

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

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IN THE MATTER OF: :  
: :  
Pal the Mediterranean :  
Spot, LLC t/a Pal the : Protest  
Mediterranean Spot : Hearing  
1501 U Street, NW :  
Retailer CR - ANC-1B :  
License No. 92484 :  
Case #13-PRO-00101 :  
:  
(New Application) :  
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October 16, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller,

presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member

DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member

ALSO PRESENT:

ILLEANA CORRALES, ABRA Investigator

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

2 (1:48 p.m.)

3 CHAIRPERSON MILLER: Okay. All  
4 right. Next, we have a Protest Hearing. I  
5 see a lot of people here in the audience. So  
6 if you are here for Case No. 13-PRO-00101, Pal  
7 the Mediterranean Spot, you can come forward  
8 and take a seat at the table. Mediterranean  
9 Spot is located at 1501 U Street, N.W.,  
10 License No. 92484, in ANC-1B. And this is a  
11 protest regarding a new application.

12 So the first thing we will start  
13 with is introductions, starting on my right.  
14 Good afternoon.

15 MS. HAIL: I'm --

16 CHAIRPERSON MILLER: You can sit  
17 down. Actually, see that's your microphone  
18 there, so we can hear you better when you are  
19 sitting down. Okay.

20 MS. HAIL: I'm Azandeh Hail.

21 CHAIRPERSON MILLER: You're the  
22 owner?

1 MS. HAIL: I am.

2 CHAIRPERSON MILLER: And with you  
3 is?

4 MR. RASHED: Mohammed Rashed. I'm  
5 the husband and the owner.

6 CHAIRPERSON MILLER: I'm sorry?

7 MR. RASHED: I'm her husband.

8 CHAIRPERSON MILLER: You're the  
9 husband. Are you an owner, too?

10 MR. RASHED: Yes.

11 CHAIRPERSON MILLER: Okay. Okay.  
12 And you represent -- you are the owners of the  
13 Mediterranean Spot, the applicant in this  
14 case? All right. And at this table?

15 MR. ABBRUZZESE: Oh, hello. My  
16 name is Matthew Abbruzzese. That's M-A-T-T-H-  
17 E-W A-B-B-R-U-Z-Z-E-S-E. I'm an officer  
18 representing the Meridian Hill Neighborhood  
19 Association.

20 CHAIRPERSON MILLER: Okay.

21 MR. VAN METER: Mr. Van Meter.  
22 I'm --

1 CHAIRPERSON MILLER: Can you hear?  
2 No. Could you -- do you have a chair?  
3 Because you need to talk closer to the mike  
4 which is on the table.

5 MR. FERRIS: Elwyn Ferris, E-L-W-  
6 Y-N F-E-R-R-I-S, on behalf of the Shaw-Dupont  
7 Citizens Alliance.

8 MS. PARASCONDOLA: I'm Christina  
9 Parascondola. I'm the abutting property owner  
10 and resident.

11 MR. PARASCONDOLA: And I'm Mark  
12 Parascondola, also abutting property owner and  
13 resident.

14 MR. HIBEY: Good afternoon. I'm  
15 Mike Hibey and I'm -- I represent the  
16 Parascondolas.

17 CHAIRPERSON MILLER: Who do you  
18 represent?

19 MR. HIBEY: The Parascondolas.

20 CHAIRPERSON MILLER: Okay.

21 MR. HIBEY: Christina and Mark.

22 CHAIRPERSON MILLER: The abutting

1 owners?

2 MR. HIBEY: Excuse me?

3 CHAIRPERSON MILLER: The abutting  
4 owners?

5 MR. HIBEY: Yes.

6 CHAIRPERSON MILLER: Yes. Okay.

7 I have a question for Mr. Ferris. I don't  
8 believe, but correct me if I'm mistaken, that  
9 we got a PIF from you, from your organization.

10 MR. FERRIS: Yes, on the 9th. We  
11 hand-delivered it on the 9th of October.

12 CHAIRPERSON MILLER: Okay. We  
13 don't have it. Do you have extra copies? And  
14 do the owners have a copy? I mean, do the  
15 owners of the Mediterranean Spot have a copy?

16 MR. FERRIS: Yes, I do. I do have  
17 a copy. Not a good one, but I do have a copy  
18 and I have a copy of the email that was sent  
19 to the owner with the PIF forwarded.

20 CHAIRPERSON MILLER: Okay. So you  
21 received that, their PIF? Okay.

22 MR. FERRIS: Here we are.

1 CHAIRPERSON MILLER: She will get  
2 it. Good. Okay. All right. Let me just do  
3 a couple of preliminary matters then. I want  
4 to get a feel for the length of this case.

5 How many witnesses will you have?

6 MR. RASHED: We have like two  
7 maybe.

8 CHAIRPERSON MILLER: You have  
9 what?

10 MR. RASHED: Two or three, four we  
11 have.

12 CHAIRPERSON MILLER: Four. And  
13 they were identified on your PIF?

14 MR. RASHED: Not all of them, no.

15 CHAIRPERSON MILLER: Let me see.  
16 Could you tell me who was identified and who  
17 wasn't, in case it's an issue.

18 MR. RASHED: We had Tony Norman,  
19 identified there and we have Alex, she is not  
20 here. We have Zahra, the ANC representative.

21 MS. TEKLE: My name is Aster  
22 Tekle.

1 MR. RASHED: Yes, Aster.

2 CHAIRPERSON MILLER: Okay.

3 MR. RASHED: Yes.

4 CHAIRPERSON MILLER: They are  
5 talking about different aspects?

6 MR. RASHED: Yes.

7 CHAIRPERSON MILLER: Or some of  
8 them are redundant?

9 MS. TEKLE: No, that name is  
10 Aster.

11 CHAIRPERSON MILLER: No, I hear  
12 that. I hear that. Are they all talking  
13 about different parts of your case?

14 MR. RASHED: Yes.

15 CHAIRPERSON MILLER: Okay. We  
16 will have to see if there is an objection over  
17 here. I don't know.

18 MR. HIBEY: Yes.

19 CHAIRPERSON MILLER: You have an  
20 objection?

21 MR. HIBEY: I still don't even  
22 know who these witnesses are.

1 CHAIRPERSON MILLER: Who they are,  
2 what they will be testifying to.

3 MR. HIBEY: And that didn't tell  
4 us anything. So --

5 CHAIRPERSON MILLER: Right. Okay.  
6 Since it wasn't on your PIF, we need to let  
7 them know who, you know, you identified before  
8 and then who you didn't identify, so they know  
9 what they are testifying to.

10 MR. RASHED: I'm sorry?

11 CHAIRPERSON MILLER: So he has  
12 some notice about what is going to be  
13 testified to. Who you didn't -- we give you  
14 a PIF.

15 MR. RASHED: Yes, yes.

16 CHAIRPERSON MILLER: Okay. And we  
17 asked you to identify your witnesses and what  
18 they are going to testify to, so the other  
19 side has a little bit of notice and the Board  
20 does. You say you have two more witnesses  
21 that you didn't identify.

22 MS. HAIL: But they work. Most

1 people they want to come to be witness and  
2 support the work.

3 CHAIRPERSON MILLER: Okay. So you  
4 tell us --

5 MS. HAIL: They couldn't make it  
6 at these times to present.

7 CHAIRPERSON MILLER: Okay. I'll--

8 MS. HAIL: They know us for years.  
9 They couldn't make it. One of them she is  
10 sick, like it happened for her, so she didn't  
11 come.

12 CHAIRPERSON MILLER: Okay. So  
13 somebody is not testifying who you identified  
14 on the PIF?

15 MS. HAIL: No.

16 MR. RASHED: We have Tony Norman  
17 as a --

18 CHAIRPERSON MILLER: Norman?

19 MR. RASHED: -- Chair for 1B, and  
20 we have --

21 CHAIRPERSON MILLER: Okay.

22 MR. RASHED: -- Zahra as her

1 representative saying that she is the ANC  
2 representative for our Part B.

3 CHAIRPERSON MILLER: Oh, okay. So  
4 they are both with the ANC?

5 MR. RASHED: Yes.

6 MS. HAIL: Yes.

7 CHAIRPERSON MILLER: Okay.

8 MR. RASHED: And we have Aster  
9 Tekle. She is just a neighborhood, been  
10 living in the area, a member. She lives and  
11 she works in this neighborhood.

12 CHAIRPERSON MILLER: She lives and  
13 she works in the area?

14 MR. RASHED: Yes. She is in the  
15 Industrial Bank manager.

16 CHAIRPERSON MILLER: Okay. And  
17 who else?

18 MR. RASHED: That's all.

19 CHAIRPERSON MILLER: Three?

20 MR. RASHED: Yes.

21 CHAIRPERSON MILLER: So you just  
22 have one extra.

1 MR. RASHED: She didn't show up.

2 CHAIRPERSON MILLER: Okay. So  
3 there are just three. Okay. And how about  
4 over here? How about you all?

5 MR. HIBEY: Well, before we move  
6 on, I still have no idea. I don't know who  
7 these people are. We have gotten first names  
8 and that's it.

9 CHAIRPERSON MILLER: Okay. Two  
10 are --

11 MR. HIBEY: I know Tony Norman.  
12 He was on the PIF.

13 CHAIRPERSON MILLER: Right.

14 MR. HIBEY: I know Alex Llewyns  
15 Zwergley. She was on the PIF as well, but  
16 apparently, she is not here now.

17 MS. HAIL: Right.

18 MR. HIBEY: And now there are two  
19 other names that I don't know who these people  
20 are and I'm getting first names. I still  
21 don't know what's going on.

22 CHAIRPERSON MILLER: Okay. One

1 that I heard was the ANC, the commissioner for  
2 that --

3 MR. RASHED: Represent the ANC.  
4 Zahra is the ANC member.

5 MR. HIBEY: What's her name?

6 CHAIRPERSON MILLER: Okay.

7 MR. RASHED: She is -- her name is  
8 Zahra. And she is the Single --

9 MR. HIBEY: That's her only name?

10 CHAIRPERSON MILLER: Okay. She is  
11 the Single Member District representative.

12 MEMBER ALBERTI: Does she have a  
13 last name?

14 MR. GREEN: Jilani. And I'm John  
15 Green. I'm here to represent her.

16 MR. HIBEY: What?

17 CHAIRPERSON MILLER: Oh, all  
18 right. Fine. Represent a witness?

19 MR. HIBEY: Is Zahra here?

20 MR. GREEN: She is not. She is  
21 away at work and she just asked me to just  
22 deliver some information.

1 CHAIRPERSON MILLER: All right.  
2 We will see what -- how that unfolds. Okay.  
3 He is standing in for her. Okay. Let's just  
4 get a feel and then we will see how this goes.

5 And for you all, how many  
6 witnesses do you have? Are they all  
7 identified on the PIF?

8 MR. HIBEY: Could someone just  
9 write down who these people are? I still --  
10 is Zahra represented by John Green? I don't  
11 know what's going on. I'm sorry. I'm so  
12 confused.

13 CHAIRPERSON MILLER: All right.  
14 You want them to come and give their exact  
15 name?

16 MR. HIBEY: Well, I would  
17 appreciate that.

18 CHAIRPERSON MILLER: Could you  
19 come to the table and give your exact names  
20 who the witnesses are going to be?

21 MR. GREEN: All right. So for the  
22 record, I'm John Green. Zahra Jilani is the

1       ANC-1B Commissioner, 1B12. And she is the  
2       acting and current commissioner. I'm just  
3       here in her place. There are some documents  
4       on her behalf and --

5                   CHAIRPERSON MILLER: All right.

6                   MR. GREEN: -- I'll submit the  
7       same.

8                   CHAIRPERSON MILLER: That's fine.  
9       We will -- that's fine. Okay. That's fine.  
10      That's John Green and --

11                   MR. HIBEY: And who is the other?

12                   CHAIRPERSON MILLER: -- you are  
13      Norman.

14                   MR. HIBEY: I got Norman.

15                   CHAIRPERSON MILLER: You already  
16      got Norman.

17                   MR. HIBEY: I got Norman and then  
18      there was an Aster.

19                   CHAIRPERSON MILLER: Norman was on  
20      the PIF.

21                   MR. RASHED: Norman.

22                   CHAIRPERSON MILLER: Norman?

1 Okay.

2 MR. RASHED: And Aster.

3 CHAIRPERSON MILLER: And Aster who  
4 just came up to the microphone previously.

5 MR. HIBEY: And what is her name?

6 CHAIRPERSON MILLER: Aster.

7 MS. TEKLE: Aster Tekle, A-S-T-E-R  
8 first name, last name T-E-K-L-E.

9 MR. HIBEY: T-E-K-L-E.

10 CHAIRPERSON MILLER: Okay.

11 MR. HIBEY: And is she an  
12 employee?

13 MS. HAIL: To us? No.

14 CHAIRPERSON MILLER: She lived --  
15 we understood that she lives in the area.

16 MR. RASHED: She lives and works  
17 in the neighborhood.

18 MR. HIBEY: Where?

19 CHAIRPERSON MILLER: Okay. I  
20 think that's --

21 MR. RASHED: She works in the  
22 Industrial Bank. She is the manager of the

1 Industrial Bank.

2 CHAIRPERSON MILLER: You can ask  
3 her when she comes up to testify. So that's  
4 three. And, Mr. Hibey?

5 MR. HIBEY: Well, our witnesses  
6 were listed.

7 CHAIRPERSON MILLER: Okay. They  
8 are the ones that are listed on the PIF?

9 MR. HIBEY: And we will be calling  
10 three witnesses, not all six.

11 CHAIRPERSON MILLER: Three?

12 MR. HIBEY: Yes.

13 CHAIRPERSON MILLER: Great. Okay.  
14 Is that it for all the protestants?

15 MR. HIBEY: I'm sorry.

16 CHAIRPERSON MILLER: That's it for  
17 all the protestants?

18 MS. PARASCONDOLA: Oh, I'm sorry.

19 MR. PARASCONDOLA: I don't know.

20 MR. FERRIS: Well, I'm here on  
21 behalf of the SDCA, as I said, representing  
22 the association.

1 CHAIRPERSON MILLER: Will you be  
2 testifying?

3 MR. FERRIS: I'll have a  
4 statement. I have an opening statement to  
5 make.

6 CHAIRPERSON MILLER: Okay. That's  
7 testimony. Okay.

8 MR. FERRIS: Okay. Would it be  
9 appropriate, at this juncture, for me to raise  
10 an objection?

11 CHAIRPERSON MILLER: Is it a  
12 procedural objection?

13 MR. FERRIS: Well, it's an  
14 objection to having witnesses who are not on  
15 the Protest Information Form being allowed to  
16 be witnesses. And for a non-ANC  
17 representative, someone who is not an ANC  
18 representative, to be here on behalf of the  
19 ANC. Those would be the objections that I  
20 would wish to raise.

21 CHAIRPERSON MILLER: Okay. I  
22 think I would like to hear them when they

1 present the witness, because there may be  
2 questions that will resolve such as if there  
3 is really prejudice or not prejudice. And so  
4 I think I would rather wait until that point.

5 So if I forget, feel free to bring  
6 that up again, but I hear your objection.

7 Okay.

8 MR. HIBEY: Well, if I could, I  
9 guess for the record, make the same objection,  
10 which I thought I had already made. And to be  
11 clear, there is prejudice before we go any  
12 further. I have no idea who Aster Tekle is.  
13 I don't know where she lives. I don't know  
14 what she is going to talk about.

15 CHAIRPERSON MILLER: Okay.

16 MR. HIBEY: I don't know who John  
17 Green is or how he is representing an ANC  
18 member.

19 CHAIRPERSON MILLER: Okay.

20 MR. HIBEY: We would ask that this  
21 whole procedure be continued and they can  
22 refile their PIF forms and we can figure out

1 what is going on.

2 CHAIRPERSON MILLER: Okay. So you  
3 know, the PIF form is a tool to give everyone  
4 notice, so that there isn't prejudice.  
5 However, it's not always the case that there  
6 is a witness presented that you can't find out  
7 a certain amount of information and we can  
8 determine that there isn't prejudice here and  
9 that there isn't reason to continue the  
10 hearing.

11 So that's why I'm saying we are  
12 going to wait until we get to that witness and  
13 decide whether you would be prejudiced or not.

14 MR. FERRIS: Excuse me, Madam  
15 Chair?

16 CHAIRPERSON MILLER: So that being  
17 said --

18 MR. FERRIS: Just one other  
19 procedural matter.

20 CHAIRPERSON MILLER: Okay.

21 MR. FERRIS: The SDCA has never  
22 received any PIF forms from the applicant. We

1 have nothing from the applicant at all.

2 MR. HIBEY: I didn't get one  
3 either.

4 MS. PARASCONDOLA: We didn't.

5 CHAIRPERSON MILLER: Oh.

6 MR. FERRIS: I got it from the  
7 Board on the 9th or the 10th or the 11th.

8 CHAIRPERSON MILLER: Okay. So you  
9 got the --

10 MR. HIBEY: But we didn't -- he  
11 didn't serve us.

12 CHAIRPERSON MILLER: Okay.

13 MR. HIBEY: Or anyone.

14 CHAIRPERSON MILLER: Is there some  
15 reason you didn't serve the protestants?

16 MR. RASHED: Well, we are, like I  
17 said, dealing with the group and they are  
18 expert in this matters, that they have all the  
19 technicality. We are people who are hard-  
20 working living people that the papers and the  
21 trail of papers, we are not much into it. We  
22 do work. They do papers. And they are

1        expecting us -- we didn't ask to serve the  
2        ABC. We came with the application here. We  
3        didn't know that we have to serve everybody  
4        here with the exact same kind of paper. It  
5        wasn't easy for us to do it. We didn't know  
6        that we have to serve them, anyone.

7                    CHAIRPERSON MILLER: You didn't  
8        understand that you had to serve them?

9                    MR. RASHED: I didn't understand  
10       that I have to serve them. We basically  
11       never. But these technicalities of the  
12       papers, this is what they do and this is what  
13       we don't do. We were just hard-working people  
14       trying to make a living. There are people who  
15       are trying to move through --

16                   CHAIRPERSON MILLER: Okay. All  
17       right.

18                   MR. RASHED: -- the paperwork.

19                   CHAIRPERSON MILLER: All right. I  
20       understand both your positions. And this has  
21       happened before and you are obligated to serve  
22       the other side.

1                   However, I understand that our  
2                   general counsel serves everybody with the PIFs  
3                   that have come in on Friday and that the  
4                   Friday before the Wednesday hearing and that  
5                   you did get the PIF last Friday. Is that  
6                   right?

7                   MR. HIBEY: Yes, that's what I  
8                   said.

9                   CHAIRPERSON MILLER: Okay. So  
10                  unless I'm hearing that you are incredibly  
11                  prejudiced by having gotten it on Friday, I  
12                  think we need to move forward.

13                  MR. HIBEY: So they don't serve  
14                  it, they don't name their witnesses and we  
15                  just go forward?

16                  CHAIRPERSON MILLER: No, they did  
17                  serve it to the Board. And what I'm hearing  
18                  is they didn't understand they were supposed  
19                  to serve it to you all, but you did get copies  
20                  of it last Friday.

21                  MR. HIBEY: And they didn't  
22                  include the witnesses that they are now

1 calling.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: We will determine  
4 that.

5 CHAIRPERSON MILLER: All right. I  
6 think we need to proceed. We will determine  
7 whether or not to let their witnesses testify,  
8 but they are here for their case. And we will  
9 go forward. I hear your objections and then  
10 we will see. Some of these issues are not  
11 that complicated and I think, you know, your  
12 notice on Friday may have been sufficient, but  
13 we will cross that bridge when we come to it.

14 So I want to say that each side  
15 has a maximum of an hour and a half to present  
16 that case, that includes crossing the other  
17 side's witness. It doesn't mean when your  
18 witness is being crossed. It doesn't include  
19 open and closing statements.

20 However, it does include all the  
21 protestants grouped together and it is a lot  
22 of time and we don't think for this kind of

1 case you should come anywhere near hopefully  
2 taking up all that time.

3 And okay, we are going to move.  
4 The order of procedure is that the applicant  
5 can make an opening statement, if you want.

6 MR. HIBEY: One more preliminary  
7 issue before we get underway. Can we -- we  
8 would ask that all the witnesses who are going  
9 to be testifying --

10 MEMBER SILVERSTEIN: Mr. Hibey,  
11 please, speak up. I have a hearing  
12 impairment.

13 MR. HIBEY: I'm sorry. Okay.  
14 Well, actually, that's not going to help. I'm  
15 sorry.

16 MEMBER SILVERSTEIN: Just move  
17 that closer to you.

18 MR. HIBEY: We would just ask that  
19 all the witnesses who are going to testify  
20 step out of the room as the proceeding begins.  
21 We don't want --

22 CHAIRPERSON MILLER: You are

1       invoking the Rule on Witnesses?

2                   MR. HIBEY:   Yes.

3                   CHAIRPERSON MILLER:   So on both  
4       sides?

5                   MR. HIBEY:   Yes.

6                   CHAIRPERSON MILLER:   Okay.   Except  
7       that a party is entitled to be here.   So if  
8       you are the party, like if you are the -- one  
9       of your owners can be here, obviously.   Not  
10      all the witnesses.   The party can be here.

11                   MR. HIBEY:   Yes.   All of these  
12      people are parties.   All of these people are  
13      parties.

14                   CHAIRPERSON MILLER:   Okay.   Are  
15      both of them --

16                   MR. HIBEY:   Anyone else --

17                   CHAIRPERSON MILLER:   Are both of  
18      your witnesses going to -- are both of the  
19      abutting owners going to testify though?

20                   MR. HIBEY:   There is a chance.

21                   CHAIRPERSON MILLER:   Well, then  
22      maybe one should not be here.

1                   MEMBER SILVERSTEIN:  Then one  
2                   should leave.

3                   CHAIRPERSON MILLER:  Right.

4                   MR. HIBEY:  Why?

5                   CHAIRPERSON MILLER:  Because they  
6                   could repeat the other person's testimony,  
7                   unless you don't --

8                   MR. HIBEY:  They are parties.

9                   MS. PARASCONDOLA:  We both own the  
10                  house.

11                  CHAIRPERSON MILLER:  Do you have  
12                  an objection to both of them being here?

13                  MR. RASHED:  Yes.

14                  MR. HIBEY:  Well, then one of the  
15                  owners needs to leave.  I mean, that's not  
16                  what the Rule on Witnesses is.

17                  CHAIRPERSON MILLER:  Well, only  
18                  one -- are both of you going to testify?

19                  MR. RASHED:  Yes.

20                  MS. HAIL:  If needed, yes.

21                  CHAIRPERSON MILLER:  Maybe.  All  
22                  right.  Then if both of you are going to

1       testify, then both of you might testify, then  
2       it evens out. Okay. All the other witnesses  
3       should leave. Correct? What's wrong? Do you  
4       have a problem with that?

5                   MEMBER ALBERTI: No, no.

6                   CHAIRPERSON MILLER: Okay.

7                   MEMBER ALBERTI: I --

8                   CHAIRPERSON MILLER: Okay.

9                   MEMBER ALBERTI: The rationale I  
10       was not quite sure I understood, but --

11                   CHAIRPERSON MILLER: Well, this  
12       isn't a criminal case.

13                   MEMBER ALBERTI: I have a  
14       question. May I ask a question of Mr. Hibey?

15                   MR. HIBEY: Yes.

16                   MEMBER ALBERTI: Since you seem to  
17       be familiar with everyone there.

18                   MR. HIBEY: Yes.

19                   MEMBER ALBERTI: Okay. For Shaw,  
20       for Meridian Hill we have one person here as  
21       the representative?

22                   MR. ABBRUZZESE: Correct.

1                   MEMBER ALBERTI: Okay. So that's  
2 you. And then, Mr. Ferris, you are here for  
3 Shaw-Dupont?

4                   MR. FERRIS: Correct.

5                   MEMBER ALBERTI: Okay. And then  
6 the other couple are the abutting property  
7 owners.

8                   MR. PARASCONDOLA: Yes.

9                   MS. PARASCONDOLA: Yes.

10                  MEMBER ALBERTI: Okay. Thank you.  
11 I'm clear.

12                  CHAIRPERSON MILLER: Okay.

13                  MEMBER ALBERTI: Thank you.

14                  CHAIRPERSON MILLER: And the ANC  
15 in this case is not a party. They are just a  
16 witness. Is that correct?

