

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

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 IN THE MATTER OF: \*  
 \*  
 Daniel Woldai \*  
 t/a Zula Restaurant \* Fact Finding  
 1933 9th Street, NW \* Hearing  
 Retailer CR \*  
 License No. 60547 \*  
 ANC 1B \*  
 Request to Extend Safekeeping \*  
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September 17, 2015

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

PRESENT:  
 RUTHANNE MILLER, Chairperson  
 NICK ALBERTI, Member  
 MICHAEL SILVERSTEIN, Member  
 HECTOR RODRIGUEZ, Member  
 JAMES SHORT, Member

ALSO PRESENT:  
 Daniel Woldai

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

2 (2:21 p.m.)

3 CHAIR MILLER: All right, our next  
4 hearing I believe is at 2:30 and I don't see  
5 anyone in the audience right now, so --

6 MEMBER ALBERTI: Wait up, folks.

7 CHAIR MILLER: Wait.

8 MEMBER ALBERTI: Please.

9 (Off the record comments)

10 CHAIR MILLER: So we're going to  
11 recess until 2:30 or at least until the next  
12 individuals show up for the fact finding hearing.

13 (Whereupon, the above-entitled matter  
14 went off the record at 2:21 p.m. and resumed at  
15 2:22 p.m.)

16 CHAIR MILLER: Okay, so you are here  
17 for the Zula Restaurant?

18 MR. WOLDAI: Yes.

19 CHAIR MILLER: All right, then I'm  
20 going to call the fact finding hearing of Zula  
21 Restaurant located at 1933 9th Street, N.W.,  
22 License Number 60547, and ANC 1B, and, also, it's

1 a case involving a request to extend safekeeping.

2 So have a seat, please, yes. If you  
3 could introduce yourself for the record.

4 MR. WOLDAI: Okay. My name is Daniel  
5 Woldai. I am the owner of Zula Restaurant, 1933  
6 9th Street. I used to be owner, there's not any  
7 Zula Restaurant at the time, they demolished that  
8 place.

9 CHAIR MILLER: There is no restaurant  
10 there now is that what you are saying?

11 MR. WOLDAI: Yes. I mean they  
12 demolished the whole place, so there is no, there  
13 is no restaurant existing in that area now.

14 CHAIR MILLER: So the building is  
15 demolished?

16 MR. WOLDAI: The building, yes.

17 CHAIR MILLER: When was that, in 2013?

18 MR. WOLDAI: Yes.

19 CHAIR MILLER: Okay. So what I want  
20 to say is this is what's called a fact finding  
21 hearing. It's not an evidentiary hearing where,  
22 you know, where you're put under oath or you

1 present evidence and, you know, you've done  
2 something wrong, and, you know, we're looking at  
3 you that way.

4 This is what's called a fact finding  
5 because we want to find out with your safekeeping  
6 license since it's been in safekeeping for  
7 awhile, which is, you know, two years.

8 MR. WOLDAI: Yes.

9 CHAIR MILLER: And I think the  
10 philosophy of the Board is that licenses are to  
11 be used and so when do you expect to use it, if  
12 you do, or what are your plans?

13 So if it's been demolished for two  
14 years what have you done since then with respect  
15 to looking for another place or anything like  
16 that?

17 MR. WOLDAI: Yes, we're looking. I  
18 mean me and my wife were running the business for  
19 like over 12 years.

20 CHAIR MILLER: Wow, okay.

21 MR. WOLDAI: Yes, since 2000.

22 CHAIR MILLER: Yes.

1 MR. WOLDAI: So all of a sudden I mean  
2 the landlords sold for this big investor, so we  
3 were unable to get that place. We were looking  
4 to get some, a new place, and we couldn't find  
5 the right place for us.

6 So all of a sudden we opened a new  
7 deli in Rockville, Maryland where we live.

8 CHAIR MILLER: Yes.

9 MR. WOLDAI: It's been a year now, so  
10 still we are, I mean we are still looking for the  
11 right place for us, which is, we couldn't find so  
12 far so that's why I presented the extension,  
13 whatever, for the safekeeping.

14 So it's not the right time, so I don't  
15 know where to find, but I keep looking elsewhere.

16 CHAIR MILLER: How are you looking?  
17 Do you have real estate agent or --

18 MR. WOLDAI: No.

19 CHAIR MILLER: No.

20 MR. WOLDAI: In fact my priority, our  
21 priority is to find like not to rent, if we can  
22 able to buy. We don't want the same thing to

1 happen again.

