER JONES: Yes.

2 CHAIRPERSON MILLER: Yes, Mr.

3 Jones?

4 MEMBER JONES: Thank you, Madam  
5 Chair.

6 Can you talk to me a little bit  
7 about the exterior of the establishment?

8 INVESTIGATOR MATHIESON: Sure.

9 On the 12th Street, N.E. side, the  
10 establishment sits on a corner lot, so a  
11 portion of the establishment touches 12th  
12 Street, N.E. and then a portion of it  
13 touches Jackson Street, N.E.

14 MEMBER JONES: Okay.

15 INVESTIGATOR MATHIESON: The  
16 whole establishment is located in the  
17 commercial zone, however, as I was stating  
18 the summer garden would be located on the  
19 Jackson Street, N.E. side. As I was going  
20 over my testimony, the owner has agreed to a  
21 settlement agreement to restrict smokers  
22 from the summer garden area, so they would

1 fall on the 12th Street, N.E. side away from  
2 the primary residences on Jackson Street,  
3 N.E. However, it is across from residences  
4 on 12th Street, N.E.

5 MEMBER JONES: Okay. So the area  
6 for the summer garden area as you laid your  
7 eyes on it, can you -- I'm not there, so I'm  
8 trying to get a feel for what it is you  
9 experienced while you were there.

10 INVESTIGATOR MATHIESON: Right.

11 MEMBER JONES: Did it seem like  
12 it was congested? Did it seem like there  
13 was ample space? Did it seem like it was  
14 right on top of residences? What was your  
15 feel from that as you did your  
16 investigation?

17 INVESTIGATOR MATHIESON: Sure.  
18 If you look at, it might help to, Exhibit  
19 18.

20 MEMBER JONES: Eighteen? All  
21 right.

22 INVESTIGATOR MATHIESON: Correct.

1 That area, you can see --

2 MEMBER JONES: Got it.

3 INVESTIGATOR MATHIESON: --

4 immediately next to the building there was  
5 like a paved area, if you will, and then  
6 there was that tree in the kind of the grass  
7 and then the sidewalk. So it's my  
8 understanding the summer garden would be in  
9 that area next to the building.

10 MEMBER JONES: Understood.

11 INVESTIGATOR MATHIESON: So there  
12 is a little bit of -- and if you look at 19,  
13 there is like the tree and the grass that  
14 kind of would be at the edge of the summer  
15 garden.

16 MEMBER JONES: Yes.

17 INVESTIGATOR MATHIESON: And that  
18 would be across the street from the  
19 residences. In my discussions with the  
20 owner; I don't think I mentioned it before,  
21 they -- and I believe it's in the settlement  
22 agreement that they've signed, there was

1       some talk of creating shrubs or building up  
2       the nature, if you will, to kind of shield  
3       some of that from the other residences  
4       across the street.

5                   MEMBER JONES:  There was some  
6       discussion of enclosing the area in some  
7       fashion?

8                   INVESTIGATOR MATHIESON:  Yes,  
9       with more of a sort of -- a living wall, if  
10      you will.

11                   MEMBER JONES:  Got it.  Okay.  A  
12      secondary question just related to parking.  
13      I know you touched on it a little bit, but  
14      just for my benefit.  Can you describe for  
15      me the parking as you observed it in your  
16      visits and/or other investigators' visits?

17                   INVESTIGATOR MATHIESON:  Sure.  
18      The parking in the area is largely  
19      unrestricted.  There are -- 12th Street,  
20      N.E., there are no meters in that block, I  
21      should say.  A little farther up there was  
22      some metered parking for two hours, but a

1 large section of that block and the one  
2 above it, it's unrestricted parking.  
3 There's no meters. There's no signs. The  
4 only signs observed, like I said, were ones  
5 around fire hydrants where there was no  
6 parking or at the edge of the curb by a stop  
7 sign that was no parking after this point.

8 MEMBER JONES: Okay.

9 INVESTIGATOR MATHIESON: Along  
10 Irving Street and Jackson Street one side of  
11 the street had no signs that I could see and  
12 the other side of the street had the two-  
13 hour restricted parking. I think it was  
14 7:00 a.m. -- I don't remember the time, but  
15 it was only Monday through Friday. And then  
16 after a certain time Monday through Friday  
17 and on weekends it would obviously be open  
18 to anyone. But there was always ample  
19 parking available.

20 MEMBER JONES: Okay.

21 INVESTIGATOR MATHIESON: But it  
22 was in front of the residences.

1                   MEMBER JONES: You say there  
2 always was ample parking available, but it  
3 was in front of the residences?

4                   INVESTIGATOR MATHIESON: It would  
5 be in front of a house, correct.

6                   MEMBER JONES: Understood. Okay.

7                   INVESTIGATOR MATHIESON: It was  
8 unrestricted, but again all the parking on  
9 the street was in front of houses.

10                  MEMBER JONES: Got it. Okay.  
11 Thank you.

12                  Thank you, Madam Chair.

13                  CHAIRPERSON MILLER: Okay. Other  
14 Board questions? Mr. Alberti?

15                  MEMBER ALBERTI: Yes, I am still  
16 trying to get a vision of where this is  
17 located. So across Jackson Street, directly  
18 across Jackson Street, which would be  
19 directly across from the area where the  
20 summer garden is, is that correct?

21                  INVESTIGATOR MATHIESON: Correct.

22                  MEMBER ALBERTI: The three

1 buildings that are in the C-1 Zone, the  
2 three lots, what are they used for  
3 currently?

4 INVESTIGATOR MATHIESON: I  
5 believe one of them is the Healing Hands  
6 business. And then the other two were  
7 residences --

8 MEMBER ALBERTI: Residential?

9 INVESTIGATOR MATHIESON: -- that  
10 just happen to fall in the --

11 MEMBER ALBERTI: Are what?

12 INVESTIGATOR MATHIESON:  
13 Residences.

14 MEMBER ALBERTI: Residence? And  
15 to the left of those?

16 INVESTIGATOR MATHIESON: And  
17 that's where the residential zone starts  
18 and --

19 MEMBER ALBERTI: Starts? All the  
20 way down? Okay.

21 INVESTIGATOR MATHIESON: -- those  
22 additionally were residences.

1                   MEMBER ALBERTI: Directly across  
2 the street on 12th Street I see all these  
3 very narrow lots. They're in the C-1  
4 Zone --

5                   INVESTIGATOR MATHIESON: Correct.

6                   MEMBER ALBERTI: -- going south  
7 from Jackson Street. Are any of those used  
8 as commercial?

9                   INVESTIGATOR MATHIESON: The  
10 majority of those small lots are -- I think  
11 it's row houses, town houses. To the right  
12 of the proposed location is another  
13 business, but the ones directly across the  
14 street all appear to be town houses.

15                   MEMBER ALBERTI: Catty-corner  
16 across Jackson Street on the corner, what is  
17 that? Do you know if that's a residence?

18                   INVESTIGATOR MATHIESON: Which  
19 location are you talking about? I'm sorry.

20                   MEMBER ALBERTI: It would be on  
21 the northeast corner of that intersection.

22                   INVESTIGATOR MATHIESON: Are you

1 looking at the zoning map?

2 MEMBER ALBERTI: I'm looking at  
3 the zoning map. It's labeled 44 --

4 INVESTIGATOR MATHIESON: Forty-  
5 four?

6 MEMBER JONES: -- on the zoning  
7 map.

8 INVESTIGATOR MATHIESON: Yes,  
9 that was I believe a house as well.

10 MEMBER ALBERTI: That was a what?

11 INVESTIGATOR MATHIESON: I  
12 believe that was a house as well.

13 MEMBER ALBERTI: A house as well?

14 INVESTIGATOR MATHIESON: Yes.

15 MEMBER ALBERTI: Okay.

16 (Off mic comment.)

17 CHAIRPERSON MILLER: Okay.

18 No, no. No shout-outs. Okay?

19 (Laughter.)

20 MEMBER ALBERTI: I'm sure  
21 somebody will correct the record later if  
22 you're not correct.

1 (Laughter.)

2 CHAIRPERSON MILLER: You're still  
3 a witness, Ms. Mathieson.

4 INVESTIGATOR MATHIESON: Yes,  
5 there's no business in that area though.

6 MEMBER ALBERTI: Okay. And  
7 directly behind the establishment is -- I  
8 see an alley.

9 INVESTIGATOR MATHIESON: yes.

10 MEMBER ALBERTI: Is that correct?

11 INVESTIGATOR MATHIESON: Correct.

12 MEMBER ALBERTI: And then 32 is  
13 what?

14 INVESTIGATOR MATHIESON: Is the  
15 Guiding Star Baptist Church. And that's  
16 where the R-1 Zone begins. I think there's  
17 a photograph.

18 MEMBER ALBERTI: And the summer  
19 garden, do you know whether it goes all the  
20 way to the back of -- okay. I'll call this  
21 I guess the Jackson Street side. Will it go  
22 all the way to the back of the building?

1                   INVESTIGATOR MATHIESON: I didn't  
2                   have a diagram and I can't say for certain,  
3                   but I do know the occupancy was revised to  
4                   include 24 seats. So I don't know.

5                   MEMBER ALBERTI: Do we have a  
6                   public space permit?

7                   INVESTIGATOR MATHIESON: I don't  
8                   think yet. I don't have a copy of it. I  
9                   don't think there exists one yet.

10                  MEMBER ALBERTI: Oh, okay.  
11                  Interesting. I have no further questions.

12                  CHAIRPERSON MILLER: Any other  
13                  Board questions?

14                  MEMBER BROOKS: I do, Madam  
15                  Chair.

16                  CHAIRPERSON MILLER: Yes, Mr.  
17                  Brooks?

18                  MEMBER BROOKS: Thank you.

19                  CHAIRPERSON MILLER: Okay.

20                  MEMBER BROOKS: Investigator, I  
21                  just want to be clear on the zoning on 12th  
22                  Street.

1 INVESTIGATOR MATHIESON: Yes.

2 MEMBER BROOKS: What is that?

3 INVESTIGATOR MATHIESON: The area  
4 where the establishment is  
5 located again is a C-1 Zone.

6 MEMBER BROOKS: Meaning what?

7 INVESTIGATOR MATHIESON:  
8 Commercial.

9 MEMBER BROOKS: Commercial?

10 INVESTIGATOR MATHIESON: Correct.

11 MEMBER BROOKS: Okay. And  
12 Jackson Street, did you recall what that  
13 was?

14 INVESTIGATOR MATHIESON: Yes. So  
15 there are -- as I stated, I think it's --  
16 let me get the addresses correct. A  
17 portion, a very small portion of Jackson  
18 Street across from the establishment; I  
19 think it's three buildings, are located in  
20 the commercial zone. And then immediately  
21 begins the residential zone.

22 MEMBER BROOKS: Okay. And what

1 is the nearest ABC establishment other than  
2 the proposed one?

3 INVESTIGATOR MATHIESON: That  
4 would be Optimism, which was located at --  
5 just one second -- 3301 12th Street, N.E.,  
6 about two blocks or so up.

7 MEMBER BROOKS: Two blocks? All  
8 right. Is that a tavern or is that a  
9 restaurant?

10 INVESTIGATOR MATHIESON: It's a  
11 tavern.

12 MEMBER BROOKS: It's also a  
13 tavern?

14 INVESTIGATOR MATHIESON: Yes.

15 MEMBER BROOKS: And how long has  
16 that been open? Any idea?

17 INVESTIGATOR MATHIESON: I did  
18 actually the protest for that establishment.  
19 I think it's been open about three -- I want  
20 to say two to three years. It originally  
21 was Bobby's Q and then it transferred to  
22 Optimism.

1                   MEMBER BROOKS: Oh, yes, I  
2 remember that. Okay. Thank you.

3                   INVESTIGATOR MATHIESON: Sure.

4                   CHAIRPERSON MILLER: Other Board  
5 questions?

6                   (No audible response.)

7                   CHAIRPERSON MILLER: Okay. I  
8 just want to follow up on what Mr.  
9 Silverstein said, because I should have said  
10 that earlier about the timing, that the  
11 Applicant has an hour-and-a-half and the  
12 Protestants together have an hour-and-a-  
13 half. It doesn't include your questioning  
14 of this witness. It includes your  
15 questioning of your opposing parties  
16 witnesses. Okay? So it's your presentation  
17 of the case and your cross. Their cross on  
18 your witnesses is their time. Okay? So  
19 everybody clear about that? Mr. Jones will  
20 be keeping the time. And so at any point  
21 you can ask him periodically if you're  
22 worried about how much time you have left.

1                   Okay. Mr. Kline, do you have  
2 cross-examination?

3                   MR. KLINE: Yes, I do.

4                   CHAIRPERSON MILLER: Okay.

5                   MR. KLINE: Thank you. Good  
6 evening, Investigator Mathieson.

7                   INVESTIGATOR MATHIESON: Good  
8 evening.

9                   MR. KLINE: Optimism is actually  
10 a block away, isn't it?

11                   INVESTIGATOR MATHIESON: I think  
12 it's about a block-and-a-half.

13                   MR. KLINE: About a block-and-a-  
14 half?

15                   INVESTIGATOR MATHIESON: At 3301.  
16 Yes, I guess however you count it. It may  
17 be a block.

18                   MR. KLINE: And you said that you  
19 did the protest investigation of that  
20 establishment as well, correct?

21                   INVESTIGATOR MATHIESON: When it  
22 was Bobby's Q, yes.

1 MR. KLINE: Okay. And that's a  
2 tavern license?

3 INVESTIGATOR MATHIESON: Correct.

4 MR. KLINE: And there was some  
5 opposition to that license at the time also,  
6 correct?

7 INVESTIGATOR MATHIESON: Correct.

8 MR. KLINE: But they've been open  
9 for three years and most recently the ANC  
10 supported the renewal of that license,  
11 correct, if you know?

12 INVESTIGATOR MATHIESON: I don't  
13 know.

14 MR. KLINE: Okay.

15 INVESTIGATOR MATHIESON: Sorry.

16 MR. KLINE: Fair enough. What  
17 are the hours of Optimism, if you know?

18 INVESTIGATOR MATHIESON: I don't  
19 know. I'm sorry.

20 MR. KLINE: Okay. Do you know if  
21 they have an entertainment endorsement?

22 INVESTIGATOR MATHIESON: I

1 believe that they do.

2 MR. KLINE: Okay. And just so  
3 we're clear, the summer garden is a cross  
4 the street from property that's zoned  
5 commercial, correct?

6 INVESTIGATOR MATHIESON: Are we  
7 talking about --

8 MR. KLINE: We're talking about  
9 for this licensee.

10 INVESTIGATOR MATHIESON:  
11 Brookland's.

12 MR. KLINE: For, Brookland's,  
13 yes.

14 INVESTIGATOR MATHIESON: Yes, I  
15 believe so.

16 MR. KLINE: Okay.

17 INVESTIGATOR MATHIESON: It would  
18 depend where the cut-off was, because the  
19 two zones abut. So it would have to depend  
20 on where the cut-off for the summer garden  
21 ended and where the line for the residential  
22 zone started.

1 MR. KLINE: The Applicant did  
2 agree at some point to limit the hours for  
3 the summer garden seating area, right?

4 INVESTIGATOR MATHIESON: Correct.  
5 An amendment was submitted.

6 MR. KLINE: And just so we're  
7 clear, in terms of public space versus  
8 summer garden, is it your experience that  
9 the summer garden is on private property?

10 INVESTIGATOR MATHIESON: Yes.

11 MR. KLINE: And so therefore a  
12 public space permit would not be needed?

13 INVESTIGATOR MATHIESON: yes.

14 MR. KLINE: Okay. Based upon  
15 your report, which was very extensive, it  
16 seems that in your conversations with the  
17 Applicant that the Applicant had taken a  
18 number of steps to address concerns raised  
19 by residents. Is that fair?

20 INVESTIGATOR MATHIESON: Yes.

21 MR. KLINE: Based on what you saw  
22 raised as the concerns and based on your

1       experience in other cases as an ABC  
2       investigator did you think that they missed  
3       anything? Did you think that there was  
4       anything else that the Applicant might have  
5       done that would have addressed the concerns  
6       that were raised by the Protestants?

7                    INVESTIGATOR MATHIESON: After  
8       reviewing the settlement agreement and  
9       comparing it to all the specific concerns, I  
10      didn't think that there were any concerns  
11      that were not addressed in the settlement  
12      agreement.

13                   MR. KLINE: Okay. Was there  
14      anything else, concerns that you heard  
15      raised, that weren't addressed by the  
16      settlement agreement?

17                   INVESTIGATOR MATHIESON: Not from  
18      my interviews.

19                   MR. KLINE: Great. Thank you.  
20      That's all I have.

21                   CHAIRPERSON MILLER: Okay. Both  
22      of you, either of you, both of you.

1 MS. PARRISH: Okay. I'll just --

2 CHAIRPERSON MILLER: Each party.

3 INVESTIGATOR MATHIESON: -- have

4 one particular thing I wanted to

5 address. Healing Hands is not just a

6 commercial business. There's also a young

7 lady who resides there. She's a single

8 mother and she has two young daughters.

9 CHAIRPERSON MILLER: Okay. This

10 is your time to ask a question, not to

11 testify.

12 MS. PARRISH: Okay. Well, did

13 you know?

14 CHAIRPERSON MILLER: Okay.

15 INVESTIGATOR MATHIESON: No.

16 MS. PARRISH: That Healing

17 Hands --

18 (Laughter.)

19 MS. PARRISH: -- is not just a

20 residence, that a young lady --

21 (Laughter.)

22 MS. PARRISH: -- resides with two

1 -- okay.

2 (Laughter.)

3 CHAIRPERSON MILLER: What was the  
4 question?

5 INVESTIGATOR MATHIESON: Yes, I  
6 said I did not know.

7 MS. PARRISH: Yes. Okay.

8 CHAIRPERSON MILLER: People were  
9 laughing so I missed your question. Was it  
10 did she know what, that Healing Hands --

11 MS. PARRISH: No, that Healing  
12 Hands was not just a commercial building.  
13 It's also a residence. A young lady lives  
14 there and her two daughters.

15 CHAIRPERSON MILLER: Okay. Thank  
16 you. All right. Any other questions?

17 MS. DONALDSON: Yes. Do you  
18 remember the hours that they stated on the  
19 application that they would be selling  
20 alcohol --

21 INVESTIGATOR MATHIESON: Yes.

22 MS. DONALDSON: -- for those

1 seven days a week?

2 INVESTIGATOR MATHIESON: The  
3 hours for sales for the inside of the  
4 establishment are 8:00 a.m. to 2:00 a.m.  
5 weekdays and 3:00 a.m. on the weekends.

6 MS. DONALDSON: And that's the  
7 selling of alcohol?

8 INVESTIGATOR MATHIESON: Correct.

9 MS. DONALDSON: Okay.

10 CHAIRPERSON MILLER: Okay. Any  
11 redirect?

12 (No audible response.)

13 CHAIRPERSON MILLER: No, not  
14 here. Never mind. Okay. Thank you very  
15 much. I appreciate your staying so late and  
16 testifying.

17 Okay. So now that brings us to  
18 the Applicant's case.

19 MR. KLINE: Call to the stand  
20 John Solomon.

21 CHAIRPERSON MILLER: Mr. Kline,  
22 do you know how many witnesses you're going

1 to be calling? You may change your mind.

2 MR. KLINE: Five or six, but you  
3 know --

4 CHAIRPERSON MILLER: Five or six?

5 MR. KLINE: -- I'll try to limit  
6 to the extent that I can.

7 CHAIRPERSON MILLER: Okay. All  
8 right.

9 MR. KLINE: I've never gone over  
10 yet.

11 CHAIRPERSON MILLER: All right.  
12 I'm going to swear you in. Do you swear to  
13 tell the truth, the whole truth, nothing but  
14 the truth?

15 MR. SOLOMON: I do.

16 CHAIRPERSON MILLER: All right.  
17 Thank you.

18 MR. KLINE: Will you state your  
19 name for the record, please?

20 MR. SOLOMON: John Solomon, S-O-  
21 L-O-M-O-N.

22 MR. KLINE: And where do you

1 live?

2 MR. SOLOMON: I live at 17 Rhode  
3 Island Avenue, N.E.

4 MR. KLINE: And what's your  
5 connection to this application?

6 MR. SOLOMON: I am one of the  
7 principal owners.

8 MR. KLINE: And who are the other  
9 two?

10 MR. SOLOMON: Tony Tomelden and  
11 Frank Hankins.

12 MR. KLINE: And they're seated  
13 with me at the table?

14 MR. SOLOMON: Yes, sir.

15 MR. KLINE: Have you had some  
16 experience in this business?

17 MR. SOLOMON: I have. I've been  
18 in and out of the industry for over 11 years  
19 and I previously -- well I currently own  
20 Solly's Tavern at 11th and U. And prior to  
21 that I was the general manager of Old  
22 Dominion Brewing Company's Brew Pub out in

1 Ashburn, Virginia.

2 MR. KLINE: And how long did you  
3 do that?

4 MR. SOLOMON: I was out there for  
5 11 years.

6 MR. KLINE: And what was the  
7 nature of that establishment?

8 MR. SOLOMON: It was a very much  
9 a restaurant. You know, we had a children's  
10 menu that had actually coloring pages on it.  
11 Gave crayons out to the kids when they came  
12 in. And, yes, it was open from 11:00 in the  
13 morning until close.

14 MR. KLINE: All right. You said  
15 you currently own Solly's at 11th and U?

16 MR. SOLOMON: Yes, sir.

17 MR. KLINE: Describe the nature  
18 of that establishment?

19 MR. SOLOMON: I mean I like to  
20 believe it's just pretty much a neighborhood  
21 tavern, you know, a neighborhood gathering  
22 place, especially during the week. We all

1 know that U Street kind of takes on a  
2 different personality on the weekends, but I  
3 have nothing to do with that.

4 (Laughter.)

5 MR. SOLOMON: Trust me.

6 MR. KLINE: And the clientele at  
7 Solly's, who typically --

8 MR. SOLOMON: I would say that --

9 MR. KLINE: Let me finish the  
10 question.

11 MR. SOLOMON: -- on any given day  
12 it's people walking -- I'm sorry. Pardon  
13 me.

14 MR. KLINE: Mr. Solomon, we've  
15 got a court reporter over here, so you've  
16 got to let me finish the question and then  
17 you answer.

18 MR. SOLOMON: Yes, sir.

19 MR. KLINE: All right. So the  
20 character of Solly's at 11th and U, the  
21 character of the clientele?

22 MR. SOLOMON: It's people from

1 the neighborhood for the most part,  
2 especially during the week. I would say  
3 that during the week we know 60 to 70  
4 percent of your clientele by first name.

5 MR. KLINE: Do you serve food  
6 there?

7 MR. SOLOMON: Yes, sir.

8 MR. KLINE: But it's a tavern  
9 license?

10 MR. SOLOMON: Yes, sir.

11 MR. KLINE: How will this  
12 establishment for which you've sought  
13 application differ from what you're doing at  
14 Solly's, if at all?

15 MR. SOLOMON: Well, we just  
16 started serving food at Solly's again. And  
17 the place where we want to open in  
18 Brookland is more -- it's completely food-  
19 driven. Not completely, but that is the  
20 main emphasis, you know? And then you look  
21 at the coffee program, as well as being open  
22 for three meals a day. That part of it very

1 different from my current establishment.

2 MR. KLINE: Now you've applied  
3 for alcohol service starting at 8:00 a.m.  
4 Do you expect to do significant alcohol  
5 service starting at 8:00 a.m.?

6 MR. SOLOMON: No, but the reason  
7 we've done that is to kind of give ourselves  
8 some flexibility and some options. You  
9 know, I think that both Tony and I, and  
10 Frank as well, are big soccer and rugby  
11 fans, for example, and a lot of those games  
12 are based in Europe and they start earlier  
13 in the day, you know? And quite honestly,  
14 we're really close to a couple hospitals,  
15 too. And, you know, those are shift  
16 workers. And, you know, why would I deny  
17 somebody who's just gotten off a 12-hour  
18 shift as a nurse the opportunity to sit down  
19 and have a beer with her -- you know, with  
20 breakfast afterwards.

21 MR. KLINE: You're not planning  
22 on promoting any sort of breakfast happy

1 hour, are you?

2 MR. SOLOMON: No, not at all.

3 (Laughter.)

4 MR. KLINE: Just to be clear. So  
5 it's all about flexibility?

6 MR. SOLOMON: Absolutely.

7 MR. KLINE: Now you've also  
8 indicated that there will be a strong food  
9 component?

10 MR. SOLOMON: Yes. Yes, sir.

11 MR. KLINE: Well, why the tavern  
12 license then?

13 MR. SOLOMON: I mean, you know,  
14 we felt like going into a place that we  
15 weren't completely familiar with as business  
16 owners we needed to give ourselves as much  
17 flexibility as possible and give ourselves  
18 every opportunity to be successful. And we  
19 were concerned about the unknowns and having  
20 to meet some of those requirements without  
21 having any prior knowledge or prior business  
22 experience within the neighborhood.

1 MR. KLINE: All right. Now in  
2 terms of the way the place will operate,  
3 let's talk about Solly's for a minute,  
4 because you've had some direct experience  
5 there for a number of years. In terms of  
6 your patrons, do they sometimes cause  
7 problems or get out of hand?

8 MR. SOLOMON: I would love to say  
9 no, but absolutely they do.

10 MR. KLINE: That happens  
11 sometimes?

12 MR. SOLOMON: Yes. Yes, sir.

13 MR. KLINE: And how do you deal  
14 with that? What do you have in place to  
15 deal with that?

16 MR. SOLOMON: Our biggest thing  
17 is is we try to be ahead of it, you know?  
18 We have staff that are very attentive. You  
19 know, we have all our staff is trained in  
20 either TIPS or TAMS.

21 MR. KLINE: Okay.

22 MR. SOLOMON: And I think the

1 biggest thing with that is seeing something  
2 coming before it's happens. And I think  
3 that our record there at Solly's speaks  
4 pretty well to that considering the volume  
5 we do and the number of issues we've had in  
6 the past seven years.

7 MR. KLINE: All right. All  
8 right. Now, so and this is something that  
9 you impart to your staff?

10 MR. SOLOMON: Yes, sir. I mean  
11 we're very specific on who we hire and the  
12 reasons we hire them.

13 MR. KLINE: All right. And  
14 Solly's is on a corner where there are  
15 residences in proximity also?

16 MR. SOLOMON: Yes, sir. It's  
17 very similar actually. Where our patio is  
18 is very similar to where the summer garden  
19 would be on Jackson Street. And as a matter  
20 of fact, I think that the residents are  
21 probably closer.

22 MR. KLINE: At Solly's?

1 MR. SOLOMON: At Solly's. That's  
2 just a guess.

3 MR. KLINE: All right. And have  
4 you seen significant problems or  
5 complaints --

6 MR. SOLOMON: No.

7 MR. KLINE: -- concerning your  
8 operation there?

9 MR. SOLOMON: No, sir. As a  
10 matter of fact, when we first went to open  
11 up we took over an existing license. Before  
12 we even opened every resident on 11th Street  
13 had my personal cell phone number in case  
14 there was an issue. And early on we did  
15 have a couple calls, and it was mostly from  
16 interior noise, which was always addressed  
17 deportability.

18 MR. KLINE: Okay. Now at this  
19 establishment what will your hours be, just  
20 so we're clear on that?

21 MR. SOLOMON: We're going to be  
22 open from 7:00 until 2:00 during the week

1 and 7:00 to 3:00 on the weekends, but  
2 alcohol service would 8:00, as the law  
3 limits.

4 R. KLINE: And what about for the  
5 summer garden area?

6 MR. SOLOMON: The summer garden,  
7 you know, we've agreed to close at 10:00  
8 during the week and 11:00 on weekends.

9 MR. KLINE: And you mentioned  
10 breakfast.

11 MR. SOLOMON: Yes, sir.

12 MR. KLINE: Does part of your  
13 team have a strong connection to the  
14 breakfast meal?

15 MR. SOLOMON: Yes, sir. Well, I  
16 don't like to think of coffee as just for  
17 breakfast.

18 MR. KLINE: Okay.

19 MR. SOLOMON: But, yes, Frank  
20 Hankins owned SOVA on H Street, which was a  
21 coffee shop.

22 MR. KLINE: Okay. And is there a

1 particular part of your business plan that  
2 relates to development of coffee service  
3 there?

4 MR. SOLOMON: Oh, absolutely. I  
5 mean that's a really big part of it. Even  
6 if you read the business plan, then you look  
7 on our drawings, right when you walk into  
8 the restaurant, you know, there's a host  
9 stand on the left and then right on the  
10 corner of the bar is the coffee service.

11 MR. KLINE: Okay.

12 MR. SOLOMON: So it's pretty  
13 prominent and a big part of everything.

14 MR. KLINE: And that's a big part  
15 of your operation?

16 MR. SOLOMON: Yes, sir.

17 MR. KLINE: All right. I'm going  
18 to show you what we're marking as  
19 Applicant's Exhibit 1.

20 CHAIRPERSON MILLER: Do you have  
21 a copy for the Protestants?

22 MR. KLINE: Yes.

1 CHAIRPERSON MILLER: Okay.

2 MR. KLINE: We have lots of  
3 copies. It's the only one that I didn't --  
4 oh, I've given it to the Protestants.

5 CHAIRPERSON MILLER: Okay.

6 MR. KLINE: May I approach this  
7 way?

8 CHAIRPERSON MILLER: Martha, do  
9 you want to get it?

10 MR. KLINE: Ask you if you can  
11 identify that series of documents.

12 MR. SOLOMON: Yes, this is the  
13 layout and artist's renderings of the  
14 interior of the restaurant.

15 MR. KLINE: Now, to your right  
16 is --

17 MR. SOLOMON: That's my left.

18 MR. KLINE: I'm sorry. Your  
19 left; my right. I apologize. There's a  
20 foam board. Is that what is depicted on  
21 that drawing?

22 MR. SOLOMON: Yes, sir.

1                   MR. KLINE: All right. So if we  
2                   could angle that towards the Board and so  
3                   that everyone in the audience can see as  
4                   well. Want to make sure the Board can see  
5                   it.

6                   And if you could be so kind as to  
7                   walk the Board through the layout --

8                   MR. SOLOMON: Okay.

9                   MR. KLINE: -- of the  
10                  establishment.

11                  MR. SOLOMON: So as you enter the  
12                  establishment, like I just said, this is the  
13                  host stand here to the left and our coffee  
14                  service right here to the right. There's a  
15                  kitchen towards the back, dining all  
16                  throughout. The bar here and the summer  
17                  garden. The summer garden is set back off  
18                  the street and will take place on that paved  
19                  area. You know, we'll probably redo the  
20                  paving there. But it's set back.

21                  And like Ms. Mathieson said, you  
22                  know, we've agreed to building some sort of

1 green wall and trying to minimize the sound  
2 and sight lines of the summer garden.

3 MR. KLINE: Okay. And then to  
4 the rear is a pretty substantial sized  
5 kitchen?

6 MR. SOLOMON: We have a kitchen,  
7 and you can see it's a fairly large part of  
8 the entire layout, a walk-in cooler, and  
9 then the restrooms as well.

10 MR. KLINE: All right. Now in  
11 terms of the screening, there is some green.  
12 That's the only color on the drawing. Is  
13 that screening that you're talking about?

14 MR. SOLOMON: No, the screen  
15 would be like plants and some sort of  
16 natural screening.

17 MR. KLINE: Okay.

18 MR. SOLOMON: When I say green  
19 wall, you know, or a green screen, it's  
20 trying to be organic.

21 MR. KLINE: Understood. But in  
22 terms of location --

1 MR. SOLOMON: It's right here.

2 Yes, right along here. You see this space  
3 here that's not filled in. You can kind of  
4 see the driveway that's paved in?

5 MR. KLINE: Right.

6 MR. SOLOMON: Right. That's kind  
7 of drawn out there. And you notice that we  
8 stop the seating well before the back of the  
9 restaurant and then kind of -- I mean it's  
10 not really a median, but kind of feels like  
11 that when you look at it now is where we  
12 have the green space and the green wall.

13 MR. KLINE: All right. Now in  
14 looking at the drawing in that summer garden  
15 area, to the right of that that says  
16 obscured chain link fence gate, what's in  
17 that area or what will be in that area?

18 MR. SOLOMON: Right now there's  
19 nothing and there's no plans to really put  
20 anything right there. I mean, you know,  
21 like we've said, you know, we've committed  
22 to having the dumpsters and trash all the

1 way in the back. And so there will be some  
2 sort of fencing or something to keep that  
3 from being an eyesore in the neighborhood.

4 MR. KLINE: All right. And then  
5 why didn't you go all the way to the back of  
6 the building in terms of the design of the  
7 summer garden area?

8 MR. SOLOMON: Well, with this  
9 building the kitchen is an addition onto the  
10 building and we kind of wanted to keep it  
11 within the regular footprint. And also, I  
12 mean, we are limited in the number of seats  
13 we have out there. So there's no point in  
14 extending it all the way back, especially  
15 when we've already agreed and don't want it  
16 to be a standing patio. You know, we want  
17 people sitting out there and eating, not  
18 hanging out drinking.

19 MR. KLINE: All right. So as  
20 part of your arrangement with the  
21 neighborhood you've agreed that people will  
22 not be standing in that area?

1 MR. SOLOMON: Absolutely.

2 MR. KLINE: Okay. And you also  
3 limited the hours?

4 MR. SOLOMON: Yes, sir.

5 MR. KLINE: And were there other  
6 steps that were taken to deal with the  
7 concerns that were raised by the community?

8 MR. SOLOMON: Yes, I mean like  
9 there's -- well, the way the building is  
10 it's set back much further back on the 12th  
11 Street side. There's a little bit more  
12 space from the street. And that's a bigger  
13 street also, 12th Street. So you're further  
14 away from any sort of residence. And so  
15 what we did was we agreed to push or to ask  
16 our smokers, to move our smokers to the 12th  
17 Street side so that when they're standing  
18 around talking they're not going to be  
19 disturbing the Jackson Street side, as well  
20 as they won't be able to take any sort of  
21 drinks out with them, you know, because it's  
22 against the law. So they will have to leave

1 those inside.

2 MR. KLINE: All right. And in  
3 terms of the entrance to the establishment,  
4 will there only be only one entrance to the  
5 establishment?

6 MR. SOLOMON: Yes, sir.

7 MR. KLINE: And that will be  
8 where?

9 MR. SOLOMON: It's the corner  
10 entrance here. Right on the corner.

11 MR. KLINE: All right. Now we  
12 talked about food service. I'm going to  
13 show you what we are marking as Applicant's  
14 2 and ask you if you can identify that.

15 MR. SOLOMON: Yes, sir. This is  
16 the menu, proposed menu that we sent to --  
17 that we've been working on.

18 MR. KLINE: Okay. And this is  
19 what you intend at this point to sell in  
20 terms of the menu?

21 MR. SOLOMON: I mean maybe not  
22 exactly, but this generally what we want to

1 do.

2 MR. KLINE: Okay. I mean if you  
3 were going to open tomorrow this would  
4 pretty much be it?

5 MR. SOLOMON: This would probably  
6 be close to it.

7 MR. KLINE: All right. As time  
8 goes on it may evolve?

9 MR. SOLOMON: Sure.

10 MR. KLINE: Okay.

11 MR. SOLOMON: And probably.

12 MR. KLINE: And probably? And  
13 the second page of that is what?

14 MR. SOLOMON: The kids' menu.

15 MR. KLINE: Okay. And is that  
16 something you're committed to doing?

17 MR. SOLOMON: Absolutely. I  
18 don't think Tony would allow us not to.

19 MR. KLINE: And Tony's one of  
20 your partners you're referring to?

21 MR. SOLOMON: Yes.

22 MR. KLINE: And why wouldn't he

1 allow you to do that?

2 MR. SOLOMON: Because his unruly  
3 children I'm sure will be there a lot.

4 MR. KLINE: Okay.

5 (Laughter.)

6 MR. KLINE: Fair enough. All  
7 right. Now turning back to --

8 CHAIRPERSON MILLER: Mr. Kline?  
9 Sorry, but you didn't give us that, so I  
10 want to ask you are those exhibits, menus,  
11 the same as Exhibit 6 and 7 in the  
12 investigator's report?

13 MR. KLINE: Yes, but I'll give  
14 them to you.

15 CHAIRPERSON MILLER: Okay. Thank  
16 you.

17 MR. KLINE: Now turning back to  
18 Exhibit 1, if you could flip the page,  
19 because I don't think we went through the  
20 rest of it there, what's on the second page  
21 there?

22 MR. SOLOMON: The second page is

1 just a drawing I guess looking at the  
2 entrance from back in the restaurant.

3 MR. KLINE: Okay. Now across  
4 from you is a board --

5 MR. SOLOMON: Yes, sir.

6 MR. KLINE: -- that has some  
7 renderings on it?

8 MR. SOLOMON: Yes, sir.

9 MR. KLINE: And is that what's  
10 depicted on the renderings that are attached  
11 to Applicant's Exhibit 1?

12 MR. SOLOMON: Yes, sir. As I'm  
13 looking at it that image is the upper left  
14 image.

15 MR. KLINE: All right. So in  
16 that upper left image, say again what that's  
17 looking at.

18 MR. SOLOMON: That's looking from  
19 inside the restaurant towards the entrance.

20 MR. KLINE: All right. And it  
21 looks like there's some sort of machine or  
22 something on the counter. What is that?