17                  MR. PARASCONDOLA: Correct.

18                  MR. RASHED: Like a witness.

19                  CHAIRPERSON MILLER: Okay. So  
20 there has been a request that the witnesses  
21 leave the room until it's their time to  
22 testify. Once you have testified, you can

1 stay in the room.

2 So anyone who is going to testify,  
3 who is not a party, okay, needs to leave and  
4 we will come get you. If you are going to  
5 testify and you are not a party.

6 MEMBER ALBERTI: Well, you are  
7 going to be the first witness, so you can  
8 stay.

9 CHAIRPERSON MILLER: Is she our  
10 Investigator?

11 MEMBER ALBERTI: Right, our  
12 Investigator.

13 CHAIRPERSON MILLER: Oh, no, not  
14 our Investigator. Okay. Order of Procedure  
15 is going to be opening statement, which is not  
16 required of the applicant. An opening  
17 statement about what your case is going to  
18 show. It's not testimony. You don't have to  
19 make one. You could just say we're going to  
20 show that we have been in compliance all these  
21 years and our license should be renewed. I  
22 mean, something like that.

1           But you are not obligated to.  
2           It's not evidence. It's just argument. And  
3           then the protestants will do an opening  
4           statement, should they choose. Then our  
5           Investigator will testify first and the Board  
6           will ask questions of the Investigator. And  
7           then the applicant and then the protestants,  
8           should you have any.

9           And then the applicant presents  
10          their case and then the protestant presents  
11          their case. And then there is closing and  
12          that's the way it goes. Okay. Any questions?  
13          You can always ask if you get confused and if  
14          you are not sure in the middle.

15          Okay. Do you have an opening  
16          statement?

17                 MR. RASHED: Me? Yes.

18                 CHAIRPERSON MILLER: Okay.

19                 MR. RASHED: Well, we are family  
20          working people. We have been in this  
21          neighborhood for almost 15 years. We had our  
22          first place at 14th and U called 24/Seven

1 Cafe. We have been in this same block for  
2 almost 15 years. We moved there when the  
3 construction came on 14th Street. We got the  
4 application and we try to make up the  
5 application.

6 The overhead there is much more  
7 expensive. We try to even serving food. It  
8 didn't work out. We got -- we expected it.  
9 We tried to figure out --

10 CHAIRPERSON MILLER: Can I stop  
11 you here?

12 MR. RASHED: Yes.

13 CHAIRPERSON MILLER: Because I  
14 know you are not a lawyer. And so this  
15 doesn't sound like an opening statement. It  
16 sounds like evidence that you want to put on  
17 the record as to why we should renew your  
18 license.

19 MR. RASHED: Well, it's a new  
20 application.

21 CHAIRPERSON MILLER: Right.

22 MR. RASHED: It's not a renewal.

1 CHAIRPERSON MILLER: Oh, it's a  
2 new one. Why didn't you just identify. Okay.

3 MR. RASHED: We have been there  
4 now with the new application for a year or  
5 two.

6 CHAIRPERSON MILLER: Okay. But  
7 what I'm --

8 MEMBER SILVERSTEIN: Sir, the way  
9 this works, let me help you here, both sides.  
10 The opening statement, you are going to tell  
11 us what you are going to tell us in your  
12 hearing, in the hearing. You're going to say  
13 we are going to tell you A, B and C and that  
14 will -- we will bring witnesses or we will  
15 show you this and that.

16 This is not the time to bring  
17 evidence, because you can't be cross-examined  
18 now. So just tell us what you are going to  
19 tell us. And then in the main part of the  
20 hearing, you tell us. And then in closing,  
21 you tell us what you told us.

22 Now, this is when you tell us what

1 you are going to tell us.

2 MR. RASHED: Sure, okay. That's  
3 why I'm not a lawyer.

4 CHAIRPERSON MILLER: Yes.

5 MEMBER SILVERSTEIN: That's why we  
6 want to help.

7 MR. RASHED: Okay. Thank you very  
8 much.

9 CHAIRPERSON MILLER: It's not --  
10 this isn't considered evidence. You are not  
11 under oath yet. So --

12 MR. RASHED: Why an owner. Let's  
13 put it like this, we are -- apply to put this  
14 application. We have the ANC support. They  
15 voted unanimously on it. We have letters of  
16 support from the neighborhood and all  
17 supported us in the neighborhood.

18 We have the -- for the term it is  
19 approved by the city and everything that  
20 needed to be granted as a restaurant in the  
21 application. And we have all these explained  
22 every by officials from the DC Government or

1 by members of the neighborhood, ANC member or  
2 the Chair of the ANC.

3 CHAIRPERSON MILLER: Okay. Thank  
4 you. Do we have an opening statement from the  
5 protestants?

6 MR. HIBEY: Sure, briefly. Thank  
7 you. The Mediterranean Spot is currently just  
8 serving food, I guess, Greek food and --

9 MEMBER SILVERSTEIN: Please, Mr.  
10 Hibey, I want to hear you.

11 MR. HIBEY: I'm sorry. I didn't  
12 realize I didn't talk loud enough until now.

13 CHAIRPERSON MILLER: Use the  
14 microphone.

15 MR. HIBEY: The Mediterranean Spot  
16 is serving food. They are in a building that  
17 is a residential building. It is the home to  
18 people who live directly above them and it is  
19 a home to -- the Parascondolas are right next  
20 door. We will show you pictures, show you the  
21 layout exactly how this is situated. And  
22 there are some in the Investigator's report.

1                   What they want to do is add a  
2                   liquor license because they are not making  
3                   enough money. That is a scary proposition.  
4                   It is a desperate situation and they haven't  
5                   thought it through. They haven't come up with  
6                   any sort of plans for how this is going to  
7                   work.

8                   Their plans for their restaurant  
9                   to begin with included serving brick-oven  
10                  pizza, which they have never served. And now,  
11                  they are trying to serve liquor. And they  
12                  have never done that. And they haven't shown  
13                  an ability to handle this privilege, this  
14                  license, especially considering the fact that  
15                  we are talking about a residential area, a  
16                  residentially zoned building with a property  
17                  that abuts directly next door a home and  
18                  directly above the home of others.

19                  It is those concerns of this  
20                  licensee, the potential licensee, their  
21                  inexperience, their inability to carry out a  
22                  plan. Giving them a license, it is going to

1 be a disaster and will negatively impact the  
2 peace, order and quiet of the residents who ar  
3 right there living their lives.

4 And we will offer evidence and  
5 testimony from our witnesses who will sort of  
6 explain all that and walk you through it.

7 CHAIRPERSON MILLER: Okay. And  
8 are you speaking for all of the protestants?

9 MR. HIBEY: Well, I'm speaking --  
10 no, I guess I'm not. So go ahead.

11 MR. FERRIS: Well --

12 CHAIRPERSON MILLER: There is like  
13 two minutes left for opening.

14 MR. FERRIS: Well, we have a  
15 prepared statement, but I guess in the -- and  
16 I have several copies.

17 CHAIRPERSON MILLER: You can save  
18 that for your testimony then, I think.

19 MS. PARASCONDOLA: That's fine.

20 CHAIRPERSON MILLER: You mentioned  
21 that --

22 MR. FERRIS: Okay. Okay.

1 CHAIRPERSON MILLER: You can state  
2 that. I just wanted to make sure that I  
3 wasn't slighting anybody.

4 MS. PARASCONDOLA: That's fine.

5 CHAIRPERSON MILLER: Okay. All  
6 set? All right. Good. Then let's call our  
7 Investigator. Good afternoon.

8 Whereupon,

9 INVESTIGATOR ILLEANA CORRALES  
10 was called as a witness by the ABRA Board, and  
11 having been first duly sworn, assumed the  
12 witness stand and was examined and testified  
13 as follows:

14 INVESTIGATOR CORRALES: Yes.

15 CHAIRPERSON MILLER: Okay. Thank  
16 you. Can you start with identifying yourself  
17 for the record?

18 INVESTIGATOR CORRALES: Yes. My  
19 name is Illeana Corrales and I conduct  
20 inspection and investigations in licensed-ABC  
21 establishments throughout the District of  
22 Columbia. I have been an Investigator with

1 the Alcoholic Beverage Regulation  
2 Administration since February 4, 2008.

3 CHAIRPERSON MILLER: Okay. Do you  
4 want to address the highlights of your  
5 investigation report, as to, you know, the  
6 appropriateness issues?

7 INVESTIGATOR CORRALES: Yes, Madam  
8 Chair.

9 CHAIRPERSON MILLER: Okay.

10 INVESTIGATOR CORRALES: I was  
11 assigned to investigate the protest against  
12 Pal the Mediterranean Spot who has applied for  
13 an ABC license restaurant class with a  
14 sidewalk cafe endorsement.

15 Regarding the specific protest  
16 issues in the case, I was to speak to two of  
17 the protestees, two of the groups that are  
18 protesting the issuance of the new license.  
19 The first group that I -- the first person  
20 that I was able to interview was Matthew, I'm  
21 going to butcher this, Abbruzzese.

22 He is the representative for the

1 Meridian Hill Neighborhood Association. Mr.  
2 Abbruzzese stated that his group is concerned  
3 with the existing trash and noise issues that  
4 occur from patrons exiting and patronizing Pal  
5 the Mediterranean Spot.

6 Second, I spoke with the abutting  
7 property owner, Christina Parascondola. Ms.  
8 Parascondola stated that she owned the  
9 property that is next to Pal the Mediterranean  
10 Spot. She also stated that the following  
11 issues, the following existing issues, with  
12 the establishment:

13 Migration of Mediterranean Spot  
14 customers onto her property disposing of food  
15 containers and trash from Mediterranean Spot  
16 onto her property and the possible -- and the  
17 future possibility of drunken patrons walking  
18 by and making noises, if they were to be  
19 approved for an ABC license.

20 I was not able to interview Elwyn  
21 Ferris of the SDCA because he did not return  
22 my phone calls or emails.

1 I will now present a brief summary  
2 of my findings resulting from the  
3 investigation beginning September 30, 2013 and  
4 concluding September -- October 8, 2013. I'll  
5 begin with a description of the neighborhood  
6 and characteristics of the establishment.

7 Pal the Mediterranean Spot is  
8 located on the U Street Corridor of  
9 Washington, D.C. The surrounding area of the  
10 existing food establishment is a mixed-use of  
11 commercial/residential food and retail  
12 establishments.

13 Pal the Mediterranean Spot is a  
14 family-oriented neighborhood -- family-  
15 friendly neighborhood. The establishment is  
16 located at 1501 U Street, N.W. The  
17 establishment consists of mostly indoor  
18 seating with a Certificate of Occupancy  
19 allowing 32 seats with a total occupancy of  
20 50.

21 In addition, there is a small  
22 outdoor sitting area on the side entrance of

1 Pal the Mediterranean Spot and has eight seats  
2 along with three tables, which you can refer  
3 to Exhibits 9, 10, 11 and 12 and 13. 9  
4 through 13 for some pictures of that.

5 On October 8, 2013, I was able to  
6 meet with Mohammed Rashed, owner of Pal the  
7 Mediterranean Spot. Mr. Rashed currently  
8 operates the Mediterranean-style carryout/  
9 sitdown restaurant, which as I said is located  
10 at 1501 U Street.

11 In addition to Mediterranean-style  
12 food offered, Pal the Mediterranean Spot also  
13 offers a variety of foods such as brick-oven  
14 pizza, wraps, sandwiches, subs and salads.  
15 The establishment also has a variety of  
16 delicatessen subs and delicatessen coffee and  
17 smoothies. Exhibits 5A through 5C represent  
18 those.

19 Mr. Rashed stated that he wants to  
20 be able to sell alcoholic beverages to his  
21 customers, which is the reason that he has  
22 applied for a new ABC license.

1                   Mr. Rashed stated that he has  
2                   owned his business for, approximately, 15  
3                   years and has a good reputation on the busy U  
4                   Street Corridor area.

5                   He also stated that he operates a  
6                   quality establishment and he is constantly  
7                   being told by the neighbors that they enjoy  
8                   having the establishment in their  
9                   neighborhood.

10                  The licensee has -- the potential  
11                  licensee has requested hours of operation from  
12                  10:00 a.m. until 12:00 a.m., seven days a week  
13                  with sales and consumption beginning at 11:00  
14                  a.m. and ending at 12:00 a.m.

15                  ABRA personnel monitored 1501 U  
16                  Street, N.W., in total of five times from  
17                  September 30th through October 8, 2013 to  
18                  determine if there were any existing issues  
19                  regarding peace, order and quiet in the  
20                  surrounding area where the establishment is  
21                  located.

22                  During the monitoring period, ABRA

1 Investigators noted the following:

2 There was no trash/litter around  
3 the proposed building for this establishment  
4 during all visits to the address.

5 Plenty of parking available during  
6 the afternoon monitoring.

7 No loitering outside of 1501 U  
8 Street, N.W., or the surrounding area.

9 On Monday, October 7, 2013, MPD  
10 provided Investigator Corrales, who tried to  
11 meet, with the calls for service for 1501 U  
12 Street, N.W., from January 1, 2013 until  
13 October 6, 2013. Six calls were made to MPD.  
14 None of the calls resulted or were posed to  
15 ABRA and it is not currently an ABC-licensed  
16 establishment.

17 And that concludes my testimony.

18 CHAIRPERSON MILLER: Thank you.

19 Are there Board questions? Mr. Silverstein?

20 MEMBER SILVERSTEIN: Thank you,  
21 Investigator. Thank you for your report.

22 INVESTIGATOR CORRALES: You're

1 welcome.

2 MEMBER SILVERSTEIN: A question I  
3 always ask, are there any red flags here?  
4 What are the things that you saw that would  
5 cause you to say watch for this or there is a  
6 problem here?

7 INVESTIGATOR CORRALES: I will say  
8 from the short turnaround period that the case  
9 was assigned to me to when it was due, we were  
10 only able to monitor the establishment during  
11 the daytime, so there is no red flags as far  
12 as the daytime hours go.

13 MEMBER SILVERSTEIN: Do you know  
14 of anything else beyond that? Is there  
15 anything else that you can share with us?

16 INVESTIGATOR CORRALES: Any red  
17 flags? No, sir.

18 MEMBER SILVERSTEIN: Issues or  
19 problems?

20 INVESTIGATOR CORRALES: No, sir.

21 MEMBER SILVERSTEIN: Okay. No  
22 further questions.

1 MEMBER ALBERTI: I have a quick  
2 question.

3 CHAIRPERSON MILLER: Okay. Mr.  
4 Alberti?

5 MEMBER ALBERTI: Investigator  
6 Corrales, thank you for your report. In your  
7 examination of the records for this  
8 establishment, did you note what the -- how  
9 many seats were allowed in the sidewalk cafe?

10 INVESTIGATOR CORRALES: So I was--  
11 I tried to look into that. I know that -- I  
12 was checking the license to see if they had  
13 applied for a sidewalk cafe, which they did.  
14 They are not required to submit DDOT Permit of  
15 Use until the license has been approved. So  
16 I was not able to get into the garden to see  
17 how many seats they are allowed to get.

18 They are allowed to be using right  
19 now, because we don't --

20 MEMBER ALBERTI: Okay. So we  
21 don't know?

22 INVESTIGATOR CORRALES: They are

1 not under our jurisdiction.

2 MEMBER ALBERTI: We don't  
3 currently have that number?

4 INVESTIGATOR CORRALES: We don't  
5 currently have that.

6 MEMBER ALBERTI: Great. Thank  
7 you. That's helpful.

8 INVESTIGATOR CORRALES: Okay.

9 MEMBER ALBERTI: Thank you.

10 CHAIRPERSON MILLER: Others? I  
11 think I just have one question. Do you have  
12 an opinion or based on any information that  
13 you have of this business that would lead you  
14 to believe that they would not be able to  
15 handle selling liquor?

16 INVESTIGATOR CORRALES: I do not  
17 have an opinion on it.

18 CHAIRPERSON MILLER: You don't  
19 have any information that would lead you to--

20 INVESTIGATOR CORRALES: Aside from  
21 what's in the report, no.

22 CHAIRPERSON MILLER: Okay. Why

1 don't we turn then to cross by the applicant.  
2 Do you have any questions for the  
3 Investigator?

4 MR. RASHED: No. Just, you know,  
5 we have been doing this business for --

6 CHAIRPERSON MILLER: Okay. Don't.  
7 It's not -- you will have a chance to testify.  
8 So it's just if you have a question based on  
9 her testimony or her report. You don't have  
10 to have a question, it's just if you do.

11 MR. RASHED: No questions.

12 CHAIRPERSON MILLER: Okay. Mr.  
13 Hibey?

14 MR. HIBEY: Yes.

15 CROSS-EXAMINATION

16 MR. HIBEY: Did -- you mentioned  
17 pizza. Did Mr. Rashed tell you that he  
18 doesn't serve pizza?

19 INVESTIGATOR CORRALES: I was just  
20 going off of their menu.

21 MR. HIBEY: So you didn't actually  
22 talk to him about what he serves there?

1                   INVESTIGATOR CORRALES: Well, I  
2 did talk to him about what he serves, but we  
3 did not get into the whole pizza thing. But  
4 I did go off -- he provided me with his menu  
5 and that's what I put into the report.

6                   MR. HIBEY: And it is -- he sells  
7 food for carry out as well?

8                   INVESTIGATOR CORRALES: Correct.  
9 Carryout and sitdown.

10                  MR. HIBEY: Okay. And did you  
11 talk to him at all about what types of beer,  
12 wine or liquor he plans to sell?

13                  INVESTIGATOR CORRALES: He just  
14 said he plans to sell beer, wine and liquor,  
15 because he is applying for a class restaurant  
16 license, which allows him to sell beer, wine  
17 and liquor, hard liquor.

18                  MR. HIBEY: Did he tell you how he  
19 is going to carry that out? Whether he is  
20 going to have a bartender?

21                  INVESTIGATOR CORRALES: I was told  
22 that --

1 MR. HIBEY: A bar?

2 INVESTIGATOR CORRALES: -- he was  
3 going to have waitresses. Okay.

4 MR. HIBEY: Did he tell you  
5 whether he was going to have beer on tap or in  
6 bottles?

7 INVESTIGATOR CORRALES: No, he did  
8 not tell me if they would have beer on tap or  
9 in bottles. We did not get into those  
10 details.

11 MR. HIBEY: Did he talk about  
12 selling beer for part of the carryout orders?

13 INVESTIGATOR CORRALES: Well, you  
14 are not allowed to sell beer for carryout.  
15 It's on-premise use only with this type of  
16 license.

17 MR. HIBEY: Okay. Did you talk to  
18 him about that?

19 INVESTIGATOR CORRALES: Well, the  
20 license class that he is applying for is on-  
21 premise use only, so he would not be allowed  
22 to sell off-premise. He is not a liquor

1 store.

2 MR. HIBEY: And what about in your  
3 report, you wrote that the building was zoned  
4 residential, right?

5 INVESTIGATOR CORRALES: The zoning  
6 where the building is located is an R-5-B  
7 Zone.

8 MR. HIBEY: Is that residential?

9 INVESTIGATOR CORRALES: Correct.

10 MR. HIBEY: And why do -- you  
11 mentioned that there was some sort of  
12 turnaround issue that prevented you or anyone  
13 else from visiting at different hours. What  
14 is that about?

15 INVESTIGATOR CORRALES: When the  
16 case gets assigned, we have a certain amount  
17 of time. And with this one, we only had a  
18 week to investigate the matter and to perform  
19 all the interviews.

20 MR. HIBEY: So no one got a chance  
21 to go late at night?

22 INVESTIGATOR CORRALES: No.

1 MR. HIBEY: Okay. Thanks.

2 CHAIRPERSON MILLER: Um-hum. Any  
3 other questions? Okay. And, Mr. Hibey, you  
4 are basically doing the cross for all the  
5 parties?

6 MR. HIBEY: If they have  
7 questions, I --

8 CHAIRPERSON MILLER: The Board  
9 prefers --

10 MR. HIBEY: -- am not going to  
11 stop them, but probably yes.

12 CHAIRPERSON MILLER: All right.  
13 The Board prefers just basically to have one,  
14 but if another representative of the party  
15 does have a question, let me know.

16 MR. FERRIS: We have no further  
17 questions.

18 CHAIRPERSON MILLER: Okay. Thank  
19 you.

20 INVESTIGATOR CORRALES: You're  
21 welcome.

22 CHAIRPERSON MILLER: Okay.

1 (Whereupon, witness was excused.)

2 CHAIRPERSON MILLER: Now, we turn  
3 to the applicant's case. So are one of you  
4 going to testify?

5 MR. RASHED: Yes.

6 CHAIRPERSON MILLER: Okay. Is one  
7 of you going to question your witnesses or  
8 not? I know you don't have a lawyer, so I  
9 just want to ask, you know, up front how you  
10 want to proceed.

11 MR. RASHED: Well, we will present  
12 the witnesses. They will talk for whatever  
13 they have to go over. You know, the trail of  
14 things, we don't have much trail of papers to  
15 present. They have documented things from ANC  
16 members. We have a letter of support that has  
17 been submitted as well by ANC members.

18 And we have people who live in the  
19 area who support. This is --

20 CHAIRPERSON MILLER: Okay. So --

21 MR. RASHED: The other things we  
22 can -- if you approve it, because it's not our

1 responsibility to do what they say.

2 CHAIRPERSON MILLER: Okay. Let's  
3 see how it goes. Who is your first witness?

4 MR. RASHED: Tony Norman.

5 CHAIRPERSON MILLER: Who?

6 MR. RASHED: Tony Norman.

7 CHAIRPERSON MILLER: Okay. Tony  
8 Norman, are you here?

9 MEMBER ALBERTI: Tony Norman.

10 CHAIRPERSON MILLER: Norman?

11 MS. PARASCONDOLA: He's probably  
12 outside.

13 CHAIRPERSON MILLER: Oh, could  
14 somebody get him? Great. We sent him out.  
15 Okay. Good afternoon. If you would stand and  
16 raise your right hand, I'll swear you in.  
17 Okay.

18 Whereupon,

19 TONY NORMAN  
20 was called as a witness for the licensee, and  
21 having been first duly sworn, assumed the  
22 witness stand and was examined and testified

1 as follows:

2 CHAIRPERSON MILLER: All right.  
3 Thank you. All right. Is he going to just  
4 testify or are you going to ask him any  
5 questions?

6 MR. RASHED: Well, he is going to  
7 testify.

8 CHAIRPERSON MILLER: He is going  
9 to testify?

10 MR. RASHED: Yes.

11 CHAIRPERSON MILLER: Okay. Go  
12 ahead then.

13 MR. NORMAN: My name is Tony  
14 Norman. I'm Chairman of ANC-1B Commission and  
15 also actually I am a frequent customer of this  
16 establishment, even before I was Chair.

17 CHAIRPERSON MILLER: Okay.

18 MR. NORMAN: All right. Our  
19 office is in this building and this  
20 establishment is one block away, so we have a  
21 lot of meetings and lunch there and a lot of  
22 afternoon meetings there. In fact, after our

1 meetings sometimes we go to this establishment  
2 and have some after-meeting talks. So I'm  
3 familiar with the establishment and also with  
4 the commission.

5           And in terms of the ANC  
6 Commission, we had a number of -- we had our  
7 regular -- we have our ABC Committee that  
8 reviews these applications and also we  
9 reviewed this at our full Commission meeting.  
10 In fact, at our meeting -- I don't know if you  
11 all got my letter that I wrote, I guess it  
12 should be in the record, about the -- our  
13 meeting and the ANC's official position.

14           We had our formal ANC meeting on  
15 this establishment. There was only one  
16 person, one of the residents that really  
17 showed to object and that was really on  
18 technical grounds. And quite frankly, I was  
19 just amazed that anyone was protesting this  
20 establishment. I was completely shocked by  
21 that, to tell you the truth, because it's such  
22 a small mom-and-pop and everybody loves the

1 place.

2 So I don't -- it just totally took  
3 me by surprise. In fact, when we took a vote  
4 it was essentially unanimous that the ANC  
5 supported their getting the license.