2 We own the business and all of a  
3 sudden, you know, the landlord kick you out, so  
4 we are looking for a place to buy property and  
5 invest. That's why it took us some --

6 CHAIR MILLER: So you are looking to  
7 buy instead of lease?

8 MR. WOLDAI: Yes.

9 CHAIR MILLER: And what part of the  
10 City are you looking in?

11 MR. WOLDAI: Well if it's possible the  
12 Northwest area. If not I can, I don't know,  
13 maybe Northeast, I'm not sure.

14 CHAIR MILLER: Okay. Do you have a  
15 goal or a plan, you know, or it's just open-ended  
16 by when you hope to find a new place?

17 MR. WOLDAI: Maybe. I don't know, one  
18 year's time period. I am still looking, but, I  
19 mean the price of the property at this time  
20 exaggerates, getting high, so I guess that's why  
21 it took me some time.

22 I mean I am not a millionaire, so

1 that's the reason.

2 CHAIR MILLER: Yes. Okay, Board  
3 Members?

4 MEMBER SHORT: I have a question.

5 CHAIR MILLER: Okay, Mr. Short.

6 MEMBER SHORT: How long did you have  
7 the license before 2013? You're building got  
8 torn down in 2013, you say, you're landlord put  
9 you out in 2013?

10 MR. WOLDAI: Yes.

11 MEMBER SHORT: And how long were you  
12 in business before that date?

13 MR. WOLDAI: For 12 years. We opened  
14 the business in 2000. Since 2000, yes.

15 MEMBER SHORT: From 2000 to 2015?

16 MR. WOLDAI: Yes.

17 MEMBER SHORT: And so what since 2013  
18 to now you say you haven't been able to find  
19 anything to use that license any place?

20 MR. WOLDAI: Well I mean in the  
21 meantime all when this happens we like take a  
22 break for like awhile. We had been in the

1 business in for like 12 years for like, you know,  
2 seven days a week.

3 We've been doing all this so we take  
4 a break like awhile, a year, then after that  
5 we'll start looking at the real estate market and  
6 we cannot afford thus far.

7 MEMBER SHORT: And you received a  
8 letter to come here today, correct?

9 MR. WOLDAI: Yes.

10 MEMBER SHORT: And do you know why you  
11 received that letter? Pretty much the City wants  
12 those licenses to be used. They want them to  
13 generate business and taxes.

14 When you have your license in  
15 safekeeping it's really not good for you or the  
16 City. So you say you don't have any plans to do  
17 anything within the next year?

18 MR. WOLDAI: I'm looking. I'm  
19 looking. We are looking to get a place. This is  
20 not the right time that's why I'm still looking,  
21 so if I can get a chance for like one year to,  
22 you know, to open a business.



1                   MEMBER SHORT: Well I wish you luck,  
2 but somebody needs to be using that license,  
3 that's why you are here today. We're trying to  
4 notify you that that license needs to be used.

5                   You just can't sit on it. It's got to  
6 be used.

7                   CHAIR MILLER: Mr. Rodriguez?

8                   MEMBER RODRIGUEZ: Yes. Sir, so tell  
9 me how are you looking? When you say you are  
10 looking what is the process? You don't have a  
11 real estate person looking for you, right?

12                  MR. WOLDAI: No.

13                  MEMBER RODRIGUEZ: No. So how are you  
14 looking?

15                  MR. WOLDAI: Well through the  
16 websites.

17                  MEMBER RODRIGUEZ: Yes. That's it,  
18 through the website?

19                  MR. WOLDAI: Yes. Over a year, yes.

20                  MEMBER RODRIGUEZ: That's, you know --  
21 I'm not happy with that.

22                  MEMBER ALBERTI: Question.

1 CHAIR MILLER: Yes, Mr. Alberti.

2 MEMBER ALBERTI: Can you give me more  
3 detail, what do you mean through a website, what  
4 websites?

5 MR. WOLDAI: Well my wife she is doing  
6 those things. I am not too involved with it.  
7 She's the one in charge, so she's the one, she  
8 was running the business. She was the manager  
9 and she's number one.

10 MALE PARTICIPANT: Can we talk about  
11 this for a minute or what are you going to do?

12 CHAIR MILLER: You want to talk about  
13 this?

14 MALE PARTICIPANT: Yes, I do want to  
15 talk about this, what instructions to give him.  
16 I would like to talk about this.