1 MR. SOLOMON: Yes, sir. That's  
2 the coffee machine.

3 MR. KLINE: Okay.

4 MR. HANKINS: Espresso.

5 MR. KLINE: Espresso machine?

6 All right. Turning to the next page of the  
7 package, what's depicted there?

8 MR. SOLOMON: That looks like  
9 it's from the -- well, it is from behind the  
10 bar looking towards the entrance. Once  
11 again, you see the taps and once again  
12 there's the coffee -- the espresso machine;  
13 I'm sorry, Frank, down at the end.

14 MR. KLINE: Down at the end of  
15 the bar?

16 MR. SOLOMON: They don't have  
17 those in at Dunkin Donuts where I go.

18 MR. KLINE: Okay. And does this  
19 represent generally what the look and the  
20 feel of the place will be when the  
21 construction is finished?

22 MR. SOLOMON: For the most part,

1       yes. I hope it's not quite so sterile.

2                   MR. KLINE: Is there something  
3       missing from this drawing?

4                   MR. SOLOMON: People.

5                   MR. KLINE: Right. Okay.

6                   (Laughter.)

7                   MR. KLINE: All right. And then  
8       the next page, what's depicted there? Tell  
9       the Board.

10                  MR. SOLOMON: It's the exterior.

11                  MR. KLINE: Okay. It looks like  
12       it's out in the middle of the desert.

13       That's not the case, is it?

14                  MR. SOLOMON: No. No, sir.

15                  MR. KLINE: Okay. But that's  
16       what you intend in terms of what the  
17       exterior will look like?

18                  MR. SOLOMON: More or less, yes.

19                  MR. KLINE: Okay. All right.  
20       And the purpose of these renderings is what,  
21       if you will tell the Board?

22                  MR. SOLOMON: Just to give

1 everyone a sense of the space and what we're  
2 actually trying to do.

3 MR. KLINE: All right. Great.  
4 And then the last drawing in the package.

5 MR. SOLOMON: Well, the last  
6 drawing is a top view with the roof off so  
7 you get a sense of how it lays out on the  
8 lot and in perspective to the street.

9 MR. KLINE: Great. All right.  
10 Thank you. I don't have any further  
11 questions of you at this time. I appreciate  
12 it.

13 CHAIRPERSON MILLER: Okay. So  
14 each party gets an opportunity to cross.

15 MR. KLINE: Oh, and I would move  
16 Applicant's 1 and 2.

17 CHAIRPERSON MILLER: Oh, 2 was  
18 the menu?

19 MR. KLINE: Applicant's 1 is the  
20 package of drawings and Applicant's 2 is the  
21 menu.

22 CHAIRPERSON MILLER: Can I see

1 the menu? Is there any objection?

2 (No audible response.)

3 CHAIRPERSON MILLER: Okay. All  
4 right. Applicant's Exhibit 1 is all  
5 these documents stapled together, right, the  
6 renderings?

7 MR. KLINE: Correct.

8 CHAIRPERSON MILLER: Okay.

9 MR. KLINE: The layout and the  
10 renderings.

11 CHAIRPERSON MILLER: All right.  
12 Then Applicant's 1 and 2 are admitted.

13 So is there cross-examination?

14 MS. PARRISH: Yes, I have a  
15 couple of questions. Will people be  
16 drinking in the summer garden area? Will  
17 they be able to carry their drinks outside?

18 MR. SOLOMON: No, because they'll  
19 be served at tables. They will not be able  
20 to carry them out.

21 MS. PARRISH: So but drinks will  
22 come outside to them if they order them?

1 MR. SOLOMON: Yes, ma'am.

2 MS. PARRISH: Okay. And you said  
3 the summer garden will seat how many people?

4 MR. SOLOMON: The total occupancy  
5 for outside is 27.

6 MS. PARRISH: Twenty-seven?

7 MR. SOLOMON: Yes, ma'am.

8 MS. PARRISH: Okay. And so for  
9 the noise level of 27 people sitting outside  
10 altogether at the same time talking, eating,  
11 laughing, you think that these shrubs that  
12 you're going to put up, that will bring down  
13 the noise so the nearby neighbors won't hear  
14 the 27 people outside all at the same time?

15 MR. SOLOMON: Ma'am, I don't  
16 believe there's anything to keep somebody  
17 from not hearing 27 people, but I think that  
18 it's a pretty fair attempt. I don't think  
19 that that will keep people from either  
20 hearing the cars driving up and 12th Street  
21 or Jackson Street either.

22 (Off mic comment.)

1 CHAIRPERSON MILLER: No, no. No,  
2 no shout-outs, please.

3 Okay. You have other questions?

4 MS. PARRISH: Yes.

5 CHAIRPERSON MILLER: Okay.

6 MS. PARRISH: Okay. So you  
7 stated you will be serving alcohol from 8:00  
8 a.m. until about 10:00 p.m. or 11:00.  
9 That's everyday of the week?

10 MR. SOLOMON: No, ma'am. What I  
11 said was we would have alcohol available  
12 from 8:00 in the morning until 2:00 in the  
13 morning during the week and then 8:00 a.m.  
14 until 3:00 a.m. on the weekends.

15 MS. PARRISH: Okay. So that's  
16 longer hours then?

17 MR. SOLOMON: Yes, that's what  
18 was in the application.

19 MS. PARRISH: Okay. Isn't it  
20 true that alcohol alters your state of mind  
21 and impairs your judgment, in your  
22 experience?

1 MR. SOLOMON: My experience?

2 Yes, ma'am, it can.

3 MS. PARRISH: Okay. So what is  
4 your plan to keep our very nearby children  
5 and seniors and others safe from your  
6 patrons who leave there with altered state  
7 of minds and impaired judgment?

8 MR. SOLOMON: Well, I think the  
9 biggest thing for us is making sure that our  
10 staff is trained to not be serving people  
11 that are intoxicated.

12 MS. PARRISH: I didn't say  
13 intoxicated. I said altered state of mind  
14 or impaired judgment.

15 MR. SOLOMON: That just seems --

16 MS. PARRISH: How would you know?

17 MR. SOLOMON: Well, I mean that's  
18 kind of part of the TAMS and TIPS training  
19 that all of our staff would go through.

20 MS. PARRISH: So your staff would  
21 be able to tell the difference between a  
22 buzz and somebody being intoxicated?

1 MR. SOLOMON: I would hope so.

2 MS. PARRISH: Okay. So what is  
3 your plan to keep us safe?

4 MR. SOLOMON: Well, I mean like I  
5 said, we try to train our staff to be aware  
6 of situations and to try to be in the  
7 forefront of them.

8 MS. PARRISH: And then what would  
9 your staff do to do that?

10 MR. KLINE: Objection. He's in  
11 the middle of his answer.

12 MS. PARRISH: I'm sorry.

13 CHAIRPERSON MILLER: There's an  
14 objection. What's the objection?

15 MR. KLINE: He was cut off in the  
16 middle of his answer.

17 MS. PARRISH: I'm sorry.

18 CHAIRPERSON MILLER: Okay.

19 MR. SOLOMON: And that I think  
20 that, like I said earlier, the important  
21 thing is to be able to get out in front  
22 before there is a problem.

1                   And the other thing is is that to  
2                   be quite honest, you know, I see this as a  
3                   neighborhood place, you know? And my  
4                   experience, because I lived within just two  
5                   blocks of my establishment for a long time,  
6                   is the fact that my neighbors holding Tony  
7                   and us accountable for the behavior of our  
8                   patrons should be enough for us to really  
9                   work hard to make sure that it's not an  
10                  issue.

11                  MS. PARRISH: How do they hold  
12                  you accountable? What do you do?

13                  MR. SOLOMON: When I have to go  
14                  out on the street and look somebody in the  
15                  eye and know that I'm not operating in an  
16                  appropriate way, I mean that's a pretty  
17                  heavy and important way of -- and, you know,  
18                  peer pressure to me is huge. And when  
19                  you're dealing with a neighborhood, somebody  
20                  you see on a regular basis, why would I want  
21                  to disturb them? Why would I want to lower  
22                  their quality of life?

1 MS. PARRISH: Well, that's our  
2 question. Why are you doing this?

3 MR. SOLOMON: Ma'am, I don't  
4 believe this will.

5 MS. PARRISH: Okay. Another  
6 question. What is your plan for the very  
7 nearby neighbors when you open this bar that  
8 when they see increase in trash and rodents?

9 MR. SOLOMON: Well, as far as the  
10 rodents, we are required by D.C. law to have  
11 contracts with rodent abatement companies.  
12 I don't know a restaurateur that would want  
13 an increase in rodents. I mean they are  
14 kind of the bane of the industry and we  
15 would work hard to keep that from becoming  
16 an issue.

17 The trash, like we've said, we've  
18 already agreed to police the immediate area.

19 MS. PARRISH: And the immediate  
20 area is what?

21 MR. SOLOMON: In the settlement  
22 agreement within a half block either way.

1 MS. PARRISH: All right. I'm  
2 done.

3 CHAIRPERSON MILLER: Okay. Does  
4 that complete your questioning? Both of  
5 you?

6 MS. PARRISH: Yes.

7 CHAIRPERSON MILLER: Okay. Good.  
8 Board questions?

9 MEMBER ALBERTI: I do.

10 CHAIRPERSON MILLER: Okay. Mr.  
11 Alberti?

12 MEMBER ALBERTI: Hi, Mr. Solomon.  
13 Good evening.

14 MR. SOLOMON: Good evening.

15 MEMBER ALBERTI: I'm a little  
16 confused because I'm hearing different hours  
17 for the -- I understand the hours for the  
18 inside. Full legal hours. I got that.

19 MR. SOLOMON: Yes, sir.

20 MEMBER ALBERTI: The summer  
21 garden. I'm a little confused. I'm hearing  
22 different things about the hours on the

1 summer garden.

2 MR. SOLOMON: No, we've -- oh,  
3 excuse me. I apologize.

4 MEMBER ALBERTI: All right. So I  
5 think the last I heard was 10:00 p.m.  
6 weekdays and 11:00 p.m. weekends is when you  
7 would close.

8 MR. SOLOMON: Yes, sir.

9 MEMBER ALBERTI: That's the last  
10 I heard?

11 MR. SOLOMON: Yes, sir.

12 MEMBER ALBERTI: Okay. That's  
13 different than the application that I have  
14 in my packet anyway, so what's limiting  
15 those hours?

16 MR. SOLOMON: We submitted an  
17 amendment to the application specifically  
18 asking to limit our hours --

19 MEMBER ALBERTI: Right.

20 MR. SOLOMON: -- on the summer  
21 garden.

22 MEMBER ALBERTI: I want to

1 understand. So I understand --

2 MR. SOLOMON: Yes, sir.

3 MEMBER ALBERTI: -- and it's on  
4 the record.

5 MR. SOLOMON: Yes, sir.

6 MEMBER ALBERTI: Great. So and  
7 just so every --

8 MR. SOLOMON: And I apologize if  
9 I --

10 MEMBER ALBERTI: You don't need  
11 to apologize. I just want this out there so  
12 everybody understands where we are for  
13 discussions. It's helpful. It's helpful  
14 for me anyways.

15 So, okay. Great. Now I'm going  
16 to get really picky on your summer garden  
17 here.

18 MR. SOLOMON: Yes, sir.

19 MEMBER ALBERTI: And it has to do  
20 with the boundaries.

21 MR. SOLOMON: Okay.

22 MEMBER ALBERTI: Okay? First of

1 all, are you a resident in the District of  
2 Columbia?

3 MR. SOLOMON: Yes, sir, I'm at 17  
4 Rhode Island Avenue, N.E.

5 MEMBER ALBERTI: Great, great,  
6 great. So you man understand where I'm  
7 going with this. If you look across the  
8 street on 12th Street from where the  
9 establishment is there are a bunch of row  
10 houses. Right?

11 MR. SOLOMON: Yes.

12 MEMBER ALBERTI: Are you familiar  
13 with the fact that the front yards of those  
14 row houses would be public space?

15 MR. SOLOMON: Yes, sir.

16 MEMBER ALBERTI: Even though it's  
17 under the control of owner, it's public  
18 space.

19 MR. SOLOMON: Yes, sir. Yes,  
20 sir. I do understand that's public space.

21 MEMBER ALBERTI: All right. So  
22 I'm trying to understand. I'm seeing -- and

1 I know this is very picky, so forgive me,  
2 but I want to keep you out of trouble for  
3 the future if you get the license, right?

4 MR. SOLOMON: And I appreciate  
5 that.

6 (Laughter.)

7 MEMBER ALBERTI: Because you got  
8 a lot of people looking to possibly find  
9 fault. It looks like you're fencing in all  
10 the way out to the sidewalk from the  
11 diagrams that I have. And I'm wondering if  
12 on your plat your property proper goes out  
13 to that, or whether --

14 MR. SOLOMON: Are we talking --

15 MEMBER ALBERTI: -- that sliver  
16 of grassy area I see is a demarcation of  
17 what would be public space technically, like  
18 my front yard is.

19 MR. SOLOMON: Are we talking  
20 about on Jackson Street?

21 MEMBER ALBERTI: We're talking  
22 about the side where the -- I guess that's

1 Jackson Street where --

2 MR. SOLOMON: I'm sorry.

3 MEMBER ALBERTI: Exactly.

4 Exactly.

5 MR. SOLOMON: My understanding is  
6 the fact that that side the property line  
7 goes to the sidewalk.

8 MEMBER ALBERTI: Okay.

9 MR. SOLOMON: That's my  
10 understanding.

11 MEMBER ALBERTI: From what?

12 MR. SOLOMON: From the building.  
13 From the owner of the building.

14 MEMBER ALBERTI: How did you come  
15 about that understanding?

16 MR. SOLOMON: That's my  
17 understanding from the owner of the  
18 building.

19 MEMBER ALBERTI: Okay. All  
20 right. I would just caution you to double-  
21 check before you build a fence --

22 MR. SOLOMON: I appreciate that.

1 Yes, sir.

2 MEMBER ALBERTI: -- that someone  
3 might object to.

4 MR. SOLOMON: Thank you.

5 MEMBER ALBERTI: Now the number  
6 of seats on the summer garden, that is  
7 limited by what, by your --

8 MR. SOLOMON: Our C of O.

9 MEMBER ALBERTI: -- by the  
10 settlement agreement? By what?

11 MR. SOLOMON: Oh, it's limited by  
12 the Certificate of Occupancy.

13 MEMBER ALBERTI: Okay. You  
14 currently have a C of O?

15 MR. SOLOMON: Yes, sir.

16 MEMBER ALBERTI: And it says 27  
17 seats?

18 MR. SOLOMON: Twenty-seven seats  
19 on the outside.

20 MEMBER ALBERTI: Okay. Great.  
21 Just wanted to understand that. I don't  
22 have any further questions. Thank you.

1 MR. SOLOMON: Thank you.

2 CHAIRPERSON MILLER: Mr.  
3 Silverstein, did you have a question?

4 MEMBER SILVERSTEIN: Couple of  
5 just very brief questions. You made the  
6 comment, Mr. Solomon, that maybe a nurse or  
7 somebody after working a 12-hour shift,  
8 midnight, would want to go to your place and  
9 have a beer at 8:00 in the morning? You  
10 want to rethink that?

11 MR. SOLOMON: Sir, I've done  
12 that.

13 MEMBER SILVERSTEIN: I mean  
14 working an overnight shift --

15 MR. SOLOMON: And I -- yes.

16 MEMBER SILVERSTEIN: Yes, go  
17 ahead.

18 MR. SOLOMON: I've worked  
19 graveyard. You know, I've worked it for a  
20 few years. And absolutely when I get off  
21 work, just like anybody else would want to  
22 have a beer.

1 MEMBER SILVERSTEIN: Okay.

2 MR. SOLOMON: I don't think that  
3 that's unreasonable. I think that the time  
4 is more -- when I say shift work, you know,  
5 when you're working midnights, you're world  
6 is completely different from everybody  
7 else's. And, no, I don't want to rethink  
8 that. I think that a nurse who's coming out  
9 of ER after 12 hours absolutely should come  
10 into my bar and have -- or restaurant and  
11 have a beer.

12 MEMBER SILVERSTEIN: You consider  
13 it the recovery room for folks who work that  
14 shift?

15 MR. SOLOMON: Well, I don't know.  
16 Everybody has different ways of dealing with  
17 issues.

18 MEMBER SILVERSTEIN: How  
19 important is it for you to have that early  
20 morning alcohol service?

21 MR. SOLOMON: I don't think it's  
22 terribly important, you know, but I think

1       it's important for us to maintain some  
2       flexibility with our business in order to be  
3       successful.

4                   MEMBER SILVERSTEIN:   And is it  
5       more important on a weekend where you  
6       would --

7                   MR. SOLOMON:   Yes, sir.

8                   MEMBER SILVERSTEIN:   --  
9       perhaps --

10                  MR. SOLOMON:   Like soccer or  
11       rugby matches.

12                  MEMBER SILVERSTEIN:   Or?

13                  MR. SOLOMON:   Or brunch or --

14                  MEMBER SILVERSTEIN:   Yes, Sunday  
15       morning brunch.

16                  MR. SOLOMON:   Yes, sir.

17                  MEMBER SILVERSTEIN:   Maybe  
18       somebody will have a mimosa or a bloody.  
19       But on weekdays?

20                  Okay.   How close do you live to  
21       this place?

22                  MR. SOLOMON:   So I'm at --

1                   MEMBER SILVERSTEIN: I'm speaking  
2 of the neighborhood ties.

3                   MR. SOLOMON: Neighborhood ties?  
4 I mean I don't -- I guess I live 14 blocks.  
5 I wouldn't know how far. I am also employed  
6 at Catholic University part time, so which  
7 is pretty close.

8                   MEMBER SILVERSTEIN: Okay. No  
9 further questions. Thank you.

10                  CHAIRPERSON MILLER: Other  
11 questions? Yes, Mr. Jones?

12                  MEMBER JONES: Thank you, Madam  
13 Chair.

14                  Currently what's your role with  
15 this establishment?

16                  MR. SOLOMON: Right now I'm the  
17 managing member.

18                  MEMBER JONES: Managing member?

19                  MR. SOLOMON: Yes, sir.

20                  MEMBER JONES: All right. What  
21 will your role be if and when the  
22 establishment comes under operation?

1                   MR. SOLOMON: Well because both  
2                   Tony and I have establishments that are  
3                   completely owner operated, we've been trying  
4                   to find a very strong kind of corporate-  
5                   style general manager who will run the  
6                   place. And we will oversee it, but the day-  
7                   to-day operations will be on the general  
8                   manager.

9                   MEMBER JONES: Okay. So you as  
10                  the owner or the ownership group that is  
11                  here before us today would not be directly  
12                  day-to-day responsible for the operations of  
13                  the establishment directly?

14                 MR. SOLOMON: Well, Frank will be  
15                 there on a daily basis because he is the  
16                 only one of us, including the general  
17                 manager candidates that we've looked at, who  
18                 understands the coffee part of it and the  
19                 coffee component. So we envision Frank  
20                 especially early on being there almost seven  
21                 days a week.

22                 MEMBER JONES: Okay. Early on

1       being the first month, first year?

2                   MR. SOLOMON:   You know what, I  
3       couldn't begin to guess how long.   You know  
4       I think a lot of it also depends on the  
5       success, and there are a lot of variables in  
6       that question.

7                   MEMBER JONES:   Okay.   So part of  
8       the reason why I'm asking, one of the things  
9       that you put forward was that you would be  
10      held accountable by the fact that you have  
11      to look at the community in their eyes  
12      and --

13                  MR. SOLOMON:   Yes, sir.

14                  MEMBER JONES:   -- deal with their  
15      peer pressure.

16                  MR. SOLOMON:   Yes, sir.

17                  MEMBER JONES:   For lack of a  
18      better term.

19                  MR. SOLOMON:   Yes, sir.

20                  MEMBER JONES:   so if you're not  
21      there running it on a daily basis you could  
22      always blame it on the general manager or

1 blame it on the employee.

2 MR. SOLOMON: No.

3 MEMBER JONES: So I'm trying to  
4 understand where the bridge of  
5 accountability is going to be from that  
6 standpoint to help me buy into your argument  
7 or your position.

8 MR. SOLOMON: Fair enough. Fair  
9 enough. Tony lives a block away.

10 MEMBER JONES: Okay.

11 MR. SOLOMON: And he has three  
12 small children, three children under the age  
13 of six, and he's active in the community.  
14 He's walking around that community all the  
15 time. And me, I'm not there everyday, but  
16 Tony and his wife and their children would  
17 definitely get heavy peer pressure from the  
18 neighbors if we were behaving in an  
19 inappropriate -- and running a questionable  
20 establishment.

21 MEMBER JONES: Okay. Fair  
22 enough. What's your niche that you bring to

1 the team?

2 MR. SOLOMON: Me?

3 MEMBER JONES: Yes, you.

4 MR. SOLOMON: I was the general  
5 manager of a restaurant probably three times  
6 this size that had mostly -- not the coffee.  
7 And I've also been operating, you know,  
8 Solly's here at 11th and U for seven years.

9 MEMBER JONES: Understood. So  
10 you mentioned one gentleman has the coffee  
11 experience. So I'm taking his niche as,  
12 okay, he knows how to run the coffee aspect  
13 of it. What do you know how to do and what  
14 do you bring to --

15 MR. SOLOMON: Yes, sir. Like I  
16 said, I was the general manager of a  
17 restaurant.

18 MEMBER JONES: Restaurant?  
19 Restaurant service?

20 MR. SOLOMON: Yes, sir.

21 MEMBER JONES: Okay. Cool.

22 MR. SOLOMON: Yes.

1                   MEMBER JONES:  What's the aspect  
2                   about the alcohol service that you feel is  
3                   instrumental to your restaurant component  
4                   that you're operating?

5                   MR. SOLOMON:  All right.  Well, I  
6                   think that, first of all, we all know that  
7                   margins on alcohol are much higher than they  
8                   are on food.  You know, I think that's a  
9                   huge part of it.  And I think that also a  
10                  big part of it is we want to be a  
11                  neighborhood gathering place, a place where  
12                  people come and interact with each other,  
13                  you know?  And I think that if you come in  
14                  and you're having a nice meal and you want  
15                  to have a glass of wine, you want to have a  
16                  beer, you want to have a cocktail, or you  
17                  want to come in -- and the bar you can see  
18                  is a small portion of the entire restaurant.  
19                  I like going meeting my neighbors at the  
20                  restaurants in my neighborhood and sitting  
21                  down at the bar and having a beer.

22                  MEMBER JONES:  Okay.  Is the

1 emphasis, the stress of this business model,  
2 is it going to be food service?

3 MR. SOLOMON: Right now according  
4 to our business model we're looking at  
5 probably 55 to 60 percent food.

6 MEMBER JONES: Fifty-five to  
7 sixty percent food? Okay.

8 MR. SOLOMON: Which is more of  
9 what the requirement for a CR is and  
10 probably higher than many restaurants in the  
11 city operating now.

12 MEMBER JONES: Right. And your  
13 reluctance to apply as a CR is just to be  
14 able to maintain flexibility, as you  
15 indicated before?

16 MR. SOLOMON: Yes, sir.

17 MEMBER JONES: Okay. Would that  
18 flexibility warrant a deviation from your  
19 current business plan to operate as 50 to 60  
20 percent food?

21 MR. SOLOMON: I'm sorry, I didn't  
22 understand the question.

1                   MEMBER JONES: Could you see your  
2                   establishment morphing into something like a  
3                   pub/nightclub?

4                   MR. SOLOMON: No, sir.

5                   MEMBER JONES: Okay.

6                   MR. SOLOMON: Because we haven't  
7                   applied for any sort of entertainment  
8                   endorsement or anything like that.

9                   MEMBER JONES: Okay.

10                  MR. SOLOMON: And we have no  
11                  desire for that.

12                  MEMBER JONES: Is there anything  
13                  restricting you from doing said?

14                  MR. SOLOMON: No, sir, but for us  
15                  to do that would require us to come probably  
16                  back before the Board as a substantial  
17                  change and the community would have an  
18                  opportunity to weigh in on that as well.

19                  MEMBER JONES: Okay. So your  
20                  business plan/model does not involve  
21                  entertainment in any way?

22                  MR. SOLOMON: No, sir, just

1 background music.

2 MEMBER JONES: Okay. And it  
3 befuddles me, so I just have to try and get  
4 a better understanding. So alcohol service  
5 at 8:00 in the morning?

6 MR. SOLOMON: Yes, sir.

7 MEMBER JONES: Okay.

8 MR. SOLOMON: Available.

9 MEMBER JONES: Available. Right.  
10 How much of an impact would it be to your  
11 revenue stream, from a percentage level  
12 standpoint would it have if you did not have  
13 the ability to serve alcohol prior to 12:00?

14 MR. SOLOMON: As a percentage I  
15 don't know. You know, I think that that  
16 model also changes during the week versus  
17 the weekends, especially during sports  
18 seasons.

19 MEMBER JONES: Okay. So you  
20 don't have the ability to answer that or  
21 you're just not comfortable answering?

22 MR. SOLOMON: I mean I don't want

1 to be dishonest and make up a figure or say  
2 something that, I mean, turns out not to be  
3 true. You know, I think that it wouldn't be  
4 a huge difference.

5 MEMBER JONES: Okay.

6 MR. SOLOMON: Or a huge problem.  
7 But I mean, you know, I think that, like I  
8 said, you know, I'm wanting to show soccer  
9 matches on Saturday morning. Be nice to be  
10 able to do something like that.

11 MEMBER JONES: Fair enough.  
12 Thank you.

13 Thank you, Madam Chair.

14 CHAIRPERSON MILLER: Others?

15 (No audible response.)

16 CHAIRPERSON MILLER: Okay. I  
17 have a few questions. It's Board questions  
18 right now. The soccer games and other  
19 sports games that you're referring do, do  
20 they start at a certain hour in general  
21 or --

22 MR. SOLOMON: First -- excuse me,

1 ma'am. I apologize.

2 CHAIRPERSON MILLER: Or does it  
3 vary?

4 MR. SOLOMON: I didn't mean to.

5 CHAIRPERSON MILLER: That's okay.

6 MR. SOLOMON: You know, I think  
7 in England the first games kick off at 7:00  
8 in the morning.

9 CHAIRPERSON MILLER: Okay.

10 MR. SOLOMON: Our time.

11 CHAIRPERSON MILLER: Our time?

12 Okay. Your other place, Solly's on U  
13 Street --

14 MR. SOLOMON: Yes, ma'am.

15 CHAIRPERSON MILLER: -- does that  
16 have early hours or sales?

17 MR. SOLOMON: Pardon me?

18 CHAIRPERSON MILLER: Does that  
19 have the early hours for sales?

20 MR. SOLOMON: Yes, ma'am.

21 CHAIRPERSON MILLER: 8:00 a.m.?

22 MR. SOLOMON: Yes, ma'am. Well,

1 I don't open that early and I don't -- once  
2 again, I think we do, but I'm not positive.

3 CHAIRPERSON MILLER: Oh, okay.  
4 You don't open the -- is it a restaurant or  
5 a tavern?

6 MR. SOLOMON: No, ma'am. The  
7 earliest we open is noon.

8 CHAIRPERSON MILLER: It doesn't  
9 open until noon?

10 MR. SOLOMON: Yes, ma'am.

11 CHAIRPERSON MILLER: So you don't  
12 have the experience of selling in the early  
13 hours, like 8:00 a.m., or do you?

14 MR. SOLOMON: During the Cricket  
15 World Cup five years ago we were open early  
16 and, yes, we did have some experience.

17 CHAIRPERSON MILLER: So I mean it  
18 sounds like philosophically you think you  
19 should be able to sell early for those who  
20 are on different shifts.

21 MR. SOLOMON: Well, not just  
22 philosophically, but that's the law as well.

1 CHAIRPERSON MILLER: Right.

2 MR. SOLOMON: And so I mean --

3 CHAIRPERSON MILLER: Okay. But I  
4 guess I'm contrasting it with you haven't  
5 been doing it at another establishment, so  
6 you can say, well, I've been doing it and  
7 there are no problems.

8 MR. SOLOMON: You're correct.

9 CHAIRPERSON MILLER: Okay. Are  
10 you aware of other establishments that have  
11 been doing it upon which you might base a  
12 conclusion that you shouldn't have a  
13 problem?

14 MR. SOLOMON: I mean you have  
15 Tryst in Adams Morgan. You know, I know  
16 that, you know, places like Fado and Lucky  
17 Bar open up early for the soccer matches.

18 CHAIRPERSON MILLER: Okay.

19 MR. SOLOMON: And --

20 CHAIRPERSON MILLER: Okay.

21 MR. SOLOMON: -- I mean the  
22 Coupe, which is new up in Columbia Heights.

1                   CHAIRPERSON MILLER: Okay. I was  
2 just wondering what you were drawing your  
3 knowledge from.

4                   MR. SOLOMON: I mean --

5                   CHAIRPERSON MILLER: Okay. It's  
6 legal. You want the flexibility.

7                   MR. SOLOMON: Yes, ma'am.

8                   CHAIRPERSON MILLER: All right.  
9 The sports games, etcetera?

10                  MR. SOLOMON: Yes, ma'am.

11                  CHAIRPERSON MILLER: Okay. And I  
12 just want to clarify the hours. I think  
13 that there's a mistake in the investigator's  
14 report and I just want to make sure that  
15 it's a mistake, because it says hours of  
16 sales for summer garden Monday through  
17 Saturday has 7:00 a.m. as the starting at  
18 time.

19                  MR. SOLOMON: I don't think we're  
20 allowed to start serving --

21                  CHAIRPERSON MILLER: I don't  
22 think so.

1 MR. SOLOMON: -- at 7:00 a.m.,  
2 ma'am.

3 CHAIRPERSON MILLER: So  
4 it's a typo. So it's 8:00 a.m.?

5 MR. SOLOMON: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay. I  
7 don't have any other questions. Anybody  
8 else?

9 (No audible response.)

10 CHAIRPERSON MILLER: Okay. Now  
11 there's an opportunity for questions based  
12 on the Board's questions starting with the  
13 Applicant.

14 MR. KLINE: Thank you. Mr.  
15 Solomon, in terms of your experience with  
16 early morning, college football on  
17 Saturdays, does that start at an earlier  
18 hour?

19 MR. SOLOMON: Yes, I mean I think  
20 that generally starts about 11:00.

21 MR. KLINE: Okay. And then there  
22 are those that go to these various

1       universities and want to come in before the  
2       game starts?

3                   MR. SOLOMON: I've heard of those  
4       people.

5                   (Laughter.)

6                   MR. KLINE: That's pretty  
7       traditional in certain neighborhoods and  
8       certain establishments in D.C., isn't it?

9                   MR. SOLOMON: Yes, sir.

10                  MR. KLINE: All right. Now you  
11       were reminded that in running this place you  
12       better pay attention. There are a lot of  
13       people here that might be looking to find  
14       fault. As you look around the room here,  
15       are there people here that are supporters of  
16       this establishment?

17                  MR. SOLOMON: We have quite a few  
18       supporters here, I believe.

19                  MR. KLINE: All right. And were  
20       they instructed to --

21                  MR. SOLOMON: They were  
22       instructed to wear red.

1 MR. KLINE: Okay. So is it a  
2 fair assumption that most of the people in  
3 the room that are wearing red are supporters  
4 of your establishment?

5 CHAIRPERSON MILLER: Is this  
6 related to a Board question, Mr. Kline?

7 MR. KLINE: It was related to a  
8 comment that Board Member made about people  
9 looking to find fault, and we just wanted to  
10 clarify that just because the room is full  
11 it does not mean that all these people are  
12 against this establishment.

13 CHAIRPERSON MILLER: Okay. All  
14 right.

15 MR. KLINE: But I'll move on.  
16 Thank you. I don't have any further  
17 questions.

18 CHAIRPERSON MILLER: Okay. All  
19 right. Protestants, do you have questions  
20 based on any of the Board questions?

21 MS. PARRISH: Yes, so is this  
22 establishment a bar or is it a restaurant?

1 MR. SOLOMON: It's a restaurant.

2 MS. PARRISH: Okay. Then can you  
3 explain to me why in your original  
4 application to the Board when you were asked  
5 your projected gross annual receipts from  
6 food in the next 12 months your number was  
7 \$800,000 --

8 CHAIRPERSON MILLER: Is this  
9 related to a Board question? That's what  
10 the rule is.

11 MS. PARRISH: Yes, because he  
12 asked about --

13 MEMBER ALBERTI: Yes, he asked  
14 about his revenue.

15 MS. PARRISH: -- the food and  
16 alcohol sales.

17 CHAIRPERSON MILLER: Okay. Thank  
18 you. All right. Okay.

19 MS. PARRISH: And then the next  
20 question was what was your projected gross  
21 annual --

22 CHAIRPERSON MILLER: Wait a

1 second.

2 MEMBER JONES: Well, ask one at a  
3 time.

4 CHAIRPERSON MILLER: Yes, one  
5 at a time, and I'm not sure you finished it  
6 because I interrupted you.

7 MS. PARRISH: Oh, okay. The  
8 first question that they answered on the  
9 ABRA application was the projected gross  
10 annual receipts from food and sales in the  
11 next 12 months. Their figure was \$800,000.  
12 And then the next question was how much of  
13 that \$800,000 would be from the sale of  
14 alcohol, and the number was \$500,000. So  
15 isn't that 60 percent of your revenue is  
16 coming from alcohol. But you're not a bar?

17 MR. SOLOMON: Yes, ma'am. We're  
18 a restaurant. And the numbers that I was  
19 talking about with the gentleman on the  
20 Board were based on our business plan, our  
21 most recent business plan, business model.

22 MS. PARRISH: But in this

1 business plan, in this business model,  
2 because this is the only one I have to go  
3 off of, 60 percent of your revenue was  
4 coming from the sale of alcohol.

5 MR. KLINE: Objection. Asked and  
6 answered and argumentative.

7 MS. PARRISH: Okay.

8 CHAIRPERSON MILLER: Okay.  
9 Sustained. But I would like to ask you  
10 where -- is that in the record, what you're  
11 referring to?

12 MS. PARRISH: Yes, it's right  
13 here.

14 CHAIRPERSON MILLER: In the  
15 investigator's report?

16 MEMBER ALBERTI: It's on the  
17 license application.

18 CHAIRPERSON MILLER: License  
19 application? Okay. Thank you.

20 MS. DONALDSON: And I have a  
21 question. Why is it called Brookland's  
22 Finest Bar if you're saying it's not a bar?

1 MR. SOLOMON: It also says  
2 kitchen.

3 MS. DONALDSON: Yes, but why is  
4 bar before --

5 MR. SOLOMON: Because there's a  
6 bar within the building and it's part of the  
7 business plan.

8 MS. PARRISH: Okay. So you're  
9 saying that this is a family neighborhood  
10 restaurant, right?

11 MR. SOLOMON: Yes, ma'am.

12 MS. PARRISH: Okay. So can I ask  
13 why in your business report there is no  
14 mention of the neighborhood except for when  
15 you mention where the actual building is?  
16 You mention none of the neighbors, what  
17 you're going to do for them. In fact, the  
18 only neighbors that you do mention are the  
19 ones that are currently and will be located  
20 at the condos at Brookland Station and the  
21 condominiums on Rhode Island Row?

22 MR. SOLOMON: Ma'am, I'm --

1 MR. KLINE: Objection.

2 MEMBER ALBERTI: Okay.

3 MR. KLINE: Objection. I don't  
4 understand the question.

5 CHAIRPERSON MILLER: Okay. Also  
6 I don't understand if it's --

7 MS. PARRISH: Okay. So let me  
8 ask the question.

9 CHAIRPERSON MILLER: Wait a  
10 minute.

11 MS. PARRISH: Okay.

12 CHAIRPERSON MILLER: And I don't  
13 understand how it's related to a Board  
14 question also.

15 MS. PARRISH: Okay. I'm just --  
16 never mind.

17 CHAIRPERSON MILLER: Okay. Thank  
18 you. All right. Thank you very much.

19 MR. SOLOMON: Thank you, ma'am.  
20 Thank you.

21 MR. KLINE: Call to the stand  
22 Tony Tomelden.

1 CHAIRPERSON MILLER: Do you swear  
2 to tell the truth, the whole truth, nothing  
3 but the truth?

4 MR. TOMELDEN: I do.

5 CHAIRPERSON MILLER: All right.  
6 Thank you.

7 MR. KLINE: State your name and  
8 address for the record, please?

9 MR. TOMELDEN: Arthur T-O-M-E-L-  
10 D-E-N, Tomelden, 1016 Kearny Street, N.E.,  
11 Washington, D.C.

12 MR. KLINE: Kearny Street. Now  
13 the proposed establishment is on Jackson  
14 Street?

15 MR. TOMELDEN: Yes.

16 MR. KLINE: So Kearny Street, how  
17 far is your residence from the proposed  
18 establishment?

19 MR. TOMELDEN: It's a block. One  
20 block.

21 MR. KLINE: Okay. And how long  
22 have you lived there?

1 MR. TOMELDEN: Eleven years.

2 MR. KLINE: Do you have any other  
3 connection to this particular neighborhood?

4 MR. TOMELDEN: My father grew up  
5 in the neighborhood. My great-grandparents  
6 moved there in 1914.

7 MR. KLINE: And did you ever live  
8 there before --

9 MR. TOMELDEN: I did.

10 MR. KLINE: Whoa. Whoa.

11 (Laughter.)

12 MR. KLINE: Again, I know we're  
13 anxious, but let's relax and wait for the  
14 question. Did you live there before you  
15 moved into the neighborhood 11 years ago?