6 So as the Commissioner -- and one  
7 of the things we want to do, and I usually  
8 tell establishments as well as the residents,  
9 we represent the residents. So when we have  
10 a disruption or there is an establishment, we  
11 try to mediate. We don't like it to go this  
12 far. We try to mediate, the ANC, between the  
13 establishment and the residents.

14 And 99 percent of the time, we  
15 usually are successful with that, because we  
16 want to know if there is a problem. Then we  
17 would join you if this establishment is just  
18 so hard-headed and they don't want to work  
19 with us, we will take the lead in terms of  
20 fighting the establishment. That's our normal  
21 procedure on this.

22 But this one sort of took me off

1 guard, to be honest with you. So I just -- I  
2 am still just working with it. But it has  
3 been -- the Commission was very enthusiastic  
4 about this establishment. And I attended --  
5 I have had meetings there. I know a lot of  
6 the residents that live across the street.  
7 There is a senior citizen building across the  
8 street from it, the Paul Dunbar Building. And  
9 I have never heard one objection or one  
10 complaint about the establishment.

11 So -- and I have been going there.  
12 Personally, I have been going there for the  
13 last five or six months. And I know the  
14 Single Member Commissioner, Zahra, is very  
15 enthusiastic and excited about the  
16 establishment. So we have never had any -- in  
17 no -- when we had the meeting, no other  
18 residents showed up at the -- we had basically  
19 two meetings.

20 We had an ABC Committee meeting  
21 that reviewed this that was publicized and  
22 open to the public. And then we had a full

1 Commission meeting that had been advertised to  
2 the residents and no residents -- there were  
3 residents that did show that were supportive.  
4 But we didn't have any -- I know the Meridian  
5 Association objected formally and a  
6 neighborhood association objected formally.

7 But we tried to find out what the  
8 specifics were on those objections and we  
9 didn't really get that. Most of the  
10 objections were technical objections based on  
11 that they didn't know about the meeting and  
12 that sort of thing.

13 But the Commission  
14 enthusiastically supports it and I personally  
15 enthusiastically support this establishment.  
16 And prior to this, I didn't really know the  
17 owner, but I have gotten to know them through  
18 this process and they are very hard-working.  
19 I honestly don't know how they do it. They  
20 literally work around the clock 24/7. So I  
21 don't honestly know how they do it.

22 But I am just here to say that we

1 did everything we could to try to mediate this  
2 situation, but that was impossible.

3 CHAIRPERSON MILLER: Thank you.

4 MR. RASHED: I just want to ask  
5 you a question. Do you come there dinnertime,  
6 lunchtime, late hour?

7 MR. NORMAN: Oh, I go there every  
8 day, lunch and then dinner and then sometimes  
9 we will have after meetings. Because they  
10 open up late sometimes when we have community  
11 meetings, we may have a little -- for those of  
12 us who don't -- I'm not a drinker, so I don't  
13 drink. I'm a teetotaler. So we want to go  
14 and have tea or coffee and we go there after  
15 meetings.

16 MR. RASHED: Have you ever  
17 encountered any robberies or any noise or any  
18 trash violations or any problems during that  
19 time?

20 MR. NORMAN: No. Any trash that  
21 you see is usually -- there is a -- there is  
22 this gas station across the street and that's

1 where you -- they pick up a lot of stuff.  
2 Personally, I think that's where a lot of the  
3 trash comes from, because I don't see how  
4 trash from this establishment -- most of the  
5 people who come there, they either are there--  
6 and it's not usually crowded. That's why I  
7 don't even know why this -- it's not really  
8 even that many people that come there.

9 So the type of food they serve,  
10 you either sit and eat it or you take it to  
11 go. Nobody is going to be eating that in  
12 front of the place and then dropping. So I  
13 don't even know who that, the establishment,  
14 could have that type of trash. But  
15 personally, I have never noticed any trash  
16 coming from the customers or coming from the--

17 MS. HAIL: I have a question. How  
18 many time do you see our daughter, she sleep  
19 in the restaurant after midnight?

20 MR. NORMAN: Well, I have seen her  
21 a number of times.

22 MS. HAIL: How many times you see

1 her, she work with me over there?

2 MR. NORMAN: She is there most of  
3 the time. I have seen her.

4 MS. HAIL: This -- I am applying  
5 this license.

6 CHAIRPERSON MILLER: Okay.

7 MS. HAIL: It's nice.

8 CHAIRPERSON MILLER: Okay. You  
9 can testify later.

10 MS. HAIL: Okay.

11 CHAIRPERSON MILLER: This is just  
12 questions.

13 MS. HAIL: Because the gentleman  
14 say that we want to make more money, that's  
15 why we are applying for the license. It's  
16 not.

17 MR. NORMAN: No, but I would say  
18 that because they -- the daughter is normally  
19 there a lot, because I guess -- there in the  
20 evening. I guess sometimes they don't have a  
21 babysitter. But I have seen -- I know her  
22 daughter very well, as a matter of fact. She

1 is a quite active young lady Palestine. But  
2 she is there a lot, yes.

3 MS. HAIL: Until 1:00 a.m.

4 CHAIRPERSON MILLER: Okay. You  
5 are not -- I just want to explain that you  
6 just have to kind of follow certain rules  
7 here. Okay. We would be happy to hear your  
8 testimony when --

9 MS. HAIL: Oh.

10 CHAIRPERSON MILLER: -- you go --  
11 we swear you in. Okay. All right. Do you  
12 have more questions for him?

13 MR. RASHED: Do you know currently  
14 we are opening in 30 days?

15 MR. NORMAN: Yes, definitely.  
16 That's one of the reasons we go. Yeah, I know  
17 they stay open late because a lot of times --

18 MR. RASHED: The hour on our  
19 application is to cut these hours. They are  
20 too much shorter.

21 MR. NORMAN: And I think that's  
22 unfortunate, because I thought it was a good

1 thing that -- I think now they stay open until  
2 3:00 or 4:00 or something like that.

3 MR. RASHED: We are actually open.

4 MR. NORMAN: And it's such a  
5 family-oriented business, there is no place  
6 for us, who are not partying people, to go  
7 late. You know, a lot of -- most of the  
8 places that stay open late is for people who  
9 drink and carry on.

10 But if you want to have a decent  
11 cup of coffee, you just finished a community  
12 meeting or some tea, there is no place to  
13 really go where you don't encounter the rowdy  
14 party people. But it's a very -- and that's  
15 why I like it. That's why we go there. I go  
16 there late sometimes after -- I'm active in a  
17 lot of other community projects and we have a  
18 lot of late community meetings.

19 And so we want to come and have a  
20 cup of coffee and there is no real place to go  
21 if you just want to sit down and have some  
22 debriefing after these long meetings and just

1 have a cup of coffee. So that was the  
2 advantage, that's why we go there.

3 MR. RASHED: I have no further  
4 questions.

5 CHAIRPERSON MILLER: Okay. Any  
6 cross-exam? Okay.

7 CROSS-EXAMINATION

8 MR. HIBEY: You go there every  
9 day?

10 MR. NORMAN: Literally, yes.

11 MR. HIBEY: You live over a mile  
12 away from the Mediterranean Spot, right?

13 MR. NORMAN: I live by Howard  
14 University.

15 MR. HIBEY: And it's over a mile  
16 away?

17 MR. NORMAN: Yes.

18 MR. HIBEY: And the ANC, the  
19 District that you are elected from is the  
20 furthest District away from this Mediterranean  
21 Spot, right?

22 MR. NORMAN: It's at Howard

1 University. My Single Member District is at  
2 Howard, but our offices are at 14th and U,  
3 so --

4 MR. HIBEY: But the District that  
5 you live in and that you are elected from is  
6 the furthest away from the Mediterranean Spot.  
7 It's not in the Mediterranean Spot District.

8 MR. NORMAN: I wouldn't say it's  
9 the furthest away, there is a couple other  
10 Districts that might be further. But my  
11 Single Member District is essentially north of  
12 Howard University. But most of --

13 MR. HIBEY: Well, let me show you  
14 the map. You live in 1B10, right?

15 MR. NORMAN: 1B10, yes.

16 MR. HIBEY: And this Mediterranean  
17 Spot is in 1B12?

18 MR. NORMAN: Zahra, yes.

19 MR. HIBEY: Okay.

20 MR. NORMAN: But I want to --

21 MR. HIBEY: And 1B10 is the  
22 furthest away, isn't it?

1 MR. NORMAN: I would have to look  
2 at other Districts, but I am in that area. I  
3 have always worked around that area, in fact.

4 MR. HIBEY: So 1B10 isn't the  
5 furthest away? That's what you are saying?

6 MR. NORMAN: I don't know. I  
7 don't think it is. I think 1B --

8 MR. HIBEY: Well, can I show the  
9 witness the map?

10 MEMBER SILVERSTEIN: It has been  
11 asked and answered. He has answered the  
12 question six times here.

13 CHAIRPERSON MILLER: Do you want  
14 to show him the map?

15 MR. HIBEY: Yes, I do.

16 CHAIRPERSON MILLER: Is that what  
17 you are saying? Okay. Let's do that quickly.

18 MR. NORMAN: I haven't measured,  
19 but --

20 MEMBER ALBERTI: Is there any  
21 objection to showing him the map? I think we  
22 need to ask the applicant if there is any

1 objection.

2 CHAIRPERSON MILLER: We don't.

3 MR. HIBEY: It's in evidence.

4 CHAIRPERSON MILLER: Hold on.

5 MR. NORMAN: I think 1B09 might be  
6 a little further away than 10 actually by  
7 looking at the map. Because my southern  
8 District comes down a lot farther south, so it  
9 wouldn't be the furthest away.

10 CHAIRPERSON MILLER: Okay. I  
11 think it is established that you work near  
12 there, but you don't live down near there. Is  
13 that the point?

14 MR. NORMAN: But I'm there even  
15 before I was Chair of the ANC, because also  
16 I'm an attorney. And across the street I work  
17 with the cab drivers across the street at that  
18 gas station, so we were there. For the last  
19 couple of years, I have been in that area  
20 continuously. And we would meet the clients  
21 there at the location. So I'm always in that  
22 area.

1 MR. HIBEY: All right. And you  
2 are the Chairman of the ANC-1B?

3 MR. NORMAN: That's right.

4 MR. HIBEY: And you have been the  
5 Chairman throughout 2013?

6 MR. NORMAN: I became Chairman at  
7 the beginning of this year.

8 MR. HIBEY: Okay. And the ANC  
9 will protest applications for liquor licenses?

10 MR. NORMAN: If we feel that it  
11 has a strong merit and if we feel that it is  
12 the community -- if there is enough community  
13 objection, we will personally take the lead.  
14 Not personally, but we will officially take  
15 the lead in terms of protest.

16 MR. HIBEY: Okay. And the ANC-1B,  
17 that you are the Chairman of, makes that  
18 determination based on community hearings,  
19 community discussions?

20 MR. NORMAN: Well, we are the ABC  
21 Committee. And they hash out the details and  
22 if the committee decides that it merits

1 protest, they will recommend that we protest  
2 it to the full Commission. And then the full  
3 Commission will review that whether or not we  
4 will proceed with the protest.

5 MR. HIBEY: And you follow the ABC  
6 Committee's recommendation?

7 MR. NORMAN: Usually. I would say  
8 80 or 90 percent of the time, yes.

9 MR. HIBEY: And after you made a  
10 decision to protest, then the ANC protests and  
11 follows through?

12 MR. NORMAN: After we make a  
13 decision. Normally, we try to let the Single  
14 Member District person take the lead, because  
15 we don't have a full-time staff. So we can't  
16 take the lead. We've got a lot of liquor  
17 licenses and, obviously, because of the area  
18 we are in, there are a lot of protests.

19 So our strategy has been we either  
20 let the community group or the Single Member  
21 District person take the lead on the protest  
22 to keep up with dates and hearings and that

1 sort of thing.

2 MR. HIBEY: But the ANC-1B doesn't  
3 stay involved in the protest?

4 MR. NORMAN: Formally, we do stay  
5 involved. If we are officially a part to the  
6 protest, we do stay involved with it.

7 MR. HIBEY: The ANC-1B has been  
8 dismissed from 12 protests this year under  
9 your watch.

10 MEMBER SILVERSTEIN: Is that a  
11 question?

12 MR. HIBEY: It's cross-  
13 examination. Leading him. The answer is yes  
14 or no.

15 MEMBER SILVERSTEIN: He is  
16 supposed to answer questions.

17 MR. NORMAN: I think -- I'm glad  
18 you raised that. Yes, that's true. But a lot  
19 of that the reason those things were dismissed  
20 is because, once again, the community groups--  
21 it depends on how strong the community is  
22 opposing a particular license.

1           What we do is a lot of times when  
2 we can't make the Protest Hearings or the Roll  
3 Calls, we, the Commission, will vote to send  
4 a representative. And usually that  
5 representative is a neighbor in that area that  
6 we would designate to go to that hearing.

7           So and if they don't show up,  
8 okay, they are the ones who are really pushing  
9 it, so it's up to them to show up once we --  
10 we have designated them to be the  
11 representative for the Commission. And if  
12 they don't show up, then, you know, that's on  
13 them. And that has happened on a number of  
14 occasions.

15           MR. HIBEY: More often than not in  
16 2013?

17           MR. NORMAN: I disagree to say  
18 more often than not. You have to look at all  
19 of the protests, so that's not -- so that's  
20 really something -- we really leave it up to  
21 the Single Member District and how strong the  
22 community is. But I can tell you this much,

1 if the community strongly opposed a liquor  
2 license, you can rest assured they are going  
3 to show up and they are going to be there to  
4 follow through. The same with the Commission.

5 MR. HIBEY: So --

6 MR. NORMAN: But a lot of those  
7 protests, to be honest with you, are really  
8 technical protests. They do them to try to  
9 force establishments to get settlement  
10 agreements. So they are not really protesting  
11 it. They really want a settlement agreement.

12 So that's why most of those cases  
13 you are talking about, they weren't really  
14 protesting those establishments. They just  
15 wanted to get a settlement agreement. So I  
16 think it looks a lot like --

17 MR. HIBEY: So --

18 MR. NORMAN: -- the record may  
19 look a lot harsher than it actually is,  
20 because they weren't really opposed to it.  
21 They just wanted particular provisions in the  
22 protest.

1 MR. HIBEY: Well --

2 MR. NORMAN: And once they got  
3 those, they didn't formally withdraw.

4 MR. HIBEY: Okay. But ANC-1B has  
5 been dismissed for failing to appear or not  
6 submitting protest papers in the majority of  
7 ANC-1B's protests this year.

8 CHAIRPERSON MILLER: Can I ask you  
9 where this line of questioning is going with  
10 respect to this case?

11 MR. HIBEY: Well, with respect to  
12 whether or not ANC-1B has done -- has  
13 performed full deliberations and actually  
14 should be afforded great weight in what they  
15 are doing here today. Trying to get at the  
16 process of ANC-1B.

17 CHAIRPERSON MILLER: I think the  
18 standard for great weight is if there has been  
19 a resolution voted on by the majority where  
20 there is a quorum present. I'm not sure if I  
21 have missed something, then we are supposed to  
22 afford it great weight. But we don't have a

1 resolution, do we? Do we have a resolution?

2 MR. NORMAN: Yeah, we submitted  
3 our position in writing formally.

4 CHAIRPERSON MILLER: I'm not -- do  
5 you have a copy with you? I'm sorry to  
6 interrupt.

7 MR. NORMAN: I don't know if you  
8 would call it a resolution. We submitted a  
9 letter stating our vote at the Commission  
10 meeting.

11 CHAIRPERSON MILLER: Okay. So my  
12 point is --

13 MR. HIBEY: Let's get back to --

14 CHAIRPERSON MILLER: Okay. If you  
15 go down that road too far, it's just not going  
16 to be relevant, I don't believe. Okay.

17 MR. HIBEY: In this case, the ABC  
18 Committee deliberated. The ABC Committee for  
19 your ANC deliberated, discussed this  
20 application and voted to take no action,  
21 correct?

22 MR. NORMAN: Well, what they

1 voted --

2 MR. HIBEY: Yes or no?

3 MR. NORMAN: Well, it's not quite  
4 a yes or no answer. What they voted was, they  
5 said there was some concerns and by the time  
6 we had the Commission meeting, those concerns  
7 were resolved. So we --

8 MR. HIBEY: What were those  
9 concerns?

10 MR. NORMAN: I think they said  
11 they were concerned about that there was -- I  
12 guess Meridian Hill Neighborhood Association  
13 objected to it and they weren't sure what  
14 those objections were. But by the time we had  
15 the full Commission meeting, those concerns  
16 were resolved and they were in support of it.

17 MR. HIBEY: What were the  
18 concerns?

19 MR. NORMAN: They were concerned  
20 that there was an objection by the  
21 neighborhood association, as I understand it.

22 MR. HIBEY: Okay. And there still

1 is, correct?

2 MR. NORMAN: But they said those  
3 concerns were resolved. They were satisfied  
4 that they were resolved.

5 MR. HIBEY: Okay. When was that  
6 discussed?

7 MR. NORMAN: We discussed that at  
8 the full ANC meeting.

9 MR. HIBEY: All right. And at the  
10 ANC meeting, the full ANC meeting where the  
11 ANC discussed Mediterranean Spot, the  
12 Mediterranean -- it was on August 1, 2013,  
13 right?

14 MR. NORMAN: Yeah, I think that's  
15 the date of the ANC meeting, yeah.

16 MR. HIBEY: Okay. And  
17 Mediterranean Spot was not listed on the  
18 agenda for that meeting, correct?

19 MR. NORMAN: That's not true. It  
20 was listed on the agenda.

21 MR. HIBEY: Okay. Mediterranean  
22 Spot was not listed on the agenda.

1 MR. NORMAN: That's not true. It  
2 was listed on the agenda.

3 MR. HIBEY: Okay. Well, I'll show  
4 you a copy of the agenda and maybe you can  
5 show me where.

6 CHAIRPERSON MILLER: All right.  
7 Would you show the applicant as well?

8 MR. HIBEY: I have an extra copy.

9 CHAIRPERSON MILLER: All right.

10 MR. NORMAN: Well, this is a draft  
11 agenda. This wasn't the formal agenda  
12 adopted. If I can respond to this?

13 MR. HIBEY: There is a different  
14 agenda somewhere?

15 MR. NORMAN: I think you got this  
16 off-line. We do a preliminary agenda. The  
17 way we do it, we do a preliminary agenda that  
18 we send out generally what's the outline of  
19 the agenda. Now, the Committee -- if you  
20 notice under the ABC Committee on this agenda,  
21 there is nothing listed, because, at that  
22 point, when we send this original draft out,

1 we didn't have the list of the items that was  
2 going to be under the ABC Committee.

3 MR. HIBEY: Okay.

4 MR. NORMAN: And the ABC  
5 Committee, the Mediterranean Spot and several  
6 other establishments was listed under the  
7 committee report and that would have come out  
8 later on the final agenda.

9 MR. HIBEY: Okay. So the final  
10 agenda came out later than that?

11 MR. NORMAN: Yes.

12 MR. HIBEY: And it includes  
13 Mediterranean Spot on the final agenda?

14 MR. NORMAN: And several others  
15 all on the report under the ABC Committee.

16 MR. HIBEY: Okay. And now it was  
17 discussed on August 1st and you testified  
18 earlier that one person protested the -- or  
19 wanted the ANC to protest the application on  
20 technical reasons, right?

21 MR. NORMAN: That's right.

22 MR. HIBEY: And as part of your

1 discussions and what you learned about the  
2 Mediterranean Spot's application, you don't  
3 know what Mediterranean Spot is going to serve  
4 in terms of beer, wine and liquor? You don't  
5 know specifically what they are going to be  
6 serving?

7 MR. NORMAN: As I understand it,  
8 the general license to serve. I don't know  
9 specifically. I assume they would serve what  
10 the license require that they are seeking.

11 MR. HIBEY: Okay. But you don't  
12 know how they are going to carry that out,  
13 right?

14 MR. NORMAN: I don't understand  
15 the question. How are they going to serve it?  
16 What do you mean?

17 MR. HIBEY: Well, you don't know  
18 whether they are going to have a bar or a  
19 bartender, waitresses.

20 MR. NORMAN: I don't know the  
21 details of it.

22 MR. HIBEY: All right. And you

1 don't know whether they are going to have beer  
2 on tap or in bottles?

3 MR. NORMAN: I don't know the  
4 details on all of that, sir.

5 MR. HIBEY: And you were talking  
6 about how they stay open late now, right?

7 MR. NORMAN: Yeah.

8 MR. HIBEY: And you know that most  
9 of their sales are from those later hours,  
10 right?

11 MR. NORMAN: I don't know if  
12 that's true --

13 MR. HIBEY: Okay.

14 MR. NORMAN: -- or not, but most  
15 of the sales and the layout, I don't know if  
16 that -- when I'm there, I am usually -- we are  
17 only one or two people there. That's why I  
18 like going there, it's not that many people.

19 MR. HIBEY: I showed you earlier  
20 that is an agenda that you had sent out,  
21 right?

22 MR. NORMAN: That was a

1 preliminary agenda we sent out. Normally, the  
2 way we do it, we send out a preliminary agenda  
3 maybe 10 days before our ANC meeting and  
4 that's what you presented there. And what  
5 happens is each committee publicizes what is  
6 going to be on their committee agenda.

7 So all of the liquor licenses go  
8 out to all of the listservs and to all of the  
9 community, usually two or three weeks before  
10 the full ANC Committee meeting. So the fact  
11 that it's going to be on the ABC Committee and  
12 the ANC agenda would have been out two or  
13 three weeks in advance.

14 We send out a preliminary agenda  
15 to the emails and our webpage, because at that  
16 point, we don't have all of the final agenda  
17 items. Once we get the final agenda items  
18 from the committee, then we put that out.

19 MR. HIBEY: Okay.

20 MR. NORMAN: And the ABC Committee  
21 on that day and we explained this to -- I  
22 think your client showed up at the meeting

1 raising that point and we explained that to  
2 her that it was on the agenda and it was  
3 publicized, because the ABC Committee  
4 published their agenda in details and saying  
5 that this will be taking up the final vote for  
6 the ANC at this particular meeting.

7 MR. HIBEY: That's in the final  
8 agenda?

9 MR. NORMAN: I'm sorry?

10 MR. HIBEY: That's in the final  
11 agenda?

12 MR. NORMAN: What's in the final  
13 agenda?

14 MR. HIBEY: That the ABC Committee  
15 is going to take a final -- or the ANC is  
16 going to take a final vote on the  
17 Mediterranean Spot.

18 MR. NORMAN: That's usually  
19 standard. It wasn't just the Mediterranean  
20 Spot. It's all of the liquor licenses that we  
21 had to vote on at that particular meeting.

22 MR. HIBEY: And it went out after

1 this one that I showed you?

2 MR. NORMAN: It went out to all of  
3 the Commissioners and the public. We put it  
4 on our webpage. And we have a list of the  
5 listservs in the community groups.

6 But we explained that to her. She  
7 raised that objection and we explained that.  
8 And quite frankly, I even asked your client  
9 what it is before -- I didn't even want to get  
10 into all the technicalities, but we explained  
11 that technicality that it was publicized.

12 MR. HIBEY: Okay.

13 MR. NORMAN: And I explained and I  
14 directly asked your client at the meeting,  
15 what is it you want? We can resolve it right  
16 here.

17 MR. HIBEY: And she told you?

18 MR. NORMAN: No, she didn't. She  
19 just said it's not on the agenda. It was all  
20 technical.

21 MR. HIBEY: And --

22 MR. NORMAN: I said we are the

1       ANC.   What is it you want?  We can resolve it  
2       here and now.  We have the owner here.  We  
3       have the community here.  We can resolve it  
4       here and now, because our goal as a  
5       Commission, we want to represent the  
6       community, that's our job, that's who elect  
7       us.

8                   MR. HIBEY:  She --

9                   MR. NORMAN:  We are answerable to  
10       the community, not the establishment.

11                   MR. HIBEY:  Okay.  But she told  
12       you she had concerns about this more than just  
13       notice?

14                   MR. NORMAN:  The only thing she  
15       ever told me was the notice.  She didn't get  
16       into the -- I was trying to get that out of  
17       her, the details, because I wanted a list.  
18       What I wanted was a list of what the concerns  
19       were, so we could have resolved it either at  
20       that meeting or shortly thereafter.