17 CHAIR MILLER: Oh.

18 MALE PARTICIPANT: About what  
19 instructions to give him.

20 MEMBER SHORT: Okay, well that --  
21 Yes, can we go back?

22 MEMBER RODRIGUEZ: I think that's what

1 Mr. Short is asking.

2 CHAIR MILLER: Okay, we need to take  
3 a quick break. We want to just discuss about one  
4 issue regarding how you should probably proceed  
5 with respect to your license.

6 MR. WOLDAI: Okay.

7 CHAIR MILLER: So to do that I need to  
8 just have the Board vote on discussing in a  
9 closed session.

10 MR. WOLDAI: Okay.

11 CHAIR MILLER: All right. As  
12 Chairperson of the Alcoholic Beverage Control  
13 Board for the District of Columbia in accordance  
14 with Section 405 of the Open Meetings Amendment  
15 Act of 2010 I move that the ABC Board hold a  
16 closed meeting for the purpose of seeking legal  
17 advice from our counsel on the case Zula  
18 Restaurant per Section 405(b)(4) of the Open  
19 Meetings Amendment Act of 2010 and deliberating  
20 upon the case for the reasons cited in Section  
21 405(b)(13) of the Open Meetings Amendment Act of  
22 2010. Is there a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIR MILLER: Mr. Silverstein  
3 seconded the motion. All those in -- We're going  
4 to take a roll call vote on this motion now that  
5 it's been seconded. Mr. Alberti?

6 MEMBER ALBERTI: I agree.

7 CHAIR MILLER: Mr. Rodriguez?

8 MEMBER RODRIGUEZ: I agree.

9 CHAIR MILLER: Ms. Miller agrees. Mr.  
10 Silverstein?

11 MEMBER SILVERSTEIN: I agree.

12 CHAIR MILLER: And, Mr. Short?

13 MEMBER SHORT: I agree.

14 CHAIR MILLER: Okay. Motion passes 5-  
15 0-0. I hereby give notice that the ABC Board  
16 will recess this proceeding until the closed  
17 meeting in the ABC Conference Room pursuant to  
18 the Open Meetings Amendment Act of 2010.

19 Okay, we will return shortly and then  
20 give you a report.

21 MR. WOLDAI: Sure.

22 CHAIR MILLER: Okay, thank you.

1 MR. WOLDAI: Thank you.

2 (Whereupon, the above-entitled matter  
3 went off the record at 2:32 p.m. and resumed at  
4 2:57 p.m.)

5 CHAIR MILLER: Okay, we are back on  
6 the record. So we just had a discussion with  
7 respect to your license because it's been  
8 inactive for awhile and it did not appear that  
9 you were really working actively to reuse it,  
10 even though you say you are looking to reuse it.

11 A couple of things I want to tell you,  
12 one is you do always have the option of canceling  
13 the license and then applying for a license fresh  
14 again when you want a license.

15 Because in this case, I don't want to  
16 get into it too much, but you are incurring fees  
17 by keeping it in safekeeping. There is a new law  
18 that assesses fees against you for keeping it  
19 inside safekeeping in addition to renewal.

20 So I just want to bring that to your  
21 attention and I also want to bring to your  
22 attention the law on this in case you want to

1 look at what law is governing our decision with  
2 respect to your safekeeping and it's 25-791 and  
3 it's on the website.

4 If you put ABRA into your Google  
5 you'll come up with our website and you can see  
6 our rules.

7 But it says, in one part it says if  
8 the licensee has not initiated proceedings to  
9 resume operations or transfer the license within  
10 60 days after suspension the Board may deem this  
11 license abandoned after giving notice to the  
12 licensee.

13 And it also talks about our reviewing  
14 licenses in safekeeping every six months, so  
15 you'll find that on the web with the laws, which  
16 brings us to your particular case.

17 Because we don't see any, much  
18 movement on this license we are considering  
19 canceling the license, but we are not canceling  
20 it today.

21 What we were going to do is extend  
22 your license in safekeeping for another six

1 months, until March 31st, which is the date that  
2 we have been giving to everybody so far that came  
3 in for an extension of safekeeping.

4 And you'll get a letter from us  
5 putting this in writing, or from our counsel, but  
6 at that point we would need to see a real plan of  
7 your intent to put this license in safekeeping.

8 A real plan meaning, you know, that  
9 you've gone forward and you've found a location  
10 or leased one or bought one, or whatever it is,  
11 I'm going to leave that up to, but something  
12 really concrete in order for you to maintain this  
13 license.