16 MR. TOMELDEN: I did. I lived  
17 there from '66 to '71.

18 MR. KLINE: Okay. So your  
19 formative years?

20 MR. TOMELDEN: Very important.

21 MR. KLINE: Okay. And you live  
22 in a house there?

1 MR. TOMELDEN: I do.

2 MR. KLINE: And who do you live  
3 with?

4 MR. TOMELDEN: My wife and three  
5 children.

6 MR. KLINE: And what are their  
7 ages?

8 MR. TOMELDEN: Six, four and two.  
9 And a dog.

10 MR. KLINE: And I'm sorry, and  
11 a --

12 MR. TOMELDEN: And a dog named  
13 Charlie.

14 MR. KLINE: And a dog named  
15 Charlie? Okay. And your intention is to  
16 continue raising your children in this  
17 neighborhood?

18 MR. TOMELDEN: Yes.

19 MR. KLINE: All right. Now you  
20 are currently involved in another  
21 establishment?

22 MR. TOMELDEN: I own The Pug on

1 12th and H, N.E.

2 MR. KLINE: And what's the nature  
3 of that establishment?

4 MR. TOMELDEN: It's a  
5 neighborhood bar.

6 MR. KLINE: Okay. And when you  
7 say neighborhood bar, to you what does that  
8 mean, it's a neighborhood bar?

9 MR. TOMELDEN: I would say that  
10 again 60 to 70 percent of my clientele are  
11 within -- very close to the place.

12 MR. KLINE: You're familiar with  
13 the term "the third place?"

14 MR. TOMELDEN: I would say that  
15 The Pug is a perfect example of the third  
16 place.

17 MR. KLINE: All right.

18 MR. TOMELDEN: It's a good space  
19 between work and home.

20 MR. KLINE: And this  
21 establishment that you propose to do at this  
22 location, is that in any way similar to that

1 type of third place?

2 MR. TOMELDEN: I look at it as an  
3 extension. Now that I have kids I like a  
4 third place where I could go hang out with  
5 the kids, grab a meal. It's just a more  
6 adult version, a more grown-up version since  
7 I have kids as opposed to just a bar.

8 MR. KLINE: How long have you had  
9 The Pug?

10 MR. TOMELDEN: Seven years this  
11 coming February.

12 MR. KLINE: And you've had  
13 occasions to interact with people that live  
14 in that community?

15 MR. TOMELDEN: I have.

16 MR. KLINE: And what's been your  
17 experience there?

18 MR. TOMELDEN: I believe most of  
19 them like me, unless they're Yankees fans.

20 (Laughter.)

21 MR. TOMELDEN: There's an alley  
22 behind my establishment and the neighbors

1 are directly across that alley, very close,  
2 and I've had no problems with any of the  
3 neighbors.

4 MR. KLINE: You know them by  
5 first name --

6 MR. TOMELDEN: By name.

7 MR. KLINE: -- to see them?

8 MR. TOMELDEN: Yes.

9 MR. KLINE: All right. Exchange  
10 pleasantries with them?

11 MR. TOMELDEN: They often  
12 frequent the place as well.

13 MR. KLINE: And what about the  
14 neighborhood that you lived in for 11 years?  
15 Has your experience there been similar?

16 MR. TOMELDEN: I love that  
17 neighborhood. We have a lot of good friends  
18 in that neighborhood. We're out walking the  
19 kids and the dog often. We play on the  
20 street, on the sidewalk in front.

21 MR. KLINE: Was there some sort  
22 of driving force or vision or dream that

1       caused you to seek to open an establishment  
2       at this particular location?

3               MR. TOMELDEN:   When we opened The  
4       Pug it was a different neighborhood than it  
5       is now and I'd like to be at the forefront  
6       of my neighborhood.  I'd like to have a  
7       place to go.

8               MR. KLINE:   And when you say the  
9       forefront of your neighborhood, what do you  
10      envision in terms of your neighborhood?

11              MR. TOMELDEN:   Again, a place to  
12      see your friends that aren't necessarily  
13      going to be in your house.  Sometimes the  
14      house is a mess.  I'd like to go meet up  
15      with somebody outside.

16              MR. KLINE:   All right.  Now in  
17      terms of preparing for this application and  
18      this hearing and moving forward with this  
19      business have you had occasion to speak to  
20      some of your neighbors about what you intend  
21      to do here and how you intend to deal with  
22      this establishment?

1                   MR. TOMELDEN: We were very  
2                   involved with the neighbors on the voluntary  
3                   -- the settlement agreement. We met several  
4                   times with their representatives. Frank and  
5                   myself, we passed out notes on the 1000  
6                   block of Kearny, 1200 block of Kearny, 1000  
7                   block of Jackson, 1200 block of Jackson,  
8                   1000 block of Irving, the 1200 Block of  
9                   Irving, as well as the frontage on 12th  
10                  Street. We handed out notes to all those  
11                  residents that we were trying to do this.  
12                  We were looking for their concerns. I  
13                  included my address, phone number and email  
14                  address.

15                 MR. KLINE: Now prior to doing  
16                  that had you heard some of their concerns?

17                 MR. TOMELDEN: Yes. Well, we  
18                  knew that there was the concerns with  
19                  parking and trash in the neighborhood, and  
20                  the college kids are always a perennial  
21                  concern.

22                 MR. KLINE: I'm going to show you

1 what we're marking as Applicant's Exhibit 3  
2 and ask if you can identify what that is.

3 MR. TOMELDEN: This is the letter  
4 that I took around to all those blocks that  
5 I just mentioned stating our intentions that  
6 we hope to open a place within the  
7 neighborhood and telling a little bit about  
8 myself and that we were -- again the  
9 concerns were noise, trash, college kids and  
10 parking and we hoped to address those with  
11 the neighbors.

12 MR. KLINE: All right. Now the  
13 document that I've handed you is how many  
14 pages?

15 MR. TOMELDEN: It's the cover  
16 letter and then the list of concerns. Two  
17 pages.

18 MR. KLINE: So the first is a  
19 cover letter and then the list of concerns?

20 MR. TOMELDEN: Correct.

21 MR. KLINE: And what were  
22 concerns that are enumerated there?

1 MR. TOMELDEN: Again, noise,  
2 trash, the college kids and parking.

3 MR. KLINE: And going through  
4 those issues, when this went around, had you  
5 already thought about how you were going to  
6 address those issues?

7 MR. TOMELDEN: Again, the noise,  
8 since I'm a block away I know how tight that  
9 neighborhood is. Again, we never intended  
10 on getting an entertainment endorsement.

11 The trash, again my experience is  
12 in owning another place I know it's a seven-  
13 day-a-week picking up the trash. And we've  
14 again, as Mr. Solomon said, we agreed to go  
15 around and help police the immediate blocks.  
16 And again, we're going after our own  
17 neighbors here. That's who we want to come.  
18 So I'm hoping that somebody who lives in the  
19 neighborhood has the same respect that I  
20 have and they're not going to drop their  
21 trash coming in or going out when they're  
22 coming to a place in the neighborhood.

1                   The college kids, I think we're  
2                   just going to -- our intention is to not  
3                   really set beers -- prices in there in that  
4                   region.

5                   And again the parking, I know the  
6                   parking. Again, I live a block away. We  
7                   have permit parking. And so, our hope is to  
8                   help those neighbors get that same permit  
9                   parking and we'll deal with the parking as  
10                  it comes.

11                  MR. KLINE: All right. So you  
12                  outlined that in the letter that you sent to  
13                  the community?

14                  MR. TOMELDEN: In the letter,  
15                  yes.

16                  MR. KLINE: We'd move Applicant's  
17                  Exhibit 3.

18                  CHAIRPERSON MILLER: Any  
19                  objection?

20                  (No audible response.)

21                  CHAIRPERSON MILLER: Okay.  
22                  Applicant's Exhibit 3 is admitted. It's a

1 cover letter and a list of concerns. Okay.

2 MR. KLINE: All right. Now in  
3 response to your Exhibit 3 that's now been  
4 admitted, did you hear from residents that  
5 live in the neighborhood?

6 MR. TOMELDEN: Yes, we met with  
7 some individuals who then went out and had a  
8 few meetings with other individuals. And  
9 they outlined again these concerns and other  
10 concerns and we hammered out the agreement  
11 that's been accepted by the Board, I  
12 believe.

13 MR. KLINE: Okay. And how many  
14 -- you say you hammered it out.

15 MR. TOMELDEN: I think we had --

16 MR. KLINE: Whoa, whoa. Wait.  
17 Was this something that happened  
18 immediately, or was there time spent on  
19 that? What was the process?

20 MR. TOMELDEN: We spent I believe  
21 two or three weeks, several phone calls, a  
22 couple meetings with the folks.

1 MR. KLINE: And who were these  
2 folks?

3 MR. TOMELDEN: We met with the  
4 Brookland Civic Association and then a  
5 gentleman, Joe Barrios, and then some other  
6 residents who lived 12th across from the  
7 establishment.

8 MR. KLINE: Directly across from  
9 the establishment?

10 MR. TOMELDEN: Yes.

11 MR. KLINE: And in terms of Mr.  
12 Barrios what was your understanding in terms  
13 of what his outreach was and who he was  
14 speaking for?

15 MR. TOMELDEN: Again, I believe  
16 that he went block-to-block. There was a  
17 lot of outreach on the Internet, the list  
18 thing, the LISTSERV. A site was set up, The  
19 Friends of Brookland's Finest. There's was  
20 a lot of outreach on there. And after the  
21 agreement was reached, after we had come to  
22 an agreement, they door-to-door looking for

1 signatures and telling people about it.

2 MR. KLINE: Did you also engage  
3 with the Advisory Neighborhood Commission of  
4 the affected area over these issues?

5 MR. TOMELDEN: I did. We did.  
6 Initially we contacted the SMD member.

7 MR. KLINE: And who was that?

8 MR. TOMELDEN: Carolyn Steptoe.

9 MR. KLINE: And what was the  
10 result of that? Did you make any progress  
11 there?

12 MR. TOMELDEN: There was not  
13 really much progress. That's why we took it  
14 upon ourselves to go down the block with  
15 this letter.

16 MR. KLINE: You need to keep your  
17 voice up.

18 MR. TOMELDEN: Sorry. There was  
19 not much success there. We chose to go  
20 about delivering the letter ourselves.

21 MR. KLINE: When you say there  
22 was not much success, did you have an

1 exchange in terms of what the issues were  
2 and how they might be addressed?

3 MR. TOMELDEN: Our first meeting  
4 we met at the site and she didn't even want  
5 to look at the plans that we presented.

6 MR. KLINE: Okay. I want to show  
7 you what we've marked as Applicant's 4, ask  
8 you if you can identify that.

9 MR. TOMELDEN: This is the  
10 settlement agreement that we reached with  
11 some of the neighbors.

12 MR. KLINE: All right. Now with  
13 respect to that settlement agreement, does  
14 that cover everything that you were going to  
15 do with respect to mitigation and changes to  
16 the establishment to address community  
17 concerns?

18 MR. TOMELDEN: Yes.

19 MR. KLINE: Does it mention,  
20 however, hours of the summer garden?

21 MR. TOMELDEN: Yes. No. I don't  
22 know if they're in there or if that's an

1 agreement we came to and just reapplied the  
2 change in the hours.

3 MR. KLINE: Okay. But you did as  
4 a result of these discussions --

5 MR. TOMELDEN: Yes. After the  
6 meetings we did change it to closing at  
7 10:00 and 11:00.

8 MR. KLINE: Okay. And to your  
9 knowledge that's something that's already  
10 been effectuated with the Board?

11 MR. TOMELDEN: I believe that  
12 that has been. We applied, or whatever the  
13 term is.

14 MR. KLINE: Madam Chair, if I  
15 may, for the record the Board's record  
16 should reflect that there was an amendment  
17 that was filed. I do have a copy of it here  
18 that reflects that the summer garden hours  
19 are limited to 10:00 p.m. Sunday through  
20 Thursday and 11:00 p.m. Friday and Saturday.  
21 Just want to make sure that there isn't any  
22 confusion on the record on that and I ask

1 for --

2 CHAIRPERSON MILLER: There was an  
3 amendment to the settlement agreement, or  
4 what?

5 MR. KLINE: No.

6 CHAIRPERSON MILLER: Amendment to  
7 what?

8 MR. KLINE: To the application.

9 CHAIRPERSON MILLER: Oh, to the  
10 application? Okay.

11 MR. KLINE: And I can certainly  
12 provide a copy of it if you don't have it  
13 handy, if that would make it easier for the  
14 Board.

15 CHAIRPERSON MILLER: Well, okay.  
16 It doesn't hurt. But I want to -- also in  
17 the investigator's report she reflects hours  
18 of sales for summer garden and it has it  
19 ending Friday at 10:00 p.m. and Saturday and  
20 Sunday 11:00 p.m. Is that what you're --

21 MR. KLINE: Correct.

22 CHAIRPERSON MILLER: That's

1 correct then?

2 MR. KLINE: I stand corrected.

3 CHAIRPERSON MILLER: That part's  
4 correct then.

5 MR. KLINE: Yes, that is correct.

6 CHAIRPERSON MILLER: Okay.

7 Actually it's Monday through Friday ending  
8 at 10:00 and Saturday and Sunday 11:00. Is  
9 that correct?

10 MR. KLINE: Friday and Saturday  
11 ending at 11:00.

12 CHAIRPERSON MILLER: Yes.

13 MR. KLINE: And I have it here.  
14 I'm happy to hand it up if the Board would  
15 like it. I just want to make sure we're  
16 clear. That's all.

17 CHAIRPERSON MILLER: Okay. All  
18 right. That's fine. That should be in our  
19 public record, should it not?

20 MR. KLINE: Just ask that you  
21 take administrative notice of it. I'm not  
22 going to mark it.

1 CHAIRPERSON MILLER: Okay. Thank  
2 you. Okay.

3 MR. KLINE: All right. And I've  
4 move Applicant's Exhibit 4, if I didn't do  
5 it before. It's the settlement agreement.

6 CHAIRPERSON MILLER: Any  
7 objection?

8 (No audible response.)

9 CHAIRPERSON MILLER: Okay. It's  
10 admitted.

11 MR. KLINE: And, Mr. Tomelden, to  
12 your knowledge that was submitted to the  
13 Board for approval?

14 MR. TOMELDEN: Yes.

15 MR. KLINE: There was one  
16 slightly substantive change that came back,  
17 is that correct?

18 MR. TOMELDEN: They did inform us  
19 of a change and we spoke with the designated  
20 representative.

21 MR. KLINE: And what was that  
22 change?

1 MR. TOMELDEN: It was very  
2 legalese. I can't really remember.

3 MR. KLINE: Was it something that  
4 related to advertising?

5 MR. TOMELDEN: I believe it was  
6 the advertising. Oh, it was the -- we had  
7 agreed initially in the settlement agreement  
8 to have no specials directed at college kids  
9 and I believe that that was -- by ABRA was  
10 taken out. But again, that's not really a  
11 crowd that we're going to go after, so it  
12 wasn't --

13 MR. KLINE: Despite that change  
14 to the agreement was that something you  
15 intended to --

16 MR. TOMELDEN: No.

17 MR. KLINE: All right.

18 CHAIRPERSON MILLER: So, Mr.  
19 Kline, I just want to ask you for the  
20 record, because you didn't hand me a  
21 settlement agreement, does that settlement  
22 agreement --

1 MR. KLINE: Oh, well, let's make  
2 sure I do that.

3 CHAIRPERSON MILLER: You should,  
4 yes. And I'm wondering does that one  
5 reflect the changes?

6 MR. KLINE: For the record it  
7 does not. It's the agreement that was  
8 signed. The parties were instructed by the  
9 Board's general counsel if they signified  
10 their approval by return email the Board  
11 would deal with it by order. So it does not  
12 reflect the changes. We did not have the  
13 agreement resigned.

14 CHAIRPERSON MILLER: Okay.

15 MR. KLINE: And I have provided a  
16 copy to you.

17 CHAIRPERSON MILLER: Okay.

18 MR. KLINE: I'm going to show you  
19 what we've marked as Applicant's Exhibit 5  
20 and ask you if you can identify that  
21 document.

22 MR. TOMELDEN: It's a map of the

1 neighborhood showing our location -- or I'm  
2 sorry, showing the location of the  
3 establishment, as well as indications of the  
4 houses that were in support or against the  
5 establishment.

6 MR. KLINE: All right. Was this  
7 prepared by you under your direction?

8 MR. TOMELDEN: It was not  
9 prepared for me, but it was -- it was not  
10 prepared by me, but we did have it prepared.

11 MR. KLINE: All right. And after  
12 it was prepared did you verify the  
13 information?

14 MR. TOMELDEN: Yes, we went  
15 through and checked the houses.

16 MR. KLINE: All right. Now the  
17 first page of that document -- and it's  
18 several pages, correct?

19 MR. TOMELDEN: Correct.

20 MR. KLINE: All right. And the  
21 first page is what, just so we're clear for  
22 the record?

1 MR. TOMELDEN: It's a map showing  
2 the establishment, as well as indications of  
3 the houses that are for and against.

4 MR. KLINE: And your  
5 establishment is noted on that map  
6 somewhere?

7 MR. TOMELDEN: It's a green dot,  
8 or whatever that indicator is.

9 MR. KLINE: A little green flag?

10 MR. TOMELDEN: A flag. Yes.

11 MR. KLINE: All right. And there  
12 are other colored flags?

13 MR. TOMELDEN: So the red flags  
14 are support and the blue flags are  
15 protestants.

16 MR. KLINE: Now the following  
17 pages --

18 CHAIRPERSON MILLER: Mr. Kline,  
19 excuse me. Do you intend on giving that to  
20 the Board?

21 MR. KLINE: Yes, I'll give it --

22 CHAIRPERSON MILLER: It would be

1 easier actually --

2 MR. KLINE: If you have it now?

3 CHAIRPERSON MILLER: -- more  
4 meaningful if we could follow along.

5 MR. KLINE: No problem. Didn't  
6 want do it until this moved, but --

7 CHAIRPERSON MILLER: Okay. I  
8 know it's not moved into evidence yet.

9 MR. KLINE: Understood.

10 And attached to that is what?  
11 What's attached to the map?

12 MR. TOMELDEN: It's the list of  
13 supporters and the protestants.

14 MR. KLINE: All right. And are  
15 those the addresses that are plotted on the  
16 map?

17 MR. TOMELDEN: Correct.

18 MR. KLINE: And did you verify --

19 MR. TOMELDEN: Yes.

20 MR. KLINE: -- and go through and  
21 make sure that the map was correct?

22 MR. TOMELDEN: Yes.

1 MR. KLINE: All right. We would  
2 move Applicant's Exhibit 5.

3 CHAIRPERSON MILLER: Okay. Could  
4 you describe what it's supposed to  
5 represent, because I --

6 MR. KLINE: Yes.

7 CHAIRPERSON MILLER: -- didn't  
8 have it in front of me before.

9 MR. KLINE: According to the  
10 testimony of the witness --

11 CHAIRPERSON MILLER: Okay.

12 MR. KLINE: -- the green flag,  
13 green dot is the location of the  
14 establishment. The red flags represent  
15 supporters. The blue flags represent  
16 protestants. Let me clarify that.

17 In terms of the red flags, are  
18 they supporters or are they identified some  
19 other way? Do you know how many of them  
20 there are?

21 MR. TOMELDEN: It's the  
22 signatories on the settlement agreement.

1 MR. KLINE: Okay. So those are  
2 the people that were engaged in --

3 MR. TOMELDEN: Correct.

4 MR. KLINE: -- the process of the  
5 settlement --

6 CHAIRPERSON MILLER: The red are  
7 the signatories on the settlement agreement?  
8 Is that what you said?

9 MR. TOMELDEN: Yes.

10 CHAIRPERSON MILLER: And the blue  
11 are who?

12 MR. TOMELDEN: The blue are the  
13 protestants.

14 CHAIRPERSON MILLER: The official  
15 protestors that filed?

16 MS. PARRISH: No.

17 MR. TOMELDEN: I believe it's the  
18 list of 35 that we had in our --

19 CHAIRPERSON MILLER: Okay.

20 MR. KLINE: Take a look at the  
21 following pages and just confirm that that's  
22 your understanding.

1 MR. TOMELDEN: Yes, the back end  
2 -- the back two pages are the protestants  
3 that I believe are listed on the --

4 CHAIRPERSON MILLER: By address?  
5 Okay.

6 MR. TOMELDEN: By address, yes.

7 CHAIRPERSON MILLER: Okay. Any  
8 objection?

9 MS. PARRISH: Yes.

10 CHAIRPERSON MILLER: Yes?

11 MS. PARRISH: Because there are  
12 55 Protestants, not -- I don't know how many  
13 he has here.

14 MS. DONALDSON: He has 35. He  
15 has 55 and out of the 55 --

16 MS. PARRISH: It's 55, not 35.

17 CHAIRPERSON MILLER: Okay. So  
18 let me ask again. How are these Protestants  
19 identified?

20 MR. KLINE: Madam Chair, may I be  
21 heard on that issue?

22 CHAIRPERSON MILLER: Okay. Yes.

1 MR. KLINE: I was at the roll  
2 call hearing. A group of 35 Protestants  
3 were recognized at the roll call hearing.

4 CHAIRPERSON MILLER: Okay.

5 MR. KLINE: And those are  
6 represented by specific protest petitions in  
7 the Board's file. That's who's been  
8 recognized at this point.

9 CHAIRPERSON MILLER: Okay. So  
10 these were Protestants that were recognized  
11 at roll call?

12 MR. KLINE: Correct.

13 CHAIRPERSON MILLER: Okay.

14 MR. KLINE: The group of 35.  
15 That's what the investigator's report  
16 reflects. That's what we referred to at  
17 mediation. That's been throughout this  
18 case. Where this 55 number comes from, I  
19 have no idea.

20 CHAIRPERSON MILLER: Okay. All  
21 right. I'm going to admit this then as  
22 Applicant's Exhibit No. 5.

1                   MR. KLINE: Mr. Tomelden, when  
2                   your partner; we use that term not in its  
3                   legal sense, but in its collegial sense, was  
4                   on the stand he talked about peer pressure  
5                   in terms of running one of these  
6                   establishments. Is that something that you  
7                   can relate to in your operation of The Pug  
8                   and your intended operation of this  
9                   establishment?

10                  MR. TOMELDEN: It is. You know,  
11                  again, with The Pug a lot of people have my  
12                  number, a lot of people have me on the  
13                  Facebook, lot of people have my email. If  
14                  there's a problem, I'm always, always,  
15                  always notified. I got a phone call late  
16                  the other night that they were served too  
17                  slow.

18                               (Laughter.)

19                  MR. TOMELDEN: So I take the  
20                  customer service very seriously. In my own  
21                  neighbor, again I did six-and-a-half blocks.  
22                  Everybody knows six-and-a-half blocks that

1 got that letter -- my phone number, my email  
2 address and my home address are on there.  
3 And I'm out front a lot of times, a lot of  
4 time with the kids anyway and I don't want  
5 somebody walking by me giving me the look  
6 like I'm running a shoddy business down the  
7 road.

8 MR. KLINE: And what do you think  
9 it's going to happen if you run the kind of  
10 business that appears some of your neighbors  
11 think you're going to run?

12 MR. TOMELDEN: I'm going to get a  
13 lot of high fives when I'm walking down the  
14 block.

15 (Laughter.)

16 MR. TOMELDEN: I think people are  
17 going to -- I genuinely want to have a place  
18 that everybody wants to go to, and I want to  
19 take my kids there and I want people to take  
20 their kids there. I want it to be a place  
21 that everybody can go.

22 MR. KLINE: I don't have any

1 further questions of the witness at this  
2 time. Thank you.

3 CHAIRPERSON MILLER: Okay. Do  
4 you have cross?

5 MS. PARRISH: Okay. I would just  
6 like for everyone to look at Exhibit 11 from  
7 the ABRA report, the investigator's --

8 CHAIRPERSON MILLER: The  
9 investigator's report? Okay. No, wait.  
10 Let me just say whatever you want us to look  
11 at it for it should be directed, you know,  
12 as a question to --

13 MS. PARRISH: Okay.

14 CHAIRPERSON MILLER: Because  
15 you'll be able to testify later. That's  
16 all.

17 MS. PARRISH: Okay.

18 CHAIRPERSON MILLER: Okay. So  
19 you do have a question for him?

20 MS. PARRISH: Okay. That circle  
21 right there. I just want to -- just so  
22 he'll know. I'm not asking him a question

1 or anything.

2 CHAIRPERSON MILLER: No.

3 MS. PARRISH: But I'm just saying  
4 that the circle right here represents 400  
5 feet from the establishment in all those  
6 ways. And I just wanted to know of the 149  
7 signatures do you know if all of them live  
8 within this 400-foot --

9 MR. TOMELDEN: All of them do  
10 not.

11 MR. KLINE: Objection as to  
12 relevance.

13 CHAIRPERSON MILLER: Okay. You  
14 can respond to his question.

15 MS. PARRISH: Because I want to  
16 know how close the people who --

17 MR. KLINE: I'll withdraw it.

18 MS. PARRISH: Okay.

19 MR. KLINE: I'll withdraw it.

20 CHAIRPERSON MILLER: Okay. Go  
21 ahead.

22 MS. PARRISH: Okay. So I would

1       assume that you don't know how many people  
2       live -- of the 149 people how many people  
3       live --

4                   MR. TOMELDEN:   Well, yes, they're  
5       on the map.

6                   MS. PARRISH:   -- inside this?

7                   MR. TOMELDEN:   They're on the  
8       map.

9                   MS. PARRISH:   Okay.

10                  MR. TOMELDEN:   Not that we did,  
11       you know --

12                  MS. PARRISH:   Well, did you know  
13       that out of the 149 signatures that you had,  
14       that you provided us there were only 31  
15       signatures that lived inside of this 400-  
16       yard parameter?

17                  MR. TOMELDEN:   Okay.

18                  MS. PARRISH:   And did you also  
19       know that out of those 31 signators they  
20       only represent 19 residences inside this  
21       parameter?  I just wanted to know if you  
22       knew those things.

1 MR. TOMELDEN: I do not, but I'll  
2 take your word for it. On both lists there  
3 are multiple signatures from each hours.

4 MS. PARRISH: Okay.

5 MS. DONALDSON: So looking at  
6 this parameter i

7 CHAIRPERSON MILLER: Okay. One  
8 party at a time. Did you finish?

9 MS. PARRISH: Yes.

10 CHAIRPERSON MILLER: Okay. Go  
11 ahead.

12 MS. DONALDSON: Looking at this  
13 parameter, where do you live? Are you  
14 inside the circle or outside the circle?

15 MR. TOMELDEN: I'm on the other  
16 edge of the circle on the north.

17 MS. DONALDSON: So you're outside  
18 the circle?

19 MR. TOMELDEN: Correct.

20 MS. DONALDSON: Okay. So can you  
21 describe how this bar will benefit the very  
22 nearby neighbors which are with inside the

1 circle and their families if you're allowed  
2 to sell alcohol from 8:00 a.m. to 2:00 a.m.  
3 Sunday to Sunday?

4 MR. TOMELDEN: Again, we're  
5 offering -- it's that third place. We're  
6 offering a place for neighbors to meet.

7 MS. DONALDSON: So you're saying  
8 that people will be willing to bring their  
9 small children to a bar 8:00 a.m. in the  
10 morning? Is that what you're saying?

11 MR. TOMELDEN: It is what I'm  
12 saying. There's a coffee shop in there. So  
13 when I walking my kids in the morning, I'd  
14 like to have a cup of coffee when I'm  
15 walking around. And I make bad coffee, so  
16 I'd rather have somebody else make it for  
17 me.

18 MS. DONALDSON: Well, we're  
19 talking about selling alcohol.

20 MR. TOMELDEN: We're talking  
21 about selling alcohol --

22 MS. DONALDSON: Yes.

1 MR. TOMELDEN: -- food and  
2 coffee.

3 MS. DONALDSON: Pardon?

4 MR. TOMELDEN: We're selling  
5 food, alcohol and coffee.

6 MS. DONALDSON: So if you want to  
7 have a place to have coffee in the morning,  
8 then why are you selling alcohol in the  
9 morning if you're just drinking coffee?

10 MR. TOMELDEN: Again, because we  
11 need to maximize our income.

12 MS. DONALDSON: So --

13 MS. PARRISH: It's about money?

14 MS. DONALDSON: -- your revenue  
15 is coming from the alcohol? Is that what  
16 you're saying?

17 MR. TOMELDEN: Our revenue is  
18 coming from all three.

19 MS. PARRISH: So I have a  
20 question.

21 MS. DONALDSON: Okay.

22 MS. PARRISH: Are you opening

1 this bar because you want a friendly place  
2 to hang out in your neighborhood or --

3 CHAIRPERSON MILLER: Excuse me.

4 MS. PARRISH: -- are you opening  
5 this bar to --

6 CHAIRPERSON MILLER: Excuse me.

7 Remember we were talking about the rules  
8 that --

9 MS. PARRISH: Okay.

10 CHAIRPERSON MILLER: -- you were  
11 finished and then it was your turn.

12 Okay. We really can't afford to  
13 go back and forth and back and forth. I  
14 mean it's against the rules and it's 10:39.

15 MS. PARRISH: Okay.

16 MS. DONALDSON: Okay.

17 CHAIRPERSON MILLER: Okay. Are  
18 you finished, or you have more?

19 MS. DONALDSON: I wanted to know,  
20 you said you wanted to be a family  
21 restaurant, but in your business plan you  
22 say here the majority of these units will --

1 wait a minute -- the market is one of a more  
2 significant -- wait -- the target market for  
3 these units is young professionals and  
4 others with no children.

5 MR. KLINE: Objection. There's  
6 no business plan in evidence. We're talking  
7 about facts that are not in evidence.

8 MS. DONALDSON: This is their  
9 business plan.

10 CHAIRPERSON MILLER: What are you  
11 referring to that's in evidence and calling  
12 -- no, don't show me.

13 MS. DONALDSON: Okay.

14 CHAIRPERSON MILLER: Describe it  
15 for the record. You're calling something a  
16 business plan is in evidence?

17 MS. DONALDSON: Well, his  
18 settlement agreement or business plan, their  
19 business plan that they gave to -- did they  
20 give it to ABRA?

21 MS. PARRISH: No, they gave it to  
22 everybody in the neighborhood.

1 MS. DONALDSON: Oh, their  
2 business plan that they gave to everybody in  
3 the neighborhood.

4 CHAIRPERSON MILLER: Their  
5 business plan that they gave to everybody  
6 what?

7 MS. DONALDSON: In the  
8 neighborhood.

9 CHAIRPERSON MILLER: In the  
10 neighborhood?

11 MS. DONALDSON: And it's a page  
12 out of their business plan.

13 CHAIRPERSON MILLER: It's not in  
14 evidence yet?

15 MS. DONALDSON: Oh, do I need to  
16 enter this in evidence?

17 MS. PARRISH: That's the business  
18 plan. This is the business plan.

19 MS. DONALDSON: Okay. So I need  
20 to give this to you?

21 CHAIRPERSON MILLER: Is this  
22 related to his testimony?

1 MS. DONALDSON: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MS. DONALDSON: Yes, because in  
4 this they're saying the target market is for  
5 young professionals with no children.

6 CHAIRPERSON MILLER: Okay.

7 MS. DONALDSON: But then he's  
8 saying he's going to bring his family, his  
9 children there.

10 CHAIRPERSON MILLER: Okay.

11 MS. DONALDSON: So it's  
12 contradictory.

13 CHAIRPERSON MILLER: You need to  
14 show it to the opposing counsel.

15 MS. DONALDSON: Oh, okay.

16 CHAIRPERSON MILLER: And after  
17 you need to show it to the Board as well if  
18 you want us to --

19 MS. DONALDSON: I show it to you?

20 CHAIRPERSON MILLER: Yes.

21 Martha, could you get this document?

22 This is something that you're

1 saying he said or did and you --

2 MS. DONALDSON: They.

3 CHAIRPERSON MILLER: They? Okay.

4 MS. DONALDSON: All of them.

5 CHAIRPERSON MILLER: Okay.

6 MS. DONALDSON: Yes. So he needs  
7 to get it?

8 CHAIRPERSON MILLER: Let me ask  
9 you, is this a document that you identified  
10 in your PIF that you would want to have as  
11 an exhibit?

12 MS. DONALDSON: Yes.

13 CHAIRPERSON MILLER: Yes? Okay.

14 I just want to ask you is it a typed one-  
15 page sheet and then a handwritten?

16 MS. DONALDSON: No, that one-page  
17 sheet is with inside that packet, so we just  
18 pulled out that one-page sheet because  
19 that's the one that has the information on  
20 it about the young professionals.

21 MR. KLINE: We would object to  
22 the use of anything out of context.

1 CHAIRPERSON MILLER: Oh, okay.  
2 Okay. Let me ask you, can you rephrase your  
3 question? What Mr. Kline is saying is  
4 you're giving us a page out of context, and  
5 that is difficult to assess, you know, the  
6 reliability of it. I'm not sure I have --  
7 what is it coming out of?

8 MS. DONALDSON: The other couple  
9 of pages that are stapled together.

10 CHAIRPERSON MILLER: This whole  
11 package?

12 MS. DONALDSON: Yes, it's in  
13 there.

14 CHAIRPERSON MILLER: Okay. So  
15 this whole package you're going want to  
16 probably offer into evidence for your case?

17 MS. DONALDSON: Yes.

18 CHAIRPERSON MILLER: Okay. I  
19 don't want to rule on the admissibility of  
20 this one page right now if I don't need to.

21 MS. DONALDSON: Okay.

22 CHAIRPERSON MILLER: But if you

1 want to ask him about his business plan --

2 MS. DONALDSON: Okay.

3 MR. KLINE: Madam Chairperson,  
4 there's been no testimony about a business  
5 plan. If they want to bring this document  
6 forward, it seems that they need to  
7 authenticate it and put it in sort of  
8 context, not just pull it out and start  
9 asking questions about it. I mean I  
10 understand that we have laypeople, and I  
11 don't mean to belabor it, but I mean just to  
12 pull it out and say, oh, we got a document,  
13 let's start asking questions about it, I  
14 think we need to have some sort of context  
15 or foundation.

16 CHAIRPERSON MILLER: All right.  
17 Did you just have a question about catering  
18 to college students or not catering to  
19 college students?

20 MS. DONALDSON: No, I had a  
21 question about the fact that they have said  
22 that they were catering to young

1 professionals.

2 CHAIRPERSON MILLER: Right. Oh,  
3 young --

4 MS. DONALDSON: Yes, and with no  
5 children. And they also outline that they  
6 are trying to capture the market that's up  
7 and coming in the Brookland area. And they  
8 actually list the up and coming units,  
9 developments that are up and coming in the  
10 Brookland area, which is nowhere near the  
11 400 square feet of the establishment.

12 CHAIRPERSON MILLER: Wait a  
13 minute. We're looking at the document.

14 All right. Mr. Kline, your  
15 objection is, okay, number one, not to take  
16 it out of context. You could put the whole  
17 document in. But your objection to  
18 questioning related to this document is --  
19 it's a document entitled "Business Plan for  
20 Brookland's Finest Bar & Kitchen" dated  
21 March 1st, 2013.

22 MR. KLINE: And I don't think he

1 prepared it, but in the interest of time  
2 I'll let it move forward and we'll see where  
3 it goes.

4 MS. DONALDSON: Yes, he did  
5 prepare it. Well, we didn't prepare it.

6 MS. PARRISH: We didn't prepare  
7 it.

8 CHAIRPERSON MILLER: Okay. Wait.  
9 So what is your question?

10 MS. DONALDSON: My question is  
11 this: In this it says that they're  
12 marketing young professionals with no  
13 children.

14 MR. KLINE: Who is marketing  
15 young professionals with no children?

16 CHAIRPERSON MILLER: Okay. The  
17 establishment?

18 MS. DONALDSON: The people that  
19 wrote this business plan for Brookland's  
20 Finest Bar & Kitchen.

21 CHAIRPERSON MILLER: And what's  
22 your question? Okay.

1                   MEMBER ALBERTI: Can we just  
2                   establish if the witness recognizes this  
3                   document?

4                   MR. KLINE: Fine with me.

5                   MEMBER ALBERTI: Because you're  
6                   telling me you don't know anything about it,  
7                   Mr. Kline. Let's just get this over this.

8                   MR. KLINE: Mr. Alberti, with all  
9                   due respect, I'm not claiming I don't  
10                  anything about it. I'm just saying from a  
11                  process standpoint --

12                  MEMBER ALBERTI: Okay.

13                  MR. KLINE: -- there needs to be  
14                  some foundation for it --

15                  MEMBER ALBERTI: Let's not  
16                  prolong this.

17                  MR. KLINE: -- and I'm trying to  
18                  move it along.

19                  MEMBER ALBERTI: Sir, do you  
20                  recognize this document?

21                  MR. TOMELDEN: Yes. Yes, I do.

22                  MEMBER ALBERTI: All right. Do

1 you know who prepared it?

2 MR. TOMELDEN: I do.

3 MEMBER ALBERTI: And who prepared  
4 it?

5 MR. TOMELDEN: We prepared it.

6 MEMBER ALBERTI: Meaning? We,  
7 meaning you and your partners?

8 MR. TOMELDEN: My business  
9 partners and myself.

10 MEMBER ALBERTI: You and your  
11 partners?

12 MR. TOMELDEN: Yes.

13 MEMBER ALBERTI: Okay. Great.  
14 Thanks. That establishes foundation.

15 MR. KLINE: Thank you.

16 MEMBER ALBERTI: Thank you.

17 CHAIRPERSON MILLER: So you can  
18 ask your question and then we don't have to  
19 move into evidence yet. Just you can ask  
20 your question.