21                   MR. HIBEY:  Okay.

22                   MR. NORMAN:  But her response was

1 we shouldn't take a position, because it  
2 wasn't technically noticed and she didn't know  
3 about the meeting and not --

4 CHAIRPERSON MILLER: Okay. I  
5 think we are --

6 MR. HIBEY: I understand.

7 CHAIRPERSON MILLER: -- getting  
8 very repetitive about putting it on the  
9 agenda.

10 MR. HIBEY: Yes, I'm -- she told  
11 you that she lives right next door to the  
12 Mediterranean Spot, right?

13 MR. NORMAN: I know her. I know  
14 where she lives.

15 MR. HIBEY: But she told you that  
16 at the meeting?

17 MR. NORMAN: She didn't say that  
18 at the meeting, but I know where she lives.

19 MR. HIBEY: Okay. She didn't say  
20 that at the meeting?

21 MR. NORMAN: No.

22 MR. HIBEY: Okay. And she told

1 you that her home is about 6 feet from the  
2 outdoor space of the Mediterranean Spot. She  
3 told you that at the meeting, didn't she?

4 MR. NORMAN: No. She didn't  
5 mention it at the meeting, but I know where  
6 she lives.

7 MR. HIBEY: Okay. And she didn't  
8 email you before the meeting laying out  
9 exactly all of her concerns? She didn't do  
10 that?

11 MR. NORMAN: The only email we got  
12 was her saying that she wasn't notified that  
13 we were going to be hearing that license.  
14 That's the only thing she made reference to.

15 MR. HIBEY: She did not tell you  
16 that she was very concerned about the  
17 potential impact on her residence?

18 MR. NORMAN: No.

19 MR. HIBEY: And she did not tell  
20 you that as abutting homeowners, they filed a  
21 protest with the Alcoholic Beverage Regulatory  
22 Administration?

1                   MR. NORMAN:  If I had gotten that,  
2                   I would have set up a meeting to mediate,  
3                   because my normal procedure when I get  
4                   something like that, I call up the Single  
5                   Member District person, the Chairman of the  
6                   ABC, and we call the establishment.  Because  
7                   I want to resolve this before we get to our  
8                   full ANC Committee meeting, to be honest with  
9                   you.

10                   So if I had gotten it, that's my  
11                   normal response.  And I do that with every  
12                   license.

13                   MR. HIBEY:  Thank you.

14                   MR. NORMAN:  Because it's better  
15                   for us to resolve it.  To be honest with you,  
16                   I want to resolve it in our ABC Committee.  We  
17                   want to reach all of these agreements and work  
18                   out all the residents in that committee  
19                   meeting, so when we get to the full  
20                   Commission, we can endorse whatever mediated  
21                   or agreement has been reached.

22                   So if I had gotten that, we

1 certainly would have moved on it.

2 MR. HIBEY: Your email is  
3 tdnorman29@gmail.com?

4 MR. NORMAN: That's my personal  
5 email, that's not the ANC email.

6 MR. HIBEY: And okay, thank you.

7 CHAIRPERSON MILLER: Are you  
8 finished?

9 MR. HIBEY: Yes.

10 CHAIRPERSON MILLER: Okay. Board  
11 questions? Mr. Alberti?

12 MEMBER ALBERTI: Yes.

13 Commissioner Norman, just real quick. Did the  
14 ANC enter into voluntary agreement with this  
15 establishment?

16 MR. NORMAN: Not --

17 MEMBER ALBERTI: Or a settlement  
18 agreement, I'm sorry. New terms these days.

19 MR. NORMAN: No, we didn't. Not--  
20 I don't know if we -- you mean previously?

21 MEMBER ALBERTI: No. It's a new  
22 license, so did you enter into a settlement

1 agreement?

2 MR. NORMAN: No.

3 MEMBER ALBERTI: Okay.

4 MR. NORMAN: We didn't see the  
5 need for that.

6 MEMBER ALBERTI: Okay. Great.  
7 Thank you. That's all I have. Than you.

8 CHAIRPERSON MILLER: Others? Yes,  
9 Mr. Silverstein?

10 MEMBER SILVERSTEIN: Yes. Mr.  
11 Norman, has this establishment offered to cut  
12 back its hours? Is that what you are saying?

13 MR. NORMAN: There was some talk  
14 of that. They were any reasonable -- in the  
15 beginning, they were reasonably, as I  
16 understand it, they did want to --

17 MEMBER SILVERSTEIN: I don't want  
18 to talk about negotiations. I can't get into  
19 that.

20 MR. NORMAN: Okay.

21 MEMBER SILVERSTEIN: Is this what  
22 they are proposing now? Are these shorter

1 hours than what they currently have?

2 MR. NORMAN: Yes, they are shorter  
3 hours.

4 MEMBER SILVERSTEIN: From what to  
5 what?

6 MR. NORMAN: I think they stay  
7 open until 3:00 or 4:00 now and I think they  
8 will close at 12:00. So they are actually  
9 cutting back in the present proposed hours.

10 MEMBER SILVERSTEIN: What about  
11 outdoors? Are they going to have --

12 MR. NORMAN: As I understand it,  
13 the outdoors will close at 12:00, too. I  
14 think they did say something about closing  
15 earlier for outdoors.

16 MR. RASHED: 11:00. 11:00, we  
17 said that we --

18 MEMBER SILVERSTEIN: Okay.

19 MR. NORMAN: At 11:00.

20 MR. RASHED: -- close at 11:00.

21 MEMBER SILVERSTEIN: Okay. I  
22 don't think we should be answering that.

1                   Did the ANC -- I'm looking now at  
2                   your minutes of that meeting. Did the ANC  
3                   make a motion, Jilani, to support the  
4                   application?

5                   MR. NORMAN: I think Commissioner  
6                   Jilani made that motion, yes.

7                   MEMBER SILVERSTEIN: And it was --  
8                   you had a quorum?

9                   MR. NORMAN: Yes. We had a  
10                  quorum. We had a great -- as I recall, we had  
11                  a great deal of discussion on it.

12                  MEMBER SILVERSTEIN: And was it  
13                  passed or was it --

14                  MR. NORMAN: It was essentially  
15                  passed unanimously. There was one abstention  
16                  because the commissioner came in late, but all  
17                  the commissioners voted to support it.

18                  MEMBER SILVERSTEIN: Is there  
19                  anything about this place that troubles you or  
20                  worries you? Anything at all?

21                  MR. NORMAN: Nothing at all  
22                  troubles me.

1                   MEMBER SILVERSTEIN: How long have  
2 you lived there?

3                   MR. NORMAN: In Washington?

4                   MEMBER SILVERSTEIN: In this  
5 general neighborhood.

6                   MR. NORMAN: The general  
7 neighborhood probably 15 years.

8                   MEMBER SILVERSTEIN: And how long  
9 have you been working in that area?

10                  MR. NORMAN: 5 or 10 years.

11                  MEMBER SILVERSTEIN: How long have  
12 you known Mr., is it, Rashed?

13                  MR. NORMAN: Personally, I only  
14 got to know him throughout this process  
15 because of the back and forth, but I didn't  
16 know him personally. I have known --

17                  MEMBER SILVERSTEIN: How long have  
18 you known his establishment, either there or  
19 when it was across the street?

20                  MR. NORMAN: For about maybe I  
21 think a year.

22                  MEMBER SILVERSTEIN: About a year.

1 Is there any concern you have about additional  
2 alcohol-serving establishments in the  
3 neighborhood of this type?

4 MR. NORMAN: No. Actually, we had  
5 that full debate on the moratorium, but no, we  
6 didn't have any concerns that -- in fact, this  
7 type of establishment is the type of  
8 establishment we would like to see have it  
9 look like just the way they operate.

10 MEMBER SILVERSTEIN: Why would  
11 that be?

12 MR. NORMAN: Because we don't want  
13 the clubs, the live bands. We're trying to  
14 get away from that. That's what really  
15 disturbs a lot of the neighbors.

16 MEMBER SILVERSTEIN: Is there any  
17 concern you have that this gentleman has not  
18 served liquor previously and might not  
19 understand the neighborhood or any problems?  
20 Something that was brought up by the -- well--

21 MR. NORMAN: From what I have  
22 observed, no. I think they are very much --

1 in fact, he is a very -- they are very hands-  
2 on in the establishment on like what happens  
3 in the place. So I don't have any problems  
4 that he is going to not have any issues with  
5 it. He is usually there.

6 MEMBER SILVERSTEIN: Okay.

7 MR. NORMAN: And goes around to  
8 the tables and talks to all his customers. So  
9 he is very hands-on.

10 MEMBER SILVERSTEIN: Have you seen  
11 any problems at all with this establishment  
12 with trash or peace, order and quiet, with  
13 anything like that without liquor?

14 MR. NORMAN: None. I haven't seen  
15 any.

16 MEMBER SILVERSTEIN: No further  
17 questions.

18 CHAIRPERSON MILLER: Okay. Mr.  
19 Norman, I see in my file a letter dated  
20 October 9, 2013 from ANC-1B.

21 MR. NORMAN: Um-hum.

22 CHAIRPERSON MILLER: And it is

1 reaffirming support for the application and it  
2 is representing the vote of which a quorum was  
3 present approve and in support of the license.

4 MR. NORMAN: Yes.

5 CHAIRPERSON MILLER: Okay. I am  
6 not seeing, but it doesn't mean that we don't  
7 have it somewhere in the Agency, but the  
8 previous letter, because it says this is a  
9 follow-up letter to ANC-1B's letter sent  
10 August 8, 2013.

11 MR. NORMAN: Yes.

12 CHAIRPERSON MILLER: But does  
13 this, my question is, letter in and of itself  
14 basically represent the position of the ANC?

15 MR. NORMAN: Oh, yes, that's the  
16 position of the whole ANC --

17 CHAIRPERSON MILLER: Okay.

18 MR. NORMAN: -- voting.

19 CHAIRPERSON MILLER: Okay. And we  
20 will look for that letter. I don't know if  
21 you brought it with you. It's most likely in  
22 the Agency somewhere.

1 MR. NORMAN: We have it. We do  
2 have a copy of it.

3 CHAIRPERSON MILLER: You do? Is  
4 that something that the applicant would want  
5 us to have in the file?

6 MR. RASHED: I think he has a  
7 copy.

8 CHAIRPERSON MILLER: Is that  
9 something you want the Board to have?

10 MR. RASHED: Yes.

11 CHAIRPERSON MILLER: Okay. Is  
12 there any objection to that?

13 MR. HIBEY: Excuse me?

14 CHAIRPERSON MILLER: The ANC  
15 letter that I have dated October 9th reflects  
16 an August 8th ANC letter that says -- that was  
17 sent to the Board. It is not in our file. It  
18 may be in the Agency's file, but there is a  
19 copy here with the applicant and I'm asking if  
20 you have any objection to their submitting it  
21 for the record now?

22 MEMBER ALBERTI: We can take

1 administrative notice.

2 CHAIRPERSON MILLER: I know, yes.

3 There shouldn't be an objection.

4 MR. HIBEY: I just want to take a  
5 look at it.

6 CHAIRPERSON MILLER: It's the ANC  
7 letter.

8 MEMBER ALBERTI: Take  
9 administrative notice and move on.

10 MR. HIBEY: Your letter?

11 CHAIRPERSON MILLER: What? August  
12 8th.

13 MR. HIBEY: I have one letter.

14 CHAIRPERSON MILLER: Have you seen  
15 it?

16 MR. HIBEY: I'm sorry, it's the  
17 letter from the ABC?

18 CHAIRPERSON MILLER: ANC.

19 MR. RASHED: From the ANC.

20 CHAIRPERSON MILLER: August 8th.

21 MR. HIBEY: Yeah, I have a copy of  
22 it.

1 CHAIRPERSON MILLER: You have a  
2 copy of it, too. Okay. Then there is not an  
3 objection, is there? Okay. Thank you.

4 So Ms. Walker can you get a copy  
5 so we have that for sure?

6 MR. HIBEY: There should be  
7 another letter from --

8 CHAIRPERSON MILLER: Yes, we have  
9 the October 9th.

10 MEMBER ALBERTI: Move on.

11 CHAIRPERSON MILLER: Oh, well, I  
12 was just talking about the ANC's position. So  
13 all right. Any other Board questions?

14 MR. HIBEY: It's in your file?

15 CHAIRPERSON MILLER: Oh. Are we  
16 just going to have the applicant? Are there  
17 any questions on Board questions? Okay. Any  
18 redirect? Are you finished? Do you have any  
19 follow-up questions? Oh, you have a question  
20 on the Board questions?

21 MR. FERRIS: Am I entitled to ask  
22 a question of the witness?

1                   CHAIRPERSON MILLER: So the basic  
2 rule is that you can. We prefer that one  
3 person do the cross, but if there is some  
4 question that applies to your group, that you  
5 could ask one question.

6                   MR. FERRIS: Well, I just have one  
7 question.

8                   CHAIRPERSON MILLER: Okay.

9                   MR. FERRIS: It's a procedural  
10 matter, but I think it goes to the great  
11 weight that you afford the ANC. So what I  
12 would like to ask is that based on your  
13 testimony today, is it my understanding that  
14 once the ANC protests a license, that -- if  
15 you are unable to proceed with the process,  
16 which is the Roll Call Hearing, or are unable  
17 to get someone to represent your ANC at a Roll  
18 Call Hearing, and unless there is, to use your  
19 word, further stronger objection, that you  
20 don't continue through the protest process?

21                   MR. NORMAN: Like I said, mostly  
22 no we don't, because most of the time when

1 they -- most of those are technical protests.  
2 They want to force the establishment to come  
3 to a settlement agreement. So if they come to  
4 that agreement, a lot of times they just drop  
5 it. They don't proceed with it.

6 MR. FERRIS: In the event that  
7 they should not come to an agreement after  
8 your ANC has filed a formal protest, without  
9 all of those other things that you have  
10 indicated, you don't proceed to a Roll Call  
11 Hearing or through the protest process? You  
12 just basically drop the protest?

13 MR. NORMAN: No.

14 CHAIRPERSON MILLER: Okay. This  
15 was asked and answered. And I have to say  
16 it's not a follow-up on a Board questions, as  
17 far as I know. So that's where we are with  
18 the procedure. So this is -- I'm sorry, I've  
19 got to make that ruling, because we have got  
20 to keep moving.

21 All right. So I think we are  
22 finished with the witness, unless you had --

1 you are entitled --

2 MR. RASHED: Just one more.

3 CHAIRPERSON MILLER: Yes, you are  
4 entitled to a follow-up question.

5 REDIRECT EXAMINATION

6 MR. RASHED: For the ANC member to  
7 come with a motion to vote and to support a  
8 liquor license, usually she has to have the  
9 support from neighborhood.

10 MR. NORMAN: Zahra, who is the  
11 Single Member District, said she met with a  
12 lot of her residents in the immediate area.  
13 And she said that they didn't have any  
14 questions. They trust her judgment on that.  
15 She is the Single Member District person for  
16 that area.

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

19 MR. NORMAN: All right.

20 (Whereupon, witness was excused.)

21 CHAIRPERSON MILLER: Okay. So  
22 what I'm going to do is while you are getting

1 your next witness, I just -- there is a case  
2 scheduled for 2:30 and I just want to call  
3 that case. It's being continued, so then we  
4 can just take care of that matter.

5 So if you would go get your  
6 witness, your next witness?

7 MR. RASHED: Okay.

8 (Whereupon, at 3:06 p.m. a recess  
9 until 3:07 p.m.)

10 CHAIRPERSON MILLER: Well, you can  
11 come over here and I'll swear you in. And if  
12 there is an objection to your testimony, we  
13 will deal with it there.

14 MR. GREEN: Okay.

15 CHAIRPERSON MILLER: What is your  
16 name?

17 MR. GREEN: So my name is John  
18 Green.

19 CHAIRPERSON MILLER: Okay. Would  
20 you stand?

21 Whereupon,

22 JOHN CARLOS GREEN

1 was called as a witness for the licensee, and  
2 having been first duly sworn, assumed the  
3 witness stand and was examined and testified  
4 as follows:

5 CHAIRPERSON MILLER: Okay. So  
6 your name is, let me just get some preliminary  
7 information, John Green.

8 MR. GREEN: John Carlos Green.

9 CHAIRPERSON MILLER: Okay. John  
10 or Sean? John?

11 MR. GREEN: John, J-O-H-N.

12 CHAIRPERSON MILLER: Okay. And  
13 are you here in place of Zahra?

14 MR. GREEN: I am here representing  
15 Zahra Jilani.

16 CHAIRPERSON MILLER: I know it's  
17 weird. Okay. What do you mean representing?  
18 What is it that --

19 MR. GREEN: She couldn't make this  
20 meeting and so she just wanted me to come in  
21 place. I'm also on the ABC Committee for ANC-  
22 1B.

1 CHAIRPERSON MILLER: Oh, you are?  
2 Okay. Are you a commissioner as well or no?

3 MR. GREEN: No.

4 CHAIRPERSON MILLER: But you are  
5 on the ABC Committee?

6 MR. GREEN: I live in the  
7 neighborhood as well.

8 CHAIRPERSON MILLER: You live in  
9 the neighborhood?

10 MR. GREEN: Yes.

11 CHAIRPERSON MILLER: Of the?

12 MR. GREEN: 1B12 District.

13 CHAIRPERSON MILLER: Of the  
14 establishment?

15 MR. GREEN: Correct.

16 CHAIRPERSON MILLER: Okay. How  
17 close do you live?

18 MR. GREEN: I live about three or  
19 four blocks away.

20 CHAIRPERSON MILLER: Okay. And  
21 basically, what would you be testifying to?

22 MR. GREEN: So I'm here to give

1       some -- there are about five emails of support  
2       for the establishment. I can read them for  
3       the record, if you would like.

4                   CHAIRPERSON MILLER: Well, you  
5       might be able to just submit them. Why would  
6       we need you to read? Oh, yes, you can show  
7       them to Mr. Hibey.

8                   MR. GREEN: Okay.

9                   CHAIRPERSON MILLER: But why are  
10      they --

11                  MR. HIBEY: Just for the record --

12                  CHAIRPERSON MILLER: Yes.

13                  MR. HIBEY: -- if you want to  
14      continue and then I'll object for the record.  
15      We object to his testimony.

16                  CHAIRPERSON MILLER: Okay.

17                  MR. HIBEY: He is not on the  
18      Protest Information Form and neither is the  
19      person that he is representing. None of these  
20      emails were mentioned as exhibits. None of  
21      these people were listed on the Protest  
22      Information Form. We have no notice, any.

1 CHAIRPERSON MILLER: Okay. Okay.  
2 I don't know exactly what you are going to  
3 testify to, but we do have a regulation that  
4 says that except as provided in Subsection (c)  
5 of this section, "At any proceeding before the  
6 Board in a contested case, the Board shall  
7 hear as witnesses all persons residing within  
8 and outside the neighborhood desire to be  
9 heard."

10 If he is a resident in the  
11 neighborhood, he may fall in that. I just  
12 don't know what -- it doesn't sound like you  
13 even want to testify. It sounds like you just  
14 want to submit emails?

15 MR. GREEN: Yes, I just --

16 CHAIRPERSON MILLER: Okay.

17 MR. GREEN: -- you know, submit  
18 some letters in support. I also have a letter  
19 here --

20 CHAIRPERSON MILLER: Emails and  
21 letters of support?

22 MR. GREEN: Right.

1 CHAIRPERSON MILLER: Do you have  
2 copies for the protestants?

3 MR. GREEN: Sure. I don't -- I  
4 mean, I have just the original I printed out.

5 CHAIRPERSON MILLER: It doesn't  
6 sound like we need testimony. You don't have  
7 any separate testimony?

8 MR. GREEN: Right. I mean, I  
9 support their establishment. And just for the  
10 record, this is a text I have from Zahra when  
11 I asked her about in terms of a settlement  
12 agreement.

13 MR. HIBEY: Objection.

14 MR. GREEN: What's her position on  
15 that.

16 MR. HIBEY: Objection.

17 CHAIRPERSON MILLER: Okay.

18 MR. HIBEY: He is talking about a  
19 text from someone who --

20 CHAIRPERSON MILLER: Right.

21 MR. GREEN: From the Single Member  
22 District Commissioner.

1 CHAIRPERSON MILLER: Okay. Right.  
2 So just tell us what -- maybe we ought to see  
3 copies of those documents --

4 MR. GREEN: Sure.

5 CHAIRPERSON MILLER: -- to see  
6 whether they are admissible.

7 MR. GREEN: Yes.

8 CHAIRPERSON MILLER: And you can  
9 see copies and see if you have an objection to  
10 them, once you look at them.

11 MR. GREEN: Yes.

12 CHAIRPERSON MILLER: They are  
13 letters of support. I don't think that that  
14 is --

15 MR. GREEN: May I bring this  
16 forward?

17 CHAIRPERSON MILLER: Do you have  
18 copies or --

19 MR. GREEN: I don't have. Just  
20 the original.

21 CHAIRPERSON MILLER: Okay. I  
22 don't think we have an issue with testimony

1 then, right? Okay. We are just waiting for  
2 these documents, because it's hard to tell --  
3 I understand the basis. What you are saying  
4 is you didn't have much notice on the PIF that  
5 they existed, but a lot of these PIFs often  
6 don't give you much notice what the exhibits  
7 mean anyway.

8 I mean, I don't see where you are  
9 prejudiced.

10 MEMBER ALBERTI: May I address the  
11 Board? That our -- not accept from anyone  
12 regardless of --

13 CHAIRPERSON MILLER: You don't  
14 have an objection to a letter of support?

15 MR. HIBEY: No, I do, that's what  
16 I'm saying. I don't understand how it is even  
17 worth making copies of these. These are not  
18 admissible.

19 CHAIRPERSON MILLER: We don't  
20 strictly follow hearsay, so if that's the  
21 objection, then that doesn't control.

22 MR. HIBEY: It's hearsay. It's

1 notice. It's --

2 CHAIRPERSON MILLER: Okay. Yeah?

3 MR. FERRIS: I would like to  
4 reiterate for the record my objection again.  
5 As far as the veracity of those emails without  
6 seeing them, there is no way to determine who  
7 these people really are, where they really  
8 live. There is no way to verify them  
9 adequately.

10 And anybody who is not on the  
11 witness list --

12 CHAIRPERSON MILLER: Okay.

13 MR. FERRIS: -- claiming to be  
14 here representing somebody else --

15 CHAIRPERSON MILLER: Um-hum.

16 MR. FERRIS: -- without  
17 authorization is, to me, highly objectionable.

18 CHAIRPERSON MILLER: Um-hum. And  
19 we are not going to take the testimony, at  
20 this point, so I think you can have a seat  
21 because --

22 MR. GREEN: Sure.

1 CHAIRPERSON MILLER: -- I think  
2 the only issue is whether the applicant wants  
3 to submit those documents.

4 MR. RASHED: Those documents.  
5 They sent those to the ANC member, those who  
6 live in the neighborhood, that's why she had  
7 presented application. She talked to him  
8 after she mailed him that. It's not like --  
9 we personally don't know those people. She  
10 know.

11 CHAIRPERSON MILLER: She knows  
12 them.

13 MR. RASHED: She knows them.

14 CHAIRPERSON MILLER: She is not  
15 here.

16 MR. RASHED: I don't know anyone  
17 from there.

18 MR. GREEN: Okay. Thank you.

19 CHAIRPERSON MILLER: All right.  
20 Well, you can be excused because we're not  
21 hearing testimony from you. So it's just a  
22 question of whether we admit these emails into

1 evidence.

2 (Whereupon, witness was excused.)

3 MEMBER SILVERSTEIN: Madam Chair?

4 CHAIRPERSON MILLER: We don't have  
5 Zahra here. Okay.

6 MEMBER SILVERSTEIN: I --

7 CHAIRPERSON MILLER: Go ahead,  
8 yes.

9 MEMBER SILVERSTEIN: -- would ask  
10 that we not.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER SILVERSTEIN: The  
13 protestants are unable to cross-examine.

14 CHAIRPERSON MILLER: Um-hum.

15 MEMBER SILVERSTEIN: There was no  
16 advance notice that they would be receiving  
17 these.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER SILVERSTEIN: I think that  
20 there are other ways that decide this. The  
21 community support can be claimed or gauged for  
22 what it is worth.