14 So we will be scheduling a hearing for  
15 you again before March 31st, at which point you  
16 can address us as to where your license will be  
17 at that point.

18 And then the process is after that  
19 we'll see how it goes. You know, if you've got  
20 something concrete then we can extend it again  
21 for another six months in the most likelihood.

22 If you don't have anything, you know,

1 it may be canceled at that point. But I would  
2 say that you are still able, even if it's  
3 canceled you are still able to apply for another  
4 license when you are ready.

5 But as certain Board Members have  
6 stated that it's Board policy not to keep these  
7 licenses out there not being used.

8 MEMBER ALBERTI: Sir -- May I speak?

9 CHAIR MILLER: Sure.

10 MEMBER ALBERTI: Sir, the Board has  
11 agreed that, yes, we're going to take look in six  
12 months to see where you are, but at the end of  
13 the year we expect a license to be in use, or at  
14 the very least for you to have a lease agreement  
15 for a place to put it at the end of a year.

16 So that's really the deadline we are  
17 looking at, all right. We expect to hear  
18 concrete plans from you in six months and then  
19 six months after that, one year from today, we  
20 expect at the very least that you will have a  
21 lease for a place to put this, all right.

22 Hopefully it will be active by then,



1 all right, and if it isn't, if it isn't, your  
2 license is at risk of being canceled.

3 And I can tell you that given the  
4 track record of this Board it probably, given  
5 those circumstances it probably, if at the end of  
6 the year there is no concrete evidence that you  
7 have a place to put it I expect that this Board  
8 will vote to cancel given this track record.

9 CHAIR MILLER: Do you have any  
10 questions right now?

11 MR. WOLDAI: No.

12 CHAIR MILLER: Okay. What I would say  
13 if you do have questions, after this hearing you  
14 go home and you're like I don't understand what's  
15 going on really or whatever, you should feel free  
16 to call the Agency and our legal counsel's name  
17 is Martha Jenkins you could ask for her.

18 But the Agency is always willing to  
19 help people and explain things because I know  
20 that our regulations and laws are not always self  
21 evident at all.

22 MR. WOLDAI: Okay. Can I get the

1 number and name of what you said?

2 MEMBER SHORT: You can stop by the  
3 desk on your way out.

4 MR. WOLDAI: Okay.

5 CHAIR MILLER: Okay, first I want to  
6 make a motion though to approve this license to  
7 stay in safekeeping for another six months until  
8 March 31, 2016.

9 MR. WOLDAI: Thank you, sir.

10 CHAIR MILLER: And to hold a hearing  
11 -- Well we'll just approve this for right now, to  
12 extend it for safekeeping until March 31st. Do I  
13 have a second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIR MILLER: And Mr. Silverstein  
16 seconded the motion. All those in favor say aye.

17 (Multiple ayes)

18 CHAIR MILLER: All those opposed?

19 (No audible response)

20 CHAIR MILLER: All those abstaining?

21 (No audible answer)

22 CHAIR MILLER: Motion passes, 5-0-0.

1 Okay, you're all set?

2 MR. WOLDAI: Yes, thank you.

3 CHAIR MILLER: All right, thank you.

4 MR. WOLDAI: So one more question,  
5 sorry.

6 CHAIR MILLER: Okay.

7 MR. WOLDAI: So are you going to send  
8 me any mail, letters of this thing?

9 CHAIR MILLER: Yes.

10 MR. WOLDAI: Okay. And do I have to  
11 pay anything for the next coming six months? I  
12 need to --

13 CHAIR MILLER: You will. There is a  
14 fee now to keep licenses in safekeeping. So I  
15 don't know where you are on your payments. You  
16 should probably go to the front desk and they can  
17 help you specifically on that.

18 MR. WOLDAI: Okay.

19 CHAIR MILLER: Okay?

20 MR. WOLDAI: All right.

21 CHAIR MILLER: But you've been  
22 approved for a safekeeping for another six months

1 and giving you --

2 MEMBER RODRIGUEZ: Good luck. Let's  
3 find a place.

4 MR. WOLDAI: Thank you.

5 CHAIR MILLER: Okay.

6 MR. WOLDAI: Yes, I will. Thank you.

7 CHAIR MILLER: All right, thank you.

8 (Whereupon, the above-entitled matter  
9 went off the record at 3:04 p.m.)