21 MR. TOMELDEN: I can answer. I  
22 answered. Do you want to ask it again or --

1 MS. DONALDSON: What did you  
2 answer?

3 MR. TOMELDEN: Do you want -- I  
4 mean you want to ask --

5 CHAIRPERSON MILLER: I think you  
6 need to repeat the question.

7 MS. DONALDSON: Okay. Is it true  
8 that in this business plan you state that  
9 your targeting young professionals, either  
10 single or married, without kids?

11 MR. TOMELDEN: I don't remember.  
12 It's been so long since we wrote that. If  
13 you're reading that, it must be there.

14 MS. DONALDSON: Okay.

15 MR. TOMELDEN: I will tell you  
16 that I'm not young or professional.

17 (Laughter.)

18 MR. TOMELDEN: I have three kids.  
19 I don't want to go there, but there is a  
20 large development across these tracks that  
21 for or better or for worse is close to us.  
22 I walk to the other side of the tracks. I

1 have friends on that side. It's not within  
2 the 400 -- what was the measurement?

3 MS. DONALDSON: Four hundred feet  
4 of the establishment.

5 MR. TOMELDEN: You're correct, it  
6 is not within the 400 yards of that. But  
7 all I can tell you is that's within that 400  
8 yards. I don't know how young or  
9 professional they are. But in the broader  
10 neighborhood for better or for worse it's  
11 across the tracks as well. They'll come as  
12 well. We're going to make everybody that  
13 comes welcome.

14 MS. DONALDSON: Okay. I do have  
15 a question here. On here, this plan here --

16 CHAIRPERSON MILLER: Okay. Are  
17 you pointing to Applicant's Exhibit No. 5?

18 MS. DONALDSON: There's no number  
19 on mine.

20 CHAIRPERSON MILLER: Okay. Is it  
21 the map?

22 MS. DONALDSON: This map, yes.

1 CHAIRPERSON MILLER: Okay.

2 MS. DONALDSON: Is that No. 5?

3 CHAIRPERSON MILLER: Just for the  
4 record, so the transcript knows what you're  
5 referring to.

6 MS. DONALDSON: Okay. It's No.  
7 5?

8 CHAIRPERSON MILLER: Yes.

9 MS. DONALDSON: Okay. So Exhibit  
10 No. 5 from the Applicant, you have your  
11 supporters and your protestants. And you  
12 said that Joe Barrios had concerns, is that  
13 correct?

14 MR. TOMELDEN: That is correct.

15 MS. DONALDSON: Okay. Out of the  
16 149 signatures that you obtained, is it true  
17 that Joe Barrios was a designee who helped  
18 to get these signatures for your support?

19 MR. TOMELDEN: Yes.

20 MS. DONALDSON: Okay. Did you  
21 sit down with any of the 55 Protestants or  
22 very nearby neighbors who are Protestants

1 and --

2 MR. TOMELDEN: Again, I -- go  
3 ahead.

4 MS. DONALDSON: -- got their  
5 view?

6 MR. TOMELDEN: Again, the 1000  
7 block of Kearny Street, 1200 block of Kearny  
8 Street, the 1000 block of Jackson, 1200  
9 block of Jackson, 1000 block of Irving, 1200  
10 block of Irving, the front on 12th, the 10th  
11 Street side of those blocks. I put the  
12 letter that was Exhibit something -- Exhibit  
13 3 -- I put that in every mailbox again with  
14 my name, phone number, address and email  
15 address on there.

16 MS. DONALDSON: Okay. So are you  
17 saying you did not sit down with any of the  
18 55 Protestants?

19 MR. TOMELDEN: I said I spoke  
20 with everybody who contacted me back.

21 MS. DONALDSON: Okay. You spoke  
22 of the Brookland Civic Association. Are

1 they for your bar?

2 MR. TOMELDEN: Yes, they are.

3 MS. DONALDSON: Okay. So but you  
4 sat down and talked with them, is that  
5 correct?

6 MR. TOMELDEN: I went to their  
7 meeting.

8 MS. DONALDSON: Okay. I don't  
9 have any other questions.

10 CHAIRPERSON MILLER: Okay. Thank  
11 you. Are there Board questions?

12 (No audible response.)

13 CHAIRPERSON MILLER: I have a  
14 quick one. Exhibit No. 3, which is the  
15 cover letter and the concerns, list of  
16 concerns, page 2.

17 MR. TOMELDEN: yes.

18 CHAIRPERSON MILLER: Okay. This  
19 is my question: If you need to look at it,  
20 someone can give it to you, but I don't  
21 think you will. You say college kids. Like  
22 it or not, Catholic University and Trinity

1 University are part of your neighborhood.  
2 There's a good chance students will frequent  
3 day time coffee offerings of Brookland's  
4 Finest, but our price point is not going to  
5 encourage student drinking in the evenings.

6 MR. TOMELDEN: Correct.

7 CHAIRPERSON MILLER: Okay. Are  
8 most of these students at Catholic and  
9 Trinity under 21?

10 MR. TOMELDEN: Well, I would  
11 assume. It's a student body of about 2,200,  
12 which only means, I would guess, 500 are  
13 legal. It's not really a good business plan  
14 to go after those 500 people.

15 CHAIRPERSON MILLER: Okay. So  
16 you're right, the majority aren't going to  
17 drink beer anyway because they're underage.

18 MR. TOMELDEN: Those 500 I'm  
19 going to price out.

20 CHAIRPERSON MILLER: Okay. As  
21 far as the type of establishment you're  
22 going to be, I think I've heard you say

1       you're going to be basically a restaurant as  
2       opposed to a bar. Is that right or not  
3       right? How would you characterize it?

4               MR. TOMELDEN: I would have  
5       characterized it as a restaurant with a bar  
6       inside.

7               CHAIRPERSON MILLER: Okay.

8               MR. TOMELDEN: I like to eat at  
9       the bar instead of sitting down at the  
10      table, so that's a whim of mine that I'd  
11      like to satisfy there.

12              CHAIRPERSON MILLER: What was the  
13      use of the building before you purchased it?

14              MR. TOMELDEN: I believe was the  
15      most immediate use was a construction  
16      equipment storage, I believe, and then the  
17      other side was a church. And then prior to  
18      that I think it was a dry cleaners for a big  
19      chunk of time.

20              CHAIRPERSON MILLER: Okay. I  
21      don't have any other questions. Are there  
22      any other Board questions?

1 MEMBER JONES: Yes.

2 CHAIRPERSON MILLER: Mr. Jones?

3 MEMBER JONES: Thank you, Madam  
4 Chair.

5 How did you come to pick this  
6 location?

7 MR. TOMELDEN: The owner of the  
8 building is a neighbor of mine. I've been  
9 trying to get into that neighborhood for  
10 quite some time and he'd been trying to get  
11 a tenant, and we finally hooked up.

12 MEMBER JONES: Okay. So you're  
13 leasing or you're owning?

14 MR. TOMELDEN: It's a lease.

15 MEMBER JONES: A lease? Okay.  
16 What are the terms of the lease?

17 MR. TOMELDEN: I believe it's --

18 MEMBER JONES: Duration. Just  
19 tell me the duration.

20 MR. TOMELDEN: I believe it's two  
21 tens. Two ten-year chunks.

22 MEMBER JONES: Okay. So you have

1 a 10-year lease --

2 MR. TOMELDEN: I believe

3 that's --

4 MEMBER JONES: -- with a 10-year

5 option?

6 MR. TOMELDEN: Yes.

7 MEMBER JONES: Okay. What's your

8 role in the establishment in terms of the

9 overall business? What do you bring to the

10 table?

11 MR. TOMELDEN: Again, I'm in the

12 neighborhood. I'd like to be there as often

13 as possible, as often as my other place

14 allows me and as often as the manager lets

15 me get in the way.

16 MEMBER JONES: Okay. So you're

17 in the neighborhood, but I'll ask you the

18 same question I asked the other gentleman in

19 terms of you don't plan on being there as

20 the primary runner of the establishment --

21 MR. TOMELDEN: Again, we're going

22 to hire --

1                   MEMBER JONES:  -- on a day-to-day  
2           basis?

3                   MR. TOMELDEN:  I'm sorry.

4                   MEMBER JONES:  Correct?

5                   MR. TOMELDEN:  I'm sorry.  We're  
6           going to hire a full-time manager who we'd  
7           like to turn the reins over.  I'm only at my  
8           current establishment three nights a week.  
9           I could cut that back.  So I'm going to be  
10          there as often as need be.  And again, we're  
11          building a place that I want to go, so I'll  
12          be there around the corner around the  
13          everyday.

14                   MEMBER JONES:  Okay.  You own --  
15          You own -- you call it The Pug?

16                   MR. TOMELDEN:  Pardon?  Yes.

17                   MEMBER JONES:  The other  
18          establishment --

19                   MR. TOMELDEN:  I own The Pug.

20                   MEMBER JONES:  -- you own is  
21          called the what?

22                   MR. TOMELDEN:  I own The Pug at

1 1234 H.

2 MEMBER JONES: Okay. One second.

3 We good back here?

4 MEMBER ALBERTI: I'm sorry.

5 MEMBER JONES: Oh, okay. Cool.

6 MEMBER ALBERTI: I'm sorry.

7 MEMBER JONES: So you own this

8 other establishment?

9 MR. TOMELDEN: Yes.

10 MEMBER JONES: And you're there

11 three nights a week currently?

12 MR. TOMELDEN: Currently.

13 MEMBER JONES: Do you have any

14 other things that draw you away, any other

15 thing that might occupy your time?

16 MR. TOMELDEN: Those kids.

17 (Laughter.)

18 MEMBER JONES: The kids? Okay.

19 MR. TOMELDEN: Occasionally. I

20 get them to bed though.

21 MEMBER JONES: You're only

22 employment is right now currently with the

1 other establishment that you own?

2 MR. TOMELDEN: Correct.

3 MEMBER JONES: Okay. What would  
4 prevent you from being the full-time or  
5 more-time manager of this establishment?

6 MR. TOMELDEN: Again, we're  
7 trying to make the emphasis of the new place  
8 food and I have less experience with food  
9 than I would like to. So the intention is  
10 to hire a manager with more corporate  
11 experience in food. At The Pug I serve food  
12 off a George Foreman grill. So we're trying  
13 to go fancier than that.

14 (Laughter.)

15 MR. TOMELDEN: I'm not setting  
16 that as the bar, but that is -- so, but I  
17 have less experience in that than I'm  
18 comfortable with.

19 MEMBER JONES: Okay.

20 MR. TOMELDEN: You know,  
21 operationally I have less experience with  
22 servers. I don't even have servers at The

1 Pug.

2 MEMBER JONES: Okay. I'm not  
3 sure what exhibit number this is.

4 CHAIRPERSON MILLER: Five.

5 MEMBER JONES: Five?

6 CHAIRPERSON MILLER: Yes.

7 MEMBER JONES: So I'm looking at  
8 this document, Exhibit 5, I guess  
9 Applicant's Exhibit 5, and this was  
10 submitted while you were on the stand, so  
11 I'll ask you the question. What do you take  
12 from this document? Oh, actually I should  
13 say what is your hope that someone like  
14 myself would take from this document as  
15 presented?

16 MR. TOMELDEN: That there's a lot  
17 of support out there for us. My hope for  
18 the document is that those blue dots become  
19 red dots.

20 MEMBER JONES: Okay.

21 MR. TOMELDEN: I hope that you  
22 can see that there's a lot of support for us

1 as well.

2 MEMBER JONES: Understood. And  
3 you said you live just outside of --

4 MR. TOMELDEN: I believe --

5 MEMBER JONES: -- it's not  
6 depicted on here, but you live just outside  
7 of that 400 --

8 MR. TOMELDEN: I can show you. I  
9 live at that one right there.

10 MEMBER JONES: Right there?  
11 Okay. For the record he's pointing to the  
12 northwest corner just outside of the circle.

13 So in terms of where the blue  
14 dots are on this diagram what is your  
15 proximity to that neighborhood? Would you  
16 consider your house to be in that  
17 neighborhood where these blue dots are, or  
18 is your house removed from this neighborhood  
19 where these blue dots are?

20 MR. TOMELDEN: I consider myself  
21 part of that neighborhood.

22 MEMBER JONES: You consider

1       yourself part of that neighborhood? What do  
2       you understand to be the root cause, the  
3       root concerns of these blue dots? You said  
4       you're part of this neighborhood, so you're  
5       imbedded in this neighborhood, right?  
6       You're incorporated into this neighborhood.  
7       What are your shared concerns, i.e., as a  
8       member of this neighborhood?

9                   MR. TOMELDEN: As a member of the  
10       neighborhood I don't want a loud raucous  
11       bar.

12                   MEMBER JONES: Okay.

13                   MR. TOMELDEN: And I believe that  
14       they've been led to believe that that is  
15       what's coming in there. And that is not our  
16       intention.

17                   MEMBER JONES: And you as a  
18       member of this neighborhood have no  
19       intention of bringing a raucous bar to your  
20       neighborhood?

21                   MR. TOMELDEN: That is correct.

22                   MEMBER JONES: Is that what I'm

1 hearing?

2 MR. TOMELDEN: That's correct.

3 MEMBER JONES: Is that what I'm  
4 hearing from you?

5 MR. TOMELDEN: That is correct.

6 MEMBER JONES: As a member of  
7 this neighborhood, that's what I'm hearing  
8 from you, correct?

9 MR. TOMELDEN: As a member of the  
10 neighborhood I do not want that.

11 MEMBER JONES: Okay. Understood.  
12 Thank you, Madam Chair.

13 CHAIRPERSON MILLER: Okay. Other  
14 questions?

15 (No audible response.)

16 CHAIRPERSON MILLER: I just have  
17 a follow-up on that question and answer.  
18 And what can you say to the Board and the  
19 community to convince us that it won't be a  
20 loud raucous bar, or why should we consider  
21 that?

22 MR. TOMELDEN: Well again, my

1 intention is to turn those blue dots red.  
2 And my number is out there now, my email, my  
3 home address. And once I get the kids to  
4 bed, if I'm not working, I'd like to watch a  
5 TV show with my wife and not get a phone  
6 call that something's going wrong. And I  
7 will do whatever is in my power to make sure  
8 that that place is not, that this  
9 establishment is not a loungey, nightclubby,  
10 raucous --

11 CHAIRPERSON MILLER: What's the  
12 other establishment that you run?

13 MR. TOMELDEN: It's called The  
14 Pug, P-U-G.

15 CHAIRPERSON MILLER: Is that loud  
16 and raucous?

17 MR. TOMELDEN: Pardon me?

18 CHAIRPERSON MILLER: Is that loud  
19 and raucous?

20 (Laughter.)

21 MR. TOMELDEN: I can't even hear  
22 you because there's so --

1                   CHAIRPERSON MILLER:  Is it loud  
2                   and raucous?

3                   MR. TOMELDEN:  It is not.  Again,  
4                   I have neighbors that are directly behind us  
5                   and we have no complaints.  It's sometimes  
6                   called a dive, but --

7                   (Laughter.)

8                   MR. TOMELDEN:  -- I guess it's  
9                   because I'm not young and professional that  
10                  I don't really know if it's a dive or not.  
11                  But it's not raucous.

12                  CHAIRPERSON MILLER:  Okay.  Thank  
13                  you very much.

14                  All right.  Are there any other  
15                  Board questions?

16                  (No audible response.)

17                  CHAIRPERSON MILLER:  Are there  
18                  party questions based on the Board's  
19                  questions?

20                  MR. KLINE:  Yes, and based on the  
21                  cross.

22                  CHAIRPERSON MILLER:  Okay.  And

1 the cross? Okay.

2 MR. KLINE: Mr. Tomelden, you  
3 were asked about whether you had tried to  
4 reach out to the other protestants besides  
5 the group of 149 that you were worked with.  
6 Did you at all try to deal with Jeanna  
7 Cullinan, the leader of one of the protest  
8 groups in terms of what the concerns might  
9 be?

10 MR. TOMELDEN: Yes.

11 MR. KLINE: Did you have any  
12 reaction from her, any engagement with her  
13 on those issues?

14 MR. TOMELDEN: Twice she told us  
15 that she would get back to us and did not.

16 MR. KLINE: Okay. Is that an  
17 experience that you had with some other  
18 neighbors?

19 MR. TOMELDEN: She stands out,  
20 that she had mentioned on a LISTSERV that we  
21 were not in contact with anybody. And we  
22 reached out specifically to her after that

1 and she was too busy to respond back.

2 MR. KLINE: Okay. And the  
3 executive summary that's been referenced  
4 before, do you have in front of you, the  
5 business plan? Is that there?

6 MR. TOMELDEN: I do not.

7 MR. KLINE: I'll show it to you.  
8 In fact I think we'll mark it Applicant's 6.  
9 Is that what I'm up to?

10 CHAIRPERSON MILLER: What is it  
11 that you're --

12 MR. KLINE: The business plan  
13 that was proffered by the Protestants and  
14 discussed at length.

15 CHAIRPERSON MILLER: Okay. The  
16 Protestant's document that we discussed but  
17 didn't admit into evidence?

18 MR. KLINE: Yes, I don't think it  
19 was ever moved.

20 CHAIRPERSON MILLER: It wasn't,  
21 no. Okay. So this business plan for  
22 Brookland's Finest Bar & Kitchen. Okay. So

1       you want to adopt it as your exhibit?

2                   MR. KLINE:    Sure.  He's already  
3       identified it and since they haven't moved  
4       it, we'll mark it as Applicant's --

5                   MS. PARRISH:  Excuse me.  Can we  
6       move it if we want to so he can't use it?

7                   CHAIRPERSON MILLER:  No, you can  
8       use it.

9                   MS. PARRISH:  I mean so he can't  
10      use it.

11                   MR. DONALDSON:  He can use it.

12                   MS. PARRISH:  He can use it?

13                   CHAIRPERSON MILLER:  You both can  
14      use it.

15                   MS. PARRISH:  Okay.  All right.

16                   CHAIRPERSON MILLER:  No, but my  
17      question is --

18                   MR. KLINE:  We'll move it.

19                   CHAIRPERSON MILLER:  -- it can  
20      come in either way.

21                   MR. KLINE:  I'm hearing no  
22      objection.  They can move it and we won't

1 object. I don't care. We want it in  
2 evidence.

3 MS. PARRISH: Okay.

4 CHAIRPERSON MILLER: Okay. So  
5 let me make sure -- there's a cover page  
6 stapled to that business plan and I want to  
7 know whether that is -- you want to make  
8 that part of your exhibit.

9 MR. KLINE: I don't know.

10 CHAIRPERSON MILLER: Okay.

11 MR. KLINE: Can you identified  
12 the document I just handed you?

13 MR. TOMELDEN: Yes.

14 MR. KLINE: What is it?

15 MR. TOMELDEN: It's a business  
16 plan we wrote up to --

17 MR. KLINE: And there's a cover  
18 note there?

19 MR. TOMELDEN: There's a cover  
20 note to Ms. Steptoe.

21 MR. KLINE: And one of your group  
22 prepared that?

1 MR. TOMELDEN: The cover not?

2 MR. KLINE: Yes.

3 MR. TOMELDEN: Yes, that's my  
4 sloppy handwriting.

5 MR. KLINE: That's your sloppy  
6 handwriting? So we would move the document  
7 in toto.

8 CHAIRPERSON MILLER: Okay. And  
9 that is the exact document that you wanted  
10 to get into evidence. And it doesn't matter  
11 whose it is. So since it's the Applicant's  
12 witness, you have no objection, correct?

13 MS. PARRISH: (No audible  
14 response.)

15 CHAIRPERSON MILLER: Okay. So  
16 this is -- what number are we up to, 6?

17 MR. KLINE: No. 6, yes.

18 CHAIRPERSON MILLER: Okay.

19 MR. KLINE: Now --

20 CHAIRPERSON MILLER: So it's  
21 admitted, okay, as Applicant's No. 6. All  
22 right.

1 MR. KLINE: All right. Now do  
2 you know the section that was being  
3 discussed earlier when you were being  
4 questioned about marketing to young  
5 professionals and others with no children?  
6 Do you know where that is? Can you find it  
7 there?

8 MR. TOMELDEN: You know, again  
9 it's so long --

10 CHAIRPERSON MILLER: Can you  
11 speak up?

12 MR. TOMELDEN: Yes, I found it.

13 CHAIRPERSON MILLER: Okay.

14 MR. KLINE: Okay. Now do you see  
15 that language there in front of you?

16 MR. TOMELDEN: I do.

17 MR. KLINE: Does that relate to  
18 who you're going to market to?

19 MR. TOMELDEN: No.

20 MR. KLINE: What does it relate  
21 to?

22 MR. TOMELDEN: It relates the

1 incoming crowd that's going to be across the  
2 tracks. Again, that's not our core. To me  
3 our core is the closer neighbors.

4 MR. KLINE: Okay. So when it  
5 says the target market for these units is  
6 young professionals and others with no  
7 children, that's not your target market, is  
8 it?

9 MR. TOMELDEN: No. Correct.  
10 That is the target of the new units.

11 MR. KLINE: Okay.

12 CHAIRPERSON MILLER: Can you  
13 identify where that is in the document?

14 MR. KLINE: Can you identify it?  
15 I only have the page because I gave you my  
16 other copy.

17 MR. TOMELDEN: It's on the --  
18 counting the cover letter, it's one, two,  
19 three -- the fourth page. It's actually  
20 underlined, I believe. But the entire  
21 sentence says, "The overwhelming majority of  
22 these residential development units either

1       underway or newly completed are being  
2       marketed to young professionals."

3                   MR. KLINE:   Okay.  Is that just  
4       sort of a description of what's going on in  
5       the neighborhood?

6                   MR. TOMELDEN:  That is a  
7       description of the project being worked on  
8       now in the neighborhood.

9                   MR. KLINE:  All right.  So just  
10      so we're clear, who's your target market?

11                   MR. TOMELDEN:  My target market  
12      is the neighborhood that has families that  
13      lives close by that wants to have a third  
14      place.

15                   MR. KLINE:  All right.  Great.  
16      Thank you.  I don't have any further  
17      questions of the witness.

18                   CHAIRPERSON MILLER:  Okay.

19                   MS. PARRISH:  I do.  I can see on  
20      the business report of the page that you  
21      have -- just one minute -- before you get to  
22      that, that you have the number circled of

1 each number of units in each development.

2 If that isn't your target market, why does  
3 it matter? Why is it even in your business  
4 plan?

5 MR. TOMELDEN: Because that's a  
6 part of the neighborhood.

7 MS. PARRISH: But why is it in  
8 your business plan if that's not your target  
9 market? The neighborhood people are --

10 CHAIRPERSON MILLER: Okay. That  
11 was asked and answered.

12 MS. PARRISH: Oh, yes.

13 CHAIRPERSON MILLER: Okay? All  
14 right.

15 MS. PARRISH: I was -- never  
16 mind.

17 CHAIRPERSON MILLER: Okay. Did  
18 you go yet?

19 MS. DONALDSON: No. Here it  
20 says, "This market is one of the more  
21 significant and important markets we will be  
22 catering to." Is that true?

1 MR. TOMELDEN: Where are we now?

2 MS. DONALDSON: A little bit  
3 further down under "the majority of these  
4 units will be" --

5 MR. TOMELDEN: "This current  
6 demographic is moving into a neighborhood  
7 identified by single-family homes?"

8 MS. DONALDSON: Yes.

9 MR. TOMELDEN: That one? Yes.

10 MS. DONALDSON: Then come all the  
11 way down where it says, "This market is one  
12 of the more significant and important  
13 markets we will be catering to." Is that  
14 true?

15 MR. TOMELDEN: Where it says,  
16 "The first being the growing underserved  
17 residents of the community?" I can't find  
18 what you're saying.

19 MS. DONALDSON: Oh, okay. The  
20 second paragraph, and it's like --

21 MR. TOMELDEN: "The largest  
22 market for your business is broken out into

1 two major categories, the first being the  
2 growing and currently underserved residents  
3 of the community itself." That?

4 MS. DONALDSON: No.

5 MS. PARRISH: No.

6 MS. DONALDSON: It's the second  
7 paragraph, and it's like the second sentence  
8 from the bottom. Do you see where it says  
9 "young professionals, either single or  
10 married, without kids?"

11 MR. TOMELDEN: No.

12 MS. DONALDSON: You see that?  
13 Okay. So it's right above that. "This  
14 market is one of the more significant and  
15 important markets we will be catering to."

16 MR. TOMELDEN: Seriously I cannot  
17 find it. Hold --

18 CHAIRPERSON MILLER: I'm not  
19 finding it in here at all.

20 MR. TOMELDEN: Come here,  
21 Sharona.

22 MS. DONALDSON: Okay.

1 MR. KLINE: I'll meet you half  
2 way.

3 (Laughter.)

4 MR. TOMELDEN: I'll meet you half  
5 way.

6 CHAIRPERSON MILLER: Where is  
7 this page that she's reading from?

8 MR. TOMELDEN: Yes.

9 CHAIRPERSON MILLER: Did you find  
10 it? Do you have this?

11 MS. DONALDSON: Is that true?

12 MR. TOMELDEN: Again, no. We  
13 will be going towards the residents.

14 MS. DONALDSON: Okay. So why did  
15 you put this in your business plan?

16 MR. KLINE: Objection. Asked and  
17 answered.

18 CHAIRPERSON MILLER: It's saying  
19 it's going to be a neighborhood --

20 MS. DONALDSON: No, I said why  
21 did he put it in his business plan? That's  
22 a question.

1 MR. KLINE: And it's been asked  
2 twice before.

3 CHAIRPERSON MILLER: I think he  
4 has asked and answered.

5 MS. DONALDSON: What was the  
6 answer? I don't know what the answer is.

7 MR. TOMELDEN: That is not our  
8 primary target.

9 MS. DONALDSON: Oh, this is a  
10 lie?

11 MR. KLINE: Objection.  
12 Argumentative.

13 CHAIRPERSON MILLER: Sustained.  
14 Sustained. You're finished?

15 MS. DONALDSON: Yes.

16 CHAIRPERSON MILLER: Okay. I  
17 just have a question for the record, and  
18 maybe it's just because, you know, it's  
19 getting late, but I have up here the  
20 excerpt, that page that you were reading  
21 from, but I'm having difficulty finding what  
22 page this is in the business plan that it's

1 supposed to be a part of.

2 MS. PARRISH: It is on the other  
3 side of this page labeled, "Regional and  
4 Neighborhood Information." It's n the back  
5 of that.

6 CHAIRPERSON MILLER: Okay.  
7 "Regional and Neighborhood Information?" On  
8 the back side of that I have "Products and  
9 Services."

10 MS. PARRISH: No, that's not  
11 right.

12 MR. KLINE: My clock is not  
13 running, is it?

14 (Laughter.)

15 MS. DONALDSON: Whose clock is  
16 running?

17 CHAIRPERSON MILLER: No. I don't  
18 know if Mr. Jones -- no.

19 MEMBER ALBERTI: I have no idea  
20 whose clock is running.

21 MS. PARRISH: So you just need  
22 one more of these because you don't see it?

1                   CHAIRPERSON MILLER: I don't have  
2                   it in my -- do you have it in your copy, Mr.  
3                   Kline?

4                   MR. KLINE: I gave my copy to the  
5                   witness.

6                   CHAIRPERSON MILLER: You gave  
7                   your copy away? Okay.

8                   MR. KLINE: To the witness, yes.

9                   CHAIRPERSON MILLER: Okay.

10                  MR. KLINE: So he could identify  
11                  it. So that's the only one I know.

12                  CHAIRPERSON MILLER: All right.  
13                  So that was admitted into the record. I  
14                  just want to make sure we have a complete  
15                  copy in the record.

16                  MR. KLINE: I want to make sure  
17                  we have the same one, too.

18                  MS. PARRISH: Yes.

19                  CHAIRPERSON MILLER: Exactly.

20                  MS. PARRISH: Okay. Well, they  
21                  can take that one out and put this one in.

22                  MR. KLINE: I haven't seen that

1 one. I've only seen the one that I've  
2 tendered to the witness. So that's the one  
3 we moved. That's the one we'll put in.

4 MS. PARRISH: Well, here. Do you  
5 want this one? I can give you a copy of  
6 this.

7 MR. KLINE: No, he hasn't  
8 identified that one.

9 CHAIRPERSON MILLER: Okay. All  
10 right. Let's move on then. I just wanted  
11 to make sure we had the right copy for the  
12 record. So I think that completes the  
13 testimony of this witness. Thank you very  
14 much.

15 MR. KLINE: And I would ask my  
16 time keeper, if I may, where I am on time.

17 CHAIRPERSON MILLER: Mr. Jones?

18 MEMBER JONES: Licensee has 41  
19 minutes. Or Applicant, I should say has 41  
20 minutes remaining.

21 MR. KLINE: Okay. Great.  
22 Thanks.

1                   MEMBER JONES: Protestants have  
2                   53 minutes remaining.

3                   MR. KLINE: Great. Call to the  
4                   stand Adam Healy, if he's still here.

5                   CHAIRPERSON MILLER: Okay. Do  
6                   you swear to tell the truth, the whole  
7                   truth, nothing but the truth?

8                   MR. HEALY: I do.

9                   CHAIRPERSON MILLER: Okay.

10                  MR. KLINE: State your name for  
11                  the record, please?

12                  MR. HEALY: Adam Healy, H-E-A-L-  
13                  Y.

14                  MR. KLINE: Good evening, Mr.  
15                  Healy. Where do you live?

16                  MR. HEALY: I live in the 800  
17                  block of 11th Street, N.E. near the  
18                  intersection of H and 11th, N.E.

19                  MR. KLINE: So that's not  
20                  anywhere near this Applicant's premises, is  
21                  it?

22                  MR. HEALY: It's not.

1 MR. KLINE: Is it close to  
2 another establishment that we've discussed  
3 tonight?

4 MR. HEALY: It is. It's about a  
5 block-and-a-half to two blocks to The Pug.

6 MR. KLINE: To The Pug?

7 MR. HEALY: Yes.

8 MR. KLINE: And we've heard a lot  
9 of talk about The Pug tonight, correct?

10 MR. HEALY: Yes.

11 MR. KLINE: You previously served  
12 as an ANC commissioner?

13 MR. HEALY: That's correct.

14 MR. KLINE: All right. And what  
15 ANC was that?

16 MR. HEALY: That was ANC 6A.

17 MR. KLINE: And how long were you  
18 a commissioner?

19 MR. HEALY: For two years.

20 MR. KLINE: And during that  
21 period did you chair any particular  
22 committee?

1                   MR. HEALY: I did. I chaired the  
2                   commission's Alcoholic Beverage Licenses  
3                   Committee, which dealt with new licenses,  
4                   renewals, complaints about alcohol licenses.

5                   MR. KLINE: In that role did that  
6                   cause you to have occasion to know about the  
7                   various establishments in the neighborhood?

8                   MR. HEALY: Yes, probably too  
9                   much.

10                  MR. KLINE: Too much? And their  
11                  track record for either disturbing the  
12                  neighborhood or being good neighbors?

13                  MR. HEALY: Yes.

14                  MR. KLINE: During that period  
15                  did you have interaction with The Pug that  
16                  seems to be pretty close to your house?

17                  MR. HEALY: Yes.

18                  MR. KLINE: Do you have an  
19                  impression as to how that establishment was  
20                  run, or is run?

21                  MR. HEALY: When I was a  
22                  commissioner and I think still today it was

1 a very well run establishment. When I was  
2 on the commission no serious offenses or  
3 complaints came to my knowledge. And I also  
4 was the single member district  
5 representative where The Pug is located and  
6 also very near residences across an alley  
7 and never received any significant  
8 complaints.

9 MR. KLINE: So you're saying The  
10 Pug is in such proximity to residents it's  
11 across an alley?

12 MR. HEALY: A very narrow alley,  
13 yes.

14 MR. KLINE: Okay. And you didn't  
15 hear any complaints from those residences?

16 MR. HEALY: I did not about The  
17 Pug.

18 MR. KLINE: And you know the  
19 owner?

20 MR. HEALY: Yes.

21 MR. KLINE: Had occasion to  
22 interact with him?

1 MR. HEALY: Yes.

2 MR. KLINE: And you were in there  
3 on a social basis as well?

4 MR. HEALY: Occasionally, yes.

5 MR. KLINE: And what kind of  
6 place is it?

7 MR. HEALY: I guess like Tony  
8 said, a dive bar, but a very neighborhood-  
9 focused. You ran into a lot of your  
10 neighbors. You know, it's kind of like a  
11 Cheers of H Street. You pretty much knew  
12 everybody that was in there.

13 MR. KLINE: All right. So would  
14 it surprise you to hear that he hopes to  
15 open a similar operation in his  
16 neighborhood?

17 MR. HEALY: Oh, not at all. I  
18 mean he loves the District. He loves his  
19 neighborhood. And I think he wants a solid  
20 place that he can take his family and be  
21 proud of and that represents his  
22 neighborhood.

1 MR. KLINE: All right. Are you  
2 also familiar with Mr. Hankins?

3 MR. HEALY: I am, yes.

4 MR. KLINE: And how are you  
5 familiar with him?

6 MR. HEALY: Frequenting his  
7 former establishment SOVA, which also had a  
8 liquor license as well.

9 MR. KLINE: And was that in your  
10 ANC?

11 MR. HEALY: It was in ANC 6A, but  
12 it was not in my single member district.

13 MR. KLINE: Okay. But as a  
14 commissioner and as the chairperson of the  
15 Alcoholic Beverage Licensing Committee that  
16 also would have been an establishment that  
17 would have come to your attention, correct?

18 MR. HEALY: That's correct.

19 MR. KLINE: Were there any  
20 problems with that establishment?

21 MR. HEALY: I don't recall any  
22 significant problems with SOVA either.

1 MR. KLINE: And you were in there  
2 on a social basis, a non-professional basis?

3 MR. HEALY: Yes.

4 MR. KLINE: And what was your  
5 impression of that establishment?

6 MR. HEALY: Again a very well run  
7 establishment. A lot of people that would,  
8 you know, go there for coffee or a glass of  
9 wine after work, to study or, you know,  
10 community meetings. But again it was also  
11 very community-oriented. It was very common  
12 to run into neighbors and people that you  
13 knew in the neighborhood that were there  
14 socializing, having meetings, that type of  
15 thing.

16 MR. KLINE: Given your knowledge  
17 of Mr. Tomelden's other establishment and  
18 Mr. Hankins' previous establishment is there  
19 anything that would give you discomfort  
20 about them opening an establishment in your  
21 neighborhood perhaps directly across the  
22 street?

1                   MR. HEALY: Absolutely not. I  
2 mean if you're going to live across the  
3 street from a bar or a restaurant, this is  
4 the bar or restaurant to live across the  
5 street from. These are the type of owners  
6 that you want. They're very responsive.  
7 They engage the community. And I firmly  
8 believe any issues that would arise, they  
9 would deal with them promptly.

10                   MR. KLINE: Great. Thank you. I  
11 don't have any further questions.

12                   CHAIRPERSON MILLER: Okay.  
13 Cross-examination?

14                   MS. PARRISH: Yes, I just have  
15 one question. Do you know about any ABRA  
16 violations or OHR complaints about The Pug?

17                   MR. HEALY: There could be more  
18 because the Board doesn't necessarily notify  
19 ANCs of every infraction. The only thing I  
20 can recall is -- I think it was a service  
21 after hours I think maybe on Daylight  
22 Savings --

1 MS. PARRISH: Okay.

2 MR. HEALY: -- time or something  
3 like that.

4 MS. PARRISH: Okay.

5 MR. HEALY: And OHR, I think  
6 there was some issue with OHR related to a  
7 name of a drink or something like that. But  
8 OHR doesn't necessarily notify ANCs of their  
9 actions.

10 MS. PARRISH: Okay. Thank you.  
11 I just want to put this into evidence for  
12 the --

13 CHAIRPERSON MILLER: Okay.  
14 You're going to have a chance to put into  
15 evidence when it's your case. When the  
16 Applicant's done, you're going to have to  
17 present your case.

18 MS. PARRISH: Okay.

19 CHAIRPERSON MILLER: But if  
20 there's something you need to ask him about,  
21 that's something else.

22 MS. PARRISH: That's it.

1 CHAIRPERSON MILLER: Okay. All  
2 right. Do you have any questions?

3 MS. PARRISH: No, just the one I  
4 asked.

5 CHAIRPERSON MILLER: Okay. All  
6 right. No other Protestant questions?

7 (No audible response.)

8 CHAIRPERSON MILLER: Any Board  
9 questions?

10 (No audible response.)

11 CHAIRPERSON MILLER: Okay.  
12 Thank you very much.

13 MR. KLINE: Call to the stand Tom  
14 Bridge. Is he still here?

15 CHAIRPERSON MILLER: Good  
16 evening. Do you swear to tell the truth,  
17 the whole truth, nothing but the truth?

18 MR. BRIDGE: So help me God.

19 CHAIRPERSON MILLER: Okay. Thank  
20 you.

21 MR. KLINE: State your name and  
22 address for the record, please.

1                   MR. BRIDGE: My name is Thomas  
2 Bridge. I live at 1621 Monroe Street, N.E.  
3 in Brookland.

4                   MR. KLINE: All right. And how  
5 close is that to the subject premises?

6                   MR. BRIDGE: Let's see, four  
7 blocks over to 12th Street, two blocks --  
8 three blocks south to Jackson Street, so  
9 seven blocks away.