1 CHAIRPERSON MILLER: Okay. I  
2 think that's a good point on it. Others?

3 MEMBER ALBERTI: I think we should  
4 accept those.

5 CHAIRPERSON MILLER: You do?

6 MEMBER ALBERTI: For what they are  
7 worth as hearsay. All except for one. One  
8 I'm not sure.

9 CHAIRPERSON MILLER: Yeah.

10 MEMBER ALBERTI: It's from Zahra  
11 to somebody and I'm not sure that it is  
12 anyone's opinion except her noting someone  
13 came in. But the others, you know, they are  
14 hearsay and I would --

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: -- accept them  
17 and give them the weight that they deserve.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: I'll accept the  
20 one labeled Alex Support, that one seems a  
21 little --

22 CHAIRPERSON MILLER: Which one?

1 MEMBER ALBERTI: -- far afield on  
2 hearsay, but the others --

3 CHAIRPERSON MILLER: Which one?

4 MEMBER ALBERTI: I would put --  
5 just to be safe, I would accept them. To be  
6 prudent, I would accept them and give them the  
7 weight that they deserve.

8 CHAIRPERSON MILLER: Oh.

9 MEMBER ALBERTI: Recognizing that  
10 they are hearsay.

11 CHAIRPERSON MILLER: Okay. Anyone  
12 else?

13 MEMBER ALBERTI: Well, I think I  
14 would like to hear any objections first before  
15 I rule.

16 CHAIRPERSON MILLER: Oh, okay.

17 MR. HIBEY: Madam Chair, if I  
18 could?

19 MEMBER ALBERTI: I think that  
20 would be worthwhile.

21 CHAIRPERSON MILLER: I thought we  
22 heard them. I thought we heard them.

1                   MEMBER ALBERTI: He hasn't said  
2 anything. How could we hear?

3                   CHAIRPERSON MILLER: I heard.  
4 There was enough said.

5                   MR. HIBEY: I mean they shouldn't  
6 be exempted preliminarily. But now, looking  
7 at them, it's even more clear.

8                   CHAIRPERSON MILLER: All right.

9                   MR. HIBEY: We don't know who  
10 these people are. We have no idea --

11                   CHAIRPERSON MILLER: That's right.

12                   MR. HIBEY: -- who Kimberly Olive  
13 Calla is, who Graham Campbell is, who Marcus  
14 Jelks is or Jeff Warner. The only one who  
15 includes an address to identify them as people  
16 who are potentially nearby is Jeff Warner. He  
17 gives an address, but all the others, we don't  
18 know who these people are. We don't know  
19 where they are. We don't know what they are  
20 writing, I mean.

21                   Someone needs to sponsor these  
22 documents to make them on the threshold of

1 admissible. And Zahra is not here to say oh,  
2 I know these people. They are all in my  
3 District and we don't even have that.

4 CHAIRPERSON MILLER: Okay.

5 MR. FERRIS: I would like to raise  
6 another issue, if I could?

7 CHAIRPERSON MILLER: Quickly.

8 MR. FERRIS: There was a deadline  
9 for filing a protest of an application. The  
10 deadline for people who are protesting in  
11 opposition for the license should be the same  
12 deadline for supporters of the license.

13 How can new evidence be entered  
14 and recorded after the protest deadline is  
15 over?

16 CHAIRPERSON MILLER: New evidence?  
17 Okay. New evidence does seem to come in with  
18 -- at the hearing. Usually it's identified on  
19 the PIF. It's usually not identified that  
20 specifically. But any other comments?

21 MEMBER ALBERTI: May I ask Mr. --  
22 I mean, I heard the objection Mr. -- Ms.

1 Azandeh?

2 MS. HAIL: Yes.

3 MEMBER ALBERTI: Your wife, okay.

4 Or either one of you, you have seen these  
5 emails? Do you have copies of these emails?

6 MR. RASHED: Really, I didn't see  
7 them. I know that they were people who  
8 supported our establishment.

9 MEMBER ALBERTI: Can you tell me  
10 where these people live?

11 MR. RASHED: I don't. The ANC  
12 member he -- she knows where they live. They  
13 are the ones who emailed her, that's why she  
14 gave documents for meeting and email from the  
15 people. She came and she supported our  
16 establishment. She -- they I don't know the  
17 people personally. I don't know where they  
18 live.

19 People they come probably into our  
20 establishment, they eat there, they -- but I  
21 didn't -- you know, we don't push the people  
22 to do what they say.

1 MEMBER ALBERTI: Madam Chair?

2 CHAIRPERSON MILLER: Yes?

3 MEMBER ALBERTI: My recommendation  
4 as a Board Member is that after hearing the  
5 objection and then hearing from the applicant  
6 that he can't establish who these people are--

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: -- whether or not  
9 they are customers, whether they live nearby,  
10 I would accept only the email from Jeff  
11 Warner.

12 CHAIRPERSON MILLER: Okay. What I  
13 would say is that there are only a few of  
14 these. I don't think that they are very  
15 persuasive, because they don't show where the  
16 people live and we don't know who they are.  
17 But I don't see -- given that, I don't have a  
18 problem with them being in the record.

19 So I think it is like what you  
20 were saying before to err on the side of just,  
21 you know, giving it the weight it is worth,  
22 which is, you know, not a lot of weight. Some

1 people have said I support. I mean, you know,  
2 a few people say they support out of how many  
3 in the community.

4 So unless there is an objection, I  
5 would rather err on the side of admitting  
6 them.

7 MR. HIBEY: No objection.

8 CHAIRPERSON MILLER: Okay. Moving  
9 on, I think I better identify these. I'm  
10 going to identify that August 8, 2013 letter  
11 as Applicant's Exhibit 1, that is the letter  
12 from the ANC, the earlier letter, and then the  
13 subsequent emails will be Applicant's Exhibit  
14 2.

15 (Whereupon, the documents were  
16 marked for identification as  
17 Applicant Exhibit 1 and 2 and were  
18 received in evidence.)

19 CHAIRPERSON MILLER: Okay. So now  
20 you have another witness?

21 MR. RASHED: No.

22 CHAIRPERSON MILLER: No? Okay.

1 Any other documents that you wanted to --  
2 evidence to put in the record? Okay. That's  
3 fine. All right. Are you ready to --

4 MEMBER SILVERSTEIN: Are they  
5 going to testify?

6 CHAIRPERSON MILLER: No, they are  
7 finished. Are you finished? Mr. Silverstein  
8 said you were not going to testify? You are  
9 going to testify or are you finished  
10 presenting your case?

11 MR. RASHED: Well, I -- if I can  
12 go sit there and ask him questions. If  
13 questions for me, I can give it. I can --  
14 yes, I can talk about the establishment. This  
15 is the meaning.

16 CHAIRPERSON MILLER: Okay. You  
17 don't have to do anything more if you don't  
18 want to. If you want to, again, whatever your  
19 story is under oath, then now is the time  
20 before you rest your case.

21 MR. RASHED: Yes, I --

22 CHAIRPERSON MILLER: Okay.

1 MR. RASHED: -- would like to.

2 CHAIRPERSON MILLER: So do you  
3 want to take the stand? Okay. Thank you.

4 MS. HAIL: No, we have no  
5 experience. This is our first time to be  
6 here.

7 CHAIRPERSON MILLER: I know that.  
8 Right, right.

9 MS. HAIL: So that's the problem.

10 CHAIRPERSON MILLER: Okay. And if  
11 you have any other questions, but, yes, raise  
12 your right hand.

13 Whereupon,

14 AZANDEH HAIL and MOHAMMED RASHED  
15 was called as a witness for the licensee, and  
16 having been first duly sworn, assumed the  
17 witness stand and was examined and testified  
18 as follows:

19 MS. HAIL: Yes.

20 MR. RASHED: I swear.

21 CHAIRPERSON MILLER: Okay. So  
22 now, you can tell us anything you want about,

1 you know, your establishment. Okay. And you  
2 know, you started to testify before and you  
3 weren't under oath, so now you are and it will  
4 be evidence. And you can start with, you  
5 know, your name and who you are. Okay.

6 DIRECT EXAMINATION

7 MR. RASHED: My name is Mohammed  
8 Rashed. My wife Azandeh Hail and the Pal the  
9 Mediterranean Spot located at 1501 U Street,  
10 N.W. Currently we are serving the food and  
11 beverage. And my food we have seating for 32  
12 to 50 people inside and for 12 people outside,  
13 license permitted by the District of Columbia.

14 We have been in this neighborhood  
15 for --

16 MR. HIBEY: Excuse me, I'm sorry  
17 to interrupt, but before we go on, just for  
18 the record, I would like to object to his  
19 testimony. He is also not listed on the  
20 Protest Information Form.

21 CHAIRPERSON MILLER: Okay.  
22 Overruled.

1                   MEMBER SILVERSTEIN: The applicant  
2 has the right to testify.

3                   CHAIRPERSON MILLER: Yes.

4                   MR. HIBEY: He is not --

5                   MEMBER SILVERSTEIN: The  
6 applicant, sir, has the right to testify and  
7 need not be on the PIF. Just as a protestant.

8                   MR. HIBEY: He is not the  
9 applicant or the licensee.

10                  MS. HAIL: I can. I can.

11                  MR. HIBEY: Right.

12                  CHAIRPERSON MILLER: No. She is  
13 fine. He is fine. We are overruling the  
14 objection.

15                  MR. HIBEY: But I don't think --

16                  CHAIRPERSON MILLER: He can  
17 object, but --

18                  MR. HIBEY: He is not the  
19 licensee. You said the licensee has -- he is  
20 not the applicant or the licensee.

21                  MR. RASHED: I am part owner of  
22 that, so I own the license of that place and

1 the lease and everything at that place. So --

2 CHAIRPERSON MILLER: Okay. Sir?

3 MR. HIBEY: You're not the --

4 CHAIRPERSON MILLER: Wait. I  
5 can't hear you that well.

6 MR. RASHED: I am part owner of  
7 that place. The license and everything has  
8 been established by the District of Columbia  
9 has my name and my wife name in it. The  
10 applicant for the ABC has her name in it,  
11 that's right, but all the other licenses at  
12 the place, I manage that place and we own it  
13 together.

14 CHAIRPERSON MILLER: Okay. Go  
15 ahead. The objection is overruled. So go  
16 ahead with your testimony.

17 MR. RASHED: We have been in this  
18 neighborhood for the last 15 years. We have  
19 been in different location just to answer some  
20 of their concerns. As experience, I have a  
21 background of business administration. I  
22 graduate. I have bachelor degree in it.

1           As a lively running business,  
2 restaurant, I have been doing this for 25  
3 years. I worked around alcohol. I never  
4 serve it, but I know how to hire people to  
5 serve that. I know how to hire people to  
6 serve it on tables, behind the bar I know. I  
7 been running it around it.

8           Personally, I don't serve it. I  
9 don't have to serve it. I have -- I can hire  
10 people who are -- they have the license by the  
11 District. They are -- they have all  
12 regulation that the District ask for to serve  
13 that -- the beverage that we intend to do.

14           There is some modification to the  
15 place we need to do, we know that. We are  
16 aware of it. We will be doing it once we get  
17 the license, if we been approved for it.  
18 Hopefully we will.

19           For -- we are a family-running  
20 business. We are there most of the time. We  
21 approach this license to cut our hours. We  
22 have a little girl that we are trying to give

1 her more time. We are currently open until  
2 4:00 in the morning. We approach this license  
3 to open until 12:00 midnight, so we can cut  
4 our hours.

5 And for the disturbance that my  
6 participation is going -- talking about, we  
7 are cutting it down. Currently, we have  
8 people coming to 4:00. We serve them,  
9 especially on the weekend. So we are  
10 intending to cut these hours back to midnight.

11 We try to mediate with them, to  
12 talk with them about what is their concern.  
13 The only concern that came from them is the  
14 chairs outside and they said we want you to  
15 cut the hours even less. I said okay, what's  
16 the hours? They said at 10:00. We said 11:00  
17 and even my wife she said, okay, 10:00 we  
18 close 10:00. They said no, we want you to  
19 have other rule and what kind of food you  
20 going to be serving inside.

21 What is the percentage of your  
22 food out of your liquor? I said I'm a

1 franchisee for the neighborhood. What is --  
2 how are you going to be doing it? What time  
3 you going to be serving your food and what  
4 time you going to be serving your wine or  
5 beer, whichever.

6 So they actually getting inside my  
7 management that I put all -- they have an  
8 entrance back there for work. That is their  
9 property. I have an entrance in that part of  
10 place, because we put all our saving that.  
11 This is how we generate our income. This is  
12 how we work. We choose it. We like it. Our  
13 neighborhood they like it. The people there  
14 they like our place.

15 We know we cannot satisfy 100  
16 percent of people, but we know we are up to 90  
17 percent in that neighborhood. We will have  
18 some concern. We talked about. We were  
19 willing to address it. They refused. They  
20 would not even come to -- even every single  
21 site at place, we cannot do that. If you want  
22 us to cut the hours outside, we will do it.

1 But we cannot allow you to tell us -- I cannot  
2 -- I don't know what kind of percentage of  
3 food we do. I don't know.

4 I don't know if my customer is  
5 going to be standing outside. They want me to  
6 control my customer to be standing or sitting  
7 outside. I have to tell my customer who is  
8 standing, no you have to sit, sir. You cannot  
9 stand. So it's -- I cannot control that.

10 My customers come and buy a box of  
11 food. I cannot determine where my customer is  
12 going to go. He going to go eat it in his  
13 office or he is going to go eat it in the  
14 street, but I cannot -- I have no  
15 determination with that. Well, we are -- we  
16 have our responsibility to clean around the  
17 place to make it all the time clean by  
18 whatever trash is there.

19 But we don't have the  
20 responsibility to clean the whole  
21 neighborhood. We cannot do that. So all  
22 these concerns that they came up with it, we

1 have no control in it. We have control about  
2 the hours that they ask and we said yeah,  
3 we'll do it. But they want to lock the door  
4 for every single thing that they ask for it  
5 and we couldn't agree with it. There is no  
6 way that we can agree with it.

7 Volume? We don't have a live  
8 music. We said we will sign that we will not  
9 carry any live music there. They want to  
10 control the volume of the jazz attribute.  
11 It's adjusting the volume. I don't have no  
12 control of that. What about -- and then we  
13 accidentally touch that and turn things up and  
14 just happens what we have. And they want to  
15 call the ABC and MPD or whatever go come and  
16 oh, we'll fix it.

17 But I don't want to go through  
18 things that's not controllable. Things we can  
19 control, we'll control it. Hours, anything  
20 that we are -- we have know that we have a  
21 very clean establishment. This is the first  
22 time anybody walks through our case.

1           So for, I mean, the trash, the  
2 trash that we carry, actually it's controlled  
3 by our landlord. Although we took the lead to  
4 clean it and to clean around it, so we -- all  
5 these things we said no. The things that we  
6 will -- we can do, we will do it with you. We  
7 will agree.

8           The things that we cannot -- we  
9 don't have a control in, we cannot agree in  
10 it. They refuse. We cut the hours. They  
11 said the hours and the time of the meeting  
12 hours. We cutting the hours back. We are now  
13 open to 4:00 and 3:00 in the morning. We cut  
14 it back to midnight. So it's actually  
15 involvement for our neighbors.

16           I don't know the things they  
17 talking about it now and why the disturbance  
18 and all these, we cutting the hours. We are  
19 not playing live music. We cutting the hours  
20 outside for the outside cafe. So all the  
21 things that this -- we cut the disturbance of  
22 that corner, we cutting it back.

1 MS. HAIL: And also --

2 CHAIRPERSON MILLER: No, no, no.

3 You can --

4 MS. HAIL: Okay. Okay.

5 CHAIRPERSON MILLER: -- testify.

6 Okay. You can't testify now. All right.

7 Sorry.

8 MR. RASHED: So I think we are  
9 very well-experienced in serving food. We are  
10 very well-experienced in managing food.

11 CHAIRPERSON MILLER: Okay.

12 MR. RASHED: We have been  
13 successful in doing that. Myself, I have been  
14 doing this for 25 years. My wife she is doing  
15 this for 15 years. I run several kind of  
16 businesses, not the first one, it's not the  
17 10th one. I have been doing it. This is what  
18 I do.

19 For somebody come and say you are  
20 not experienced, you don't know, that's  
21 absurd. That's not the right thing to say.  
22 And I don't accept it, because you are a

1 lawyer, you are a professional, you should  
2 check the background of somebody else before  
3 you try the accusation.

4 I don't have anything to say.  
5 That's all.

6 CHAIRPERSON MILLER: Thank you.

7 MS. HAIL: And --

8 CHAIRPERSON MILLER: Okay. Did  
9 you want to ask a question?

10 MS. HAIL: Yes.

11 CHAIRPERSON MILLER: Okay.

12 MS. HAIL: And also we been asked  
13 to move from our neighborhood.

14 CHAIRPERSON MILLER: No, that's  
15 not a question.

16 MEMBER SILVERSTEIN: It's  
17 questions.

18 MS. HAIL: No.

19 MR. RASHED: Maybe I have to raise  
20 the top. For the record --

21 MS. HAIL: Yes.

22 MR. RASHED: -- our neighbors they

1 offered us to move to Georgia Avenue.

2 MS. HAIL: Mr. --

3 MR. RASHED: Georgia Avenue have a  
4 different look of people, a different kind of  
5 people. She said you don't like it here, you  
6 go to Georgia Avenue. This is a different  
7 kind of look now for the case.

8 And it has been vocal.

9 CHAIRPERSON MILLER: Okay.

10 MR. RASHED: It has been, you  
11 know, with the witness there. She said  
12 clearly, so we will stand for ourself. We are  
13 part of this community. We are citizens. We  
14 will fight for our right in it and I hope we  
15 will achieve it.

16 CHAIRPERSON MILLER: Okay. Thank  
17 you.

18 MR. RASHED: Thank you.

19 CHAIRPERSON MILLER: Okay. Cross?

20 CROSS-EXAMINATION

21 MR. HIBEY: You have been at 1501  
22 U Street --

1 MEMBER ALBERTI: Mr. Hibey,  
2 please, speak up.

3 MR. HIBEY: 1501 --

4 MEMBER ALBERTI: I can hear well,  
5 but I can't hear when you --

6 MR. HIBEY: -- U Street.

7 MEMBER ALBERTI: -- speak.

8 MR. HIBEY: Okay. Is there  
9 another address as well for your location?  
10 The same spot, does it have two addresses?

11 MR. RASHED: No.

12 MR. HIBEY: And you have been at  
13 1501 U Street since July of 2012?

14 MR. RASHED: We opened --

15 MS. HAIL: August 20.

16 MR. RASHED: -- September 1st.

17 CHAIRPERSON MILLER: Excuse me.  
18 You can't do that.

19 MR. HIBEY: September of 2012?

20 MR. RASHED: Yes.

21 MR. HIBEY: Okay. And when you  
22 opened it was called 24/Seven?

1 MR. RASHED: No.

2 MR. HIBEY: It was called  
3 Mediterranean Spot?

4 MR. RASHED: It was called The  
5 Mediterranean Southern Grill.

6 MR. HIBEY: Okay. It had a  
7 different name?

8 MR. RASHED: We changed the  
9 corporation, yes.

10 MR. HIBEY: Okay. And when you  
11 opened it had a different appearance? It  
12 looked differently back then, right?

13 MR. RASHED: No, we didn't open it  
14 with a different appearance. Not at all.

15 MR. HIBEY: And when you opened  
16 it, it was your intention to serve brick-oven  
17 pizza, correct?

18 MR. RASHED: Still we are going to  
19 sell brick-oven pizza.

20 MR. HIBEY: You are --

21 MR. RASHED: But it --

22 MR. HIBEY: -- going to serve

1 brick-oven pizza?

2 MR. RASHED: We will serve brick-  
3 oven pizza.

4 MR. HIBEY: And you haven't told  
5 other people that you can't serve brick-oven  
6 pizza?

7 MR. RASHED: Never.

8 MR. HIBEY: You are asking for a  
9 liquor license because you need additional  
10 income to make it work at that space. Isn't  
11 that right?

12 MR. RASHED: It's not driving. We  
13 are asking for a liquor license to increase  
14 our sales and have shorter hours because we  
15 have a little girl and we going to devote a  
16 little more time to her. So, yes, we want to  
17 have a little shorter time, so we are looking  
18 for all the aspects of increasing our sales.  
19 We're going to sell pizza or others or part of  
20 it will be ABC license.

21 MR. HIBEY: Because right now, a  
22 majority of your sales are late at night?

1 MR. RASHED: That's not true.

2 MR. HIBEY: Okay.

3 MR. RASHED: We have a good lunch  
4 and a good daily dinner. That's not true.

5 MR. HIBEY: So a third of your  
6 sales are late night sales?

7 MR. RASHED: I probably have to  
8 look at the paper and see what's the  
9 percentage of that sale.

10 MEMBER SILVERSTEIN: Say again.  
11 Please, speak up, so we can hear you.

12 MR. RASHED: I -- this percentage  
13 of the sales that you are asking me to give  
14 you, if this is part of the -- this hearing,  
15 yeah, I can -- we can support it. We can show  
16 you. Weekends, yeah, we are -- we have a  
17 little extra sales at the weekend, but  
18 weekdays, no.

19 MR. HIBEY: And on the weekends  
20 it's people coming in after they have been out  
21 at the bars looking for late night food?

22 MR. RASHED: Yeah, that's -- we

1 are trying to cut that. We don't want to say  
2 late even on the weekends.

3 MR. HIBEY: Okay. And on those  
4 late nights, those weekends, you feel like you  
5 have to be there to be sure that the place is  
6 safe and secure, right?

7 MR. RASHED: We always have to be.  
8 This restaurant has to have the general  
9 manager or owner. This is whether you are a  
10 fast-food or a liquor-serving establishment.  
11 Somebody has to be there who has -- is a  
12 manage or an owner has to be there.

13 MR. HIBEY: I'm sorry, go ahead.  
14 I'm talking about late at night, right?

15 CHAIRPERSON MILLER: Mr. Hibey,  
16 can I just interrupt for a second? I'm really  
17 sorry, but we have another case coming at 4:30  
18 and my question is I'm not following where you  
19 are going, because he cut the hours back to  
20 12:00 and we are talking about peace, order  
21 and quiet, is what your case is about. So I'm  
22 just not following and I don't know how long

1 that is going to last. Maybe you could help  
2 us out where you are going with that or maybe  
3 you don't need to go with the late night.

4 MR. HIBEY: Well, I think I got  
5 what I wanted.

6 CHAIRPERSON MILLER: Okay. Thank  
7 you.

8 MR. HIBEY: And now, you don't  
9 know what you are going to serve in terms of  
10 beer, wine or liquor?

11 MR. RASHED: We applied for  
12 license. We will -- if you ask me the names  
13 of the drinks, of course I know all the names.  
14 If you ask me what kind of alcohol, we will  
15 determine that when we have the license what  
16 kind and how. We will have a professional  
17 waitresses going to the customer and asking to  
18 take orders. There are going to be a walk-in.  
19 Nobody going to be -- we know the laws and we  
20 apply it.

21 MR. HIBEY: Okay. I'm sorry, you  
22 said a professional?

1 MR. RASHED: Waitresses take  
2 orders. Somebody is sitting there to give the  
3 orders to -- taken by the waitresses.

4 MR. HIBEY: Is there going to be a  
5 bar?

6 MR. RASHED: We are not applying  
7 for a bar, no.

8 MR. HIBEY: You have a sound  
9 system in the restaurant?

10 MR. RASHED: Yes, true.

11 MR. HIBEY: And you play music in  
12 the restaurant?

13 MR. RASHED: Normally jazz music  
14 all the time, that's true.

15 MR. HIBEY: And do you keep it at  
16 a certain level?

17 MR. RASHED: Most of the time.

18 MR. HIBEY: Are there times when  
19 you turn it up for any reason?

20 MR. RASHED: No.

21 MR. HIBEY: And you are not  
22 willing to agree to keep it at a set level?

1                   MR. RASHED: The only reason is  
2 because of the mistakes on these things can  
3 happen. This is -- anybody can touch it where  
4 you go and this can go up and down. It's not  
5 like if someone call because we hear music  
6 it's up, we willing to put it down. So it's  
7 not like we are intentionally putting this  
8 music up for the people to dance. We don't do  
9 it now. We don't have any plan to do  
10 otherwise.