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<b>abandoned</b> 14:11 <b>ABC</b> 11:15 12:15 12:17 <b>able</b> 5:22 7:18 16:2 16:3 <b>above-entitled</b> 2:13 13:2 20:8 <b>ABRA</b> 14:4 <b>abstaining</b> 18:20 <b>Act</b> 11:15,19,21 12:18 <b>active</b> 16:22 <b>actively</b> 13:9 <b>addition</b> 13:19 <b>address</b> 15:16 <b>advice</b> 11:17 <b>afford</b> 8:6 <b>Agency</b> 17:16,18 <b>agent</b> 5:17 <b>agree</b> 12:6,8,11,13 <b>agreed</b> 16:11 <b>agreement</b> 16:14 <b>agrees</b> 12:9 <b>Alberti</b> 1:16 2:6,8 9:22 10:1,2 12:5,6 16:8,10 <b>Alcoholic</b> 1:2,11,12 11:12 <b>Amendment</b> 11:14 11:19,21 12:18 <b>ANC</b> 1:8 2:22 <b>answer</b> 18:21 <b>appear</b> 13:8 <b>apply</b> 16:3 <b>applying</b> 13:13 <b>approve</b> 18:6,11 <b>approved</b> 19:22 <b>area</b> 3:13 6:12 <b>asking</b> 11:1 <b>assesses</b> 13:18 <b>attention</b> 13:21,22 <b>audible</b> 18:19,21 <b>audience</b> 2:5 <b>awhile</b> 4:7 7:22 8:4 13:8 <b>aye</b> 18:16 <b>eyes</b> 18:17	<b>back</b> 10:21 13:5 <b>believe</b> 2:4 <b>Beverage</b> 1:2,11,12 11:12 <b>big</b> 5:2 <b>Board</b> 1:2,11 4:10 7:2 11:8,13,15 12:15 14:10 16:5 16:6,10 17:4,7 <b>bought</b> 15:10 <b>break</b> 7:22 8:4 11:3 <b>bring</b> 13:20,21 <b>brings</b> 14:16 <b>building</b> 1:12 3:14 3:16 7:7 <b>business</b> 4:18 6:2 7:12,14 8:1,13,22 10:8 <b>buy</b> 5:22 6:4,7	17:5 <b>cited</b> 11:20 <b>City</b> 6:10 8:11,16 <b>closed</b> 11:9,16 12:16 <b>Columbia</b> 1:1 11:13 <b>come</b> 8:8 14:5 <b>coming</b> 19:11 <b>comments</b> 2:9 <b>concrete</b> 15:12,20 16:18 17:6 <b>Conference</b> 12:17 <b>considering</b> 14:18 <b>Control</b> 1:2,11,12 11:12 <b>correct</b> 8:8 <b>counsel</b> 11:17 15:5 <b>counsel's</b> 17:16 <b>couple</b> 13:11 <b>CR</b> 1:7	<b>existing</b> 3:13 <b>expect</b> 4:11 16:13 16:17,20 17:7 <b>explain</b> 17:19 <b>extend</b> 1:9 3:1 14:21 15:20 18:12 <b>extension</b> 5:12 15:3		
			F		
			<b>fact</b> 1:6 2:12,20 3:20 4:4 5:20 <b>far</b> 5:12 8:6 15:2 <b>favor</b> 18:16 <b>fee</b> 19:14 <b>feel</b> 17:15 <b>fees</b> 13:16,18 <b>find</b> 4:5 5:4,11,15 5:21 6:16 7:18 14:15 20:3 <b>finding</b> 1:6 2:12,20 3:20 4:4 <b>first</b> 18:5 <b>folks</b> 2:6 <b>forward</b> 15:9 <b>found</b> 15:9 <b>free</b> 17:15 <b>fresh</b> 13:13 <b>front</b> 19:16		
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	<b>call</b> 2:20 12:4 17:16 <b>called</b> 3:20 4:4 <b>cancel</b> 17:8 <b>canceled</b> 16:1,3 17:2 <b>canceling</b> 13:12 14:19,19 <b>case</b> 3:1 11:17,20 13:15,22 14:16 <b>certain</b> 16:5 <b>CHAIR</b> 2:3,7,10,16 2:19 3:9,14,17,19 4:9,20,22 5:8,16 5:19 6:6,9,14 7:2 7:5 9:7 10:1,12,17 11:2,7,11 12:2,7,9 12:12,14,22 13:5 16:9 17:9,12 18:5 18:10,15,18,20,22 19:3,6,9,13,19,21 20:5,7 <b>Chairperson</b> 1:13 1:15 11:12 <b>chance</b> 8:21 <b>charge</b> 10:7 <b>circumstances</b>	<th data-bbox="857 1606 1149 1642">E</th> <td data-bbox="1170 1753 1463 1879"></td>	E		
		<b>estate</b> 5:17 8:5 9:11 <b>everybody</b> 15:2 <b>evidence</b> 4:1 17:6 <b>evident</b> 17:21 <b>evidentiary</b> 3:21 <b>exaggerates</b> 6:20			