10                  MR. KLINE: Are you particularly  
11 involved in your community?

12                  MR. BRIDGE: I try to be.  
13 Sometimes I succeed better than others.

14                  MR. KLINE: And are you involved  
15 in any civic or citizens organizations?

16                  MR. BRIDGE: Yes, I'm the current  
17 sitting president of the Brookland  
18 Neighborhood Civic Association.

19                  MR. KLINE: And how long have you  
20 been in that position?

21                  MR. BRIDGE: Since January of  
22 this year.

1                   MR. KLINE:   And what are the  
2                   boundaries if you know offhand of the  
3                   association?

4                   MR. BRIDGE:   The boundaries of  
5                   the Brookland Neighborhood Civic Association  
6                   are on the southern edge Rhode Island  
7                   Avenue, the corner there at 10th Street,  
8                   north along 10th Street along the Metro  
9                   tracks to Michigan Avenue, Michigan Avenue  
10                  where it cuts over just there by Catholic  
11                  and by Turkey Thicket.  It comes across east  
12                  -- the farthest north, I believe is Taylor  
13                  Street, and runs to South Dakota Avenue,  
14                  South Dakota Avenue to 18th Street, 18th  
15                  Street south to Rhode Island Avenue and  
16                  then, you know, it cuts in.

17                  MR. KLINE:   All right.  I'm not  
18                  sure I followed all of that, but do most of  
19                  the people --

20                  MR. BRIDGE:   It's a sizeable  
21                  section of what is traditionally considered  
22                  Brookland.

1 MR. KLINE: All right. You  
2 recognize a lot of the people in the room  
3 tonight?

4 MR. BRIDGE: I recognize many of  
5 my neighbors, yes.

6 MR. KLINE: Okay. And the areas  
7 that we've talked about tonight are covered  
8 by the boundaries of your association?

9 MR. BRIDGE: Yes, I would  
10 consider this to be in the heart of the BNCA  
11 territory.

12 MR. KLINE: All right. And  
13 you've been involved in this license  
14 application and concerns about this license?

15 MR. BRIDGE: Yes, when we first  
16 heard about the license, our organization,  
17 we understood that there were going to be  
18 some SMD meetings and ANC meetings as is  
19 their traditional role, but we also wanted  
20 to talk with the owners directly, especially  
21 after a meeting that didn't go so well with  
22 the commissioner.

1                   So what we really wanted to do  
2 was to try and talk with them about what  
3 their concerns are, what the concerns of the  
4 neighbors are and how they intend to address  
5 the four primary concerns of noise, parking,  
6 trash and hours.

7                   MR. KLINE: All right. And did  
8 you do that?

9                   MR. BRIDGE: We did that. On two  
10 separate occasions we had the three  
11 gentlemen that are sitting at your table  
12 with you at meetings, publicly-announced  
13 meetings, well-noticed meetings. And at the  
14 second of those meetings it was voted on  
15 unanimously that the Brookland Neighborhood  
16 Civic Association would support the  
17 application before this body.

18                  MR. KLINE: All right. And are  
19 you here tonight to support that  
20 application?

21                  MR. BRIDGE: Absolutely and  
22 without reservation.

1 MR. KLINE: And why is that?

2 MR. BRIDGE: Because we believe  
3 that they are the kind of business owners  
4 that Brookland should have. They take care  
5 of their properties. If you've ever been to  
6 Solly's, if you've ever been in The Pug, if  
7 you were ever in SOVA when it was open, you  
8 knew that that was a business that was going  
9 to be well-lit, well-run and not the sort of  
10 establishment that's attracting trouble. A

11 And especially when you consider  
12 the space in which they're taking over, that  
13 is a space that was not inhabited. That was  
14 a space that was in significant disrepair  
15 and was in search of a tenant. And what we  
16 wanted to see, what Brookland resident --  
17 what we heard from our members was we want  
18 to see businesses that come from our  
19 community. And Mr. Tomelden lives on Kearny  
20 Street in the heart of Brookland, has a long  
21 family relationship with the neighborhood of  
22 Brookland. And we feel that he is a good

1       steward of the ABRA license that he  
2       currently carries and that we believe he  
3       would be a good steward in our community for  
4       another such license on 12th Street.

5               MR. KLINE: Now you said that you  
6       went two meetings, correct?

7               MR. BRIDGE: Correct. Those were  
8       the meetings in -- I believe it was June and  
9       July? May and June?

10              MR. KLINE: All right.

11              MR. BRIDGE: May and June.

12              MR. KLINE: And residents  
13       attended those meetings --

14              MR. BRIDGE: Correct.

15              MR. KLINE: -- and participated  
16       in the discussion?

17              MR. BRIDGE: Correct. We have  
18       approximately 110 members in the Brookland  
19       Neighborhood Civic Association. We had a  
20       banner turnout for our May meeting. We had  
21       approximately 50 residents, which is about  
22       half the membership of the BNCA. And then

1 we had approximately 35 at the following  
2 meeting.

3 MR. KLINE: Okay. And you  
4 alluded to a meeting that didn't go so well.

5 MR. BRIDGE: Yes.

6 MR. KLINE: What was that in  
7 reference to?

8 MR. BRIDGE: That was in  
9 reference to the SMD meeting we held at the  
10 ANC 5B Demountable on Irving Street that was  
11 hosted by Commissioner Carolyn Steptoe.

12 MR. KLINE: And why didn't that  
13 go so well?

14 MR. BRIDGE: A number of factors.  
15 I would say that the meeting was not run  
16 very well. I would say that the  
17 expectations of the community were not  
18 clearly identified by the person holding the  
19 meeting in terms of what the agenda was. I  
20 would say that the agenda of the meeting  
21 that was published was not honored and was  
22 treated capriciously in such a manner as to

1       upset the citizenry.

2                   I would also say that  
3       unfortunately Commissioner Steptoe at one  
4       point had a very casual relationship with  
5       the truth with regard to another project  
6       that happened in Brookland. And at that  
7       time I corrected her and was ejected from  
8       the meeting.

9                   MR. KLINE:   Okay.  So you were  
10       asked to leave the meeting?

11                  MR. BRIDGE:  Yes, I was.

12                  MR. KLINE:  All right.  Now you  
13       mentioned that at your meeting residents  
14       were given an opportunity to voice their  
15       concerns and I presume ask questions about  
16       the establishment?

17                  MR. BRIDGE:  Certainly.  And we  
18       gave people free reign, as much time as they  
19       needed.  And we had several questions  
20       concerning the hours of operation,  
21       concerning the construction of the space,  
22       concerning the trash policies, concerning

1 vermin abatement, concerning other policies  
2 that have been on display and discussion  
3 this evening.

4 MR. KLINE: Did that same  
5 discussion occur at the meeting that went  
6 bad that you referred to?

7 MR. BRIDGE: While I was the  
8 meeting? No. I can't attest to what  
9 happened after I was asked to leave.

10 MR. KLINE: And from your  
11 observation why didn't it happen?

12 MR. BRIDGE: I believe that was  
13 at the point in which the lost focus and  
14 that was at the point at which residents  
15 stopped being heard and they weren't allowed  
16 to ask questions.

17 MR. KLINE: Okay. Thank you.  
18 That's all I have of the witness at this  
19 time.

20 CHAIRPERSON MILLER: Cross-  
21 examine?

22 MS. DONALDSON: To your

1       recollection any of the 55 Protestants to  
2       this application, this liquor license  
3       application --

4                   MR. BRIDGE:   Yes.

5                   MS. DONALDSON:  -- did they  
6       attend your meeting?

7                   MR. BRIDGE:  I believe there were  
8       35 that were listed on the document, if  
9       that's correct.

10                   MS. DONALDSON:  Well, out of the  
11       35 --

12                   MR. BRIDGE:  Out of the -- To the  
13       best of my knowledge, I do not know.

14                   MS. DONALDSON:  Okay.  That's all  
15       I have.

16                   MR. BRIDGE:  They were certainly  
17       welcome.  The BNCA is a very welcoming  
18       organization.  You do not have to be a  
19       member to attend.  We make that very clear  
20       in our notices.

21                   MS. DONALDSON:  Thank you.

22                   CHAIRPERSON MILLER:  Okay.  Any

1 other questions?

2 (No audible response.)

3 CHAIRPERSON MILLER: All right.

4 From neither Protestant. Okay. Board

5 questions? Mr. Jones?

6 MEMBER JONES: Sir, just trying

7 to get a feel, how would you describe the

8 makeup or the nature or the dynamic of this

9 neighborhood?

10 MR. BRIDGE: I would say that

11 Brookland is about as vibrant a community as

12 you'll see in D.C. in terms of its

13 diversity, both ethnically and socio-

14 economically. I would say that Brookland is

15 a crossroads of D.C. It is a very excellent

16 sampling of this city's diversity and wealth

17 of experience.

18 MEMBER JONES: Do you feel like

19 there's a contentious environment?

20 MR. BRIDGE: I feel like at times

21 the environment can get contentious, yes. I

22 don't believe that the contention is at the

1 core of the struggle. I really think that  
2 we have a group of residents who really want  
3 deep in their hearts what is best for the  
4 community. And they want to go out and they  
5 want to talk about that out and they want to  
6 feel like they're being fairly heard. And  
7 at times I feel that certain powers that be  
8 don't have an ear for that and don't like  
9 questions, and that can lead to discussions  
10 and bad meetings.

11 MEMBER JONES: Okay. What's your  
12 take your organization's take -- are you  
13 here speaking on behalf of yourself or the  
14 organization that you represent?

15 MR. BRIDGE: I like to be very  
16 careful what I say, what I speak about  
17 because the BNCA did not vet my testimony.  
18 I'm here as the president of the Brookland  
19 Neighborhood Civic Association. I may speak  
20 upon their behalf, but I would certainly be  
21 loathe to speak for every member of the  
22 organization.

1                   MEMBER JONES: Okay. So let me  
2 know how you're asking this question:

3                   MR. BRIDGE: Sure.

4                   MEMBER JONES: What persona  
5 you're portraying at this point.

6                   MR. BRIDGE: I will answer before  
7 I speak.

8                   MEMBER JONES: Why are you so  
9 comfortable with the 8:00 sale of alcohol,  
10 8:00 a.m. sale of alcohol?

11                   MR. BRIDGE: Because I don't  
12 believe it's going to be a substantial part  
13 of their license. In talking to these guys,  
14 this is not a place where you're going to go  
15 get day drunk at 8:00 a.m. because that's  
16 not the kind of establishment that they're  
17 intending to run. And the more I talked  
18 with them, that's not something that they'd  
19 be comfortable with their children in at  
20 8:00 a.m. when they're having coffee is a  
21 bunch of people getting housed watching the  
22 football. Having a beer or occasionally a

1 coffee beverage or a mimosa on a Sunday  
2 morning, yes, but I don't think that we're  
3 going to see the kind of habitual alcohol  
4 use that I think that some people fear.

5 I certainly understand where that  
6 fears comes from. There is in part of my  
7 family, you know, a history of alcoholism on  
8 my father's side and I know I've seen that  
9 in relatives. I don't see that with this  
10 crowd.

11 MEMBER JONES: What have they  
12 conveyed to you as mechanisms that they're  
13 going to use prevent such activities from  
14 occurring in their establishment, whether  
15 it's at 8:00 a.m., 5:00 p.m. or 12:00 a.m.?

16 MR. BRIDGE: Right. And I think  
17 that, you know, both John and Tony mentioned  
18 the TIPS and TAMS program which they train  
19 their bartenders in. I know it's something  
20 that they do because they want to make sure  
21 that they're within their license rights and  
22 their obligations to make sure that they're

1 not serving intoxicated persons and that  
2 they're not creating a hazard in the middle  
3 of the afternoon.

4 MEMBER JONES: Okay. You said  
5 you've been to The Pug?

6 MR. BRIDGE: Yes, I've been in  
7 The Pug and Solly's both.

8 MEMBER JONES: In both? And  
9 you've also went to -- I think it's SOVA --

10 MR. BRIDGE: SOVA.

11 MEMBER JONES: -- before when it  
12 was open?

13 MR. BRIDGE: Correct.

14 MEMBER JONES: Have you ever come  
15 to encounter anyone that you felt was  
16 inebriated or overly under the influence or  
17 alcohol?

18 MR. BRIDGE: Overly under the  
19 influence of alcohol, no.

20 MEMBER JONES: No?

21 MR. BRIDGE: Definitely not.

22 MEMBER JONES: Okay. Thank you.

1 Thank you, Madam Chair.

2 CHAIRPERSON MILLER: Others?

3 (No audible response.)

4 CHAIRPERSON MILLER: Sir, I just  
5 want to clarify. You haven't been  
6 specifically authorized to speak on behalf  
7 of Brookland Neighborhood Civic Association,  
8 have you?

9 MR. BRIDGE: I have been  
10 authorized to speak at this hearing on  
11 behalf of the BNCA. That was agreed to in a  
12 resolution before our general body in June.  
13 That resolution was unanimous.

14 CHAIRPERSON MILLER: Did you  
15 submit it into the record?

16 MR. BRIDGE: It was submitted by  
17 email this morning to Ms. Fashbaugh.

18 CHAIRPERSON MILLER: To Ms.  
19 Fashbaugh?

20 MR. BRIDGE: Yes. It came from  
21 brooklandcivic@yahoo.com.

22 CHAIRPERSON MILLER: And did you

1       serve Mr. -- oh, you are Mr. Kline. Did you  
2       serve the Protestants with it?

3                   MR. BRIDGE: I'm afraid I did  
4       not. My apologies.

5                   CHAIRPERSON MILLER: Okay. And  
6       was there a vote?

7                   MR. BRIDGE: Yes, the vote was  
8       unanimous. It was 33-0, if memory serves  
9       me. We had one abstention.

10                  CHAIRPERSON MILLER: All right.  
11       Any other questions? Mr. Alberti?

12                  MEMBER ALBERTI: Yes. Sir, I'm  
13       just a little curious. You seem to know the  
14       neighborhood pretty well. We've heard from  
15       the owners -- well, it's been pointed out to  
16       us from the owners that there's an espresso  
17       machine and there's been talk about this  
18       serving coffee in the morning.

19                               (Off mic comment.)

20                  MEMBER ALBERTI: The owners  
21       pointed out there's an espresso machine and  
22       they've touted the fact that they're going

1 to be serving coffee in the morning. Coffee  
2 bars don't work everywhere.

3 MR. BRIDGE: Yes.

4 MEMBER ALBERTI: What's your  
5 assessment of how successful that end of the  
6 business will be --

7 MR. BRIDGE: Sure.

8 MEMBER ALBERTI: -- and why in  
9 this neighborhood?

10 MR. BRIDGE: Sure. So my day  
11 job, in addition to being in the Brookland  
12 Neighborhood Civic Association, I run a  
13 small technology business. I don't have an  
14 office. I tend to work out of coffee shops.  
15 So I know a little thing about coffee shops.

16 I've been to probably half of the  
17 ones that say they're primarily espresso  
18 places here in the District. I've spent a  
19 lot of time at Peregrine Espresso on the  
20 Hill. Spent a lot of time at the Blind Dog  
21 Caf, over in Shaw, a lot of time -- you  
22 know, occasionally every now and again at

1 Baked & Wired in Georgetown.

2 We're dying for a real coffee  
3 place in Brookland. I love that Askale is  
4 now open. They are wonderful and I am glad  
5 that they're there. We could use some  
6 additional coffee that is more focused on  
7 the Central American and South American as  
8 opposed to the Ethiopian and the Arabica.

9 So I do feel that there's plenty  
10 of room for competing establishments in  
11 Brookland. Coffee is not something that we  
12 have a lot of. Your options are pretty much  
13 the 7-Eleven over at 20th Street, which is  
14 20th Street and Rhode Island. You can also  
15 get coffee at Murry & Paul's, which is open  
16 first thing in the morning. I would not  
17 consider that to be the best cup of coffee  
18 I've had in D.C., although I won't knock it.  
19 I certainly think that there's absolutely  
20 room for a program like Frank Hankins'  
21 program at SOVA in Brookland, and I'd be  
22 there probably a lot.

1                   MEMBER ALBERTI: This other  
2                   establishment, coffee shop that you  
3                   mentioned, what was the name of it and where  
4                   is it?

5                   MR. BRIDGE: Askale?

6                   MEMBER ALBERTI: Askale?

7                   MR. BRIDGE: Caf, Askale.

8                   MEMBER ALBERTI: Spell it?

9                   MR. BRIDGE: A-S-K-A-L-E.

10                  MEMBER ALBERTI: And where is it?

11                  MR. BRIDGE: They're located at  
12                  the corner of 12th and Newton Street -- no,  
13                  12th and Otis Street. Yes, 12th and Otis  
14                  Street.

15                  MEMBER ALBERTI: So that  
16                  approximately four blocks north of here?

17                  MR. BRIDGE: It's five, give or  
18                  take. And it's up over a big hill. So the  
19                  spine of Brookland is kind of the Monroe  
20                  Street axis and the 12th Street axis.

21                  MEMBER ALBERTI: That's very  
22                  close to Michigan Avenue?

1 MR. BRIDGE: Correct.

2 MEMBER ALBERTI: All right.

3 MR. BRIDGE: And I would say that  
4 if you've got to make the decision am I  
5 going to walk uphill or downhill for coffee,  
6 I'm going to walk downhill.

7 (Laughter.)

8 MEMBER ALBERTI: What else would  
9 bring people to this neighborhood?

10 MR. BRIDGE: There are  
11 developments in process in Brookland, but I  
12 don't think that they're anywhere near done  
13 yet.

14 We have a phenomenal pizza place,  
15 Menomale, which is now down about three  
16 blocks on the side from -- across the street  
17 from where Brookland's Finest Bar & Kitchen  
18 will be located.

19 The Cathedral community and  
20 Catholic University community as a whole  
21 offer some cultural amenities.

22 In addition we have Dance Place,

1 which is just about to open a brand new  
2 studio over on 8th Street, and it's been  
3 phenomenal. Their performances are  
4 absolutely the joy of our community.

5 Add into that the Franciscan  
6 monastery, which is an incredible sight. If  
7 you haven't been over, let me play tour  
8 guide for a second. It's a hillside in  
9 Rome. It's awesome.

10 MEMBER ALBERTI: All right.

11 Thank you.

12 (Laughter.)

13 MEMBER ALBERTI: I get the  
14 picture.

15 CHAIRPERSON MILLER: It's only  
16 11:32. Any other questions?

17 (No audible response.)

18 CHAIRPERSON MILLER: All right.  
19 Any questions on Board questions?

20 (No audible response.)

21 CHAIRPERSON MILLER: No?

22 MR. KLINE: I don't have anything

1 further. Thank you.

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

4 MR. KLINE: Thank you. Call Jose  
5 "Joe" Barrios to the stand.

6 CHAIRPERSON MILLER: What number  
7 is this?

8 MR. KLINE: What number?

9 CHAIRPERSON MILLER: What number  
10 witness is this of yours?

11 MR. KLINE: I don't know.

12 MEMBER ALBERTI: Five.

13 CHAIRPERSON MILLER: Five? Who's  
14 counting? I just want to have an idea of --

15 MEMBER ALBERTI: He's kidding.

16 MR. KLINE: I have one short one  
17 after this and I'm done.

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

21 MR. BARRIOS: I do.

22 CHAIRPERSON MILLER: All right.

1 Thank you.

2 MR. KLINE: State your name and  
3 address for the record, please.

4 MR. BARRIOS: Jose Barrios. My  
5 address is 1236 Hamlin Street, N.E.

6 MR. KLINE: And where is that  
7 relation to this premises?

8 MR. BARRIOS: It is approximately  
9 two blocks, about two-and-a-quarter blocks  
10 from the establishment.

11 MR. KLINE: You were heavily  
12 involved in the discussions concerning a  
13 settlement agreement, correct?

14 MR. BARRIOS: Yes, sir.

15 MR. KLINE: And how was it that  
16 you got involved?

17 MR. BARRIOS: There was a lot of  
18 discussion in the community because  
19 residents felt like they were not being  
20 heard. The ANC did not provide process for  
21 residents to be able to speak for or against  
22 and instead went right to a protest. So

1       there was a very apparent need for somebody  
2       to step in and try to, number one, figure  
3       out what the concerns of the nearby  
4       residents were; and number two, how they  
5       could be addressed. And a neighbor that  
6       lives literally across the street on 12th  
7       Street from the restaurant by the name of  
8       Shani Hernandez informed me, you know, of  
9       that situation and asked for my assistance  
10      and I decided to step in.

11                   MR. KLINE: Okay. Is this  
12      something you've done before?

13                   MR. BARRIOS: I have not  
14      officially done a mediation. I have an  
15      attorney background, which may have factored  
16      into the request.

17                   MR. KLINE: Okay.

18                   MR. BARRIOS: But it is not  
19      something that I do on a regular basis.

20                   MR. KLINE: So what did you do at  
21      that point?

22                   MR. BARRIOS: So the very first

1        thing that we did -- and we being Shani  
2        Hernandez, the neighbor across the street  
3        from the restaurant and her wife and myself  
4        was that we put a flyer on every single  
5        residence within approximately a one-block  
6        radius from the establishment. And so that  
7        definitely included Jackson between 10th and  
8        12th. That included 10th Street in the one-  
9        block radius and most of Jackson going  
10       towards 13th Street, as well as south on  
11       12th.

12                        So it was a full one-block radius  
13       and we left a flyer on every door inviting  
14       people to come to a neighborhood gathering  
15       at Shani Hernandez' house to discuss what  
16       their concerns were. The owners were not  
17       invited to that meeting because we wanted  
18       the residents to be able to speak freely.

19                        MR. KLINE: And how many people  
20       attended that gathering?

21                        MR. BARRIOS: Approximately 10  
22       people attended.

1                   MR. KLINE:   Okay.   And what did  
2                   you hear in terms of concerns at that  
3                   meeting?

4                   MR. BARRIOS:   The concerns very  
5                   much mirrored what has been heard here  
6                   tonight.   The biggest concern was with  
7                   regards to the operation of the summer  
8                   garden, alcohol on it, food service on it,  
9                   trash, parking were the biggest concerns.

10                  I would add that none of the  
11                  residents present at that time indicated  
12                  they had any concern with the operating  
13                  hours for the alcohol inside the restaurant.  
14                  They did have a concern with the hours of  
15                  the operation of the summer garden because  
16                  they did not want that running full time to  
17                  3:00 a.m.   And as a result of a subsequent  
18                  discussion that we had with the owners, the  
19                  owners agreed to modify their application so  
20                  that the summer garden had restricted hours  
21                  based upon the requests of the residents.

22                  MR. KLINE:   Okay.   And at that

1 point there was a process of hearing the  
2 concerns and coming up with measures to  
3 address those concerns?

4 MR. BARRIOS: Correct. So we  
5 took a long list of what those concerns were  
6 and we began a series of a meetings with the  
7 owners to see how they would respond to  
8 those concerns. The owners bent over  
9 backwards to meet with me at least -- there  
10 were other of the original residents that  
11 were involved who were always present at  
12 those discussions. So it was not just me.

13 And so we started to iron out  
14 what ultimately became a settlement  
15 agreement signed by 149 residents which  
16 addressed all of those concerns. And as  
17 that process cent on, I would be in contact  
18 with, you know, the original architects of  
19 the framework to see what they thought, got  
20 their feedback and we ultimately came up  
21 with that agreement.

22 MR. KLINE: Now did you know

1 these folks before this process started?

2 MR. BARRIOS: I knew Tony because  
3 he lives in the neighborhood.

4 MR. KLINE: Right.

5 MR. BARRIOS: And his family is  
6 there. And he has met my family. And we  
7 have hung out, because he is just another  
8 neighbor for us. I did not know the other  
9 two gentlemen until this process began.

10 MR. KLINE: But you've gotten to  
11 know them since?

12 MR. BARRIOS: Yes, very well.

13 MR. KLINE: And the 149 people,  
14 where did they come from? How did they  
15 factor into this process?

16 MR. BARRIOS: So as the agreement  
17 continued it became clear that it would  
18 serve as a reasonable alternative to what  
19 had essentially been a non-process on the  
20 part of the ANC. And as it got put out  
21 there, there was a very strong interest in  
22 supporting the restaurant by way of the

1 settlement agreement. And so essentially by  
2 signing the settlement agreement the person  
3 agreed to make me their designated  
4 representative and they agreed to the terms  
5 and they agreed to support the establishment  
6 based on their obeying those terms.

7 And so over the course of several  
8 weeks prior to the protest deadline I went  
9 out in person with Tony to collect  
10 signatures. I put notices out on the  
11 LISTSERV in order to collect those  
12 signatures.

13 Now I've heard the whole thing  
14 about the 400 feet. I don't really know  
15 what that means. I did attempt to keep the  
16 signatures to approximately a three to four-  
17 block radius because that was approximately  
18 the radius that I deduced Commissioner  
19 Steptoe or other individuals who were  
20 protesting used in crafting their protest.  
21 So I thought that, you know, if it was fair  
22 for them, it was fair for us.

1                   And so based on that assumption,  
2                   that's where we ended up getting the 149  
3                   signatures. A lot of people came to my  
4                   home. And as I said we also walked around  
5                   the neighborhood. Everybody who signed, I  
6                   sat down or I stood at their door and I  
7                   spoke with them what the agreement meant,  
8                   what was it in, did they have any questions?  
9                   And so every single person was engaged in  
10                  the community in order to finalize the  
11                  agreement.

12                 MR. KLINE: What about the ANC?  
13                 Were they engaged?

14                 MR. BARRIOS: The ANC by that  
15                 point had already filed their protest. And  
16                 at the conclusion of the 149 signatures I  
17                 sent it to Shirley Rivens-Smith and the  
18                 other ANC commissioners; Shirley is the  
19                 chairperson of the ANC, and I urged them to  
20                 adopt the settlement agreement as a  
21                 reasonable compromise that had been reached  
22                 by all residents that had been contacted and

1 had provided feedback for this document.

2 And that's what it was.

3 MR. KLINE: What kind of response  
4 did you get to that?

5 MR. BARRIOS: At this point it  
6 was in ABRA's hands and I should take it up  
7 with them.

8 MR. KLINE: Okay. So was there  
9 any willingness on their part to your  
10 knowledge to participate in the discussion  
11 about how neighborhood concerns might be  
12 addressed short of a hearing here tonight?

13 MR. BARRIOS: None whatsoever.  
14 Mr. Bridge referenced a community meeting  
15 that took place. That went very poorly. I  
16 did attend the entirety of that meeting.  
17 Commissioner Steptoe grew very agitated when  
18 it became clear that the majority of the  
19 attendants, of which there were about 60,  
20 were overwhelmingly in support of the  
21 restaurant. She summarily dismissed the  
22 meeting after only one person had a chance

1 to speak.

2 And then a protest was filed at a  
3 meeting that was not noticed that that  
4 protest was going to be discussed. No  
5 community interaction or with the audience  
6 was permitted. And the exhibits that were  
7 handed out to other commissioners to form  
8 the basis of that protest were collected  
9 afterwards so that residents would not have  
10 access -- well, I will not speculate, but  
11 the exhibits were collected. So I was not  
12 able to view them.

13 So in summary, there was no  
14 willingness on the part of the ANC to engage  
15 with the residents to try to come up with  
16 some kind of a reasonable solution and  
17 therefore private citizens like myself had  
18 to step in in the role of what should have  
19 been Commissioner Steptoe's job to do.

20 MR. KLINE: Now this latter  
21 meeting that you referred to, was that the  
22 meeting of the full ANC where the

1 Protestants voted upon?

2 MR. BARRIOS: The last meeting  
3 was the protest meeting. That was one  
4 meeting. That was just the community  
5 meeting with Commissioner Steptoe. And then  
6 there was the May meeting which was not  
7 noticed for the Brookland's Finest protest.  
8 It was just community concerns. And it was  
9 at that meeting that the protest vote was  
10 taken, and that vote I believe was 4-1.

11 MR. KLINE: When you say it was  
12 noticed, you presumably saw the notice that  
13 was put out by the ANC concerning that  
14 meeting?

15 MR. BARRIOS: I don't  
16 specifically recall it. I believe I did.

17 MR. KLINE: Okay. Well, let's  
18 see if we can refresh your recollection.  
19 I'm going to show you what we'll mark as  
20 Applicant's 8 and ask you if you recognize  
21 that document. If you don't, you don't.  
22 But if you do, tell us that you do.

1 MR. BARRIOS: Yes, I do recognize  
2 this document.

3 MR. KLINE: All right. And what  
4 is that?

5 MR. BARRIOS: This is the  
6 announcement of the Wednesday, May 22nd  
7 meeting of the ANC 5B.

8 MR. KLINE: Okay. And that was  
9 the meeting at which the ANC voted on  
10 whether to protest this license application?

11 MR. BARRIOS: Correct.

12 MR. KLINE: And you were present  
13 at that meeting?

14 MR. BARRIOS: Yes.

15 MR. KLINE: And that was the  
16 meeting where you said that there wasn't any  
17 input from the community?

18 MR. BARRIOS: There was no input  
19 from the community.

20 MR. KLINE: All right. Now the  
21 149 people. This room's pretty full. It  
22 was even fuller earlier. Are there now

1 and/or were there earlier a number of those  
2 149 people in this room?

3 MR. BARRIOS: Yes, there were a  
4 substantial number of the 149 residents in  
5 this room and there were also residents in  
6 this room that I did not allow to sign  
7 because they lived somewhat outside of the  
8 three to four-block radius but were still  
9 very interested in supporting the  
10 restaurant.

11 MR. KLINE: Okay. Did you make  
12 an effort when you got here to ascertain who  
13 was here in support of this application?

14 MR. BARRIOS: Yes. A list was  
15 sent around for anybody that was in support  
16 of the restaurant and here present in that  
17 capacity to sign. And we had also requested  
18 that supporters wear red. Not all  
19 supporters here were able to wear red since  
20 people came from work apparently, but that's  
21 what was requested.

22 MR. KLINE: All right. The last

1 exhibit I showed you was marked as 8. Or  
2 did we not mark it?

3 MR. BARRIOS: It was not marked.

4 CHAIRPERSON MILLER: Oh, I  
5 haven't seen it.

6 MR. KLINE: Didn't put it in as  
7 7?

8 CHAIRPERSON MILLER: We didn't  
9 mark it.

10 MR. KLINE: It's late. I believe  
11 it was 7.

12 CHAIRPERSON MILLER: Oh, I'm  
13 sorry. This is the notice. Six is --

14 CHAIRPERSON MILLER: That's the  
15 last one I remember.

16 MR. KLINE: -- the business plan.

17 CHAIRPERSON MILLER: Right. Was  
18 there one after that? No.

19 MR. KLINE: No. Seven will be  
20 the notice. I'm moving the notice. Do you  
21 have that? Did I give you that?

22 MS. DONALDSON: Yes.

1 MR. KLINE: Okay. Well, I'm  
2 moving the notice that's been identified.

3 CHAIRPERSON MILLER: Okay. Any  
4 objection to the notice, proposed Exhibit  
5 No. 7?

6 (No audible response.)

7 MR. KLINE: All right. So the  
8 notice is in of the meeting?

9 CHAIRPERSON MILLER: No, I  
10 haven't seen it yet.

11 Okay. I was just looking at it.  
12 I just don't know where this notice went or  
13 anything like that, but this was an ANC 5B  
14 notice of the meeting May 22nd, 2013.

15 MR. KLINE: No, the witness  
16 testified that there was a notice of the  
17 meeting. It didn't specify what was being  
18 discussed. He identified that as the notice  
19 of the meeting --

20 CHAIRPERSON MILLER: Okay.

21 MR. KLINE: -- that he saw.

22 CHAIRPERSON MILLER: Okay.

1 MR. KLINE: All right. I'll now  
2 show you what we've marked as Applicant's  
3 Exhibit 8 and ask you if you can identify  
4 that.

5 MR. BARRIOS: Yes, sir. It is an  
6 admittedly incomplete list of the number of  
7 individuals that are at this hearing that  
8 are in support of the restaurant. And the  
9 reason I say it is incomplete is because  
10 after I handed this to counsel,  
11 approximately 10 other individuals signed an  
12 additional paper which I was not able to  
13 provide you at that time. However, I have  
14 not done a last count, but I believe there  
15 are about at a minimum of 60 signatures or  
16 individuals listed here.

17 MR. KLINE: Okay. And that was  
18 what we were discussing earlier when you  
19 said you made an effort to ascertain who was  
20 here in support of the establishment and who  
21 might be part of the group of 149?

22 MR. BARRIOS: Yes.

1 MR. KLINE: All right. I'd move  
2 Applicant's --

3 CHAIRPERSON MILLER: So I assume  
4 this is identified in your PIF as an exhibit  
5 you were going to submit.

6 MR. KLINE: Actually identified  
7 in the PIF were I believe additions, and  
8 this one did not exist.

9 CHAIRPERSON MILLER: Additions?

10 MR. KLINE: Yes. Or signatures.  
11 i'll have to look that up. I don't  
12 remember.

13 CHAIRPERSON MILLER: Do you have  
14 an objection to this sign-in sheet --

15 MS. PARRISH: Yes.

16 CHAIRPERSON MILLER: -- of people  
17 who are here supposedly? Yes, you do?  
18 Okay.

19 Okay. I'm inclined not to admit  
20 this because it wasn't identified in the PIF  
21 and I don't know if they're all here to  
22 verify this. So he has testified. You have

1 testified that there were a lot of  
2 supporters here who signed the original  
3 petition. We have their names, the 149  
4 people.

5 MR. BARRIOS: Are you asking me  
6 if all the --

7 CHAIRPERSON MILLER: No, I'm just  
8 saying we have the list of 149 people, so  
9 I'm not sure that an incomplete list of  
10 people who signed in who you're identifying  
11 as supporters who were here is necessary.

12 MR. KLINE: Madam Chairperson, if  
13 I may?

14 CHAIRPERSON MILLER: Okay.

15 MR. KLINE: In the interest of  
16 time we would proffer the list. There were  
17 a number of people here who expressed their  
18 preference to us to be identified that were  
19 here --

20 CHAIRPERSON MILLER: As being  
21 here?

22 MR. KLINE: -- and that they're

1 in support. Given, wow, the lateness of the  
2 hour --

3 CHAIRPERSON MILLER: Right, it's  
4 really --

5 MR. KLINE: -- we certainly  
6 prefer not to do that. We think that this  
7 is a shortcut. We all know this is not a  
8 popularity contest. It doesn't matter how  
9 many support or how many oppose. That's not  
10 what the Board's job is. The Board knows  
11 that. We all know that.

12 But I think in terms of people  
13 who are here at close to midnight and who  
14 were here during the course of the evening  
15 to reflect their support for this  
16 establishment, it would be almost unfair not  
17 to recognize that those people were here to  
18 express their support. And I'll leave it at  
19 that and leave it to the Board.

20 CHAIRPERSON MILLER: All right.  
21 Okay. I understand that. I mean --

22 MR. KLINE: I can bring them all

1 to the mic, but I don't really want to do  
2 that.

3 CHAIRPERSON MILLER: No, I  
4 understand that. But what about the  
5 Protestants who are here to --

6 MS. PARRISH: Because if it's not  
7 a popularity competition, what difference  
8 does it make if it's in our out? And we  
9 don't want it in. We want it out.

10 CHAIRPERSON MILLER: And you want  
11 it out because?

12 MS. PARRISH: We want it out  
13 because like he just said, it doesn't matter  
14 how many people are here for them or for us.  
15 There could be 10 people for us and 100  
16 people for them. It doesn't matter. The  
17 decision is left up to you. So in that  
18 aspect, being that it doesn't matter, we  
19 don't want the list in.

20 CHAIRPERSON MILLER: Okay. Yes,  
21 and I'm hearing from other Board Members.  
22 At this late hour I'm inclined against

1       because it wasn't identified in the PIF.  
2       The Protestants didn't know that they should  
3       get their supporters who were here to sign  
4       up.  And, you know, it wasn't as if these  
5       are people who -- I would be interested if  
6       they were witnesses, that they had to leave,  
7       and so they left their name that they wanted  
8       to testify.

9                       So do Board Members have a  
10       different view on this?

11                      MEMBER JONES:  Move on.

12                      MEMBER ALBERTI:  Move on.

13                      CHAIRPERSON MILLER:  Okay.  So I  
14       don't think it's fair to accept it at this  
15       point.  All right.

16                      MR. KLINE:  I don't have any  
17       further questions of the witness at time.  
18       Thank you.

19                      CHAIRPERSON MILLER:  Okay.  Thank  
20       you.  Did we finish?

21                      MR. KLINE:  No.

22                      CHAIRPERSON MILLER:  You asked

1 your --

2 MR. KLINE: My last question was

3 about --

4 CHAIRPERSON MILLER: Okay.

5 MR. KLINE: -- the list of the --

6 CHAIRPERSON MILLER: Do you have  
7 any cross-examination?

8 MS. PARRISH: Just a couple.

9 CHAIRPERSON MILLER: Okay.

10 MS. PARRISH: I just would like  
11 to know how long you've lived in the  
12 Brookland neighborhood.

13 MR. BARRIOS: Four years minus  
14 one month.

15 MS. PARRISH: Okay. And do you  
16 stand to gain financially at all from the  
17 opening of this bar?

18 MR. BARRIOS: No.

19 MS. PARRISH: That's it.

20 CHAIRPERSON MILLER: Okay. Any  
21 other questions?

22 (No audible response.)