11                   MR. HIBEY: And you didn't  
12 undertake any sort of study with any sort of  
13 sound engineers to determine impacts of  
14 additional sound --

15                   MR. RASHED: I don't think we need  
16 to do that.

17                   MR. HIBEY: -- on --

18                   MR. RASHED: We don't have live  
19 music.

20                   MR. HIBEY: -- residents.

21                   MR. RASHED: I don't think we need  
22 to do a sound -- because we are not in a --

1 you should ask this to your client. This is  
2 a -- we never had any -- for the last year and  
3 a half we have been playing this and we never  
4 have anybody complaining, even the people that  
5 she bring them as a witness from upstairs. We  
6 never have anybody complain that we have our  
7 music is disturbing them.

8 MR. HIBEY: You have never had a  
9 liquor license, right?

10 MR. RASHED: Myself, no. I work  
11 around it. I work around alcohol all the  
12 time. I never applied for it, but I work  
13 around it. I've been doing it. It's not like  
14 I'm new to the business.

15 MR. HIBEY: Well, your -- you have  
16 talked about your interest in spending more  
17 time with your family as a reason for  
18 obtaining a liquor license.

19 MR. RASHED: Yes.

20 MR. HIBEY: But it's also true  
21 that you need the liquor license to cover your  
22 rent, which is --

1 MR. RASHED: No, no, no. We are--

2 MR. HIBEY: -- more than --

3 MR. RASHED: -- covering our rent.

4 We are --

5 CHAIRPERSON MILLER: I don't know  
6 what -- again, I --

7 MR. RASHED: -- good at it. We  
8 are doing the sales that is enough to survive  
9 with it now.

10 CHAIRPERSON MILLER: Okay. I want  
11 to interrupt here, because I don't think that  
12 that goes to peace, order and quiet and that  
13 is what the issue is for the protestant. That  
14 is really getting into their personal lives  
15 and I don't think we need to go there. The  
16 Board doesn't need to hear that to make a  
17 decision in this case. So I would ask if you  
18 could move on.

19 MR. HIBEY: That it. Thank you.

20 CHAIRPERSON MILLER: All right.  
21 Thank you.

22 MR. HIBEY: Thank you.

1 MEMBER ALBERTI: Board questions?

2 CHAIRPERSON MILLER: Oh, Board  
3 questions. Okay. I thought we did them  
4 already. Didn't we? If you have a question,  
5 go ahead.

6 MEMBER ALBERTI: Okay.

7 CHAIRPERSON MILLER: Yes.

8 MEMBER ALBERTI: Okay. I just  
9 want to talk about your outdoor cafe. The  
10 outdoor sidewalk cafe. You haven't applied to  
11 DDOT yet, have you? You haven't applied for  
12 a permit from the Department of Transportation  
13 for that sidewalk cafe?

14 MR. RASHED: We don't need to. I  
15 went down there. We asked the director. He  
16 has a letter. I think probably you have an  
17 email with it. And he explain it for the  
18 Board. He said that the permit outside has  
19 been issued to landlord. The landlord and  
20 spread it between tenants.

21 CHAIRPERSON MILLER: Okay.

22 MR. RASHED: And we are --

1 MR. HIBEY: Okay.

2 MR. RASHED: -- we don't need to  
3 access ourselves. The landlord give us the--

4 MEMBER ALBERTI: Okay. Okay.  
5 Great, great. I mean, you are answering my  
6 question. That's good. I don't want -- it  
7 doesn't need to go on.

8 So do you know how many seats that  
9 is authorized?

10 MR. RASHED: 12, 12 seats.

11 MEMBER ALBERTI: Okay. Okay.  
12 Great. That's all I wanted to know. Thank  
13 you. Now, I want to talk a little bit about  
14 the corporation, because I'm a little confused  
15 and I think there may be some confusion on the  
16 license.

17 The corporation who owns the  
18 present business is who?

19 MR. RASHED: Pal the Mediterranean  
20 Spot, LLC and more.

21 MEMBER ALBERTI: And what?

22 MR. RASHED: And more.

1 MEMBER ALBERTI: And more, okay.

2 MR. RASHED: M-O-R-E.

3 MEMBER ALBERTI: Is that -- that's  
4 the same corporation that has applied for this  
5 license?

6 MR. RASHED: Right, yes.

7 MEMBER ALBERTI: Here is my  
8 confusion. The application says that your  
9 wife, Hail, is that her name?

10 MR. RASHED: Azandeh Hail.

11 MEMBER ALBERTI: Is 100 percent  
12 owner of that corporation. Is that correct?

13 MR. RASHED: It's --

14 MS. HAIL: For the license.

15 MR. RASHED: For the license.

16 MEMBER ALBERTI: No, no. Wait,  
17 please.

18 MR. RASHED: We never divide the  
19 share. It's a family-owned business.

20 MEMBER ALBERTI: I --

21 MR. RASHED: You asked me if my  
22 name is in the license and the --

1 MEMBER ALBERTI: No, no, not the  
2 license. On the corporation. On the  
3 corporation papers --

4 MR. RASHED: In the corporation,  
5 my name is --

6 MEMBER ALBERTI: -- well, wait,  
7 let me finish. The corporation papers that  
8 you would have filed with DCRA for this LLC,  
9 are you listed as a part owner to -- for that  
10 corporation?

11 MR. RASHED: I think we are, yes.

12 MEMBER ALBERTI: We are. Are you?  
13 I think it says part owner.

14 MR. RASHED: Yes.

15 MEMBER ALBERTI: And do you know  
16 what share you are listed as?

17 MR. RASHED: I think I am, yes.

18 MEMBER ALBERTI: And what are you  
19 listed as?

20 MR. RASHED: I think it may be in  
21 all the papers that we supported, we were --  
22 are licensed there, yes.

1 MEMBER ALBERTI: What share are  
2 you listed as?

3 MR. RASHED: I do not know.

4 MR. HIBEY: If you don't know,  
5 tell me you don't know.

6 MR. RASHED: We never divided the  
7 shares.

8 MEMBER ALBERTI: Pardon?

9 MR. RASHED: We never divided the  
10 share. I have never -- we never -- I know  
11 this is a technicality, but with the license--

12 MEMBER ALBERTI: Okay. So you  
13 don't know. You don't know what you --

14 MR. RASHED: No.

15 MEMBER ALBERTI: -- filed with  
16 DCRA. Is there -- can you explain to me why  
17 you only listed your wife a 100 percent owner  
18 of this LLC when -- on the liquor application?  
19 Because here is my dilemma.

20 MR. RASHED: Yes.

21 MEMBER ALBERTI: The same  
22 corporation that you say owned your business,

1 the restaurant, is the same corporation now  
2 that is applying for this license and you are  
3 telling me that that corporation, you are a  
4 part owner of that corporation, but it's not--  
5 here on the application it doesn't say part  
6 owner.

7 MR. RASHED: There are no specific  
8 reasons really, just for the simplicity of the  
9 application. We didn't -- you know, it's not  
10 -- there is nothing except just for the  
11 simplicity. We are here with her name or my  
12 name. We don't look at the technicality or  
13 the -- those things.

14 MEMBER ALBERTI: It matters to us.

15 MR. RASHED: No.

16 MEMBER ALBERTI: Just so you  
17 understand, it matters greatly to us that we  
18 have accurate records. I suspect someone will  
19 be in touch with you on that.

20 I have no further questions.

21 CHAIRPERSON MILLER: Mr.  
22 Silverstein?

1                   MEMBER SILVERSTEIN: Mr. Rashed,  
2                   have you had any complaints from neighbors,  
3                   from people, abutting property owners about  
4                   the noise in your establishment?

5                   MR. RASHED: Not at all.

6                   MEMBER SILVERSTEIN: Where are  
7                   they? Describe where they are to me in  
8                   comparison to your -- in relation to your  
9                   establishment. Where do people live?

10                  MR. RASHED: My establishment is a  
11                  basement-level part of the 2015 Street facing  
12                  U Street. 90 percent of establishment is on  
13                  U Street. It's only about from 10 percent of  
14                  it is on 15th Street. There are probably 2002  
15                  on 15th Street. And this is a hotel for the  
16                  establishment of mine.

17                  MEMBER SILVERSTEIN: Okay. And I  
18                  have a picture. Where do people live in  
19                  comparison -- if -- does somebody live  
20                  directly on top of you, do they live -- is  
21                  there a partywall with the neighbors? Is  
22                  there a back wall? Where do people live

1 compared to where you are?

2 MR. RASHED: Well, there are some  
3 people living -- there are three apartments on  
4 top of our place. There are houses next to,  
5 you know, the next house to 15th Street.

6 MEMBER SILVERSTEIN: Now, we  
7 understand you are not serving liquor now, but  
8 there have been no complaints?

9 MR. RASHED: Not at all.

10 MEMBER SILVERSTEIN: If there  
11 were, what would you do?

12 MR. RASHED: I would address them  
13 right away. I would ask what steps would  
14 correct it if there is anything needed.

15 MEMBER SILVERSTEIN: Have you  
16 tried to work with your neighbors in settling  
17 this?

18 MR. RASHED: We tried and that's  
19 why we -- they came with a proposal. They  
20 asked us to cut the hours. We said -- for the  
21 outside cafe, we said that's okay. But then  
22 they want us to control how the customers

1 outside until -- they all going to be sitting  
2 or standing, what percentage of our food  
3 inside going to be when -- with the liquor.  
4 There is -- what time the trash going to be  
5 picked up.

6           There is a lot of things that we  
7 have no control in it and it's not -- part of  
8 it is the landlord. Although we take to  
9 cleaning it and making sure it's always clean,  
10 but it's not in our hands. You know, we help  
11 to make it always right, the things that is in  
12 our hands.

13           The hours we agreed to it. We  
14 said, yeah, okay, we will go to -- although we  
15 mediate that from the beginning, our hours are  
16 very short.

17           MEMBER SILVERSTEIN: Is it your  
18 testimony that somebody told you to move to  
19 Georgia Avenue or offered to help you move to  
20 Georgia?

21           MR. RASHED: No, it's not the  
22 offer.

1 MEMBER SILVERSTEIN: What was  
2 that?

3 MR. RASHED: It was a direct move.  
4 If you don't like here, you can -- if you  
5 don't agree with this, you can move to Georgia  
6 Avenue.

7 MEMBER SILVERSTEIN: Who said  
8 that?

9 MR. RASHED: The -- my neighbor,  
10 Christina.

11 MEMBER SILVERSTEIN: Okay. But  
12 she did not offer to move you there or  
13 anything of that sort?

14 MR. RASHED: I --

15 MEMBER SILVERSTEIN: Simply an  
16 aside? Just a --

17 MR. RASHED: I would -- I mean, I  
18 would take it a different way. I would think  
19 if we are not welcome by her in that corner.  
20 I -- the reasons I don't understand it. We  
21 try to work with her, but she made it very  
22 clear, you know. It's not -- there -- it's

1 not the term us being there, it's just who we  
2 are to be there.

3 So for her, us being there is a --  
4 is not something that she wanted.

5 MEMBER SILVERSTEIN: Was it  
6 because you are -- you want to sell liquor did  
7 she say?

8 MR. RASHED: I don't understand if  
9 it's just only the liquor or --

10 MEMBER SILVERSTEIN: I'm not sure  
11 I want to get any further into that. No  
12 further questions.

13 MR. RASHED: You know, I -- she  
14 made it very clear that she -- if you don't  
15 want to agree in this and you think -- it's  
16 you can move to Georgia Avenue. And I don't  
17 understand what's said -- what's the terms in  
18 Georgia Avenue different than the terms on  
19 your street that we should apply there?

20 MEMBER SILVERSTEIN: No further  
21 questions, Madam Chair.

22 CHAIRPERSON MILLER: Okay.

1 Anybody? I just have a couple of questions,  
2 I think. And you can give really short  
3 answers, if you could.

4 You have been there since, in your  
5 location, when?

6 MR. RASHED: We opened in  
7 September.

8 CHAIRPERSON MILLER: September?

9 MR. RASHED: Yeah.

10 CHAIRPERSON MILLER: This  
11 September?

12 MR. RASHED: September.

13 CHAIRPERSON MILLER: Okay. Not  
14 that long.

15 MR. RASHED: Last September 2012.

16 CHAIRPERSON MILLER: And your  
17 hours are until how late?

18 MR. RASHED: Weekdays we open  
19 until 2:30 now. Weekends we open until 4:30.

20 CHAIRPERSON MILLER: Okay. And  
21 have you gotten complaints from neighbors --

22 MR. RASHED: Not at all.

1 CHAIRPERSON MILLER: -- on those  
2 hours?

3 MR. RASHED: We do not have any.

4 CHAIRPERSON MILLER: No. Okay.  
5 And one other question. Did you say that you  
6 have worked around alcohol?

7 MR. RASHED: I worked around. I  
8 run business. I -- before and I work around  
9 it.

10 CHAIRPERSON MILLER: You have been  
11 running this type of business that you are  
12 running now for how many years? 15 or more?

13 MR. RASHED: 25 years.

14 CHAIRPERSON MILLER: 25 years. So  
15 could you just -- I know that was one issue  
16 that was raised. When did you have a chance  
17 to work around alcohol?

18 MR. RASHED: Years back in '97/98.  
19 A place where I worked a restaurant.

20 CHAIRPERSON MILLER: You worked in  
21 restaurants?

22 MR. RASHED: Yes.

1 CHAIRPERSON MILLER: Okay. Okay.  
2 Any other Board questions? All right. Any  
3 follow-up on the Board questions? Okay.

4 MR. HIBEY: Just one.

5 CHAIRPERSON MILLER: Okay. Yep.  
6 I didn't see that, sorry.

7 MR. HIBEY: You mentioned a move  
8 to Georgia Avenue. Ms. Parascondola has  
9 brought to you a number of different ideas for  
10 you to implement potentially in your business  
11 to try to increase profits, right?

12 MR. RASHED: No.

13 MR. HIBEY: She didn't ever  
14 mention to you that she would be -- she wanted  
15 to help you increase business by doing --  
16 helping your web-presence? She never talked  
17 to you about that?

18 MR. RASHED: My what?

19 MR. HIBEY: Your Internet  
20 presence, being on the Internet. She didn't  
21 offer to --

22 MR. RASHED: We have.

1 MR. HIBEY: But she didn't offer--  
2 she offered to assist you with that, right?

3 MR. RASHED: But we have. We have  
4 all these tools. We have Internet. We have  
5 all -- you offer me something that I had did.

6 MR. HIBEY: Okay. But she did,  
7 she offered to help you?

8 MR. RASHED: What this --

9 MR. HIBEY: Right?

10 MR. RASHED: If we afford it and I  
11 -- what's this supposed to mean? I don't  
12 understand.

13 MR. HIBEY: Well, she also made  
14 some other suggestions that were -- she was  
15 trying to be helpful.

16 MR. RASHED: Wanting us to move to  
17 Georgia Avenue?

18 MR. HIBEY: No, no. Others, I'm  
19 asking about.

20 CHAIRPERSON MILLER: It --

21 MR. HIBEY: No? She hasn't?

22 MR. RASHED: No.

1 MR. HIBEY: Okay. Thanks.

2 CHAIRPERSON MILLER: Okay. Thank  
3 you. Are you finished? Are you going to  
4 testify? Okay. Okay. Let's go. All right.  
5 Are you ready to present your case, Mr. Hibey?

6 MR. HIBEY: Yes.

7 CHAIRPERSON MILLER: Okay.

8 MR. ABBRUZZESE: I have a  
9 statement, original copy signed by me and  
10 eight copies for the Board. If you would like  
11 me to --

12 CHAIRPERSON MILLER: Okay.

13 MR. ABBRUZZESE: -- give the  
14 statement to you.

15 CHAIRPERSON MILLER: Yes, okay.

16 Whereupon,

17 MATTHEW JAMES ABBRUZZESE  
18 was called as a witness by Counsel for the  
19 Defendant, and having been first duly sworn,  
20 assumed the witness stand and was examined and  
21 testified as follows:

22 CHAIRPERSON MILLER: Okay. Are

1 you going to start with your name?

2 MR. ABBRUZZESE: My name is  
3 Matthew James Abbruzzese.

4 CHAIRPERSON MILLER: Okay.

5 DIRECT EXAMINATION

6 MR. ABBRUZZESE: First, I would  
7 like to state a, you know, one or two sentence  
8 introduction. I have been a resident of the  
9 District of Columbia for four years and five  
10 months, a resident at 1414 V Street at the  
11 Geno Baroni apartments right next door within  
12 Single Member District 1B12 for two years and  
13 11 months.

14 It's a shame that our closest yet  
15 lowest form of governance and legislative body  
16 in the District of Columbia Government fails  
17 yet over time and time again to meet simple  
18 requirements and technicalities that we elect  
19 them to do as legislators technically, because  
20 it is in the legislative branch of the  
21 organizational chart of the D.C. Government.

22 And 95 percent of the time, they

1 fail to meet these requirements or show -- as  
2 well as show up to meetings and it's really  
3 simple. Now, this letter is addressed to  
4 Chairperson Ms. Ruthanne Miller.

5 To get it started, "The Meridian  
6 Hill Neighborhood Association is a  
7 neighborhood association open to all residents  
8 who live within its boundaries. It includes  
9 homeowners and renters. Our boundaries are  
10 from east to west 12th Street to 16th Street,  
11 N.W., and from south to north U Street to  
12 Chapin Street, N.W., including both sides of  
13 the streets and that is located -- that is  
14 indicated in our bylaws.

15 We meet on the third Tuesday of  
16 each month and announce our meetings on our  
17 website at [www.meridianhilldc.org](http://www.meridianhilldc.org) and through  
18 the Meridian Hill Listserv as well as on our  
19 Twitter, Tumblr and everything else we do to  
20 make it completely transparent and give the  
21 public warning ahead and in advance.

22 On July 7, 2013, I personally,

1 Matthew James Abbruzzese, delivered a letter  
2 to the Mediterranean Spot's location at 1501  
3 U Street, N.W., inviting Azandeh Hail to  
4 attend the MHNA meetings scheduled to take  
5 place on Tuesday, July 16, 2013 at the Greater  
6 Washington Sports Alliance conference room,  
7 which is inside the Solea Building, 2300 14th  
8 Street, N.W., at the corner of 14th Street and  
9 Florida Avenue, N.W.

10 So it's from 7 -- our meetings are  
11 from 7:00 p.m. until 8:30 p.m., but typically  
12 go longer. And we -- the invitation addressed  
13 that it was going to be discussing the  
14 Mediterranean Spot's application for their new  
15 liquor license.

16 We noted that we expected to reach  
17 a discussion of the license application at  
18 around 8:00 p.m. on July 16, 2013. Neither  
19 Ms. Hail or a representative of the  
20 Mediterranean Spot appeared at the meeting.

21 At the meeting, MHNA voted 14-2  
22 with two abstentions to protest the

1 Mediterranean Spot's alcohol license  
2 application.

3 Meridian Hill Neighborhood  
4 Association voted to protest the application  
5 for several reasons.

6 (1) The application is located in  
7 a residentially zoned structure R-5-B that  
8 abuts another residential structure.

9 (2) The establishment and abutting  
10 home are located on the 2000 Block of 15th  
11 Street, N.W., which is residentially zoned on  
12 both sides of the street.

13 (3) Residents live in the abutting  
14 property and directly above the applicant's  
15 establishment.

16 (4) The applicant seeks an on-  
17 premises Class C License that would allow it  
18 to serve beer, wine and liquor. The applicant  
19 seeks and endorsement for outdoor service of  
20 alcohol directly below and next to the  
21 people's homes.

22 As a policy matter, a heightened

1 level of scrutiny is warranted when an  
2 applicant seeks an ABC license in a property  
3 that shares a common wall with a residence.

4 Here that policy meets practical  
5 reality. The applicant seeks to serve beer,  
6 wine and liquor inside and outside directly  
7 next to and underneath the residential  
8 housing. This is not appropriate and will  
9 have negative effects and impacts on peace,  
10 order and quiet.

11 For all of these reasons, the  
12 Meridian Hill Neighborhood Association  
13 protests issuance of an ABC license to the  
14 applicant. Matthew J. Abbruzzese, Meridian  
15 Hill Neighborhood Association."

16 CHAIRPERSON MILLER: Thank you.  
17 Does the applicant have any cross-examination?

18 MS. HAIL: I do.

19 CROSS-EXAMINATION

20 MS. HAIL: Didn't we talk, you and  
21 I, about this that you say that as long as we  
22 are not opening until 3:00 a.m. in the

1 morning, it's okay to have until midnight?

2 Didn't you say that, when we talk you and me

3 and Mohammed?

4 MR. ABBRUZZESE: Okay. So I'm  
5 going to address this right now.

6 MS. HAIL: Okay.

7 MR. ABBRUZZESE: That was an  
8 informal yet -- you know, how I'm going to  
9 answer that is yes, those words were said.

10 MEMBER SILVERSTEIN: Excuse me.

11 MR. ABBRUZZESE: Now, it was --

12 MEMBER SILVERSTEIN: Could you  
13 repeat the question?

14 CHAIRPERSON MILLER: What were the  
15 words?

16 MS. HAIL: I'm sorry?

17 CHAIRPERSON MILLER: Could you  
18 repeat the words that he is referring to?

19 MS. HAIL: The question that I met  
20 him that is like he is -- we talk. He and I  
21 and my husband. Then I talked to him we are  
22 not going to have any night club, live music

1 or any bar. We just family-restaurant. We  
2 will open until 10:00 a.m. until midnight and  
3 we will finish with our customer at 11:30.

4 I have 5 years-old and I need to  
5 be home with her. I explain for him. So he  
6 told me he said that I was thinking, he said,  
7 you guys you going to stay until 3:00 a.m.  
8 disturbing other neighborhood. But if you  
9 stay until midnight, it's okay to have the  
10 license. That's what we talk.

11 MR. ABBRUZZESE: So I listened to  
12 her. I understand -- I understood, but I also  
13 above all understand the priorities, the  
14 duties, the responsibilities as the  
15 representative for nearly 7,500 to 10,000 D.C.  
16 residents who have the -- who are within our  
17 boundaries.

18 You know, representing them and  
19 the 14 people that voted, it's my duty to  
20 assess what goes on after that happened on --  
21 you know, directly after the Roll Call  
22 Hearing. So we informally were talking. We

1 talked for two hours.

2 MS. HAIL: Yes.

3 MR. ABBRUZZESE: And my answer is  
4 that I never promised anything and nothing was  
5 in writing. And I know they don't mean harm  
6 by this, but --

7 CHAIRPERSON MILLER: Okay. We --

8 MR. ABBRUZZESE: So we abut to --  
9 we defer to the abutting homeowners' protest.

10 CHAIRPERSON MILLER: Okay.

11 MR. ABBRUZZESE: As stated in the  
12 -- throughout the entire process.

13 CHAIRPERSON MILLER: Okay. Any  
14 other questions?

15 MS. HAIL: No.

16 CHAIRPERSON MILLER: Okay.

17 MR. RASHED: The question is just  
18 if we are now staying until 2:30 and 4:30 in  
19 the morning serving people with food and  
20 people coming out to eat, how can this -- by  
21 us cutting the hours to midnight and closing  
22 this establishment early, how can it -- is

1 going to be more disturbing than it is now?

2 If it's any disturbance now, and  
3 if -- for one year and some we are serving  
4 there, we don't have any complaints with the  
5 hours that we are operating now. By cutting  
6 it until midnight, I don't understand where it  
7 is going to go? How it is going to be more  
8 disturbance?

9 MR. ABBRUZZESE: Well, the -- like  
10 I -- okay. You have -- it's a good question,  
11 a valid question. Now, you know, our protest,  
12 what we voted on and what I'm representing in  
13 my party, which is one of three in the protest  
14 process, those five policy matters that -- is  
15 what we voted on.

16 But how? Because it is peace,  
17 order and quiet is what we are protesting.  
18 And you don't have the liquor license yet, but  
19 it is common knowledge that when liquor is  
20 introduced into the scene, that A, B, C, D, E,  
21 F, G to Z are likely to happen. High  
22 probability, high impact that's risk analysis

1 and that's just being precautionate -- taking  
2 precaution as residents that are abutting  
3 homeowners.