**governing** 14:1  
**guess** 6:20

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**H**

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**happen** 6:1  
**happens** 7:21  
**happy** 9:21  
**hear** 16:17  
**hearing** 1:7,12 2:4  
2:12,20 3:21,21  
15:14 17:13 18:10  
**HECTOR** 1:17  
**help** 17:19 19:17  
**high** 6:20  
**hold** 11:15 18:10  
**home** 17:14  
**hope** 6:16  
**Hopefully** 16:22

---

**I**

---

**inactive** 13:8  
**incurring** 13:16  
**individuals** 2:12  
**initiated** 14:8  
**inside** 13:19  
**instructions** 10:15  
10:19  
**intent** 15:7  
**introduce** 3:3  
**invest** 6:5  
**investor** 5:2  
**involved** 10:6  
**involving** 3:1  
**issue** 11:4

---

**J**

---

**JAMES** 1:17  
**Jenkins** 17:17

---

**K**

---

**keep** 5:15 16:6  
19:14  
**keeping** 13:17,18  
**kick** 6:3  
**know** 3:22 4:1,2,7  
5:15 6:3,12,15,17  
8:1,10,22 9:20  
15:8,19,22 17:19  
19:15

---

**L**

---

**landlord** 6:3 7:8  
**landlords** 5:2  
**law** 13:17,22 14:1  
**laws** 14:15 17:20  
**lease** 6:7 16:14,21  
**leased** 15:10  
**leave** 15:11  
**legal** 11:16 17:16  
**Let's** 20:2  
**letter** 8:8,11 15:4  
**letters** 19:8  
**license** 1:8 2:22 4:6  
7:7,19 8:14 9:2,4  
11:5 13:7,13,13  
13:14 14:9,11,18  
14:19,22 15:7,13  
15:16 16:4,13  
17:2 18:6  
**licensee** 14:8,12  
**licenses** 4:10 8:12  
14:14 16:7 19:14  
**likelihood** 15:21  
**live** 5:7  
**located** 2:21  
**location** 15:9  
**long** 7:6,11  
**look** 14:1 16:11  
**looking** 4:2,15,17  
5:3,10,15,16 6:4,6  
6:10,18 8:5,18,19  
8:19,20 9:9,10,11  
9:14 13:10 16:17  
**luck** 9:1 20:2

---

**M**

---

**mail** 19:8  
**maintain** 15:12  
**MALE** 10:10,14,18  
**manager** 10:8  
**March** 15:1,15 18:8  
18:12  
**market** 8:5  
**Martha** 17:17  
**Maryland** 5:7  
**matter** 1:5 2:13  
13:2 20:8  
**mean** 3:11 4:18 5:1

5:10 6:19,22 7:20  
10:3

**meaning** 15:8  
**meeting** 1:3 11:16  
12:17  
**Meetings** 11:14,19  
11:21 12:18  
**Member** 1:16,16,17  
1:17 2:6,8 7:4,6  
7:11,15,17 8:7,10  
9:1,8,13,17,20,22  
10:2,20,22 12:1,6  
12:8,11,13 16:8  
16:10 18:2,14  
20:2  
**Members** 7:3 16:5  
**met** 1:12  
**MICHAEL** 1:16  
**Miller** 1:13,15 2:3,7  
2:10,16,19 3:9,14  
3:17,19 4:9,20,22  
5:8,16,19 6:6,9,14  
7:2,5 9:7 10:1,12  
10:17 11:2,7,11  
12:2,7,9,9,12,14  
12:22 13:5 16:9  
17:9,12 18:5,10  
18:15,18,20,22  
19:3,6,9,13,19,21  
20:5,7

**millionaire** 6:22  
**minute** 10:11  
**months** 14:14 15:1  
15:21 16:12,18,19  
18:7 19:11,22  
**motion** 12:3,4,14  
18:6,16,22  
**move** 11:15  
**movement** 14:18  
**Multiple** 18:17