1 CHAIRPERSON MILLER: Any Board  
2 questions?

3 MEMBER ALBERTI: Just to be clear  
4 from the witness --

5 CHAIRPERSON MILLER: Mr. Alberti?

6 MEMBER ALBERTI: -- so this  
7 notice was dated what? The meeting date was  
8 Wednesday, May 22nd, is that correct, 2013?  
9 The meeting notice?

10 MR. BARRIOS: From 6:30 to 8:00.

11 MEMBER ALBERTI: Do you have it  
12 in front of you?

13 MR. BARRIOS: Yes. Yes, I'm  
14 sorry.

15 MEMBER ALBERTI: Okay. About a  
16 third of the way down the page is the date.

17 MR. BARRIOS: That's correct. It  
18 was May 22nd, yes.

19 MEMBER ALBERTI: Okay. Are you  
20 aware of the date of the regularly scheduled  
21 ANC meetings?

22 MR. BARRIOS: I am not aware of

1 the ANC's calendar. My understanding was  
2 that this was a regularly scheduled meeting  
3 of the ANC, especially because of the nature  
4 of the other business that was being  
5 discussed.

6 MEMBER ALBERTI: Thank you.  
7 That's all.

8 MEMBER JONES: Real quick while  
9 she's over there. Just in hearing your  
10 testimony I'm just trying to give you --  
11 I'll ask the same question in probably a  
12 different way, but what's your take on the  
13 neighborhood? It seems very fragmented  
14 based on what I'm hearing from you and what  
15 I heard from the previous witness. Am I  
16 mishearing that?

17 MR. BARRIOS: While it's true  
18 that there's a lot of different opinions  
19 about where Brookland should go as a  
20 community, in this particular case I believe  
21 the irritation has been primarily caused by  
22 a sense on the part of many residents that

1 the ANC did not provide them with a process  
2 to be heard, whether that was for or  
3 against. And when you are shut down at  
4 meetings and when you are told you cannot  
5 speak, that is going to make people angry.

6 That said, like Mr. Bridge said,  
7 Brookland is at a crossroads ethnically,  
8 socio-economically as far as diversity is  
9 concerned. The support that has been  
10 expressed for the restaurant cuts across  
11 those lines. There is support from all  
12 quarters of the neighborhood. And so to say  
13 that supposed tensions in the neighborhood  
14 are responsible for what has occurred I  
15 don't think is the case. The case here is  
16 the process or lack thereof that got  
17 followed that ended up where we are today.

18 MEMBER JONES: Okay. And what  
19 was the main thing that you felt came out of  
20 your efforts to mediate? If I understood  
21 what you said correctly, your role was to  
22 serve as a de facto mediator, for lack of a

1 better expression. So what did you feel was  
2 the solving piece, the piece that allowed  
3 those two entities to come together and be  
4 comfortable with the outcome, mutually  
5 beneficial outcome?

6 MR. BARRIOS: Starting with  
7 someone who was willing to listen --

8 MEMBER JONES: Yes.

9 MR. BARRIOS: -- to all different  
10 kinds of points of view.

11 MEMBER JONES: Okay.

12 MR. BARRIOS: And using that as a  
13 start point, taking those concerns to the  
14 establishment and then seeing their  
15 willingness to compromise, to negotiate. A  
16 lot of the things we've talked about her in  
17 terms of the restrictions, that came out of  
18 that.

19 MEMBER JONES: Okay.

20 MR. BARRIOS: Okay. So that kind  
21 of provided the glue for all the individuals  
22 that, you know, are in support of this

1 restaurant to basically come back together  
2 as a community and say, yes, we support this  
3 as a vibrant establishment that is going to  
4 replace a rundown abandoned building in the  
5 heart of your neighborhood and we all come  
6 together to do that.

7 MEMBER JONES: Okay. I probably  
8 asked a bad question. Specifically what  
9 were the areas of concern and specifically  
10 what did the establishment do to address  
11 those areas of concern from your vantage  
12 point, from your optic as the mediator  
13 between the two parties that came to some  
14 type of agreement? I mean there's obviously  
15 not agreement across the entire  
16 neighborhood, but in the role that you  
17 served what were the key issues that had to  
18 be brought together?

19 MR. BARRIOS: The key issues were  
20 the running of the summer garden.

21 MEMBER JONES: Okay.

22 MR. BARRIOS: Okay?

1 MEMBER JONES: Summer garden?

2 MR. BARRIOS: The summer garden.

3 Parking.

4 MEMBER JONES: Parking? Okay.

5 MR. BARRIOS: Trash.

6 MEMBER JONES: Trash?

7 MR. BARRIOS: And noise.

8 MEMBER JONES: All right.

9 MR. BARRIOS: Those were the four  
10 things that were of the primary concern to  
11 the original residents that came together  
12 and then the subsequent residents that  
13 decided to sign and support.

14 MEMBER JONES: Okay. And in the  
15 interest of time I'm going to ask does the  
16 responses that we got to those issues and  
17 concerns in terms of what the Applicant said  
18 they were going to do -- that falls in line  
19 or comports with your understanding of what  
20 you did during your mediation activities?  
21 The answers that they gave as to what they  
22 were going to do; so you have to repeat what

1 those answers were, is what you understood  
2 to be the outcome?

3 MR. BARRIOS: Yes, that's right.

4 MEMBER JONES: Okay. Thank you.  
5 Thank you, Madam Chair.

6 CHAIRPERSON MILLER: Okay. Other  
7 Board questions?

8 (No audible response.)

9 CHAIRPERSON MILLER: Any  
10 questions based on the Board Members'  
11 questions?

12 MS. PARRISH: Just one, but I  
13 don't know if you all are going to let me  
14 ask it.

15 MEMBER JONES: Give it a shot.

16 MS. PARRISH: Okay.

17 (Laughter.)

18 MS. PARRISH: I just wanted to  
19 know how many people if any that you spoke  
20 to of the very nearby neighbors that live on  
21 Jackson Street that didn't want it at all,  
22 if you recall a number in your head, just

1 off the top of your head?

2 MR. BARRIOS: The number of  
3 people that didn't want it?

4 MS. PARRISH: Of the very nearby  
5 neighbors. Not people that live two blocks  
6 away.

7 MR. BARRIOS: I would say that  
8 there was nobody that I talked to.

9 MS. PARRISH: No one that you  
10 talked to?

11 MR. BARRIOS: Nobody that I  
12 talked to --

13 MS. PARRISH: Okay.

14 MR. BARRIOS: -- that did not  
15 want it. And I would also point out that I  
16 personally reached out multiple times to  
17 Jeanna Cullinan, who is one of the  
18 Protestors, during the initial framing of  
19 the agreement to see what her concerns were,  
20 to see if we could --

21 MS. DONALDSON: I object.

22 MS. PARRISH: Oh, okay.

1 MR. BARRIOS: I'm answering  
2 your --

3 CHAIRPERSON MILLER: You can't --

4 MS. DONALDSON: Can I object.

5 MR. BARRIOS: -- your party's  
6 question.

7 MEMBER ALBERTI: No.

8 MS. DONALDSON: No?

9 (Laughter.)

10 MR. BARRIOS: You should never a  
11 question of a witness that you don't know  
12 the answer to.

13 And I reached out to her on  
14 multiple occasions to try to get a gathering  
15 for, you know, what her concerns were. She  
16 kept saying to me, as was previously  
17 testified by one of the other witnesses,  
18 that she would get back to us. She never  
19 did. After the agreement was signed I sent  
20 it to her, or rather after the agreement was  
21 in its final form before it was signed I  
22 sent it to her. I said could you please

1 provide me with feedback on this agreement?

2 I'll get back to you.

3 MS. PARRISH: Okay. I don't want  
4 to cut you off --

5 MR. BARRIOS: Okay.

6 MS. PARRISH: -- but you're kind  
7 of cutting in on our time. So the answer to  
8 the question is just no?

9 MR. BARRIOS: No.

10 MS. PARRISH: Okay. Thank you.

11 CHAIRPERSON MILLER: Okay. Is  
12 that it?

13 (No audible response.)

14 CHAIRPERSON MILLER: All right.  
15 Thank you very much.

16 MR. KLINE: Thank you. I just  
17 have one more witness. It will be brief.

18 CHAIRPERSON MILLER: Just one  
19 more? Cynthia --

20 MEMBER SILVERSTEIN: Why?

21 (Laughter.)

22 MR. KLINE: Just it'll be real

1       brief.

2                   CHAIRPERSON MILLER:  We're just  
3       kidding.

4                   MS. PARRISH:  Really?  Geez.  
5       He's calling one more witness and  
6       everybody's like golly.  It's coming on  
7       12:00.

8                   CHAIRPERSON MILLER:  It's not  
9       going to be redundant?

10                  MR. KLINE:  No.

11                  CHAIRPERSON MILLER:  Okay.

12                  MR. KLINE:  This is a unique  
13       perspective.

14                  CHAIRPERSON MILLER:  Okay.  All  
15       right.  Good evening.  Do you swear to tell  
16       the truth, the whole truth, nothing but the  
17       truth?

18                  MS. ALSTON:  I do.

19                  CHAIRPERSON MILLER:  Okay.  Thank  
20       you.

21                  MR. KLINE:  State your name for  
22       the record and where you live.

1 MS. ALSTON: Cynthia Alston, A-L-  
2 S-T-O-N.

3 MR. KLINE: And where do you  
4 live?

5 MS. ALSTON: Oh, sorry. 1014  
6 Kearny Street.

7 MR. KLINE: And where is that in  
8 relation to the establishment?

9 MS. ALSTON: About a block.

10 MR. KLINE: All right. You're in  
11 support of this establishment?

12 MS. ALSTON: Yes.

13 MR. KLINE: And why?

14 MS. ALSTON: Because it's the  
15 type of establishment that the neighborhood  
16 needs, or not needs, but would be very  
17 comfortable having. We lost Colonel Brooks'  
18 and I expect that this will be a very good  
19 replacement for that kind of a  
20 establishment.

21 MR. KLINE: You live next door to  
22 Mr. Tomelden, right?

1 MS. ALSTON: Right.

2 MR. KLINE: If there's a problem  
3 with this establishment how will you deal  
4 with that?

5 MS. ALSTON: I'll have a  
6 conversation with him about it and talk  
7 about what I think should be done and work  
8 with him to take care of whatever the  
9 problem is.

10 MR. KLINE: But you're  
11 comfortable that you're not going to have  
12 those problems?

13 MS. ALSTON: I would be very  
14 surprised if we have problems. Anything  
15 that would come up would be handled very  
16 quickly, I think.

17 MR. KLINE: And why do you say  
18 that?

19 MS. ALSTON: Because of the  
20 character of Mr. Tomelden and his partners.  
21 And it's his neighborhood, too. He has the  
22 same concerns that I have and that we've had

1 about other establishments like this in the  
2 neighborhood. It's to his advantage  
3 professionally and personally to have this  
4 be a success.

5 MR. KLINE: One last question.  
6 How long have you lived in the neighborhood?

7 MS. ALSTON: Sixty-three years.

8 MR. KLINE: Great. Thank you. I  
9 don't have any further questions.

10 CHAIRPERSON MILLER: Wow. Okay.  
11 No, no, no.

12 MEMBER ALBERTI: No, please,  
13 please.

14 CHAIRPERSON MILLER: You need --

15 MS. ALSTON: I'm sorry.

16 CHAIRPERSON MILLER: Okay. Is  
17 there cross-examination?

18 MS. DONALDSON: Yes.

19 CHAIRPERSON MILLER: Okay.

20 MS. DONALDSON: Exhibit No. 11 of  
21 the ABRA map, I want to know do you live  
22 inside this circle?

1 MR. KLINE: I'm going to object  
2 on the grounds of relevance. I started to  
3 before and it didn't get perfected. The  
4 400-foot circle on that map is for schools,  
5 libraries, playgrounds, rec centers. And  
6 that's why that map is in the package.  
7 Otherwise, it has no relevance to where  
8 anybody lives.

9 CHAIRPERSON MILLER: Okay. Do  
10 you want to address that?

11 MS. DONALDSON: Yes, it does,  
12 because I live within 400 feet. I do.

13 CHAIRPERSON MILLER: Okay. And?

14 MS. DONALDSON: And I would be  
15 more affected that she would be --

16 MS. PARRISH: Right.

17 MS. DONALDSON: -- because she's  
18 outside the circle.

19 CHAIRPERSON MILLER: You're  
20 saying the people who live that closely  
21 would be more affected --

22 MS. DONALDSON: Exactly.

1                   CHAIRPERSON MILLER:  -- than the  
2                   people who live outside?

3                   MS. DONALDSON:  Yes.

4                   MS. PARRISH:  Exactly.

5                   CHAIRPERSON MILLER:  Okay.  Let's  
6                   just deal within that area or outside that  
7                   area.  You can answer the question.  If you  
8                   can tell.

9                   MS. PARRISH:  Okay.  So you're  
10                  outside?

11                  MR. KLINE:  Madam Chair, with all  
12                  due respect, it seems --

13                  CHAIRPERSON MILLER:  Okay.

14                  MR. KLINE:  -- to us we should  
15                  establish what the distance is, because  
16                  we're artificially creating this 400-foot,  
17                  which has no legal relevance under the law.

18                  CHAIRPERSON MILLER:  Right.  The  
19                  Board hasn't said that we're giving that  
20                  much credence to it.

21                  MR. KLINE:  All right.  Let's  
22                  move on.  Thank you.

1                   CHAIRPERSON MILLER: But she  
2                   thinks those are the people that she thinks  
3                   are most impacted.

4                   MR. KLINE: Midnight. I'm  
5                   really --

6                   CHAIRPERSON MILLER: But they're  
7                   not the only ones. Okay.

8                   All right. Next? Any other  
9                   questions?

10                  MEMBER ALBERTI: What was the  
11                  answer to the question?

12                  CHAIRPERSON MILLER: She lives  
13                  outside.

14                  MS. DONALDSON: Oh, she does not  
15                  live with inside the 400 feet.

16                  MEMBER ALBERTI: Thank you.

17                  CHAIRPERSON MILLER: Okay. Okay?

18                  MS. DONALDSON: We're done.

19                  CHAIRPERSON MILLER: No other  
20                  cross? All right. Any Board questions?

21                  (No audible response.)

22                  CHAIRPERSON MILLER: No? Thank

1       you very much. Thank you for hanging in  
2       here.

3                       Okay?

4                       MR. KLINE: And with that -- let  
5       me sure I have all these exhibits in. The  
6       business is in, the meeting notice is in,  
7       and the list of supporters is not in because  
8       it was not accepted. All our Exhibits are  
9       in. We rest. Thank you.

10                      CHAIRPERSON MILLER: Okay. And  
11       it is now 12:01. Okay. And my  
12       understanding, I just want to say, is, you  
13       know, the Board is willing to stay here  
14       however long it takes. And I understand  
15       that our general counsel conferred with you  
16       all earlier, because this was starting late,  
17       whether or not you did want to do this  
18       tonight. So I just want to make sure at  
19       this point, after 12:00, that you all want  
20       to finish up tonight.

21                      MS. PARRISH: Yes.

22                      CHAIRPERSON MILLER: Okay. And

1 would you like to take a five-minute break  
2 or anything? You want to keep going?  
3 Okay. I'm asking really the Protestants,  
4 because you're the ones that are going to  
5 put on your case now. I mean or the  
6 Applicant. If anybody -- you ready to go  
7 forward still, or you want to take a break?

8 MS. PARRISH: Yes, let's do that.

9 MS. DONALDSON: I don't know if  
10 they --

11 MR. KLINE: No.

12 CHAIRPERSON MILLER: Board  
13 Members want to take a break?

14 MEMBER ALBERTI: No. Let's find  
15 out. Do either of the parties want to take  
16 a five-minute break?

17 (Chorus of nos.)

18 MEMBER ALBERTI: I'm talking to  
19 the parties, not the audience.

20 CHAIRPERSON MILLER: Okay.

21 MR. KLINE: If the Board needs  
22 it. We're fine.

1 MEMBER ALBERTI: Sorry, folks.

2 MR. KLINE: You guys have been  
3 here longer than we have.

4 MEMBER ALBERTI: Okay.

5 CHAIRPERSON MILLER: All right.  
6 Are the Protestants ready to put on their  
7 case?

8 MS. DONALDSON: We wanted to call  
9 Mr. Pannell, but I'm not sure if he's still  
10 here.

11 CHAIRPERSON MILLER: Okay. Is he  
12 on your PIF?

13 MS. DONALDSON: Yes.

14 MS. PARRISH: Yes.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER SILVERSTEIN: While we are  
17 waiting, how much time does each side has  
18 left?

19 MEMBER JONES: Time check.  
20 Protestants have 45 minutes. Licensee has  
21 19 minutes.

22 MS. DONALDSON: Okay. Can you

1 tell us where your church is on the --

2 CHAIRPERSON MILLER: Oh, wait a  
3 second. Wait a second. I didn't even know  
4 you called a witness. I didn't --

5 MS. DONALDSON: Oh, sorry.

6 CHAIRPERSON MILLER: -- swear him  
7 in yet. So I can just ask you, just so we  
8 all have an idea, how many witnesses you'll  
9 be calling?

10 MS. DONALDSON: There's about  
11 six.

12 CHAIRPERSON MILLER: Six?

13 MS. DONALDSON: Yes.

14 CHAIRPERSON MILLER: Within your  
15 time frame?

16 MS. DONALDSON: Yes.

17 CHAIRPERSON MILLER: Okay. Fine.  
18 Sir, I'm going to swear you in.

19 MR. DAVIS: Okay.

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

1 MR. DAVIS: Yes, I do.

2 CHAIRPERSON MILLER: Okay.

3 MS. DONALDSON: Mr. Davis, can  
4 you tell us how close your --

5 CHAIRPERSON MILLER: Wait.

6 MS. DONALDSON: -- church is to  
7 the --

8 CHAIRPERSON MILLER: I'm sorry.  
9 Could you just identify yourself for the  
10 record before she starts to ask?

11 MR. DAVIS: Yes, my name is Gary  
12 Davis.

13 CHAIRPERSON MILLER: Okay.

14 MS. DONALDSON: -- how close your  
15 church is to the bar establishment?

16 MR. DAVIS: About 75 feet.

17 MS. DONALDSON: Okay. And what  
18 are the service days or hours that you --

19 MR. DAVIS: We have services on  
20 Saturday and Sunday and Wednesday. And we  
21 also have meetings and rehearsals on every  
22 day but Monday.

1 MS. DONALDSON: Okay. Do you  
2 have member who live within the Brookland --

3 MR. DAVIS: Yes, we do.

4 MS. DONALDSON: Okay. How do you  
5 think this to be a bar establishment will  
6 with the hours from 8:00 a.m. to 2:00 a.m.  
7 Sunday to Sunday serving alcohol will impact  
8 your members who have to pass this bar  
9 establishment?

10 MR. DAVIS: I think it has a  
11 impact on several areas, especially relative  
12 to safety and parking, vandalism and crime.  
13 When you think of safety, if the bar is  
14 going to be open from 8:00 in the morning  
15 and people will be coming to watch rugby  
16 games or games and nurses or other  
17 professions who will get off at that hour  
18 and come in at 8:00 and will drink from 8:00  
19 until maybe 10:30 or 11:00, if they are  
20 dismissed or leave at that time, they would  
21 be leaving at the time our members would be  
22 coming.

1                   So that will propose, I would  
2                   think, a certain danger relative to drunk  
3                   driving if people leave and they're in a  
4                   impaired state. So we're concerned about  
5                   our children and our elders coming to the  
6                   church at approximately 11:00 a.m. and  
7                   people leaving the establishment maybe two  
8                   hours after watching a game or doing what it  
9                   is they do and how that will conflict as far  
10                  as the possibility of having accidents and  
11                  things of that nature.

12                  We're also concerned with  
13                  parking. We kind of think that if the  
14                  establishment holds approximately 140 people  
15                  some of them will probably walk and some of  
16                  the will probably drive. If half of them  
17                  drive, that's 70. But let's say if maybe 50  
18                  of them drive, where will 40 or 50 cars park  
19                  in the general area of the church? And so  
20                  we're concerned about the crowdedness of  
21                  parking and how parking would be impacted.

22                  We also know that vandalism and

1 crime are normally associated with places  
2 like that from people drinking and things of  
3 that nature. So we have a concern as to how  
4 that might impact the safety of the people  
5 coming back and forth to church and the  
6 general neighborhood as a whole.

7 We're also concerned about  
8 destruction of property. We own two vans  
9 and we're concerned about the destruction of  
10 those vans and other property that we have.  
11 When people do drink, we think there's a  
12 possibility that they might act in a way  
13 that they normally wouldn't act and maybe  
14 destroy our property.

15 So we have quite a few concerns  
16 relative to that.

17 MS. DONALDSON: That's it.

18 CHAIRPERSON MILLER: Okay.

19 cross-examination?

20 MR. KLINE: Good evening, Pastor  
21 Davis. Or mean good night. Good morning.  
22 Whatever. I'm not sure.

1 CHAIRPERSON MILLER: Good

2 morning. Right.

3 MR. KLINE: You have been here

4 all evening, correct?

5 MR. DAVIS: Yes, I have.

6 MR. KLINE: Were you here when

7 Mr. Healy testified?

8 MR. DAVIS: I was here all the

9 time.

10 MR. KLINE: Okay. And he is the

11 gentleman that lives near Mr. Tomelden's

12 other establish, The Pug? Did you hear him

13 testify?

14 MR. DAVIS: Yes, I did.

15 MR. KLINE: Okay. And you heard

16 him talk about his experiences with The Pug?

17 MR. DAVIS: Yes, but you can

18 refresh my memory about what he said.

19 MR. KLINE: Well, in terms of he

20 was comfortable having an establishment like

21 that in his neighborhood, even he lived

22 right across the street, that he'd been to

1       that establishment, that he had been to Mr.  
2       Hankins' establishment. And there were  
3       other witnesses that have testified that  
4       they've been to Solly's, Mr. Solomon's  
5       establishment.

6                   None of them described the  
7       behavior from patrons that you're concerned  
8       about, did they?

9                   MR. DAVIS: Not that I know of.

10                  MR. KLINE: And you don't have  
11       any reason to believe that the patrons of  
12       this establishment are going to act any  
13       differently than what you heard described  
14       with respect to the patrons of The Pug, SOVA  
15       and Solly's, do you?

16                  MR. DAVIS: Yes, I do, because I  
17       can't predict that what they do at that  
18       particular establishment will be the same  
19       they will do at ours, the establishment that  
20       they have in our area. So the way they act  
21       in one establishment cannot set precedence  
22       for how they would act in another

1 establishment. So I can't predict or say  
2 how they would act.

3 MR. KLINE: So you don't put any  
4 stock in the quality of a particular  
5 operator? Your position is if they run one  
6 place well that has no bearing on how  
7 they're going to operate another place?

8 MR. DAVIS: Well, I can't answer  
9 that. I wouldn't say that I could put stock  
10 in it or not.

11 MR. KLINE: So you don't know?

12 MR. DAVIS: No, I don't.

13 MR. KLINE: So what you said is  
14 you don't know that they're going to operate  
15 it the same way, but you don't have any  
16 reason to know that they're going to operate  
17 it any differently, do you?

18 MR. DAVIS: Well, what I think  
19 is, based on them opening from 8:00 a.m. to  
20 2:00 a.m. in the morning, that's a long time  
21 to drink. And so I don't know how people  
22 will respond being in an establishment that

1 long. They're saying they're going to be  
2 there watching ball games. So usually when  
3 you watch ball games people drink.

4 And if they're saying they want  
5 people who have worked shifts to come in  
6 after they've worked and drink, they you  
7 wonder about the fatigue factor and how they  
8 might be drunk when they leave an  
9 establishment such as that.

10 So I can't predict how people  
11 will respond, but I can only say that we do  
12 have a concern in that area.

13 MR. KLINE: All right. So you  
14 have concerns.

15 MR. DAVIS: Yes.

16 MR. KLINE: You wonder and you  
17 can't predict? Does that pretty much sum it  
18 up?

19 MR. DAVIS: That's correct.

20 MR. KLINE: No further questions.

21 CHAIRPERSON MILLER: Okay. Board  
22 questions? Mr. Alberti?

1 MEMBER ALBERTI: Pastor Davis,  
2 you expressed concerns about parking.

3 CHAIRPERSON MILLER: They can't  
4 hear you.

5 MEMBER ALBERTI: I'm sorry. Good  
6 evening, Pastor Davis.

7 MR. DAVIS: Good evening.

8 MEMBER ALBERTI: I'm sorry you  
9 couldn't hear me. You expressed concerns  
10 about parking.

11 MR. DAVIS: Yes.

12 MEMBER ALBERTI: You mentioned I  
13 think approximately 140 people occupancy.  
14 I'm not sure if that's correct, but there's  
15 a number. So with the summer garden it's  
16 well over 100.

17 MR. DAVIS: Okay.

18 MEMBER ALBERTI: I assume that  
19 you're here to talk about your concerns of  
20 the church parishioners, not necessarily  
21 your neighbors, but the church parishioners.  
22 Is that correct?

1 MR. DAVIS: I would actually say  
2 a combination of both because we consider  
3 ourselves a part of the community and we  
4 feel ourselves as tightly knitted to the  
5 community. So we're concerned about the  
6 church and the community as a whole because  
7 we are one, so to speak.

8 MEMBER ALBERTI: Okay. So your  
9 concerns about parking are relative to the  
10 church parishioners, or are they relative to  
11 the neighbors who live in the community?

12 MR. DAVIS: I would say primarily  
13 to the church, but also the community  
14 itself, because some of our members live in  
15 the community.

16 MEMBER ALBERTI: Okay. And what  
17 are your concerns about parking as you see  
18 it affecting the church?

19 MR. DAVIS: Well, we have a  
20 parking lot almost directly across from the  
21 establishment, and so we're concerned about  
22 once parking becomes tight they will just

1 park on our lot without our permission. So  
2 we're concerned about how that would impact  
3 our ability to come and park when we have  
4 services and meetings and things of that  
5 nature.

6 MEMBER ALBERTI: What do you now  
7 if someone parks there illegally?

8 MR. DAVIS: Well, we try to  
9 contact the police and let them know that we  
10 have people who are parked there illegally  
11 and we try to make sure that we let people  
12 know that they shouldn't park there. So  
13 we'll put a sign on their car that say, you  
14 know, this is not a place where you should  
15 be parking, things of that nature. And we  
16 also have signs posted to indicate that this  
17 is a private lot.

18 MEMBER ALBERTI: And has that  
19 been effective?

20 MR. DAVIS: It hasn't been as  
21 effective as we hoped it would.

22 MEMBER ALBERTI: Do you have any

1 barriers to prevent people from pulling in  
2 there?

3 MR. DAVIS: Well, no, the lot is  
4 open, because if we were to put up, for  
5 example, fences or things of that nature,  
6 then we would have to open it and close it  
7 every time we have a service or rehearsal or  
8 a meeting. So we basically are there all  
9 week with the exception of Monday.

10 MEMBER ALBERTI: And how large is  
11 that lot?

12 MR. DAVIS: The lot probably  
13 holds about 20 cars.

14 MEMBER ALBERTI: How many?

15 MR. DAVIS: Twenty cars.

16 MEMBER ALBERTI: Okay. Does it  
17 hold all persons who wish to park?

18 MR. DAVIS: No, it does not.

19 MEMBER ALBERTI: And what about  
20 the persons who can't park there? Where do  
21 they park?

22 MR. DAVIS: Parishioners who

1 don't park there normally park on the  
2 adjacent streets.

3 MEMBER ALBERTI: Okay. So you're  
4 concerned that they won't have a place to  
5 park on the adjacent streets?

6 MR. DAVIS: That is correct.

7 MEMBER ALBERTI: But these are  
8 people who are coming to your church that  
9 don't live in the neighborhood. But they're  
10 attending your church? That's who's driving  
11 to your church?

12 MR. DAVIS: That's correct. We  
13 have people in the general area of  
14 Washington, D.C. and some outside of the  
15 D.C. area --

16 MEMBER ALBERTI: Thank you.

17 MR. DAVIS: -- that attend our  
18 services.

19 CHAIRPERSON MILLER: Other  
20 questions? Mr. Jones?

21 MEMBER JONES: Thank you, Madam  
22 Chair.

1                   Have you had an opportunity to  
2 speak with the Applicant about your  
3 concerns?

4                   MR. DAVIS: No, I have not.

5                   MEMBER JONES: Have you made an  
6 attempt and they refused your request?

7                   MR. DAVIS: No, I have not. I  
8 have not done that.

9                   MEMBER JONES: Have you ever  
10 reached out to them at all to try and  
11 address the concerns that you raise?

12                  MR. DAVIS: No, I did not.

13                  MEMBER JONES: Okay. Thank you.  
14 Thank you, Madam Chair.

15                  CHAIRPERSON MILLER: Your  
16 testifying here, is it just for yourself or  
17 did the church have a meeting and you're  
18 representing the church members' views?

19                  MR. DAVIS: No, I am representing  
20 the church members. We were alerted to the  
21 fact that this establishment was going to  
22 open and we were concerned about the impact

1 that it would have on the membership, as  
2 well as the community. So we decided we  
3 wanted to play a part if we could.

4 CHAIRPERSON MILLER: Did the  
5 members take a vote or anything?

6 MR. DAVIS: Well, the members  
7 signed a petition. It was the majority of  
8 the members did sign a petition saying that  
9 we wanted to participate in trying to help  
10 the cease of this establishment, especially  
11 the serving of alcohol.

12 CHAIRPERSON MILLER: I'm sorry,  
13 they signed a petition saying what?

14 MR. DAVIS: Signed a petition  
15 saying that we wanted to participate with  
16 assisting in the cease of stopping the  
17 serving of alcohol.

18 CHAIRPERSON MILLER: And where  
19 did that petition go?

20 MR. DAVIS: That would be a  
21 question. We submitted it to ANC.

22 CHAIRPERSON MILLER: ANC?

1 MR. DAVIS: Yes.

2 CHAIRPERSON MILLER: Okay. I  
3 think we have two other churches that  
4 protested in this case; I don't know if you  
5 were here at the beginning, but they weren't  
6 given standing. How many churches are  
7 affected? Is it just --

8 MR. DAVIS: There are --

9 CHAIRPERSON MILLER: -- these  
10 three churches or more?

11 MR. DAVIS: -- about five or six  
12 churches in the general area that would  
13 probably be impacted by this.

14 CHAIRPERSON MILLER: Okay. And  
15 how close? What's your proximity to the  
16 establishment?

17 MR. DAVIS: We're about 75 feet,  
18 if not closer. It's almost directly across  
19 the street from us.

20 CHAIRPERSON MILLER: Okay.

21 MR. DAVIS: We're on Jackson  
22 Street and they're on Jackson Street and

1 it's like just across the block from us.

2 CHAIRPERSON MILLER: And I don't  
3 know if this was asked of you; I'm sorry if  
4 it was, it's late, but did the Applicant  
5 reach out to you, to your church?

6 MR. DAVIS: Not to my knowledge.

7 CHAIRPERSON MILLER: Okay. All  
8 right. Any other Board questions?

9 (No audible response.)

10 CHAIRPERSON MILLER: Questions on  
11 Board questions?

12 MR. KLINE: I don't have  
13 anything. Thank you.

14 CHAIRPERSON MILLER: All right.  
15 Thank you very much, pastor.

16 All right.

17 MR. PARRISH: Oh, I'm sorry. I'm  
18 sorry. I'm tired.

19 CHAIRPERSON MILLER: I'm sure.

20 MR. PARRISH: This is going to be  
21 bad. I do apologize. I'm working on like 6  
22 hours.

1 CHAIRPERSON MILLER: Okay.

2 MR. PARRISH: I do apologize.

3 CHAIRPERSON MILLER: Us, too.

4 Okay. So do you swear to tell the truth --

5 MR. PARRISH: Yes.

6 CHAIRPERSON MILLER: -- the whole  
7 truth, nothing but the truth,

8 MR. PARRISH: (No audible  
9 response.)

10 CHAIRPERSON MILLER: Yes, you do?

11 MR. PARRISH: Yes, ma'am.

12 CHAIRPERSON MILLER: Okay. All  
13 right. Have a seat and identify yourself.  
14 And then your party will ask you questions.

15 MR. PARRISH: Yes, ma'am. My  
16 name is Damon Parrish.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: Your name again?  
19 What was your name?

20 MR. PARRISH: Damon Parrish.

21 MEMBER ALBERTI: Okay. Thank  
22 you.

1 MS. PARRISH: Okay. How long  
2 have you lived --

3 MR. KLINE: Madam Chair, if I  
4 may, I don't see this name listed on any of  
5 the PIFs I'm looking at.

6 CHAIRPERSON MILLER: Okay.  
7 That's the rule. What's the story?

8 MS. PARRISH: Well, no, he's not.

9 CHAIRPERSON MILLER: He's not  
10 listed?

11 MS. PARRISH: No, because he  
12 didn't know if he would be able to testify  
13 because of the nature of his job.

14 MR. KLINE: We would object. We  
15 don't exhibit this came out because it  
16 wasn't on the PIF.

17 CHAIRPERSON MILLER: Okay. All  
18 right. He can't.

19 MS. PARRISH: So he can't?

20 CHAIRPERSON MILLER: He can't,  
21 no. And I mean I don't know if you're going  
22 to have -- if there's a future one, you

1 should put the witness down and then if they  
2 can't come, you know, that's what happens.

3 Okay. Sorry about that.

4 MS. PARRISH: Sorry, man.

5 CHAIRPERSON MILLER: Next?

6 MR. CARROLL: Good evening.

7 MEMBER JONES: Good evening.

8 MEMBER ALBERTI: Good evening.

9 MEMBER SILVERSTEIN: Good

10 morning.

11 CHAIRPERSON MILLER: Good

12 morning.

13 (Laughter.)

14 CHAIRPERSON MILLER: Do you swear  
15 to tell the truth, the whole truth, nothing  
16 but the truth?

17 MR. CARROLL: Yes, ma'am.

18 CHAIRPERSON MILLER: Okay. And  
19 what's your name?

20 MR. CARROLL: Chris Carroll.

21 CHAIRPERSON MILLER: Chris  
22 Carroll? Is he on somebody's PIF?

1 MR. KLINE: Yes.

2 MS. PARRISH: Yes.

3 CHAIRPERSON MILLER: Whose  
4 witness is he?

5 MR. KLINE: The group of 35.

6 CHAIRPERSON MILLER: Thirty-five?  
7 Okay.

8 MS. PARRISH: First question, how  
9 long have you lived in the neighborhood?

10 MR. CARROLL: Twenty years this  
11 year.

12 MS. PARRISH: And is it true that  
13 you live less than 50 feet from this bar  
14 establishment?

15 MR. CARROLL: I could throw a  
16 cotton ball and hit it.

17 (Laughter.)

18 MS. PARRISH: Are there any  
19 parking meters or public parking garages  
20 that you have noticed in your neighborhood  
21 in this 400-yard radius anywhere?

22 MR. CARROLL: No. No.

1 MS. PARRISH: Okay. You owning a  
2 single family home and being a very nearby  
3 resident to this bar establishment, describe  
4 why you think it would have a negative  
5 impact on you, your wife, children and your  
6 property value?

7 MR. CARROLL: Well, for example,  
8 whenever arrived tonight 10 minutes to 8:00,  
9 just coming from that elevator, just the  
10 noise in this government building is a noise  
11 I will hear every single night. Okay. So  
12 to hear this noise at 2:00 in the morning, a  
13 school night, Monday through Friday and  
14 Thursday, on weekends at 3:00 in the  
15 morning, it's a lot to deal with.

16 I mean we spent the last four  
17 hours talking to everyone outside of Jackson  
18 Street. We talked to Kearny. We talked to  
19 Hamlin. We talked to Rhode Island. We  
20 talked to Pug Street, whatever. But we  
21 haven't talked to anyone from Jackson Street  
22 yet.

1 MS. PARRISH: Yes.

2 MR. CARROLL: So on Jackson  
3 Street we are directly affected by this  
4 decision.

5 MS. PARRISH: Okay. And how do  
6 you feel it would hinder the value of your  
7 property with a bar being across the street  
8 from your home?

9 MR. CARROLL: Well, it's great to  
10 go to a nightclub. It's great to go to a  
11 restaurant, to a tavern. But you can go  
12 home to peace. We can't go home to peace.  
13 We are there seven days a week until 2:00 in  
14 the morning, 3:00 in the morning. We're  
15 there all the time. We don't get a chance  
16 to take a break to go away, to come back  
17 later on. We are there constantly to deal  
18 with the noise, people in the car waiting  
19 for their table to be ready.

20 We have element in our  
21 neighborhood the past 20 years that's --  
22 just five years ago it's been settled down a

1 little bit. They're still around. And when  
2 these guys get the munchies at 1:00 in the  
3 morning, they're going to go there. They're  
4 going to get drinks. They're going to get  
5 food to carry out. They're going to sit in  
6 front of my house. And not just the  
7 restaurant, but we're talking about people  
8 sitting in cars in front of my house.

9 MS. PARRISH: Yes.

10 MR. CARROLL: Okay. Now  
11 understand, when you have three owners who  
12 want to have an establishment, which is  
13 great to be a businessman, but you can't  
14 control what's happening in front of my  
15 house. Because these guys, that's when the  
16 police have to get involved. Now these guys  
17 sitting in front of my house, when they're  
18 finished eating their chicken wings or  
19 whatever, they're going to put it on my  
20 street. So when I wake up in the morning, I  
21 have to go outside and clean up my  
22 neighborhood.