4 And you know, it's -- these were  
5 laid out through the hours and hours we have  
6 all had in taking part of this throughout this  
7 entire process. So you know, it's pretty  
8 clear that when alcohol is introduced, that --  
9 you know, especially in an outdoor setting,  
10 but this has all been discussed in  
11 negotiations, mediations, everything.

12 CHAIRPERSON MILLER: No, we don't  
13 want to get into negotiations.

14 MR. ABBRUZZESE: We don't have to.  
15 Yes.

16 CHAIRPERSON MILLER: Yes.

17 MR. ABBRUZZESE: I mean, I'm not  
18 going to, because I know that's not allowed.  
19 But actually, I would like to state that --  
20 listen, we have been here for hours now.  
21 People have said -- talked about what has gone  
22 on in the mediation process and that is

1 inappropriate. Maybe you guys did not catch  
2 it.

3 However, you know, that's my state  
4 -- my answer. We defer. That's -- it's hard  
5 to answer that, but that's it.

6 CHAIRPERSON MILLER: Okay. Any  
7 other questions? Board questions? Mr.  
8 Alberti?

9 MEMBER ALBERTI: Good afternoon,  
10 Mr. Abbruzzese. It is clear from your  
11 testimony and from your letter that your  
12 concerns are based on the fact that there are  
13 residential residences immediately adjacent to  
14 this establishment.

15 So my question is, first of all,  
16 do you have a list of -- do you know who -- do  
17 you keep a record of who attended your  
18 meeting?

19 MR. ABBRUZZESE: Yes. I have a --  
20 I don't have it with me. I don't believe we--  
21 the people who voted - you know, we met,  
22 quorum, we voted, but --

1 MEMBER ALBERTI: Okay.

2 MR. ABBRUZZESE: That's just my  
3 answer. I don't have that with me.

4 MEMBER ALBERTI: Do you know,  
5 other than the abutting property owners who  
6 have filed the protest, if any of the other  
7 attendees of that meeting live in residences  
8 that are immediately adjacent to this  
9 establishment?

10 MR. ABBRUZZESE: Yes, I do know  
11 for a fact that out of the 14, at least --  
12 more than half of those residents live in one  
13 block, two blocks of --

14 MEMBER ALBERTI: Within one block  
15 or two blocks.

16 MR. ABBRUZZESE: Within --

17 MEMBER ALBERTI: Okay. Fine.

18 MR. ABBRUZZESE: Let's be safe.  
19 Let's say two blocks, but that's --

20 MEMBER ALBERTI: Well, are any of  
21 them immediately adjacent?

22 MR. ABBRUZZESE: Yes.

1 MEMBER ALBERTI: Abutting? Above,  
2 next door?

3 MR. ABBRUZZESE: Yes.

4 MEMBER ALBERTI: How many?

5 MR. ABBRUZZESE: Two.

6 MEMBER ALBERTI: And can you tell  
7 me what their residences are?

8 MR. ABBRUZZESE: Like I said, I  
9 don't have their -- I -- their -- all their  
10 information, but if you -- I mean, I don't  
11 know how -- if this is -- I don't have it, all  
12 their information, the residents' addresses  
13 and the names that we took the quorum -- the  
14 vote to do this.

15 MEMBER ALBERTI: Well, this is  
16 important to me, because it's obvious, I mean,  
17 you have stated very clearly that your protest  
18 is based on abutting homes.

19 MR. ABBRUZZESE: Okay. Our  
20 protest is peace, order --

21 MEMBER ALBERTI: And I take that--

22 MR. ABBRUZZESE: -- and quiet.

1                   MEMBER ALBERTI:  -- as people --  
2                   you were very specific here.  You didn't say  
3                   people a block away.  You said abutting homes,  
4                   which is very specific and I have to take you  
5                   at your word.

6                   MR. ABBRUZZESE:  Okay.

7                   MEMBER ALBERTI:  It says here  
8                   residents live in abutting property and  
9                   directly above the establishment's property.  
10                  That means they live right above them.  The  
11                  establishment and abutting homes are located  
12                  in the 200 Block.  And you stated the  
13                  applicant is located in a residential  
14                  structure that abuts other residential  
15                  structures.

16                  You don't talk about other  
17                  residents in proximity.  You talk about the  
18                  concerns specifically of those either living  
19                  above or right next door.  So it's very  
20                  important to me to know who spoke, what  
21                  residents spoke at that hearing that live  
22                  right immediately adjacent to this property.

1 MR. ABBRUZZESE: Okay. Like I  
2 said, I would have to get all the -- the list  
3 together formally. So, you know, we do things  
4 -- this is our process. We do things the  
5 right way. And what I want to say is that we  
6 -- you have a valid question, but this is what  
7 we voted on.

8 So as the five for policy, as the  
9 five reasons behind peace, order and quiet,  
10 everyone was made aware. And so those are  
11 facts.

12 MEMBER ALBERTI: All right. But  
13 you don't have that information for us?

14 MR. ABBRUZZESE: The list of  
15 people who voted on it?

16 MEMBER ALBERTI: Especially those  
17 who would have been in attendance that are in  
18 the properties of which --

19 MR. ABBRUZZESE: Not with me  
20 today.

21 MEMBER ALBERTI: -- are the basis  
22 of your protest.

1 MR. ABBRUZZESE: Well, because --  
2 we are deferring to the abutting homeowners  
3 here today and their protest. So --

4 MEMBER ALBERTI: Whom I'm getting  
5 at. Are there other abutting homeowners that  
6 you know of who --

7 MR. ABBRUZZESE: In the general  
8 vicinity?

9 MEMBER ALBERTI: No.

10 MR. ABBRUZZESE: Or in the area?

11 MEMBER ALBERTI: No, no, no,  
12 because that's not the concern that you  
13 listed. You listed specifically people  
14 abutting.

15 MR. ABBRUZZESE: Right.

16 MEMBER ALBERTI: Immediately --

17 MR. ABBRUZZESE: So --

18 MEMBER ALBERTI: -- adjacent.  
19 I'll give you two floors up.

20 MR. ABBRUZZESE: We voted --

21 MEMBER ALBERTI: But I won't give  
22 you a block away, based on what you

1 represented here.

2 MR. ABBRUZZESE: Right. So what--  
3 I'm still representing that today, because,  
4 you know, this is what -- maybe we gave you  
5 too much information and should not have, but  
6 this is actually better than --

7 MEMBER ALBERTI: I have to take  
8 you at your word.

9 MR. ABBRUZZESE: -- than what's  
10 listed.

11 MEMBER ALBERTI: I think you are a  
12 bright guy and can tell me what you mean.

13 MR. ABBRUZZESE: What I mean is --

14 MEMBER ALBERTI: So I have no  
15 further questions.

16 MR. ABBRUZZESE: -- we represent  
17 the --

18 MEMBER ALBERTI: I'm okay. Thank  
19 you.

20 MR. ABBRUZZESE: -- residents.

21 MEMBER ALBERTI: You have answered  
22 my questions.

1 CHAIRPERSON MILLER: Okay. Are  
2 there other Board questions?

3 MEMBER SILVERSTEIN: Yes.

4 CHAIRPERSON MILLER: Yes, Mr.  
5 Silverstein?

6 MEMBER SILVERSTEIN: Mr.  
7 Abbruzzese?

8 MR. ABBRUZZESE: Yes.

9 MEMBER SILVERSTEIN: You state  
10 that your protest is in part because this is  
11 an R-5-B property.

12 MR. ABBRUZZESE: Um-hum.

13 MEMBER SILVERSTEIN: You are --  
14 and it is a residential property, although it  
15 is bordering on a Commercial Zone, I believe.  
16 But you are not saying that it is illegal for  
17 a license to be given in a situation like  
18 this, are you? Is that your --

19 MR. ABBRUZZESE: I'm not  
20 implying --

21 MEMBER SILVERSTEIN: Are you just  
22 saying that --

1 MR. ABBRUZZESE: -- that it is.

2 MEMBER SILVERSTEIN: -- it's  
3 inappropriate because of the proximity?

4 MR. ABBRUZZESE: The legality and  
5 the appropriateness are separate factors, so  
6 I would say that the legality is that it is --  
7 that is to be determined by your body and  
8 maybe in general. I don't know. I think that  
9 it should be legal. I hope so, but the  
10 appropriateness is what we voted on as like,  
11 you know, ixnay against that denying -- you  
12 know, we are protesting. That's what we are  
13 protesting, the peace, order and quiet, that's  
14 one of our reasons.

15 MEMBER SILVERSTEIN: You are aware  
16 that there are two Class C Licenses within 400  
17 feet of the applicant?

18 MR. ABBRUZZESE: Yes.

19 MEMBER SILVERSTEIN: So therefore,  
20 the strict zoning legality vis-a-vis whatever  
21 legality there is on appropriateness standard,  
22 the --

1 MR. ABBRUZZESE: Okay.

2 MEMBER SILVERSTEIN: -- zoning  
3 legality is not illegal because of --

4 MR. ABBRUZZESE: Yes, you know --

5 MEMBER SILVERSTEIN: Okay.

6 MR. ABBRUZZESE: -- I assumed it  
7 was legal the entire time.

8 MEMBER SILVERSTEIN: I just wanted  
9 to make sure that's on the record.

10 MR. ABBRUZZESE: But it does  
11 heighten -- you know, the new application  
12 heightens --

13 MEMBER SILVERSTEIN: Scrutiny.

14 MR. ABBRUZZESE: -- you know, the  
15 scrutiny, yeah.

16 MEMBER SILVERSTEIN: Do you know  
17 of -- again I want to ask, can you name three  
18 people who live in abutting properties who  
19 voted on this?

20 MR. ABBRUZZESE: Can I name three?

21 MEMBER SILVERSTEIN: Against it.  
22 Yes.

1 MR. ABBRUZZESE: No. I stated  
2 earlier that I know of two.

3 MEMBER SILVERSTEIN: Am I looking  
4 at them?

5 MR. ABBRUZZESE: Yes.

6 MEMBER SILVERSTEIN: Okay.

7 MR. ABBRUZZESE: But I, you know,  
8 stated earlier that there are two.

9 MEMBER SILVERSTEIN: Okay.

10 MR. ABBRUZZESE: But until I can  
11 get you -- if you guys do request it formally,  
12 I will be gladly to present the 14 -- the 16  
13 people at the meeting and the two abstentions  
14 and the 14 who voted.

15 MEMBER SILVERSTEIN: Okay.  
16 Perhaps they can enlighten us further. No  
17 further questions.

18 MR. ABBRUZZESE: Thank you.

19 MEMBER SILVERSTEIN: Thank you,  
20 sir.

21 CHAIRPERSON MILLER: Wait a  
22 second. It's not your turn yet. Wait.

1 MR. RASHED: I just --

2 CHAIRPERSON MILLER: No, wait

3 until we are done.

4 Mr. Abbruzzese, I just want to ask  
5 you, did you say how many people were at the  
6 meeting? You said how many voted.

7 MR. ABBRUZZESE: Yes.

8 CHAIRPERSON MILLER: How many  
9 people were at the meeting?

10 MR. ABBRUZZESE: So there were two  
11 abstentions, 14 people voted. So --

12 CHAIRPERSON MILLER: Was there  
13 anybody else at the meeting?

14 MR. ABBRUZZESE: -- the two people  
15 -- no, because the two people -- you know  
16 what, I can't -- I'm almost positive, but we  
17 have presenters that come and leave. At that  
18 moment, I'm almost 99 percent sure that it was  
19 just our members.

20 CHAIRPERSON MILLER: Your members?

21 MR. ABBRUZZESE: Now, the two  
22 abstentions were --

1 CHAIRPERSON MILLER: How many  
2 members do you have?

3 MR. ABBRUZZESE: In our  
4 organization?

5 CHAIRPERSON MILLER: Uh-huh.

6 MR. ABBRUZZESE: Dozens.

7 CHAIRPERSON MILLER: Dozens? But  
8 no one was there?

9 MR. ABBRUZZESE: I'm sorry?

10 CHAIRPERSON MILLER: I asked you  
11 how many people were there you said only --

12 MR. ABBRUZZESE: So at the time of  
13 the vote, there were 16 people. 14 people --

14 CHAIRPERSON MILLER: So your  
15 members weren't there?

16 MR. ABBRUZZESE: And -- our  
17 members yeah, everyone is in the membership.  
18 Anyone who -- okay. Members can -- only  
19 members can vote.

20 CHAIRPERSON MILLER: Oh, okay.

21 MR. ABBRUZZESE: And so 14 people.

22 CHAIRPERSON MILLER: 14 people

1 were there.

2 MR. ABBRUZZESE: Include --

3 actually, 15 members, one --

4 CHAIRPERSON MILLER: Okay.

5 MR. ABBRUZZESE: -- not a member.

6 CHAIRPERSON MILLER: Oh, okay.

7 MR. ABBRUZZESE: So one is in Jim  
8 Graham's office, one is an ANC Commissioner  
9 that thought it was inappropriate and so  
10 abstended as well and then 14 people voted in  
11 favor.

12 CHAIRPERSON MILLER: Okay. All  
13 right. Thank you.

14 MR. ABBRUZZESE: You're welcome.

15 CHAIRPERSON MILLER: Okay. Any  
16 other Board questions? Okay. So final round  
17 of questions on Board questions. Yeah?

18 MR. RASHED: Just one question.  
19 Can I ask if Christina is a member of the  
20 organization?

21 MR. ABBRUZZESE: Yes, she is.

22 MS. HAIL: Because if --

1 CHAIRPERSON MILLER: No, no, no.

2 MR. RASHED: Can I ask another  
3 question?

4 CHAIRPERSON MILLER: Sorry.

5 MR. RASHED: Was she the ex-  
6 president of the organization before you?

7 MR. ABBRUZZESE: Yes.

8 MR. RASHED: Thank you very much.

9 CHAIRPERSON MILLER: Okay. Thank  
10 you. Thank you.

11 MR. ABBRUZZESE: Thank you.

12 CHAIRPERSON MILLER: Who is next?  
13 That's what I figured. Okay.

14 MR. FERRIS: Good afternoon.

15 CHAIRPERSON MILLER: No, wait.

16 MR. FERRIS: My name is --

17 CHAIRPERSON MILLER: Wait, Elwyn.  
18 Mr. Ferris, would you stand and be sworn in?

19 MR. FERRIS: Oh, I'm sorry.

20 CHAIRPERSON MILLER: That's okay.  
21 Whereupon,

22 ELWYN FERRIS

1 was called as a witness by Counsel for the  
2 Defendant, and having been first duly sworn,  
3 assumed the witness stand and was examined and  
4 testified as follows:

5 CHAIRPERSON MILLER: Okay. Thank  
6 you.

7 DIRECT EXAMINATION

8 MR. FERRIS: Good afternoon. My  
9 name is Elwyn Ferris. I am here representing  
10 the Shaw-Dupont Citizens Alliance. I think  
11 what I will do is I will read my statement,  
12 but I will improvise on paragraph 1 a little  
13 bit. I think the Board is highly familiar  
14 with our organization, so I will just state  
15 for the record what our boundaries are.

16 CHAIRPERSON MILLER: Okay.

17 MR. FERRIS: "Our boundaries are  
18 from the east to the west 12th Street to 15th  
19 Street, N.W., and from south to north S Street  
20 to U Street, and our boundaries include both  
21 sides of the border streets.

22 I myself am a 37 year-resident of

1 my current address on T Street, so I'm very  
2 familiar with the neighborhood.

3 On July 10, 2013 in accordance  
4 with the ABRA requirements for incorporated  
5 civic associations, I delivered a Letter of  
6 Notice to the Mediterranean Spot and was  
7 fortunate enough to find Mrs. Hail present.  
8 I was able to engage her in conversation and  
9 attempted to explain a little bit about the  
10 ABRA process and why the Letter of Notice was  
11 required of us.

12 I informed her that their license  
13 application for the Mediterranean Spot would  
14 be on our July 17th agenda and would be a  
15 topic of discussion at that meeting and would  
16 likely be brought to a vote by the body.

17 I encouraged Mrs. Hail and/or her  
18 husband to attend that SDCA meeting at the  
19 Thurgood Marshall Center and speak to the  
20 members regarding their business plan and  
21 their application for an alcohol license.

22 Unfortunately, no representative

1 for the Mediterranean Spot attended or came to  
2 present their plan or to speak to this  
3 application at that scheduled meeting.

4 When the agenda item came up for  
5 discussion, it resulted in the membership  
6 voting to file a protest of this application  
7 on the grounds that were outlined in our  
8 Letter of Protest.

9 It has been the experience of many  
10 of the members of our residence association  
11 that close proximity to an alcohol licensed  
12 establishment could have a significant  
13 negative impact on the quality of life.

14 As a policy matter, SDCA believes  
15 that a heightened level of scrutiny is  
16 warranted when an applicant seeks to have an  
17 ABC license in a property that shares a common  
18 wall with a residence.

19 Moreover, there are numerous  
20 factors present here that warrant additional  
21 scrutiny. The applicant is located in a  
22 residentially zoned structure, R-5-B, that

1 abuts another residential structure."

2 The applicant requests -- "the  
3 application requests an outdoor sidewalk cafe  
4 for the service of alcohol, but immediately  
5 abuts a private townhome. The establishment  
6 and the abutting home are located on the 2000  
7 Block of 15th Street, N.W., which is  
8 residentially zoned on both sides of that  
9 street.

10 In addition to residents living in  
11 the abutting property, there are also  
12 residents living directly above the  
13 applicant's establishment. Considering the  
14 various complications with this specific  
15 location, it seems inappropriate for the  
16 issuance of an alcohol license."

17 CHAIRPERSON MILLER: Thank you.  
18 Cross?

19 MS. HAIL: I have questions.

20 CROSS-EXAMINATION

21 MS. HAIL: When you came to  
22 Mediterranean Spot, when you explained for me

1 to sign the paper --

2 MR. FERRIS: Um-hum.

3 MS. HAIL: You told me yourself  
4 you have no people to work here, you and your  
5 husband in here, so you don't need to come,  
6 yes?

7 MR. FERRIS: Oh, no, no. I never  
8 said you don't -- I came to specifically  
9 invite you.

10 MS. HAIL: Yes, yes.

11 MR. FERRIS: I said it wasn't  
12 required.

13 MEMBER ALBERTI: Yes, yes. But  
14 you told me the same time, you say that no  
15 need to come, because many members even they  
16 don't show. And then if you come, you can  
17 come. If you are not, you don't have to,  
18 because you only work, you and your husband,  
19 and also you have the baby. Exactly what you  
20 told me, that's why I didn't sacrifice to come  
21 over there.

22 MR. FERRIS: Well, I -- there may

1 have been a little bit of a language barrier.  
2 I mean, I was specifically there to invite you  
3 to come, but knowing your circumstances, I  
4 wanted to assure you it wasn't required of  
5 you. But I encouraged you to come because I  
6 thought it was important and I knew that the  
7 membership would be going over it.

8 So there may have been a little  
9 bit of a language barrier there.

10 MR. RASHED: I don't think there  
11 was any language barrier.

12 CHAIRPERSON MILLER: Okay. It's  
13 the time for questions though only, okay?

14 MS. HAIL: That's it.

15 CHAIRPERSON MILLER: Okay.

16 MS. HAIL: Thank you.

17 CHAIRPERSON MILLER: But if you  
18 have a question, go ahead.

19 MR. RASHED: I was there, but  
20 there was no language barrier. Mr. Ferris,  
21 you asked us to go there and however, we --

22 CHAIRPERSON MILLER: Okay.

1 MR. RASHED: -- ask him and he  
2 said --

3 CHAIRPERSON MILLER: No, wait.  
4 No. Let me stop you.

5 MEMBER SILVERSTEIN: Ask it in the  
6 form of a question.

7 CHAIRPERSON MILLER: Yes. It is  
8 the question time. You will have a chance to  
9 do closing and stuff, but this -- you can only  
10 ask him questions now.

11 MS. HAIL: I see.

12 MR. RASHED: We asked him didn't  
13 you ask us whether you come or not coming, we  
14 will still protest your license?

15 MS. HAIL: Yes, he said that.

16 MR. FERRIS: As I recall the day  
17 that I served the notice to Mrs. Hail, you  
18 were the only one present. You and I had a  
19 conversation later at a later date, but I --

20 CHAIRPERSON MILLER: Okay.

21 MR. RASHED: No, we --

22 CHAIRPERSON MILLER: Stop. Wait.

1 Let me stop you all, okay, because that's not  
2 what the Board is going to be looking at.  
3 What the Board is going to be looking at is is  
4 there an adverse impact on peace, order,  
5 quiet, not who said what, when about going to  
6 a meeting.

7 So I think that I don't want that  
8 line of questioning to continue. And I think  
9 it has been answered twice already. Okay.

10 MR. RASHED: One more question.

11 CHAIRPERSON MILLER: Um-hum.

12 MR. RASHED: Is Mr. -- Christina  
13 is a member of the organization?

14 MR. FERRIS: She is a non-voting  
15 member.

16 MR. RASHED: She is a member,  
17 okay.

18 MR. FERRIS: Yeah, a non-voting  
19 member because she lives just outside our  
20 boundaries.

21 CHAIRPERSON MILLER: Okay. Board  
22 questions? Mr. Ferris, I want to ask a

1 question. Do the other neighbors, abutting  
2 residences, are they part of our organization?

3 MR. FERRIS: The abutting  
4 residents? Any abutting residents other than  
5 Mr. and Mrs. Parascondola?

6 CHAIRPERSON MILLER: Yes.

7 MR. FERRIS: No, no.

8 CHAIRPERSON MILLER: Okay. All  
9 right. Any other questions? All right.  
10 Thank you.

11 MR. FERRIS: Okay.

12 CHAIRPERSON MILLER: Do you have a  
13 question? Wait a minute.

14 MEMBER SILVERSTEIN: If this was--  
15 this is a question that is often asked, we'll  
16 play what if. What if this were approved,  
17 what do you need to make it palatable?

18 MR. FERRIS: What --

19 MEMBER SILVERSTEIN: Which is  
20 basically asking what are your priorities if,  
21 you know --

22 MR. FERRIS: If the license were

1 approved?

2 CHAIRPERSON MILLER: Um-hum.

3 MEMBER SILVERSTEIN: Yeah.

4 MR. FERRIS: Well, I had --

5 MEMBER SILVERSTEIN: And that's  
6 not in any way indicating, this is a way to  
7 get you to tell what your real concerns and  
8 priorities are.

9 MR. FERRIS: Well, I think  
10 considering that it is next to -- our sole  
11 interest is that this is next to somebody's  
12 home. And so the conditions under which that  
13 residence -- that resident feels however  
14 acceptable would be acceptable to us.

15 I think it hinges actually on the  
16 hours of operation and the service hours of  
17 the outdoor cafe. And so we defer to what  
18 they find acceptable for them, since they are  
19 the impacted party.

20 MEMBER SILVERSTEIN: Okay. You  
21 say you represent them or at least you do in  
22 the protest, so what should the hours of

1 operation be and what are your problems with  
2 the sidewalk cafe? Let's be specific.

3 MR. FERRIS: Well, whatever the  
4 abutting residents feels, that's what our role  
5 is here.

6 MEMBER SILVERSTEIN: Okay.

7 MR. FERRIS: To find out what is  
8 acceptable to them.

9 MEMBER SILVERSTEIN: Okay. No  
10 further questions.

11 CHAIRPERSON MILLER: Okay. All  
12 right. Thank you very much.

13 MR. FERRIS: Thank you.

14 CHAIRPERSON MILLER: Okay. Now,  
15 Mr. Hibey?

16 MR. HIBEY: We have two witnesses  
17 and I'm just wondering about time now.

18 CHAIRPERSON MILLER: Each one of  
19 them? Is your --

20 MR. HIBEY: No, no, it's -- we  
21 have Mrs. Parascondola. We might not call  
22 Mark, just because of timing. We have had a

1 witness sitting outside. He is one of the  
2 people who lives directly above the  
3 Mediterranean Spot. And I mean, I have had  
4 him out there the whole time and I was  
5 thinking we could call him next, but I don't  
6 want to --

7 CHAIRPERSON MILLER: Right.

8 MEMBER SILVERSTEIN: How much time  
9 is he?

10 MR. HIBEY: -- my client not to  
11 get a chance.

12 CHAIRPERSON MILLER: What? I'm  
13 sorry, what's the question?

14 MR. HIBEY: I'm just wondering how  
15 much more time we have?

16 CHAIRPERSON MILLER: Well, you are  
17 within your time, but we do have another case  
18 at 4:30, but that's obviously going to start  
19 a little late.