---

**N**

---

**N.W** 1:12 2:21  
**name** 3:4 17:16  
18:1  
**need** 11:2,7 15:6  
19:12  
**needs** 9:2,4

**new** 5:4,6 6:16  
13:17  
**NICK** 1:16  
**Northeast** 6:13  
**Northwest** 6:12  
**notice** 12:15 14:11  
**notify** 9:4  
**number** 2:22 10:9  
18:1  
**NW** 1:7

---

**O**

---

**oath** 3:22  
**Oh** 10:17  
**okay** 2:16 3:4,19  
4:20 6:14 7:2,5  
10:20 11:2,6,10  
12:14,19,22 13:5  
17:12,22 18:4,5  
19:1,6,10,18,19  
20:5  
**open** 8:22 11:14,18  
11:21 12:18  
**open-ended** 6:15  
**opened** 5:6 7:13  
**operations** 14:9  
**opposed** 18:18  
**option** 13:12  
**order** 15:12  
**owner** 3:5,6

---

**P**

---

**P-R-O-C-E-E-D-I-...**  
2:1  
**p.m** 2:2,14,15 13:3  
13:4 20:9  
**part** 6:9 14:7  
**PARTICIPANT**  
10:10,14,18  
**particular** 14:16  
**passes** 12:14 18:22  
**pay** 19:11  
**payments** 19:15  
**people** 17:19  
**period** 6:18  
**person** 9:11  
**philosophy** 4:10  
**place** 3:8,12 4:15

5:3,4,5,11 6:4,16  
7:19 8:19 16:15  
16:21 17:7 20:3  
**plan** 6:15 15:6,8  
**plans** 4:12 8:16  
16:18  
**please** 2:8 3:2  
**point** 15:6,15,17  
16:1  
**policy** 16:6  
**possible** 6:11  
**present** 1:15,18 4:1  
**presented** 5:12  
**presiding** 1:13  
**Pretty** 8:11  
**price** 6:19  
**priority** 5:20,21  
**probably** 11:4 17:4  
17:5 19:16  
**proceed** 11:4  
**proceeding** 12:16  
**proceedings** 14:8  
**process** 9:10 15:18  
**property** 6:4,19  
**purpose** 11:16  
**pursuant** 12:17  
**put** 3:22 7:8 14:4  
15:7 16:15,21  
17:7  
**putting** 15:5

---

**Q**


---

**question** 7:4 9:22  
19:4  
**questions** 17:10,13  
**quick** 11:3

---

**R**


---

**ready** 16:4  
**real** 5:17 8:5 9:11  
15:6,8  
**really** 8:15 13:9  
15:12 16:16 17:15  
**reason** 7:1  
**reasons** 11:20  
**received** 8:7,11  
**recess** 2:11 12:16  
**record** 2:9,14 3:3

13:3,6 17:4,8 20:9  
**Reeves** 1:12  
**regarding** 11:4  
**regulations** 17:20  
**renewal** 13:19  
**rent** 5:21  
**report** 12:20  
**request** 1:9 3:1  
**respect** 4:14 11:5  
13:7 14:2  
**response** 18:19  
**restaurant** 1:6 2:17  
2:21 3:5,7,9,13  
11:18  
**resume** 14:9  
**resumed** 2:14 13:3  
**Retailer** 1:7  
**return** 12:19  
**reuse** 13:9,10  
**reviewing** 14:13  
**right** 2:3,5,19 5:5  
5:11,14 8:20 9:11  
11:11 16:17,21  
17:1,10 18:11  
19:3,20 20:7  
**risk** 17:2  
**Rockville** 5:7  
**Rodriguez** 1:17 9:7  
9:8,13,17,20  
10:22 12:7,8 20:2  
**roll** 12:4  
**Room** 1:12 12:17  
**rules** 14:6  
**running** 4:18 10:8  
**Ruthanne** 1:13,15

---

**S**


---

**safekeeping** 1:9  
3:1 4:5,6 5:13  
8:15 13:17,19  
14:2,14,22 15:3,7  
18:7,12 19:14,22  
**saying** 3:10  
**says** 14:7,7  
**scheduling** 15:14  
**seat** 3:2  
**second** 11:22 12:1  
18:13,14