1                   So my concern is just to have  
2                   this type of thing right across the street  
3                   from my house. You know, this is my  
4                   sanctuary where I come home to rest. And  
5                   when I come home, I don't need 20 people  
6                   sitting in front of my house, walking up and  
7                   down the street, maybe sitting on my porch,  
8                   who knows? Okay. So I don't just need to  
9                   come up on my sanctuary and have people  
10                  outside across the street sitting at the bar  
11                  drinking. The noise I heard outside, no one  
12                  was intoxicated. Okay? So when they get  
13                  liquor inside them, tenfold what I heard  
14                  coming in. So my concern is I don't need  
15                  that every single day for the rest of my  
16                  life.

17                  MS. PARRISH: Okay. Thank you.

18                  CHAIRPERSON MILLER: Cross?

19                  MR. KLINE: Mr. Carroll?

20                  MR. CARROLL: Yes?

21                  MR. KLINE: Although there are  
22                  not meters or parking garages, there is

1 street parking in your neighborhood,  
2 correct?

3 MR. CARROLL: Say again, please?

4 MR. KLINE: There is street  
5 parking in your neighborhood?

6 MR. CARROLL: Street parking.  
7 Yes there is.

8 MR. KLINE: All right. And  
9 there's available street parking?

10 MR. CARROLL: Correct.

11 MR. KLINE: Okay. Thank you. I  
12 have no further questions.

13 CHAIRPERSON MILLER: Board  
14 questions? Mr. Alberti?

15 MEMBER ALBERTI: Good morning,  
16 Mr. Carroll.

17 MR. CARROLL: Good morning.

18 MEMBER ALBERTI: I'm a little  
19 confused as to what your concerns are and  
20 what your objections are, because -- can you  
21 hear me?

22 MR. CARROLL: I can hear you,

1       yes.

2                   MEMBER ALBERTI:   Okay.   Mr.  
3       Carroll, I am a little confused as to what  
4       your concerns and objections are.   All  
5       right?   Because there was an exhibit earlier  
6       that showed that the -- I guess that's 12th  
7       Street is zoned -- going up to 12th Street  
8       for several blocks is zoned commercial.

9                   MR. CARROLL:   Okay.

10                  MEMBER ALBERTI:   C-1.   I assume  
11       it's C-1-A.   I'm guessing.   It's an educated  
12       guess.   So that means you could put a  
13       Chinese carryout on that corner.   I could  
14       put a dance studio and play jazzercise until  
15       12:00 at night; some of these places go that  
16       late, or 10:00 at night with music blasting  
17       and 50 people coming and going for lessons.  
18       You know, or an exercise studio.   I can  
19       think of a lot of things that would bring a  
20       lot of cars and a lot of businesses.

21                  So are you objecting to all kinds  
22       of businesses there, or just this type of

1 business?

2 MR. CARROLL: My concern is the  
3 liquor and the hours. Liquor and hours.  
4 They start very early. He stays open again  
5 very early. So it's non-stop.

6 MEMBER ALBERTI: Liquor and  
7 hours? Separate or together, or is it only  
8 because they're combined together?

9 MR. CARROLL: Liquor and hours is  
10 the biggest concern. Because when you  
11 drink, you get louder and you do things you  
12 wouldn't ordinarily do when you were sober.  
13 So with that being said, when you have an  
14 intoxicated person outside your home at 2:00  
15 in the morning, okay, the establishment's  
16 closed now, he's not leaving right away.  
17 Okay. He's going to jump on a bicycle or  
18 run to a bus most likely. So it's like we  
19 don't need the hours and the alcohol. It  
20 has to be some type of compromise or some  
21 type of negotiation or something to bring it  
22 to a more meaningful result.

1                   MEMBER ALBERTI:   Okay.   In your  
2                   mind what would that be?

3                   MR. CARROLL:   Well, as far as  
4                   liquor is concerned, we're talking too early  
5                   in the morning, too late at night.   It has  
6                   to be a stopping point or some type of  
7                   boundary somewhere.

8                   MEMBER ALBERTI:   Okay.   So what  
9                   are those boundaries?

10                  MR. CARROLL:   That's what's got  
11                  me scratching my head.   That's not for me to  
12                  say.   I mean right now I'm thinking of my  
13                  one-year-old --

14                  MEMBER ALBERTI:   I'm giving you a  
15                  chance to say it.

16                  MR. CARROLL:   I'm saying it right  
17                  now.

18                  (Laughter.)

19                  MR. CARROLL:   I have a one-year-  
20                  old and a three-year-old.

21                  MEMBER ALBERTI:   Pardon?

22                  MR. CARROLL:   I have a one-year-

1 old and a three-year-old. They need peace  
2 of mind. Okay? In the past 20 years --  
3 like I said, over the past 5 years it  
4 settled down a little bit. I have to come  
5 home to my house, neighborhood, just cars  
6 and drug dealers going on, too many things  
7 happening. It settled down a lot, but it's  
8 still elements there. And with this  
9 restaurant coming in with the liquor and  
10 alcohol, I don't want it to come back up  
11 again.

12 This is my concern with Jackson  
13 Street. Not Hamlin, not Kearny, not Rhode  
14 Island. We're talking Jackson Street.  
15 Okay? On this block we have this element  
16 that's still somewhat around. And if you  
17 give them bread crumbs, they're going to go  
18 get something.

19 MEMBER ALBERTI: Okay. And look,  
20 I hear you. Okay? All right. And I  
21 empathize with you. I've been through this  
22 in my neighborhood.

1 MR. CARROLL: Okay.

2 MEMBER ALBERTI: But the question  
3 is is, you know, and I've been on the fear  
4 end where I fear that something's going to  
5 attract the element that just left two years  
6 ago. If this wasn't attracting that  
7 element, would you have a problem?

8 MR. CARROLL: I'll put it this  
9 way: My car was shot up on a drive-by  
10 because of the element in the neighborhood.  
11 Okay? So when you have elements that are  
12 shooting up your car because people are  
13 leaning on it, because they're after these  
14 individuals, and to have my back windows was  
15 shot up, my truck's shot up and my seats are  
16 shot up, you don't take these things lightly  
17 when another establishment come in that may  
18 bring this activity back on you.

19 MEMBER ALBERTI: But if it  
20 didn't? If it didn't, let's suppose it  
21 didn't, because you don't know. I mean we  
22 don't know for certain who it's going to

1 attract. We know who they say they're going  
2 to attract, but we don't know for certain.  
3 You don't know for certain who they're going  
4 to attract. I'm trying to get a gauge of  
5 what your objections are.

6 MR. CARROLL: Let me put it this  
7 way:

8 CHAIRPERSON MILLER: So if they  
9 were attracting a crowd who was drinking  
10 responsibly and leaving the establishment  
11 and going home, would it be a problem for  
12 you?

13 MR. CARROLL: The thing is it's  
14 the only thing open. Everything else is  
15 closed. Okay? It's 3:00 in the morning on  
16 a Friday, Saturday night. It's the only  
17 thing open. Okay? These guys are not going  
18 to go to IHOP 5, 10 blocks away, Virginia,  
19 whatever, when you have an establishment  
20 right on the corner that you can go get some  
21 buffalo wings, chicken wings, sandwich,  
22 whatever it is. And you get alcohol. And

1 then I'm going to sit in my car in front of  
2 Chris' house.

3 MEMBER ALBERTI: Okay. So I  
4 think understand your objections. All  
5 right. Thank you.

6 CHAIRPERSON MILLER: Mr. Jones?

7 MEMBER JONES: Thank you, Madam  
8 Chair.

9 Sir, I mean I'm hearing you. I'd  
10 just like to try to take some of the emotion  
11 of it. I'm just trying to get down to the  
12 practical application here.

13 MR. CARROLL: Right.

14 MEMBER JONES: So you kind of  
15 made it clear that it's not that you're  
16 opposed to any type of establishment being  
17 here, right? Perhaps you would not have an  
18 issue with a Chinese carryout or an  
19 Ethiopian restaurant there, right? I'm not  
20 seeing that that's your contention, right?  
21 But so I'm trying to get clear on exactly  
22 with the nature of what you know about how

1       this establishment is intended to be ran  
2       what compromise -- because you mentioned  
3       compromise. It came out of your mouth,  
4       right?

5                   MR. CARROLL: I did. Right.

6                   MEMBER JONES: What would that  
7       compromise be? What would it look like to  
8       you?

9                   MR. CARROLL: Well, a family  
10      restaurant to me won't have liquor at 8:00  
11      in the morning.

12                  MEMBER JONES: Okay. So don't  
13      tell me what it won't have.

14                  MR. CARROLL: Okay. What it  
15      should --

16                  MEMBER JONES: Tell me what it  
17      should --

18                  MR. CARROLL: -- for me?

19                  MEMBER JONES: Right. From your  
20      standpoint. So should a family restaurant  
21      -- the answer I'm looking for from you is a  
22      family restaurant, from my estimation,

1       should only be allowed to serve alcohol from  
2       12:00 to 5:00, right? I'm not saying that's  
3       the answer, but don't tell me what it  
4       shouldn't do.

5                   MR. CARROLL: Right.

6                   MEMBER JONES: Right? Tell me  
7       what you think it should do.

8                   MR. CARROLL: It should be  
9       responsible. It should be something that's  
10      manageable. It should be something that the  
11      neighborhood needs and wants and that can  
12      continue on and blossom for 20 years. It  
13      should be something that makes sense.

14                  MEMBER JONES: So you're not  
15      opposed to being able to sell alcohol at  
16      all, or are you?

17                  MR. CARROLL: I'm somewhat  
18      opposed to it, but I'm not completely  
19      opposed to it.

20                  MEMBER JONES: Okay. So does  
21      that mean you're okay with it only on the  
22      weekends from 12:00 to 5:00? Are you okay

1 with it every day of the week from 12:00 to  
2 1:00? I'm trying to get a feel for what  
3 that means to you.

4 MR. CARROLL: Well, looking at  
5 Fridays or a restaurant such as Fridays --

6 MEMBER JONES: Yes.

7 MR. CARROLL: -- it's just the  
8 fact that it's so close to my home.

9 MEMBER JONES: I understand, and  
10 I'm taking that in consideration. That's  
11 why I'm looking for you to give me an  
12 answer.

13 CHAIRPERSON MILLER: If you don't  
14 know, you can just say that as well.

15 MR. CARROLL: I don't know.

16 MEMBER JONES: Okay.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER JONES: That's fine. So  
19 given that perspective you have, there's a  
20 fear element that you're operating under  
21 right now, right?

22 MR. CARROLL: It's the common

1 sense factor I'm working on right now.

2 Common sense.

3 MEMBER JONES: Explain to me how  
4 that's the common sense factor.

5 MR. CARROLL: Well, common sense  
6 is that --

7 MEMBER JONES: -- because I'm not  
8 seeing that. I'll be quite candid.

9 MR. CARROLL: -- for the past 20  
10 years living on that block and watching  
11 these individuals in front of my house, I  
12 know where they're going to go, I know where  
13 they're going to sit, I know what they're  
14 going to do, and it's already history of  
15 knuckleheads that come through the  
16 neighborhood that cause issues.

17 MEMBER JONES: Okay. And you  
18 have no faith that these owners, these  
19 operators would do what they could to  
20 mitigate that element?

21 MR. CARROLL: I don't think  
22 there's anything they could do really.

1                   MEMBER JONES:   Okay.   Where does  
2                   this element go now in your neighborhood?

3                   MR. CARROLL:   As far as where  
4                   they park or where they --

5                   MEMBER JONES:   No, so you're  
6                   saying that you're concerned about the  
7                   operation of this establishment because  
8                   that's where the element's now going to go,  
9                   right?   So now they're going to start to  
10                  congregate around this establishment, right?

11                  MR. CARROLL:   More often.

12                  MEMBER JONES:   So this  
13                  establishment doesn't exist right now.

14                  MR. CARROLL:   It does not exist.

15                  MEMBER JONES:   Where do they go?  
16                  Where does this element that you speak of --  
17                  where do they go right now?

18                  MR. CARROLL:   Away from the  
19                  neighborhood to carryout McDonald's,  
20                  anywhere else.   But then they bring it back  
21                  to the neighborhood.

22                  MEMBER JONES:   All right.   So

1       they're coming back to the neighborhood  
2       regardless?

3                   MR. CARROLL:   They'll come back,  
4       yes.

5                   MEMBER JONES:   Okay.

6                   MR. CARROLL:   But with alcohol  
7       they'll hang out there more.

8                   MEMBER JONES:   I'm really trying.  
9       Like I'm --

10                  MR. CARROLL:   I hear you.

11                  MEMBER JONES:   I think you're  
12       probably thinking I'm on the other side of  
13       this --

14                  MR. CARROLL:   No, no.   No, no.

15                  MEMBER JONES:   -- man, but I'm  
16       really trying to get an understanding, like  
17       because I feel you.   Man, I feel what you're  
18       talking about.   Like I don't know if I'd  
19       want this establishment right across the  
20       street or right next door to me.   Right?  
21       I'll be candid.   But I got to deal with the  
22       practical.

1 MR. CARROLL: Right.

2 MEMBER JONES: Okay. I got to  
3 deal with the -- hey, give me a reason what  
4 you're looking for so I have something to  
5 operate off of, and I don't have that right  
6 now. I just have emotion.

7 MR. CARROLL: Well, I'm looking  
8 for what like they want, what they say  
9 they're going to have, a family restaurant,  
10 family establishment, whatever it is. But I  
11 don't tie that in with alcohol. Personally  
12 I don't tie that with alcohol.

13 MEMBER JONES: Okay. All right.  
14 So from your standpoint --

15 MR. CARROLL: Because I don't  
16 drink. But I'm just saying I don't tie  
17 family in with alcohol.

18 MEMBER JONES: Okay.

19 MR. CARROLL: Because I've seen  
20 enough nonsense and issues and problems. My  
21 neighbor car get totaled because someone  
22 drunk smashed into his car.

1 MEMBER JONES: Understood.

2 MR. CARROLL: Okay? So it's like  
3 when you have -- you're bringing that into  
4 the neighborhood, you're going to have  
5 sideswiped, you're going to have things  
6 happening. It's so close. It's just so  
7 close.

8 MEMBER JONES: Understood. So if  
9 you were able to sit down at the table with  
10 these guys, the only compromise for you  
11 would be, yes, I'm only willing to go with  
12 your establishment if you agree not to sell  
13 alcohol?

14 MR. CARROLL: Well, it's not just  
15 that, but I mean we have --

16 MEMBER JONES: No, is that one of  
17 the elements?

18 MR. CARROLL: That's one of the  
19 issues, yes.

20 MEMBER JONES: They would have to  
21 come to the table and say they wouldn't want  
22 to sell alcohol in order for them to even

1 get buy-in from you?

2 MR. CARROLL: I will say yes.

3 MEMBER JONES: Okay. Thank you.

4 That's all I need.

5 Thank you, Madam Chair.

6 CHAIRPERSON MILLER: Okay. Other  
7 Board questions?

8 (No audible response.)

9 CHAIRPERSON MILLER: I just have  
10 one because I want to know where you live in  
11 relation to this establishment. And maybe  
12 Ms. Donaldson can show him the zoning map  
13 that's attached to the investigator's  
14 report. No, it's Exhibit 9 and it has  
15 Jackson Street identified and different  
16 lots. He probably needs to see it.

17 MEMBER ALBERTI: This map here.

18 CHAIRPERSON MILLER: Yes.

19 MEMBER ALBERTI: I'm holding up  
20 the map that you're looking for.

21 MS. DONALDSON: Okay. Got it.

22 CHAIRPERSON MILLER: Okay. If

1       you wouldn't mind showing it to him.  If he  
2       can identify --

3               MR. CARROLL:  Should I circle it  
4       or anything?  Oh, okay.  It's numbered.

5               CHAIRPERSON MILLER:  I believe  
6       that the lot that's the darker color is the  
7       establishment.

8               MS. DONALDSON:  That kind of  
9       yellow?

10              CHAIRPERSON MILLER:  Yes, next to  
11       Jackson Street.

12              MR. CARROLL:  That's the  
13       establishment right there?

14              MS. PARRISH:  Yes.

15              MR. CARROLL:  Okay.  No. 21, I  
16       think.  No. 21.  That's 21.  I think it's  
17       21.

18              CHAIRPERSON MILLER:  Twenty-one?

19              MR. CARROLL:  On Jackson Street.  
20       Let's say across on Jackson Street there's  
21       3, 4 and I think there's a 21.

22              CHAIRPERSON MILLER:  Okay.  Thank

1       you. So let me just say, if I'm looking --  
2       mine's a little faded, so it doesn't look to  
3       me like that's across the street directly  
4       from the establishment. It's a few houses  
5       down?

6                   MR. CARROLL: The yellow is the  
7       establishment?

8                   MEMBER ALBERTI: Yes.

9                   MR. CARROLL: Okay. So one is --  
10      is that the Helping Hands place?

11                  MEMBER ALBERTI: Yes. I don't  
12      know if that's the name of it.

13                  MR. CARROLL: Next door is --

14                  CHAIRPERSON MILLER: There's that  
15      blue line.

16                  MR. CARROLL: I'm right next to  
17      the blue line. No. 10 or 19, that is.

18                  CHAIRPERSON MILLER: You're next  
19      to the blue line across the street?

20                  MR. CARROLL: Yes, 10 or 19.  
21      Yes, right across the street. So if they're  
22      going to have --

1 CHAIRPERSON MILLER: Okay.

2 MR. CARROLL: -- 24 seats  
3 outside, that's across the street from my  
4 house.

5 CHAIRPERSON MILLER: So you're 10  
6 or 19?

7 MR. CARROLL: Right there. Right  
8 across from -- yes.

9 CHAIRPERSON MILLER: Okay. All  
10 right. So that C-1 is a commercial  
11 district, though. You're in that district?

12 MEMBER ALBERTI: No, he's not.

13 CHAIRPERSON MILLER: No? No,  
14 let's see. Maybe I'm not looking at the  
15 right one.

16 MEMBER ALBERTI: Well, if he's in  
17 21 --

18 CHAIRPERSON MILLER: He said 19  
19 or 10.

20 MEMBER ALBERTI: Nineteen or ten?

21 CHAIRPERSON MILLER: Did you say  
22 19 or 10?

1 MEMBER ALBERTI: No, he said --  
2 1019 is what you said? What's your address?

3 MR. CARROLL: I'm 1018.

4 MEMBER ALBERTI: Ten eighteen?  
5 Right.

6 CHAIRPERSON MILLER: Oh, 1018 is  
7 your address?

8 MR. CARROLL: Correct.

9 MEMBER ALBERTI: I suspect that  
10 your lot is the one that's labeled 21 on the  
11 north side of Jackson Street in Square 3878.

12 MR. CARROLL: Okay.

13 MEMBER ALBERTI: Is that correct?

14 MR. CARROLL: Yes.

15 MEMBER ALBERTI: All right.

16 Thank you. That is outside the C-1  
17 District.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: That's in an R-2  
20 District.

21 CHAIRPERSON MILLER: Okay. So  
22 but you're not exactly straight across the

1 street? You're a little ways down?

2 MR. CARROLL: Right now I can  
3 hear construction every single morning. So  
4 I'm right there.

5 CHAIRPERSON MILLER: Okay. Thank  
6 you.

7 MR. CARROLL: If I can hear that,  
8 I'm going to hear people outside.

9 CHAIRPERSON MILLER: Okay. And  
10 my other question is when you were talking  
11 about hearing noise in the elevator in this  
12 building --

13 MR. CARROLL: Yes.

14 CHAIRPERSON MILLER: -- as to  
15 what you're going to hear if this  
16 establishment opens as planned, what noise  
17 were you referring to?

18 MR. CARROLL: Just the talking  
19 outside, just the --

20 CHAIRPERSON MILLER: The noise  
21 outside --

22 MR. CARROLL: -- crowd outside,

1       yes.

2                   CHAIRPERSON MILLER:  -- the  
3       building?

4                   MR. CARROLL:  This right here.  
5       From the elevator to the door.  Just coming  
6       through from the door to the elevator, just  
7       the noise coming through it was going to --  
8       -- well, it's like 24 people outside on the  
9       mezzanine area they're going to have for the  
10      restaurant.  They'll be there every single  
11      night until 2:00 in the morning.

12                  CHAIRPERSON MILLER:  Okay.  But  
13      what noise did you hear here that you were  
14      comparing?

15                  MR. CARROLL:  That was just the  
16      voices.

17                  CHAIRPERSON MILLER:  Inside?

18                  MR. CARROLL:  When the door  
19      opened.  When you guys had the first --

20                  CHAIRPERSON MILLER:  People  
21      talking in here?

22                  MR. CARROLL:  Yes, people talking

1 in here.

2 CHAIRPERSON MILLER: Okay.

3 MR. CARROLL: Oh, yes. Yes.

4 CHAIRPERSON MILLER: Okay. I  
5 just wanted to make sure as opposed to the  
6 bars outside the --

7 MR. CARROLL: No, not that bar.

8 CHAIRPERSON MILLER: No. Okay.  
9 All right. Any questions on Board  
10 questions?

11 MR. KLINE: Yes.

12 CHAIRPERSON MILLER: Yes? Okay.

13 MR. KLINE: Yes. So if the noise  
14 that you described ended earlier, say at  
15 10:00 and 11:00, would that be better?

16 MR. CARROLL: I'll put it this  
17 way: As long as the owners have a conscious  
18 effort to make sure that the neighborhood  
19 stays peaceful, quiet and just -- I can't  
20 say what 10:00 means right now. I can't say  
21 that.

22 MR. KLINE: Understood.

1                   MR. CARROLL: What I can say is  
2                   that I just really need to be comforted to  
3                   know that it's going to be well established  
4                   where we have some type of communication  
5                   that they're going to look out for our best  
6                   welfare.

7                   MR. KLINE: Have you been here  
8                   all evening?

9                   MR. CARROLL: Yes. Well, I left  
10                  for about 30 minutes.

11                  MR. KLINE: Okay. Based on what  
12                  you've heard from these operators do you  
13                  have any reason to believe that they're not  
14                  going to look out for the best interest of  
15                  the neighborhood?

16                  MR. CARROLL: Well, they're  
17                  talking to everyone outside of Jackson  
18                  Street. To me if you want the best thing  
19                  for the neighborhood, you talk to the  
20                  neighborhood.

21                  MR. KLINE: All right. Based  
22                  on --

1 MR. CARROLL: Not the surrounding  
2 neighborhood because --

3 MR. KLINE: I'm sorry.

4 MR. CARROLL: My thing is, like  
5 for instance, Optimism doesn't affect me.  
6 That's on Kearny Street. The woman that's  
7 been on Kearny for 63 years, that's her  
8 concern, not mine. Okay? This is on my  
9 neighborhood, which is my concern because  
10 it's across the street from my home. Okay?  
11 So when we start discussing Jackson Street,  
12 not everyone who's around the neighborhood,  
13 everyone in red who's four miles away, blah,  
14 blah, -- we're talking about on my block.

15 MR. KLINE: All right. Let's  
16 come back to my question, which my question  
17 is this: My question is you were here all  
18 night, right?

19 MR. CARROLL: I missed for 30  
20 minutes.

21 MR. KLINE: You missed 30  
22 minutes?

1 MR. CARROLL: Correct.

2 MR. KLINE: You heard two of the  
3 Applicant's testify, correct?

4 MR. CARROLL: Okay.

5 MR. KLINE: You heard Mr. Healy  
6 who lives behind The Pug --

7 MR. CARROLL: Yes.

8 MR. KLINE: -- one of the owner's  
9 other establishments testify, correct?

10 MR. CARROLL: Correct.

11 MR. KLINE: Is there anything  
12 that you heard here tonight --

13 MR. CARROLL: Yes.

14 MR. KLINE: -- that leads you to  
15 believe that they're going to be the kind of  
16 operators that aren't going to respect the  
17 neighborhood and fulfill what you said you  
18 would hope from operators on that corner?

19 MR. CARROLL: Okay. My biggest  
20 concern is that when this --

21 MR. KLINE: I'm not asking your  
22 biggest concern, sir, so I'm --

1 MR. CARROLL: Well, I'm answering  
2 your question. I'm going to get to your --  
3 I'm going to answer your question.

4 CHAIRPERSON MILLER: You need to  
5 answer his question.

6 MR. CARROLL: I have a problem  
7 with it, yes.

8 MR. KLINE: You have a problem  
9 with?

10 MR. CARROLL: Yes, I don't  
11 believe that they will do what you're  
12 saying.

13 MR. KLINE: Okay. And what,  
14 based upon what you've heard and you know,  
15 do you base that one?

16 MR. CARROLL: I base it on the  
17 fact that whenever this restaurant was first  
18 spoken of or discussed, the first discussion  
19 -- the second discussion dealing with people  
20 directly involved or going to be affected by  
21 the restaurant, which is my home, Jessica's  
22 home and anyone within a three or four-door

1 radius of this restaurant. Okay?

2 So when you want to show respect  
3 for people who you're going to open an  
4 establishment with, you discuss it. You go  
5 knock on their door. I'm mowing my lawn  
6 every Saturday. I haven't heard anyone come  
7 to my home, knock on my door, talk to me. I  
8 don't care about paper inside the mailbox,  
9 which is after the fact of this thing is  
10 already in play. Okay?

11 Construction already started.  
12 Paperwork was already done, submitted, blah,  
13 blah, blah. No one talked to me, directly  
14 came to my home, knocked on my door, hey,  
15 Mr. Carroll, do you have an issue of us  
16 opening up a restaurant, or your wife and  
17 your children? What do you think about it?  
18 No one showed respect enough to come to my  
19 home to talk to me first, okay, to say do  
20 you need this or want to see the restaurant?  
21 What do you think? We would like to give  
22 this to you because, you know --

1                   MR. KLINE: All right. And did  
2 you make any efforts to reach out to the  
3 establishment?

4                   MR. CARROLL: Like I said, you  
5 came bad, which was you didn't reach out  
6 first. If you reached out to me to talk to  
7 me to say, hey, what do you think about this  
8 idea of us putting this right across the  
9 street from your home, then conversation  
10 would have started then. It was like months  
11 after this ball started rolling that I came  
12 to find out from Mrs. Steptoe and this  
13 person, that person. I knew it from  
14 everyone but the three gentlemen sitting  
15 there.

16                   MR. KLINE: Okay. But my  
17 question is you didn't make any effort to  
18 reach out to them, did you?

19                   MR. CARROLL: I have not. You  
20 know why I did not reach out? Because --

21                   MR. KLINE: It's a yes or no  
22 question, sir.

1                   MR. CARROLL: I already saw the  
2 plan. No, I did not.

3                   MR. KLINE: Okay. You talked  
4 about people hanging out in front of your  
5 house. There was a lot of discussion with  
6 Board Members about people hanging out in  
7 front of your house. The element, I think  
8 is what you called it.

9                   MR. CARROLL: Correct.

10                  MR. KLINE: What time are we  
11 talking about?

12                  MR. CARROLL: All times of night.

13                  MR. KLINE: All times of night?

14                  MR. CARROLL: Correct.

15                  MR. KLINE: Are you familiar with  
16 the concept of eyes on the street?

17                  MR. CARROLL: Tell me.

18                  (Laughter.)

19                  MR. KLINE: Well, if there are 24  
20 people seated, or less --

21                  MR. CARROLL: Yes.

22                  MR. KLINE: -- seated in the

1 summer garden area, the outside seating area  
2 -- which is sight of your home, correct?

3 MR. CARROLL: Yes.

4 MR. KLINE: Do you believe that  
5 the element with people there to observe  
6 them what they're doing are going to  
7 continue doing what it is that you're  
8 complaining about?

9 MS. PARRISH: Yes.

10 MS. DONALDSON: Yes.

11 MR. KLINE: Excuse me. Are you  
12 testifying?

13 CHAIRPERSON MILLER: I'm sorry, I  
14 didn't hear that.

15 MR. CARROLL: Yes.

16 MR. KLINE: You do?

17 MR. CARROLL: Yes.

18 MR. KLINE: And what do you base  
19 that on? You think criminals or the element  
20 is inherently stupid?

21 MR. CARROLL: They're not going  
22 to walk in the middle of the street and do

1       their transaction in the middle of the  
2       street. They do it in a car. And first of  
3       all, if you're sitting in a car you're not  
4       going to worry about someone in a bar.  
5       You're not going to worry about that. In  
6       fact, once you do what you do, you're going  
7       to get up and go get something to eat in  
8       your restaurant and come back in the car  
9       again.

10               MR. KLINE: Even if the people  
11       are seated outside in --

12               MR. CARROLL: They don't care.

13               MR. KLINE: Let me finish my  
14       question.

15               CHAIRPERSON MILLER: Okay. All  
16       right.

17               MR. KLINE: -- in sight of your  
18       home? That won't have any effect on that  
19       element? Is that your testimony?

20               MR. CARROLL: Well, living of 20  
21       years, no.

22               MR. KLINE: Okay. But you

1 haven't had an establishment where there are  
2 patrons seated in an outside seating area in  
3 proximity of your establishment in those 20  
4 years, have you?

5 MR. CARROLL: I don't have an  
6 establishment. What do you mean? What do  
7 you mean? You're talking about my  
8 residence? Is that what you're saying?

9 MR. KLINE: I'll withdraw. I'll  
10 move on. Thank you.

11 MR. CARROLL: Instead of my  
12 residence, sir, you said establishment. I  
13 don't have an establishment.

14 MR. KLINE: Okay. Thank you. I  
15 won't pursue it.

16 MR. CARROLL: Thank God.

17 CHAIRPERSON MILLER: All right.  
18 Did you have any questions on the Board's  
19 questions, if you remember?

20 (No audible response.)

21 CHAIRPERSON MILLER: Okay. I'd  
22 like to ask one more question.

1 MR. CARROLL: Sure.

2 CHAIRPERSON MILLER: We heard  
3 testimony, I think it was from Mr. Barrios  
4 who said that he contacted everybody within  
5 a three or four-block radius or something by  
6 putting flyers on everybody's doors.

7 MR. CARROLL: I received a  
8 Microsoft document piece of paper typed up  
9 saying meet at the corner, blah, blah. Like  
10 I said, everything came after the fact.  
11 We're talking May. We're talking June.  
12 We're talking everything after the fact.

13 CHAIRPERSON MILLER: So that was  
14 too late for you?

15 MR. CARROLL: It was too late,  
16 because you already done damage when you got  
17 the business plan together, you got the  
18 hours together, you have everything  
19 together. But it's like you didn't include  
20 the neighborhood to say, hey, what do you  
21 think of us doing this for you and how do we  
22 i blah, blah, blah?

1                   CHAIRPERSON MILLER: Okay. I  
2                   just wanted to clarify because of his  
3                   testimony. All right. I don't think  
4                   there's a need for follow-up on that, is  
5                   there? Anybody?

6                   (No audible response.)

7                   CHAIRPERSON MILLER: Okay. Thank  
8                   you very much.

9                   MR. CARROLL: Thank you so much.

10                  CHAIRPERSON MILLER: Okay. Do  
11                  you swear to tell the truth, the whole truth  
12                  and nothing but the truth?

13                  MS. PARRISH: Yes.

14                  CHAIRPERSON MILLER: Okay. Why  
15                  don't you identify yourself?

16                  MS. PARRISH: Jessica Parrish.

17                  CHAIRPERSON MILLER: Okay.

18                  MS. PARRISH: Protestant from the  
19                  very nearby neighbors.

20                  MS. DONALDSON: Where do you live  
21                  in reference to the bar establishment?

22                  MS. PARRISH: Right across the

1 street, like maybe --

2 MS. DONALDSON: How long have you  
3 lived there?

4 MS. PARRISH: Thirty-plus years.

5 MS. DONALDSON: Okay. Do you  
6 know about how many feet that is?

7 MS. PARRISH: From my driveway to  
8 their outdoor seating area, like 20 feet.

9 MS. DONALDSON: Okay. If I have  
10 an exhibit, can I give this to you now?

11 CHAIRPERSON MILLER: Okay. What  
12 you can do is identify it and show opposing  
13 counsel a copy.

14 MS. DONALDSON: Oh, okay.

15 CHAIRPERSON MILLER: And you can  
16 give us a copy to see. If you want it to be  
17 moved into evidence, then you could ask for  
18 that as well.

19 MS. DONALDSON: I'd like to have  
20 this moved into evidence.

21 MS. PARRISH: Can I tell you what  
22 it is?

1 CHAIRPERSON MILLER: Okay. What  
2 is it? It needs to be identified by  
3 somebody.

4 MS. DONALDSON: It is Jessica --

5 MS. PARRISH: And my brother's --

6 MS. DONALDSON: -- looking  
7 outside of her door and what she sees.

8 CHAIRPERSON MILLER: It's a  
9 photograph?

10 MR. KLINE: No objection.

11 CHAIRPERSON MILLER: Okay.

12 MS. DONALDSON: And my brother's  
13 view, too. He has the same view.

14 MS. DONALDSON: Okay. So who do  
15 I give it to?

16 CHAIRPERSON MILLER: Oops, she's  
17 not here. You can bring it forward.

18 MS. DONALDSON: Okay.

19 CHAIRPERSON MILLER: This is the  
20 first exhibit. Are you doing Protestant's  
21 Exhibit No. 1 together, or are you doing ANC  
22 or, you know, group of 35?

1 MS. DONALDSON: Protestants.

2 CHAIRPERSON MILLER: What?

3 MS. PARRISH: The Protestants.

4 MS. DONALDSON: The Protestants.

5 CHAIRPERSON MILLER: Protestants  
6 together? Okay.

7 MS. PARRISH: Can I add something  
8 that she -- to that picture there that you  
9 see?

10 CHAIRPERSON MILLER: You want  
11 to --

12 MS. PARRISH: Because it's my  
13 view, but it's also my next door neighbor's  
14 view, who is my brother.

15 CHAIRPERSON MILLER: Okay. You  
16 mean you just want to identify it the  
17 picture better? Yes, okay. This is Exhibit  
18 2. This is your Exhibit 1 though, right.

19 MS. DONALDSON: Because I thought  
20 you -- I gave you a 1, but I guess you gave  
21 it to them.

22 CHAIRPERSON MILLER: The business

1 plan? Yes, it went under the Applicant's  
2 number.

3 MS. DONALDSON: Okay.

4 CHAIRPERSON MILLER: So --

5 MS. DONALDSON: So it's 1.

6 CHAIRPERSON MILLER: -- this is  
7 Protestant's Exhibit No. 1.

8 MS. DONALDSON: Okay.

9 CHAIRPERSON MILLER: And it is a  
10 photo of? Go ahead.

11 MS. PARRISH: The view, my view  
12 and my brother's view, and actually his  
13 neighbor's view, where the outside seating  
14 will be. Right there is the concrete.  
15 Where that white truck is is the concrete  
16 area where they're talking about having this  
17 outside seating. So all of their guests can  
18 look at me and I guess I can look at all of  
19 their guests.

20 CHAIRPERSON MILLER: So your view  
21 and your brother's view?

22 MS. PARRISH: My brother who

1 lives right next door.

2 CHAIRPERSON MILLER: Okay.

3 MS. PARRISH: And the landlord  
4 who also lives right next door to him. I  
5 can mark it on the little grid if you want  
6 me to.

7 CHAIRPERSON MILLER: That's okay.  
8 All right.

9 MS. DONALDSON: Okay. What is  
10 your --

11 CHAIRPERSON MILLER: So this is  
12 admitted as Protestant's Exhibit No. 1,  
13 which is a photograph of the view from your  
14 house and your brother's house.

15 MS. PARRISH: And my two  
16 neighbors.

17 CHAIRPERSON MILLER: Okay. Your  
18 two neighbors.

19 MS. PARRISH: Actually, my three  
20 neighbors,, because the young lady who lives  
21 on the corner where the investigator called  
22 her building a commercial building, that's

1 actually her side view of her property also.

2 CHAIRPERSON MILLER: Okay. And  
3 who took the picture?

4 MS. PARRISH: I did.

5 CHAIRPERSON MILLER: And you took  
6 it from where?

7 MS. PARRISH: My front porch.

8 CHAIRPERSON MILLER: Your front  
9 porch? Okay.

10 MR. KLINE: Can we get the  
11 address of that just so we have it in the  
12 record?

13 CHAIRPERSON MILLER: Okay. Yes,  
14 the address of your house is?

15 MS. PARRISH: 1038 Jackson  
16 Street.

17 MR. KLINE: Thank you.

18 CHAIRPERSON MILLER: Okay. Good.  
19 Okay. So that's admitted.

20 MS. DONALDSON: Okay?

21 CHAIRPERSON MILLER: Go ahead,  
22 yes.

1 MS. DONALDSON: Okay. What is  
2 your occupation?

3 MS. PARRISH: I'm a stay-at-home  
4 mom. My husband works.

5 MS. DONALDSON: Okay. Is your  
6 neighborhood quiet around 12:00 midnight?

7 MS. PARRISH: Yes.

8 MS. DONALDSON: What time of the  
9 day do you experience the most noise?

10 MS. PARRISH: Well, when the kids  
11 are in the school, when they're going to  
12 school, maybe 8:00 in the morning and when  
13 they're coming home, maybe between 2:30 and  
14 4:30. But now none, because they're not in  
15 school.

16 MS. DONALDSON: On weekends is  
17 your neighborhood quiet?

18 MS. PARRISH: Yes.

19 MS. DONALDSON: Okay. You said  
20 that you are a stay-at-home mom. Describe  
21 why you think the peace and quiet would be  
22 disturbed for you and your very nearby

1 neighbors if this bar is allowed to have a  
2 liquor license?

3 MS. PARRISH: Well, first off is  
4 the outside seating for 27 people. If you  
5 have 27 people sitting outside drinking  
6 alcohol, whether they're drinking alcohol or  
7 not, just talking and laughing, shrubs are  
8 not going to keep the noise from coming to  
9 me and my nearby neighbors when I'm trying  
10 to sit on my porch and read the paper or  
11 drink coffee or talk on the phone to one of  
12 my girlfriends. I'm going to hear that  
13 noise. Right now that's something that I  
14 don't have to deal with.

15 And I also have two children and  
16 we all know that almost everybody's cell  
17 phone has a camera now and I'm worried about  
18 the fact that my kids could be outside  
19 playing on the front and there's somebody  
20 sitting outside of their establishment  
21 filming my kids and I don't even know. I  
22 don't know the people that would be coming

1 in and out of that bar. And you don't have  
2 to have a background check to go into a bar  
3 and sit down and eat, whether it be outside  
4 our in.

5 MS. DONALDSON: Can you tell me  
6 how many very nearby children are on your  
7 block?

8 MS. PARRISH: There are nine.  
9 One, two, three, four, five, six, seven,  
10 eight, nine. There are nine and the oldest  
11 is a young girl, and she's 14.

12 MS. DONALDSON: Do you have the  
13 same safety concerns for these children?

14 MS. PARRISH: Yes, I do.

15 MS. DONALDSON: Okay. Now what  
16 about these letters? I have Exhibit No. 2,  
17 I guess. And these are letters that she --  
18 tell them --

19 MS. PARRISH: Oh, those are  
20 letters that I collected from my neighbors  
21 who live on Jackson Street, on the 1000  
22 block of Jackson Street that couldn't be

1 here today.

2 MS. DONALDSON: Can I present  
3 these or no?

4 CHAIRPERSON MILLER: Are they  
5 identified in your PIF?

6 MS. DONALDSON: All of these  
7 people?

8 CHAIRPERSON MILLER: The letters.

9 MS. DONALDSON: No, they're  
10 just --

11 CHAIRPERSON MILLER: The letters.

12 MS. DONALDSON: -- Protestants.  
13 They're part of the Protestants.

14 MEMBER ALBERTI: The letters.

15 CHAIRPERSON MILLER: So they're  
16 exhibits you want to put into evidence,  
17 right?

18 MS. DONALDSON: Yes.

19 CHAIRPERSON MILLER: Okay. I  
20 didn't ask for this the last time. There's  
21 no objection to the photograph. Well, is  
22 there an objection? I haven't seen these

1 letters. I can't --

2 MR. KLINE: Yes.

3 CHAIRPERSON MILLER: Is there an  
4 objection?

5 MR. KLINE: Yes.

6 CHAIRPERSON MILLER: Okay. So I  
7 mean I need to look at them, but -- and, Mr.  
8 Kline, and your objection?

9 MR. KLINE: I don't see anything  
10 that I could identify as letters similar to  
11 the petition that we tried to put in  
12 earlier, and it's not listed on the PIF.

13 MS. STEPTOE: Okay. So does that  
14 also apply to the ANC PIF? There are  
15 letters on that.

16 CHAIRPERSON MILLER: If the ANC  
17 identified them on their PIF, then --

18 MS. STEPTOE: Correspondence.

19 CHAIRPERSON MILLER: Let's see.  
20 Where is it? Can you tell me where that is?

21 MS. STEPTOE: The second line  
22 says, "Petitions and ANC communications,

1 church materials, emails, correspondence."

2 CHAIRPERSON MILLER: And you want  
3 to give me a copy, because I can't really  
4 rule in the abstract anyway.

5 MR. KLINE: We'd like one, too.

6 MS. STEPTOE: Oh, that's fine.

7 There you go.

8 CHAIRPERSON MILLER: And --

9 MEMBER ALBERTI: That would be  
10 helpful, wouldn't it, Mr. Kline?

11 MR. KLINE: Thank you.

12 CHAIRPERSON MILLER: And I'll  
13 look for this description. Thank you.  
14 Okay.

15 MEMBER ALBERTI: I'd be curious  
16 to know if Mr. Kline has any other objection  
17 other than the fact that they're not listed  
18 in the PIF.

19 CHAIRPERSON MILLER: Okay. I see  
20 the description as correspondence, and  
21 that's what is -- correspondence to whom, or  
22 between whom?

1 MS. STEPTOE: Well, I have it to  
2 several recipients, so they were  
3 correspondence that I received,  
4 correspondence that I initiated. In this  
5 case since the directly affected neighbors  
6 are the representatives, the voice, we just  
7 kind of bundled them all together.

8 CHAIRPERSON MILLER: Okay. Could  
9 you refresh my memory? Are you with the ANC  
10 or are you with the group of 35?

11 MS. STEPTOE: I'm with the ANC.

12 CHAIRPERSON MILLER: You're with  
13 the ANC?

14 MS. STEPTOE: Yes.

15 CHAIRPERSON MILLER: Okay. I  
16 think you need to identify what exactly it  
17 -- if you're trying to put all of these into  
18 evidence now. You need to identify the  
19 specific pieces of correspondence. Because  
20 they're all different, right?

21 MS. STEPTOE: Okay.

22 CHAIRPERSON MILLER: And we can

1 take them, you know, one-by-one.

2 MS. STEPTOE: Do you want me to  
3 give you the signators' names?

4 CHAIRPERSON MILLER: Well, I'm  
5 looking at one. Let's just look at the  
6 first page. It's handwritten. It looks  
7 like it's written to ABRA. And it's from?

8 MS. STEPTOE: I know that a group  
9 of individual property owners who live in  
10 the 1200 block and the 3100 block of Jackson  
11 and 12th Street, respectively, sat and wrote  
12 letters in opposition. And I believe that  
13 they addressed each one to either Director  
14 Moosally --

15 CHAIRPERSON MILLER: So, okay,  
16 this is a letter written to ABRA, so it  
17 should be in our official records, correct?

18 MS. STEPTOE: I believe so. I  
19 believe that they were just done yesterday,  
20 but I'm just not sure though actually.

21 CHAIRPERSON MILLER: They were  
22 written yesterday? You don't know whether

1 they've been submitted?

2 MS. STEPTOE: No, ma'am.

3 MR. KLINE: I mean if they were  
4 done yesterday, I don't know how that would  
5 be referenced in the PIF.

6 CHAIRPERSON MILLER: What?

7 MR. KLINE: If they were done  
8 yesterday, I don't know how they would have  
9 been referenced in the PIF which was filed a  
10 week ago, unless they have as much  
11 clairvoyance as I do in terms of the piece  
12 that I tried to introduce.

13 MS. STEPTOE: Madam Chair, I  
14 think just in terms of clarity, for the ANC  
15 at least, we were attempting to provide all  
16 of -- without giving you a full-page  
17 narrative about all -- you can see, the ANC  
18 has at least three large stacks of  
19 documents. But in the interest of time we  
20 have not submitted them yet.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: Ms. Miller, I

1 have a suggestion. These are obviously  
2 hearsay since the Applicant cannot cross-  
3 examine them --

4 MS. STEPTOE: Right.

5 MEMBER ALBERTI: -- but we have  
6 in the past accepted hearsay.

7 CHAIRPERSON MILLER: Well, yes,  
8 we have.

9 MEMBER ALBERTI: I recommend that  
10 we accept these into evidence and give them  
11 the weight that they deserve --

12 MS. STEPTOE: Thank you.

13 MEMBER ALBERTI: -- because of  
14 course there is no cross-examination of them  
15 and we have not been able to talk to the  
16 people who wrote them.

17 CHAIRPERSON MILLER: Correct.

18 MEMBER ALBERTI: So that's my  
19 suggestion.

20 CHAIRPERSON MILLER: Okay.

21 MR. KLINE: And I'm not going to  
22 fight you hard on it at this hour.

1 MEMBER ALBERTI: Thank you.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: I didn't think  
4 you would at this hour.

5 (Laughter.)

6 CHAIRPERSON MILLER: Okay. I  
7 would agree it comes in generally under  
8 correspondence and though we cannot -- we  
9 can't ask them questions, the opposing  
10 counsel can ask questions. So we will admit  
11 it and give it the weight that it deserves.  
12 Okay. And that will be -- this is -- is  
13 this Exhibit No. 2 or 1 now?

14 MS. DONALDSON: This is 2.

15 CHAIRPERSON MILLER: Two? Okay.  
16 Right. The photo is 1.

17 MS. DONALDSON: Yes.

18 CHAIRPERSON MILLER: And this  
19 correspondence is 2. Okay. Then that's  
20 admitted.

21 MS. DONALDSON: Do you need these  
22 copies as well?

1 CHAIRPERSON MILLER: You have  
2 extra copies?

3 MS. DONALDSON: Yes, for  
4 everyone?

5 CHAIRPERSON MILLER: You all need  
6 copies?

7 MEMBER SILVERSTEIN: No.

8 MEMBER ALBERTI: You don't have  
9 extra copies?

10 MS. DONALDSON: Yes, I do.

11 MEMBER ALBERTI: Okay. Yes.

12 CHAIRPERSON MILLER: Okay. Why  
13 don't we take them then for -- yes.

14 MEMBER ALBERTI: Ms. Jenkins will  
15 get the copies from you.

16 CHAIRPERSON MILLER: Yes. All  
17 right.

18 MEMBER ALBERTI: She's our  
19 general counsel.

20 CHAIRPERSON MILLER: Thank you.  
21 Okay?

22 MS. DONALDSON: Okay. I don't

1 have anything else.

2 MS. PARRISH: That's it.

3 MS. DONALDSON: Yes.

4 MS. PARRISH: That's it for me.

5 MS. DONALDSON: Yes.

6 MS. PARRISH: Okay.

7 CHAIRPERSON MILLER: All right.

8 So where we left off was you were doing --

9 are you done?

10 MS. DONALDSON: Yes.

11 CHAIRPERSON MILLER: Okay. Any

12 cross?

13 MR. KLINE: Ms. Parrish, so you

14 live in the portion of the block that's

15 zoned commercial, correct?

16 MS. PARRISH: Yes.

17 MR. KLINE: No further questions.

18 Thank you.

19 CHAIRPERSON MILLER: Okay. Any

20 Board questions? Mr. Alberti?

21 MS. PARRISH: Is it? Can I see

22 -- I want to see the map before I answer,

1 before -- I mean --

2 CHAIRPERSON MILLER: Excuse me?

3 Mr. Alberti has a question for you.

4 MS. PARRISH: Okay.

5 MEMBER ALBERTI: Ma'am, you've  
6 lived in the neighborhood how many years?

7 MS. PARRISH: Thirty-six.

8 MEMBER ALBERTI: Thirty? Okay.

9 Have you been there at a time that this  
10 building was occupied, the one that --

11 MS. PARRISH: Yes, when it used  
12 to be a cleaners. Ms. Been's.

13 MEMBER ALBERTI: It used to be  
14 a --

15 MS. PARRISH: A cleaners.

16 MEMBER ALBERTI: -- dry cleaners?

17 MS. PARRISH: A dry cleaners,  
18 yes.

19 MEMBER ALBERTI: Okay. Regular  
20 traffic coming and going from the dry  
21 cleaners?

22 MS. PARRISH: Not too much. I

1 mean people would park and maybe drop their  
2 clothes off and, you know, she would dry  
3 clean for them, but not too -- no. Not  
4 enough to disrupt anything.

5 MEMBER ALBERTI: Okay. So you  
6 weren't bothered by that amount of traffic?

7 MS. PARRISH: No.

8 MEMBER ALBERTI: Okay. Were you  
9 worried about the patrons of the dry  
10 cleaners photographing your kids?

11 MS. PARRISH: No, because they  
12 weren't sitting --

13 MEMBER ALBERTI: And why not?

14 MS. PARRISH: No.

15 MEMBER ALBERTI: And why not?

16 MS. PARRISH: Well, at that point  
17 in time I didn't have children, so I  
18 wouldn't have been worried about them  
19 photographing my kids. But it's not like  
20 they were standing outside. They were going  
21 in, dropping their clothes, getting in their  
22 cars and leaving.

1                   MEMBER ALBERTI:   Okay.  They were  
2 stranger though, right?

3                   MS. PARRISH:   Yes, they were.

4                   MEMBER ALBERTI:   Okay.  Are you  
5 worried about all strangers --

6                   MS. PARRISH:   No, but I'm worried  
7 about --

8                   MEMBER ALBERTI:   -- coming into  
9 your neighborhood photographing your  
10 children?

11                   MS. PARRISH:   Yes, a lot.  I  
12 check on my kids often when they go outside  
13 and play.

14                   MEMBER ALBERTI:   If there was a  
15 dry cleaners today, would you be worried?

16                   MS. PARRISH:   No.

17                   MEMBER ALBERTI:   Why not?

18                   MS. PARRISH:   Because a dry  
19 cleaners doesn't have added to it the  
20 element of alcohol which tends to bring on  
21 bad behavior.  And if it's a dry cleaner,  
22 just like if it was a convenience store --

1 would I be -- am I worried about all  
2 strangers in regards to my children? Yes.  
3 But it's a difference in having an  
4 establishment right there where you go in,  
5 get what you need or, you know, drop your  
6 dry cleaning off, get your ticket and leave,  
7 which takes about, I don't know, let's say  
8 they have line, 10 minutes, than having  
9 outdoor seating outside of my house where  
10 people are drinking, eating, chilling there  
11 together in a group for as long as two  
12 hours.

13 MEMBER ALBERTI: Okay. So what  
14 I'm hearing from you a big part of your  
15 concern is the outdoor caf,. How much of  
16 the concern to you is the indoor activity?

17 MS. PARRISH: It's a big concern  
18 for me because of the alcohol.

19 MEMBER ALBERTI: How so?

20 MS. PARRISH: Because alcohol  
21 just tends to bring on bad behavior. And  
22 I'm not saying that everyone who has a drink

1 or drinks behaves badly, but it just tends  
2 to bring on bad behavior, especially at  
3 2:00, 3:00 in the morning. Because there's  
4 no way you're leaving a bar at 2:00 in the  
5 morning and you are not intoxicated.

6 MEMBER ALBERTI: Okay. I have no  
7 further questions.

8 CHAIRPERSON MILLER: Other Board  
9 questions? Mr. Jones?

10 MEMBER JONES: Thank you, Madam  
11 Chair.

12 What would it take? Was there  
13 anything that you'd be willing to accept  
14 with this establishment being operated  
15 across the street from your home in terms of  
16 the nature of their operations, whether it's  
17 restricted hours, no patio, no summer  
18 garden? What would it take from your  
19 standpoint?

20 MS. PARRISH: No outside garden.

21 MEMBER JONES: No outside garden.

22 MS. PARRISH: And no alcohol.

1 MEMBER JONES: So no outside  
2 garden and no alcohol?

3 MS. PARRISH: No.

4 MEMBER JONES: Okay. Thank you.  
5 Thank you, Madam Chair.

6 CHAIRPERSON MILLER: Other Board  
7 questions?

8 (No audible response.)

9 CHAIRPERSON MILLER: Okay.  
10 Questions on Board questions? Mr. Kline?

11 MR. KLINE: Ms. Parrish, you live  
12 a block from Optimism, correct?

13 MS. PARRISH: Yes, I do.

14 MR. KLINE: Did you have the same  
15 position with respect to that license  
16 application?

17 MS. PARRISH: No, and I'll tell  
18 you why, because --

19 MR. KLINE: I didn't ask you why.

20 MS. PARRISH: -- that lounge --

21 MR. KLINE: I asked you whether  
22 you did.

1 CHAIRPERSON MILLER: Okay.

2 MS. PARRISH: -- that lounge has  
3 always been --

4 CHAIRPERSON MILLER: No, you  
5 answered his question.

6 MS. PARRISH: Okay.

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

8 MS. PARRISH: Okay.

9 MR. KLINE: Thank you.

10 CHAIRPERSON MILLER: Okay. Wait,  
11 stay for one minute.

12 MS. PARRISH: Okay.

13 CHAIRPERSON MILLER: You have the  
14 opportunity to ask a question based on a  
15 Board question, if you have one.

16 MS. DONALDSON: Yes, can you tell  
17 me about Optimism?

18 MS. PARRISH: Sure.

19 CHAIRPERSON MILLER: Was that a  
20 Board question?

21 MS. DONALDSON: Is a Board  
22 question?

1 CHAIRPERSON MILLER: Yes, based  
2 on a Board question.

3 MS. DONALDSON: I don't think you  
4 all asked about Optimism.

5 CHAIRPERSON MILLER: Okay. Thank  
6 you.

7 MS. DONALDSON: Can I call Pastor  
8 Martino?

9 CHAIRPERSON MILLER: Was the  
10 pastor on your PIF?

11 MS. PARRISH: Yes.

12 MS. DONALDSON: Yes.

13 CHAIRPERSON MILLER: Okay. You  
14 can then. Yes.

15 MS. STEPTOE: He's on the ANC  
16 PIF.

17 CHAIRPERSON MILLER: Okay. You  
18 kind of merged your --

19 MS. DONALDSON: Yes.

20 CHAIRPERSON MILLER: Okay.

21 MR. MARTINO: Good morning.

22 CHAIRPERSON MILLER: Good

1 morning. Do you swear to tell the truth,  
2 the whole truth, nothing but the truth?

3 MR. MARTINO: So help me God.

4 (Laughter.)

5 CHAIRPERSON MILLER: I figured.

6 Okay.

7 MS. DONALDSON: What are your  
8 service --

9 CHAIRPERSON MILLER: Let's have  
10 him identify himself.

11 MS. DONALDSON: Oh, okay.

12 MR. MARTINO: My name is Pastor  
13 Ralph Martino. I'm blessed to be the senior  
14 pastor at First Church located at 1219  
15 Hamlin Street, N.E., Washington, D.C.

16 CHAIRPERSON MILLER: Okay. Thank  
17 you.

18 MS. DONALDSON: What are your  
19 service days and hours.

20 MR. MARTINO: We host services on  
21 Saturday at 6:00 p.m., on Sunday 7:45 a.m.  
22 and 11:00 a.m., Tuesday nights 6:00 onward,

1 and then we're there throughout the balance  
2 of the week.

3 MS. DONALDSON: Okay. Do you  
4 have members who live in this neighborhood  
5 close to this bar?

6 MR. MARTINO: Yes, we do.

7 MS. DONALDSON: Okay. How do you  
8 think that this to-be bar establishment,  
9 with them selling alcohol from 8:00 a.m. to  
10 2:00, will affect your congregation and the  
11 members that live in this neighborhood?

12 MR. MARTINO: Well, the reality  
13 is it's the pebble in the pond. You drop a  
14 pebble in the pond, from the center to the  
15 circumference it's going to affect everybody  
16 that's involved. Alcohol again is not only  
17 a mind-altering drug, it also affects one's  
18 emotions. It is a depressant.

19 And therefore when people,  
20 whether you want to face it or not, when  
21 they come to this establishment, what it's  
22 going to do is draw individuals based upon

1 the fact that they know that in that area --  
2 without having to do advertisement but word  
3 of mouth, individuals are going to be drawn  
4 there because they know that this facility,  
5 this establishment is the only one open in  
6 that area serving alcohol and food that late  
7 at night.

8 So it would negatively impact us.  
9 It would negatively impact that community.  
10 The potential for individuals to drive up  
11 and down every street, cause multiple  
12 accidents, as we have seen over the years  
13 that we've been there, it's going to happen.  
14 It's inevitable.

15 MS. DONALDSON: That's all I  
16 have.

17 MS. PARRISH: That's all.

18 CHAIRPERSON MILLER: Okay. Mr.  
19 Kline, any cross?

20 MR. KLINE: I don't have any  
21 questions.

22 CHAIRPERSON MILLER: Board

1 Members have any questions?

2 (No audible response.)

3 CHAIRPERSON MILLER: Thank you  
4 very much.

5 MR. MARTINO: Oh, thank you.  
6 Good night.

7 MR. KLINE: Good morning.

8 CHAIRPERSON MILLER: Good  
9 morning.

10 MS. DONALDSON: That's it.

11 CHAIRPERSON MILLER: Do you have  
12 any other witnesses?

13 MS. PARRISH: No.

14 CHAIRPERSON MILLER: Okay. You  
15 rest your case?

16 MS. DONALDSON: Say again?

17 CHAIRPERSON MILLER: Do you rest  
18 your case?

19 MS. DONALDSON: Oh, yes.

20 CHAIRPERSON MILLER: Okay. We  
21 had then two witnesses. Ma'am, I forgot  
22 your name now. I had said that you could

1 testify if you wanted to.

2 MS. COLEMAN-AUSTIN: Oh.

3 CHAIRPERSON MILLER: Yes. Wasn't  
4 that you?

5 MS. COLEMAN-AUSTIN: Yes.

6 MEMBER ALBERTI: Well, if you  
7 wish to.

8 (Laughter.)

9 CHAIRPERSON MILLER: Is the  
10 gentleman here, Mr. Cole, or something?

11 MS. PARRISH: Mr. Cole.

12 MS. DONALDSON: Mr. Cole.

13 CHAIRPERSON MILLER: Okay. So,  
14 I'm sorry, ma'am, I forgot what your name  
15 is.

16 MS. COLEMAN-AUSTIN: Helena.  
17 Helena Coleman-Austin.

18 CHAIRPERSON MILLER: Okay. You  
19 can take the stand, and you have up to three  
20 minutes to give testimony.

21 MS. COLEMAN-AUSTIN: My name is  
22 Helena Coleman-Austin and I affirm to tell

1 the truth, the whole truth and nothing but  
2 the truth. Please help me, Lord.

3 CHAIRPERSON MILLER: Thank you.  
4 Okay. Did you have a statement?

5 MS. COLEMAN-AUSTIN: A statement?  
6 Okay. I can make a statement? Thank you.

7 CHAIRPERSON MILLER: Yes, you're  
8 not a party's witness, so you --

9 MS. COLEMAN-AUSTIN: I live in  
10 Northeast D.C. at 902 11th Street by the  
11 other establishment. I cannot say how good  
12 the establishment is or how bad. It is in a  
13 commercial zone.

14 However, the problem that's going  
15 to happen, even when this restaurant is new  
16 and it's just getting started; it's okay for  
17 right now, but there will come a time when  
18 you'll come home and not be able to park in  
19 your own community. You, meaning me, will  
20 get a ticket because I'm having to try to  
21 double-park, park behind somebody and not  
22 get in all the way and I get a ticket

1 because you have ticketers out up to 1:00 in  
2 the morning. Okay? And that is what's  
3 going to happen as the restaurant grows as  
4 people are looking for parking spaces. You  
5 will not be able to find a parking space in  
6 or near your house. So you may have to walk  
7 two blocks over at night late looking for a  
8 parking space.

9 The establishment may be nice, it  
10 may be great, but parking will become an  
11 issue, a big issue so that idling of cars at  
12 night, people coming home from the clubs;  
13 let me tell you about that one, when they're  
14 finished and they come home. Then you hear  
15 the noise or the arguments or the glass  
16 breaking because somebody threw a beer  
17 bottle down in the street and broke it up,  
18 or you may hear the laughter. Laughter is  
19 fine, but it's late when they come out at  
20 2:00 or 3:00 in the morning. The parking  
21 will become a massive issue.

22 The more popular the club or the

1 restaurant becomes, the less parking you  
2 will have. Yes, it will be street parking,  
3 but your neighbors will come home at night  
4 thinking I've got to get home before 6:00  
5 because when happy hour starts I can't even  
6 park in front of my own house because lawdy-  
7 dawdy and everybody are there from D.C.,  
8 Maryland and Virginia.

9 That's my statement.

10 CHAIRPERSON MILLER: All right.

11 Is there any cross of this witness, Mr.  
12 Kline?

13 MR. KLINE: Just one question.

14 Are you familiar with the Residential  
15 Parking Permit Program?

16 MS. COLEMAN-AUSTIN: Yes.

17 MR. KLINE: All right.

18 MS. COLEMAN-AUSTIN: Yes, we have  
19 permits.

20 MR. KLINE: Do you believe the  
21 establishment of such a program in your  
22 neighborhood would alleviate the concerns

1 that you've talked about concerning parking?

2 MS. COLEMAN-AUSTIN: No, sir.

3 MR. KLINE: Okay.

4 MS. COLEMAN-AUSTIN: It does  
5 not --

6 MR. KLINE: Thank you.

7 MS. COLEMAN-AUSTIN: It makes no  
8 different.

9 MR. KLINE: Thank you.

10 CHAIRPERSON MILLER: Okay. Any  
11 cross by the Protestants?

12 (No audible response.)

13 CHAIRPERSON MILLER: Any Board  
14 questions?

15 (No audible response.)

16 CHAIRPERSON MILLER: Okay. Thank  
17 you very much.

18 MS. COLEMAN-AUSTIN: Thank you.

19 CHAIRPERSON MILLER: Okay.  
20 Morning.

21 MR. COLE: Good morning.

22 CHAIRPERSON MILLER: Do you swear

1 to tell the truth, the whole truth, nothing  
2 but the truth?

3 MR. COLE: Yes, I do.

4 CHAIRPERSON MILLER: Okay. If  
5 you could just identify yourself?

6 MR. COLE: My name is Kevin Cole.

7 CHAIRPERSON MILLER: Okay.

8 MR. COLE: It's a blessing to be  
9 here this morning. First of all, I'd like  
10 to say that I respect all businesses and  
11 businessmen. I understand we have some  
12 really good men here, according to what I've  
13 heard so far. But come on, let's be for  
14 real. We're talking about alcohol. We're  
15 talking about a spirit that's an element  
16 that should not be put into a neighborhood  
17 such as this.

18 Now why do I say that? I say  
19 that because in my research of this  
20 neighborhood in the last six years; I'm  
21 talking going door-to-door ministering to  
22 folk, because that's what I do, we have a

1 element in this corridor. We have big  
2 problems in this corridor where alcohol is  
3 just going to explode, because what's going  
4 to happen is, all that we've talked about  
5 this evening is -- the fact is it should go  
6 off in your head like a light bulb.

7 When you open this establishment;  
8 the young said it earlier, it's going to  
9 bring back the element, the elements of the  
10 young and the trodden treated, but you're  
11 not going to be able to treat. That sort of  
12 thing should be an area like, for instance,  
13 down on Rhode Island Avenue where they're  
14 opening all the new restaurants, On Florida  
15 Avenue.

16 I noticed when I came in here  
17 tonight -- I looked at Exhibit 11. And when  
18 I came into this room all the folk that I go  
19 and minister to, the doors I knocked on on  
20 12th Street, I don't see one of these folk.  
21 So what it tells me is these folk are coming  
22 from another area, going to sit down in

1 another area, do what they do, move out, go  
2 home, go to sleep and leave a community  
3 stricken with what the young man was talking  
4 about, because these folks ain't going to  
5 have no place to go.

6 Now, I'm not talking about all  
7 you lovely people that like to go to bars  
8 and do what you do. I'm talking about the  
9 people that are having problems in the  
10 community. They're going to migrate to that  
11 area. They're going to be stricken by this  
12 alcohol. That's all I got. Amen?

13 (Chorus of amens.)

14 CHAIRPERSON MILLER: Thank you.

15 Any cross, Mr. Kline?

16 MR. KLINE: No.

17 CHAIRPERSON MILLER: Any cross by  
18 the Protestants?

19 (No audible response.)

20 CHAIRPERSON MILLER: Thank you.

21 Any cross-examination?

22 (No audible response.)

1 CHAIRPERSON MILLER: Okay. And  
2 Board Members? Mr. Silverstein, you'd like  
3 to say something?

4 MEMBER SILVERSTEIN: Yes. Mr.  
5 Cole, how long have you been here this  
6 evening?

7 MR. COLE: Pretty much since the  
8 door opened.

9 MEMBER SILVERSTEIN: Since about  
10 7:00?

11 MR. COLE: Yes, sir.

12 MEMBER SILVERSTEIN: Most of the  
13 folks here have as well. And I just want to  
14 take this opportunity through you to thank  
15 all of you for the attention that you've  
16 given, for the dignity with which this was  
17 held. And it is so late. It's practically  
18 last call at all of those places that you  
19 would never go to.

20 (Laughter.)

21 MEMBER SILVERSTEIN: And we may  
22 in this room have differences of opinion,

1 but I think that we all love this city. I  
2 think we all want to see better things for  
3 our neighborhood and for one another.

4 And I am exhausted, as we all  
5 are, but I feel a whole lot better now that  
6 I did when this began, because I feel a lot  
7 better for those of you who are here and for  
8 our city. We do care about the city we  
9 love.

10 And I want to thank you, Mr.  
11 Cole, and I want to thank everyone for what  
12 you've gone through with us tonight. And I  
13 have no further questions, because it wasn't  
14 even a questions.

15 (Laughter.)

16 MEMBER SILVERSTEIN: Thank you.

17 CHAIRPERSON MILLER: Sir, you can  
18 be excused. Thank you.

19 (Applause.)

20 CHAIRPERSON MILLER: Well, thank  
21 you, Mr. Silverstein. And I'm glad people  
22 are still in good humor because is crazy.

1 We've never gone this late, ever. So I  
2 appreciate everybody being a good sport on  
3 this.

4 And we are just about through,  
5 but not totally through. Are there any  
6 closing statements?

7 MR. KLINE: Yes, very briefly.

8 CHAIRPERSON MILLER: It's not  
9 required.

10 MR. KLINE: Just very briefly.  
11 First, Mr. Silverstein thanked the people  
12 that were here. I want to thank all of you,  
13 because we've been here since 7:00 and I  
14 know that you have been here since 9:30 and  
15 had another hearing contentious just before  
16 this one. So sometimes I'm not remiss in  
17 thanking all of you for your service, and I  
18 mean taking the extraordinary step of being  
19 here until 1:15 in the morning. We  
20 appreciate it and I'm thankful that you're  
21 going to have hopefully a well-deserved  
22 couple weeks of rest after tonight's

1 hearing.

2 With respect to the case, just  
3 very briefly, this case seems a little  
4 tragic because it seems communications broke  
5 down and perhaps there may have been a way  
6 to see through to some common ground. It  
7 never happened. Even tonight there didn't  
8 seem to be any common ground. There seems  
9 to be a number of folks in the neighborhood  
10 who just say no, we don't want it.

11 But that's not the issue, not no,  
12 we don't want it, no, we do want it. The  
13 issue is, as the Board knows, is whether  
14 this establishment will have a negative  
15 effect on peace, order and quiet, real  
16 property values and parking. And we think  
17 the evidence has demonstrated clearly that  
18 it will not.

19 It seems to be almost un-rebutted  
20 that there's ample parking in the  
21 neighborhood. There are fears that it will  
22 all be gobbled up and all go away. But at

1       this point it's uncontested and  
2       uncontroverted that there's ample parking in  
3       the neighborhood to accommodate this  
4       establishment, particularly when you look at  
5       the plans of the operators who plan to  
6       service the community and don't expect to  
7       see a lot of drivers anyway.

8                 With respect to peace, order and  
9       quiet, I'm going to rely on the testimony of  
10      those that know these gentlemen and know the  
11      quality of the other operations that they  
12      run with the understanding that one of their  
13      members lives in the community. Mr.  
14      Tomelden lives right there. He live a  
15      block-and-a-half away. And I don't think  
16      that there's anything that's more convincing  
17      when you have someone who's living in that  
18      community, raising three young children. If  
19      there's a problem, he's going to be there.  
20      He's is going to be answerable.

21                 We heard about peer pressure from  
22      Mr. Solomon. I'm not sure that's exactly

1 the right term, but I think we all knew what  
2 he was talking about. When you have people  
3 who are integrated into the community and  
4 part of the community, they're going to pay  
5 attention to business just as they've done  
6 in the other businesses that they've run.

7 So we ask that you look at the  
8 settlement agreement that these gentlemen  
9 entered into with 149 residents of that  
10 community who were willing to engage and  
11 talk about the issues that were of concern  
12 to them and in response to these gentlemen  
13 gave and compromised and worked several  
14 hours to come up with a framework that will  
15 hopefully make this establishment part of  
16 the fabric of this community and that you  
17 will grant this application for license.

18 Thank you.

19 CHAIRPERSON MILLER: Thank you.

20 Okay. Do the Protestants have a closing  
21 statement?

22 MS. DONALDSON: Yes. You want to

1 read it?

2 MS. PARRISH: No.

3 MS. DONALDSON: Okay. We, the  
4 very nearby neighbors, would like to point  
5 out out of the 149 signatures only 31  
6 signatures, which represent 19 homes, that  
7 are close to this establishment. We, the  
8 very nearby neighbors, have 30 homes that  
9 are very close to this establishment.

10 We want to stress that having a  
11 bar in our neighborhood, especially on that  
12 block of Jackson, which I live, serving  
13 alcohol from more than 15 hours, seven days  
14 a week, will bring down our property value,  
15 will create an unsafe environment for our  
16 children, seniors and others, and create  
17 increased foot traffic, driving traffic,  
18 bike traffic, trash, rodents, noise and  
19 nuisance in our currently peaceful single-  
20 family-home neighborhood.

21 CHAIRPERSON MILLER: Okay. Thank  
22 you very much. Okay. At this point I'm

1 going to close the record, unless there's  
2 anything else you all are putting in. Okay.  
3 Then the record is closed and I'm going to  
4 ask you if you want to file proposed  
5 findings of fact and conclusions of law.

6 Okay. What that means is -- and  
7 very few parties do this, but some do. You  
8 have a right to submit something in writing.  
9 This hearing is being transcribed. There  
10 will be a transcript ready within two weeks.  
11 You would have an opportunity to draft like  
12 a brief to the Board identifying what facts  
13 we should find and what conclusions of law  
14 we should draw. And that would be submitted  
15 to the Board and opposing parties, and the  
16 Board would take that into consideration in  
17 drafting the order. In any event, the  
18 Board's decision and order is going to be  
19 based on the record of this case. So most  
20 people don't do that. Some people do.

21 So would you like that --

22 MS. DONALDSON: We have to give

1 you an answer?

2 CHAIRPERSON MILLER: What? Yes.

3 MS. DONALDSON: We have to give  
4 you an answer?

5 MS. PARRISH: Yes, Yes, we have  
6 to give a yes or no answer.

7 MS. DONALDSON: Okay.

8 MS. PARRISH: Just one more time?  
9 It's early.

10 CHAIRPERSON MILLER: It's kind of  
11 a lawyerly thing to do. It's --

12 MR. KLINE: And we'll waive, if  
13 that's instructive.

14 CHAIRPERSON MILLER: Okay. And  
15 it's a difficult thing to do and it's not  
16 necessary, but it's a right that is provided  
17 under the law, if you wanted to.

18 MEMBER SILVERSTEIN: Do you want  
19 to file a legal brief essentially?

20 MS. PARRISH: Will it affect your  
21 decision in any way, shape or form?

22 MS. DONALDSON: He's saying no.

1                   CHAIRPERSON MILLER: I can't say  
2 because you haven't submitted it, but I will  
3 say that most parties do not do it. And so,  
4 you know, do not feel at all -- Mr. Kline is  
5 saying he doesn't need to do it. So it's  
6 just a right that I need to --

7                   MS. PARRISH: Okay. No, we don't  
8 have to do it. No, we won't.

9                   CHAIRPERSON MILLER: -- let you  
10 know about.

11                   Okay. All right. So parties  
12 waive their right to file that.

13                   Okay. So I have one more thing  
14 to do, and that is to have the Board vote on  
15 deliberating in closed session on this case  
16 pursuant to the Open Meetings Act. And so  
17 you can just listen to this and then you may  
18 get it. You can ask me a question later if  
19 you don't understand.

20                   Okay. As Chairperson of the  
21 Alcoholic Beverage Control Board for the  
22 District of Columbia and in accordance with

1 Section 405 of the Open Meetings Amendment  
2 Act of 2010, I move that the ABC Board hold  
3 a closed meeting for the purpose of seeking  
4 legal advice from our counsel on Case No.  
5 13-PRO-00057, Brookland's Finest Bar &  
6 Kitchen, per Section 405(b)(4) of the Open  
7 Meetings Amendment Act of 2010 and  
8 deliberating upon this case for the reasons  
9 cited in 405(b)(13) of the Open Meetings  
10 Amendment Act of 2010. Is there a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks  
13 has seconded the motion. I'll now take a  
14 vote on the motion now that it's been  
15 seconded. I'm going to take a roll call  
16 vote. Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Ms. Miller  
21 agrees. Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Mr. Jones?

2 MEMBER JONES: I agree.

3 CHAIRPERSON MILLER: Okay. It  
4 appears that the motion has passed by a 5-0-  
5 0 vote. I hereby give notice that the ABC  
6 Board will hold a closed meeting in the ABC  
7 Board conference pursuant to the Open  
8 Meetings Amendment Act of 2010 and issue an  
9 order within 60 days, I believe. This is a  
10 new application.

11 Okay. So what that was about is  
12 under that Open Meetings Act the Board can  
13 deliberate this case in closed session, but  
14 we need to vote on it and give notice to you  
15 all that that's what we'll be doing. Okay.  
16 So that being done, I think that you all can  
17 go home now.

18 CHAIRPERSON MILLER: Thank you  
19 very much.

20 (Whereupon, the hearing was  
21 concluded at 1:24 a.m.)

22

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