**seconded** 12:3,5  
18:16  
**Section** 11:14,18  
11:20  
**see** 2:4 14:5,17  
15:6,19 16:12  
**seeking** 11:16  
**self** 17:20  
**send** 19:7  
**September** 1:10  
**session** 11:9  
**set** 19:1  
**seven** 8:2  
**Short** 1:17 7:4,5,6  
7:11,15,17 8:7,10  
9:1 10:20 11:1  
12:12,13 18:2  
**shortly** 12:19  
**show** 2:12  
**Silverstein** 1:16  
12:1,2,10,11  
18:14,15  
**sir** 9:8 16:8,10 18:9  
**sit** 9:5  
**six** 14:14,22 15:21  
16:11,18,19 18:7  
19:11,22  
**sold** 5:2  
**somebody** 9:2  
**sorry** 19:5  
**speak** 16:8  
**specifically** 19:17  
**start** 8:5  
**stated** 16:6  
**stay** 18:7  
**stop** 18:2  
**Street** 1:7,12 2:21  
3:6  
**sudden** 5:1,6 6:3  
**sure** 6:13 12:21  
16:9  
**suspension** 14:10

---

**T**


---

**t/a** 1:6  
**take** 7:21 8:3 11:2  
12:4 16:11  
**talk** 10:10,12,15,16

**talks** 14:13  
**taxes** 8:13  
**tell** 9:8 13:11 17:3  
**thank** 12:22 13:1  
18:9 19:2,3 20:4,6  
20:7  
**thing** 5:22 19:8  
**things** 10:6 13:11  
17:19  
**think** 4:9 10:22  
**time** 3:7 5:14 6:18  
6:19,21 8:20  
**today** 8:8 9:3 14:20  
16:19  
**torn** 7:8  
**track** 17:4,8  
**transfer** 14:9  
**trying** 9:3  
**two** 4:7,13

---

**U**


---

**unable** 5:3  
**understand** 17:14  
**use** 4:11 7:19 16:13

---

**V**


---

**vote** 11:8 12:4 17:8

---

**W**


---

**Wait** 2:6,7  
**want** 3:19 4:5 5:22  
8:12 10:12,14  
11:3 13:11,14,15  
13:20,21,22 18:5  
**wants** 8:11  
**Washington** 1:13  
**way** 4:3 18:3  
**we'll** 8:5 15:19  
18:11  
**we're** 2:10 4:2,17  
9:3 12:3 16:11  
**We've** 8:3  
**web** 14:15  
**website** 9:18 10:3  
14:3,5  
**websites** 9:16 10:4  
**week** 8:2  
**went** 2:14 13:3 20:9

**wife** 4:18 10:5  
**willing** 17:18  
**wish** 9:1  
**Woldai** 1:6,19 2:18  
 3:4,5,11,16,18 4:8  
 4:17,21 5:1,9,18  
 5:20 6:8,11,17  
 7:10,13,16,20 8:9  
 8:18 9:12,15,19  
 10:5 11:6,10  
 12:21 13:1 17:11  
 17:22 18:4,9 19:2  
 19:4,7,10,18,20  
 20:4,6

**working** 13:9

**Wow** 4:20

**writing** 15:5

**wrong** 4:2

---

**X**

---



---

**Y**

---

**year** 5:9 8:4,17,21  
 9:19 16:13,15,19  
 17:6

**year's** 6:18

**years** 4:7,14,19

7:13 8:1

---

**Z**

---

**Zula** 1:6 2:17,20 3:5  
 3:7 11:17

---

**0**

---

**0-0** 12:15

---

**1**

---

**12** 4:19 7:13 8:1

**14th** 1:12

**17** 1:10

**1933** 1:7 2:21 3:5

**1B** 1:8 2:22

---

**2**

---

**2:21** 2:2,14

**2:22** 2:15

**2:30** 2:4,11

**2:32** 13:3

**2:57** 13:4

**2000** 1:12 4:21 7:14  
 7:14,15

**2010** 11:15,19,22  
 12:18

**2013** 3:17 7:7,8,9  
 7:17

**2015** 1:10 7:15

**2016** 18:8

**25-791** 14:2

---

**3**

---

**3:04** 20:9

**31** 18:8

**31st** 15:1,15 18:12

---

**4**

---

**405** 11:14

**405(b)(13)** 11:21

**405(b)(4)** 11:18

---

**5**

---

**5** 12:14

**5-0-0** 18:22

---

**6**

---

**60** 14:10

**60547** 1:8 2:22

---

**7**

---



---

**8**

---



---

**9**

---

**9th** 1:7 2:21 3:6