20 MR. HIBEY: Well, I'll try and get  
21 him on and off fast.

22 CHAIRPERSON MILLER: But we can't

1 -- the whole point of his being out there, was  
2 so that they wouldn't repeat the -- wouldn't  
3 hear the testimony.

4 MR. HIBEY: She is allowed to.

5 MS. PARASCONDOLA: I'm allowed to  
6 hear his testimony.

7 MR. HIBEY: Yeah. Either of the--

8 CHAIRPERSON MILLER: Oh, all  
9 right. I guess.

10 MR. HIBEY: I'm going to get him  
11 on next.

12 CHAIRPERSON MILLER: Why has he  
13 been out -- okay, go get him.

14 MEMBER SILVERSTEIN: Sure.

15 CHAIRPERSON MILLER: I don't know  
16 why he has been out there then.

17 MEMBER ALBERTI: Well, because  
18 this is relevant and that's why he has been  
19 out there.

20 CHAIRPERSON MILLER: Yeah, until  
21 we heard from Mr. Ferris. I guess it's over.  
22 Okay. Sir, would you stand and raise your

1 right hand, please?

2 MR. VAN METER: Okay. Ladies and  
3 gentlemen, Michael Van Meter.

4 CHAIRPERSON MILLER: Wait a  
5 minute. I want to swear you in. I want to  
6 swear you in first.

7 MR. VAN METER: Oh, yes.

8 Whereupon,

9 MICHAEL VAN METER  
10 was called as a witness by Counsel for the  
11 Defendant, and having been first duly sworn,  
12 assumed the witness stand and was examined and  
13 testified as follows:

14 CHAIRPERSON MILLER: All right.  
15 Thank you.

16 DIRECT EXAMINATION

17 MR. VAN METER: I'm Mike Van  
18 Meter, Michael Van Meter a/k/a Joseph Van  
19 Meter.

20 CHAIRPERSON MILLER: Okay. Have a  
21 seat because the microphone is actually --

22 MR. VAN METER: Okay.

1 CHAIRPERSON MILLER: -- closer to  
2 you when you are sitting.

3 MR. VAN METER: I'm a resident at  
4 2000 15th Street, N.W., Apartment 1. The  
5 apartments are not a building. It's a  
6 rowhouse. I want to give you an idea of what  
7 the building looks like as a rowhouse and it  
8 has three apartments. Apartment 1, 2 and 3.

9 Okay. As you come out --

10 MR. HIBEY: Excuse me. Can I just  
11 interrupt?

12 MR. VAN METER: Yes. Go ahead, go  
13 ahead.

14 MR. HIBEY: And ask, I passed up  
15 some pictures.

16 MR. VAN METER: Oh, you did?

17 MR. HIBEY: And while he is  
18 talking, I can bring them up and direct your  
19 attention to them. These are pictures and  
20 they depict the Mediterranean Spot and the  
21 buildings.

22 MR. VAN METER: Okay, okay, okay.

1                   MR. HIBEY: So if I could direct  
2 your attention to Exhibit 1B and then maybe  
3 you can continue as you were.

4                   MR. VAN METER: Yes, okay. What  
5 are we on?

6                   MR. HIBEY: There is a stack of  
7 pictures right next to you.

8                   MR. VAN METER: Thank you.

9                   MR. HIBEY: And if you turn to 1D  
10 or 1B.

11                   MR. VAN METER: 1B.

12                   MR. HIBEY: 1B, I think.

13                   MR. VAN METER: 1B looks good,  
14 yes.

15                   MR. HIBEY: All right. Go ahead.

16                   MR. VAN METER: Okay. As you come  
17 out my apartment door on 15th Street, you walk  
18 around the corner on the sidewalk and my  
19 building has a basement which is rented out  
20 commercially and that's what happened. They  
21 rented out the basement and did a lot of  
22 rebuilding.

1           At first, it was called The Love  
2           Cafe.

3           CHAIRPERSON MILLER: Um-hum.

4           MR. VAN METER: They went out of  
5           business. The commercial establishment was  
6           vacant for two or three months and the mom-n-  
7           pop people moved in. They spent quite a bit  
8           of money to refurbish the place.

9           They started off, like you say, as  
10          a mom-n-pop store. And now they are trying to  
11          go further and cater to the other people in  
12          the neighborhood, which is the alcohol --  
13          well, I don't mean to be nasty, but the  
14          alcoholic people, okay?

15          So they want a little bit of the  
16          money of the alcohol --

17          CHAIRPERSON MILLER: Can we just  
18          try to focus on the impacts?

19          MR. HIBEY: Yes. So in Picture 1D  
20          --

21          CHAIRPERSON MILLER: Yes.

22          MR. HIBEY: -- are you looking at

1 it?

2 MR. VAN METER: Yes, 1D, yes. 1B,

3 1B.

4 MR. HIBEY: Okay. 1D.

5 MR. VAN METER: Like dog, D.

6 MR. HIBEY: Okay. Are you there?

7 MR. VAN METER: Okay. D, yes.

8 MR. HIBEY: Okay. There is your  
9 apartment.

10 MR. VAN METER: Okay.

11 MR. HIBEY: Depicted in that  
12 picture.

13 MR. VAN METER: 1D is showing the  
14 first windows which would be my bedroom  
15 windows, that's my apartment overlooking the  
16 sidewalk cafe.

17 MR. HIBEY: And directly over the  
18 awning?

19 MR. VAN METER: Yes, directly over  
20 the awning, yes.

21 MR. HIBEY: Okay. And so okay you  
22 live right above?

1 MR. VAN METER: Right above, yes.

2 MR. HIBEY: That's fine. All  
3 right. And what are your concerns about the  
4 Mediterranean Spot getting a liquor license?

5 MR. VAN METER: Okay. I have a  
6 little note here from Ms. Catherine, the next  
7 door neighbor, and she says she --

8 MR. HIBEY: Hold on, hold on.  
9 What are your concerns?

10 MR. VAN METER: Well, okay, but  
11 her concerns are pretty much my concerns,  
12 okay? All right. She is asking to close the  
13 sidewalk cafe at 10:00, not midnight, okay?  
14 Also, limited volume of music played indoors.

15 Now, the mom-n-pop store I go  
16 there often for coffee and donuts. And they  
17 have what they call elevator music. It's not  
18 all that loud, but they are next to  
19 Catherine's apartment, I mean, her house and  
20 apparently it goes through the walls.

21 So my recommended -- I recommend  
22 that they just cut the music down two notches

1 and that would help cut the noise, the volume  
2 down. Okay.

3 When it comes to the sidewalk  
4 cafe, my objection is if they start serving  
5 liquor and wine and things like that to the  
6 patio, it's going to disturb me very much  
7 during the peak hours of Friday and Sunday.  
8 Friday and Saturday.

9 As we all know, the U Street  
10 Corridor is a very loud and busy corridor.  
11 You have a lot of students going to clubs and  
12 everything. And it's very loud. They could  
13 walk on the sidewalk and it would sound like  
14 they are in my living room, that's how bad the  
15 -- the acoustics are that bad.

16 Now, some people might say well,  
17 why don't you move, you know, stuff like that,  
18 you know. But we are here today to let them  
19 know what our concerns are, not to give them  
20 a hard time. They could -- I could suggest  
21 turn the volume down two notches, okay?

22 Also, when it comes to your liquor

1 license, do not serve liquor to the cafe area,  
2 but keep it in the store and there you could  
3 work two coins -- two side of the coins. Have  
4 people outside that don't want to be around  
5 alcoholics and then let the people inside do  
6 their thing.

7 And also, wine and beer goes with  
8 your meals. There is a lot of people who want  
9 wine and beer to go with their meals. Okay.  
10 Right now, they can't do that, right? So you  
11 are getting a license. Leave the liquor,  
12 right? Liquor is no damn good.

13 Now, I'm speaking as a person who  
14 doesn't drink. I've never been drunk in my  
15 life. I don't smoke and I don't use drugs.  
16 I have never used drugs in my life. And I  
17 don't smoke, but I'm not going to deny people  
18 if they want a beer or some wine. That goes  
19 good with meals. I agree with you on that.

20 But I don't agree with serving  
21 sidewalk people, you know, on your cafe  
22 alcohol when you know they are going to be

1 disruptive and get drunk and all that. And  
2 that's what Ms. Christina, my neighbor, is  
3 concerned about. The noise coming from the  
4 patio.

5 MR. HIBEY: Has noise from the  
6 patio --

7 MR. VAN METER: No, no. She has  
8 here --

9 CHAIRPERSON MILLER: We need to  
10 hear what you think, sir.

11 MR. VAN METER: They have here  
12 noises.

13 MEMBER SILVERSTEIN: He's on a  
14 roll.

15 MR. VAN METER: She has noises.

16 MR. HIBEY: Let me ask you a  
17 question.

18 CHAIRPERSON MILLER: Thank you.

19 MR. VAN METER: What was it. Let  
20 me see.

21 MR. HIBEY: Has noise from the  
22 patio interrupted your --

1 MR. VAN METER: No, no.

2 MR. HIBEY: -- peace, order and  
3 quiet?

4 MR. VAN METER: No. I give them  
5 an A plus. No noise at all.

6 MR. HIBEY: Now --

7 MR. RASHED: Thank you very much.

8 MR. VAN METER: Because -- but I'm  
9 telling them watch out when they get into that  
10 alcohol stuff, it's going to be a different  
11 story. They are going to be liable if  
12 anything happens to anybody inside. They are  
13 going to be liable out on the sidewalk. If  
14 somebody gets hurt at that patio, they are  
15 going to be liable.

16 Watch out. Have both sides of the  
17 coin, have the food people on the outside and  
18 the alcohol on the inside. Keep them inside.  
19 And that's my only suggestion. And that's the  
20 only thing I'm complaining about.

21 MR. HIBEY: The outside.

22 MR. VAN METER: Now, I have been

1 out there and I don't know what else you all  
2 complained about. I'm not going to be petty.  
3 I'm not going -- that's what I told  
4 whatchamacallit, I'm not going to be petty on  
5 my comment and voice my concerns.

6 Now, if they can close it down at  
7 10:00 instead of 12:00, which she suggests,  
8 that shouldn't be a difficult thing to close  
9 it down an hour early. And don't serve  
10 alcohol to the people outside, because it is  
11 going to be really rowdy. They are going to  
12 be very rowdy once they start liquoring up.  
13 You see what I mean?

14 CHAIRPERSON MILLER: Okay. I  
15 think that we have heard your position.

16 MR. VAN METER: Yes.

17 CHAIRPERSON MILLER: A couple of  
18 times.

19 MR. VAN METER: Thank you.

20 CHAIRPERSON MILLER: Is that okay?  
21 I just want to --

22 MR. HIBEY: Yes.

1 CHAIRPERSON MILLER: -- watch the  
2 clock. All right. Do you have any --

3 MR. RASHED: I have no questions.

4 CHAIRPERSON MILLER: Okay. Board  
5 Members?

6 MEMBER ALBERTI: A quick question.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Sir, thank you  
9 for coming. Presently in the last few months  
10 over the summer, have you noticed people using  
11 the outdoor cafe late at night?

12 MR. VAN METER: No, no, no, I  
13 haven't no.

14 MEMBER ALBERTI: Okay.

15 MR. VAN METER: Nor did -- they  
16 kind of don't use that much at all to be  
17 honest with you.

18 MEMBER ALBERTI: Okay. Great.  
19 Thank you.

20 MR. VAN METER: Right.

21 MEMBER ALBERTI: You've answered  
22 my question. Thank you.

1 CHAIRPERSON MILLER: Okay. All  
2 right. All right. No questions on Board  
3 questions? Okay. Thank you very much, sir.

4 MR. VAN METER: Okay.

5 CHAIRPERSON MILLER: Appreciate  
6 you coming down and, you know, waiting around  
7 to testify.

8 MR. VAN METER: Okay.

9 (Whereupon, witness was excused.)

10 CHAIRPERSON MILLER: Okay. Next  
11 witness, yes. I'll swear you in. Okay.

12 Whereupon,

13 CHRISTINA PARASCONDOLA  
14 was called as a witness by Counsel for the  
15 Defendant, and having been first duly sworn,  
16 assumed the witness stand and was examined and  
17 testified as follows:

18 CHAIRPERSON MILLER: Okay. Thank  
19 you.

20 DIRECT EXAMINATION

21 MR. HIBEY: Good afternoon.

22 MS. PARASCONDOLA: Good afternoon.

1 MR. HIBEY: Can you state your  
2 name and address for the record?

3 MS. PARASCONDOLA: Christina  
4 Parascondola, 2002 15th Street, N.W.

5 MR. HIBEY: And how long have you  
6 lived there?

7 MS. PARASCONDOLA: 9 and 1/2  
8 hears.

9 MR. HIBEY: And who do you live  
10 with?

11 MS. PARASCONDOLA: I live with my  
12 husband, Mark Parascondola. We have one  
13 tenant in the basement apartment that shares--  
14 we share a wall with the establishment.

15 MR. HIBEY: Okay. We have got  
16 some pictures here. Would you walk us  
17 through, I guess quickly, all of these  
18 pictures starting with 1A?

19 MS. PARASCONDOLA: Okay. Well,  
20 Exhibit 1A this is the side fronting U Street.

21 MR. HIBEY: Okay.

22 MS. PARASCONDOLA: Of the

1 establishment. The 1B is the establishment  
2 fronting the corner of 15th and U Streets.  
3 Exhibit 1C is the sidewalk cafe, which is 6  
4 feet from our house. Exhibit 1D is a shadow  
5 of the establishment and I guess the two  
6 floors above it. You can see our house a  
7 little bit off to the right side.

8 MR. HIBEY: Is that the windows on  
9 the right side?

10 MS. PARASCONDOLA: Yes. The  
11 windows that are -- like the projecting bay  
12 that overlooks the sidewalk cafe, that's our  
13 house. Exhibit 1E is the basement tenant's  
14 apartment, which directly abuts the  
15 establishment. Exhibit 1F is the tenant's  
16 apartment again. That's his living room and  
17 that wall you are looking at with the painting  
18 and the rug, that -- on the other side of that  
19 is the Mediterranean Spot, the establishment.

20 Exhibit 1G is the tenant's bedroom  
21 and that's his bed propped up against the  
22 wall, which is directly -- and on the other

1 side of that is the applicant's establishment.

2 And I guess Exhibit 1H that's  
3 again the sidewalk cafe and you can see again  
4 in the right hand corner the windows of our  
5 house and of the tenant looking at the  
6 sidewalk cafe. Exhibit 1I is our living room  
7 and that is in the projecting bay that fronts  
8 15th Street and that overlooks the  
9 establishment's sidewalk cafe.

10 Exhibit 1J is my husband's office  
11 on the third floor and you can see the  
12 projecting bay windows that directly -- that  
13 overlooks off to the right. If you look out  
14 the window on the right, I'm asking you to use  
15 your imagination, that overlooks the  
16 establishment's sidewalk cafe.

17 Exhibit 1K is a shot taken from  
18 the second floor guest room and this is in the  
19 projecting bay that overlooks 15th and U  
20 Streets. And the top of the umbrella that you  
21 see, that is overlooking the establishment's  
22 sidewalk cafe.

1                   Exhibit 1L is our back patio with  
2                   a little table and a grill. You can see on  
3                   the top upper right hand corner there is the  
4                   ventilation system above the Mediterranean  
5                   Spot. And Exhibit 1M, let's see, it shows  
6                   pretty much the same thing as the previous  
7                   exhibit.

8                   CHAIRPERSON MILLER: Okay. Thank  
9                   you.

10                  MR. HIBEY: Thank you. And I  
11                  guess before we go a little -- any further  
12                  there, can you tell us a little bit about your  
13                  background and education?

14                  MS. PARASCONDOLA: Yes. I went to  
15                  college at the American University in Cairo,  
16                  Egypt. I majored in Middle Eastern studies.  
17                  My second language is Arabic. When the  
18                  Mediterranean Spot moved next to our house, I  
19                  was thrilled. I was one of their first  
20                  regular customers. I had lunch or dinner  
21                  there at least once a week. And I got to know  
22                  the owners a little bit.

1                   Sometimes I would go and just have  
2 coffee and work, but I'm a big fan of the  
3 place. I think it is outstanding.

4                   MR. HIBEY: Okay. And do you know  
5 anything about zoning in that area?

6                   MS. PARASCONDOLA: Yes. I --

7                   MR. HIBEY: Can I show you --

8                   MS. PARASCONDOLA: Yes.

9                   MR. HIBEY: -- what has been  
10 marked as Exhibit 2? Can you identify that  
11 for us?

12                   MS. PARASCONDOLA: Yes. This is a  
13 Zoning Map of our location. The Mediterranean  
14 Spot, as you can see, is shaded in a little  
15 bit and this is from the DC Office of Zoning.  
16 And it shows that the -- so the Mediterranean  
17 Spot is located on -- it's plat -- sorry,  
18 Square 189, Suffix 59. Our house is Suffix  
19 58.

20                   And these are pretty much in the  
21 center of the page. The street corner you see  
22 there is 15th and U Streets. And you can see

1 that our house, as well as our neighbors to  
2 the north of us and the Mediterranean Spot,  
3 are located in an area Zoned R-5-B. And  
4 across the street, also that is another  
5 Residential Zone, which is R-5-D.

6 MR. HIBEY: What does that mean?

7 MS. PARASCONDOLA: That means it's  
8 residentially zoned, that there are certain  
9 allowable uses of properties in such  
10 locations. It does not -- the -- in R-5-B  
11 there are certain limited commercial uses, I  
12 think, like art galleries, certain types of  
13 offices, but a permitted use is not a  
14 restaurant.

15 MR. HIBEY: Okay. Can you  
16 describe how the Mediterranean Spot's business  
17 operations currently affect you, if at all?

18 MS. PARASCONDOLA: I would say  
19 that, you know, as far as -- I'll separate the  
20 inside and the outside of the establishment.

21 Inside, as far as I know, we have  
22 not had any complaints from our tenant. I

1 think it's not noisy.

2 On the outside, late at night,  
3 sometimes it is patrons find our front steps  
4 a very nice place to sit and eat the meals  
5 that they have purchased from the  
6 Mediterranean Spot. And then they deposit  
7 their trash and I pick it up the next morning.

8 MR. HIBEY: And what about noise?  
9 Has that been an issue at all?

10 MS. PARASCONDOLA: So far from the  
11 establishment, not at this point.

12 MR. HIBEY: Okay. How would the  
13 issuance of a liquor license affect you?

14 MS. PARASCONDOLA: Well, I just  
15 don't know what they are doing. I have -- I  
16 walk past the establishment probably six to 20  
17 times a day. There are very few people in  
18 there at lunchtime and at dinnertime. Most of  
19 the time it is empty or there might be one or  
20 two people sitting in there.

21 And I want to say lunchtime I say  
22 between noon and 2:00 p.m., they get a little

1 bit of traffic after lunch, people sitting and  
2 having coffee. I think as Mr. Norman  
3 testified, he is sometimes the only person in  
4 there. And I do see him there frequently.

5 They do, however, have a much  
6 better business late at night and this is when  
7 I walk past it at 2:30 in the morning on a  
8 Saturday or early Sunday morning. I have  
9 seen, you know, maybe like five to 10 people  
10 in there. But on other nights of the week,  
11 for example, I was there on Tuesday at 2:30 in  
12 the morning, the place was closed, shut or  
13 dark.

14 So I guess the short answer to my  
15 question is I don't know why they are seeking  
16 the license, because they are basically  
17 cutting off the license to close at midnight,  
18 because they are cutting off their, to me,  
19 primary source of business. And this is just  
20 based on my visual observation of walking past  
21 the establishment numerous times a day.

22 MR. HIBEY: Okay. What is it

1       though that -- what sort of -- are there any  
2       issues with the appropriateness of a license  
3       for this location?

4                   MS. PARASCONDOLA:  Yes.  The only  
5       thing separating our house from this  
6       establishment is a 120 year-old brick wall.  
7       And I can tell you our bedroom is on the third  
8       floor of our house, I hear everything the  
9       neighbors say on the third floor.  And  
10      similarly, on our first floor, I hear, he's no  
11      longer here, our neighbor, Mike, everything  
12      they are watching on TV when I use the guest  
13      bathroom, that's off of our kitchen.

14                   I hear their conversations.  I'm  
15      pretty sure they can hear me going to the  
16      bathroom.  I'm just concerned about the noise  
17      traveling.

18                   Now, if you go into the  
19      establishment, it is quite small.  It's less  
20      than 1,800 square feet, that includes the  
21      kitchen and all the tables.  Right now, all of  
22      the kitchen equipment is along the wall that

1 abuts our tenant's apartment. There is no  
2 room to install a bar or a place for a cooler  
3 to serve -- to have beer bottles or wine.

4 I don't know where they are going  
5 to put all of this and I'm worried that they  
6 are going to renovate or do something and it  
7 will cause a serious noise issue. We have  
8 been -- I have spoken with the owners through  
9 mediation and a couple of times, they will not  
10 agree to keep the volume of the indoor music  
11 that they play, the recorded music at a  
12 specified level.

13 And we went in there and looked at  
14 their stereo and looked at the setting and I  
15 asked if they would agree to keep it at the --  
16 I think it registered minus 14DB or something  
17 like that on the volume control. They say  
18 they refused to agree to that. They said just  
19 trust us, we are going to be reasonable. We  
20 are not going to run a noisy restaurant. That  
21 really concerns me.

22 MR. HIBEY: Okay. And --

1 MS. PARASCONDOLA: The other thing  
2 is when they first opened, they said they are  
3 going to be serving brick-oven pizza. Last  
4 summer they installed a brick oven. They have  
5 not made any pizza in that brick oven at all  
6 and I learned later on that they don't have  
7 adequate space for ventilation. They said the  
8 ceiling is too low. So they have this massive  
9 investment in a brick oven that is just  
10 sitting there.

11 MR. HIBEY: Going to expressing  
12 your concerns to your ANC, did you express  
13 concerns about this application to your ANC?

14 MS. PARASCONDOLA: Yes, I did.

15 MR. HIBEY: How or when?

16 MS. PARASCONDOLA: Yeah. Well, on  
17 February 7, 2013, I sat down with my ANC  
18 Commissioner Zahra Jilani and I talked with  
19 her about issues with noise and the  
20 proliferation of alcohol licenses in our  
21 neighborhood.

22 She told me that the neighborhood

1 needs more cheap places to go drinking. She  
2 also told me that look out the Mediterranean  
3 Spot is going to be applying for a liquor  
4 license. And I told her well, you know, we  
5 will see what happens. I don't know what it  
6 involves. We may protest it. I don't know.  
7 So she knows that we had concerns.

8 Now, on August 1, 2013, the ANC  
9 discussed this application for a liquor  
10 license. It was not on their meeting agenda.  
11 I look at all the ANC meeting agendas. In  
12 2012 and 2011, when ANC-1B distributed its  
13 meeting agendas, it would list under ABC  
14 Committee and liquor licenses every single  
15 license that was up for discussion that was  
16 either a new application or a renewal.

17 And they would list the class of  
18 license applied for, the number of seats, the  
19 hours of operation. There was none of that in  
20 the meeting agenda for this ANC-1B meeting  
21 that took place on October 1, 2013.

22 In addition, I spoke with a member

1 of the ABC Committee that met on July 17, 2013  
2 and she told me the day after the meeting  
3 don't worry, the ABC Committee considered this  
4 license and voted to take -- voted to  
5 recommend that ANC-1B take no action.

6 After that, I learned that our ANC  
7 would be discussing the Mediterranean Spot's  
8 alcohol license anyway regardless of whether  
9 it was on the agenda or not. I then sent an  
10 email on September 30 -- I'm sorry on July 31,  
11 2013 to the entire ANC, to each ANC  
12 commissioner, telling them about our concerns,  
13 mainly that we are -- the only thing  
14 separating my home from this establishment is  
15 a 120 year-old brick wall.

16 The sidewalk cafe is a few feet  
17 from my house and I also noted that it is not  
18 on the meeting agenda and I asked the ANC to,  
19 please, let us know when it will be because we  
20 would like it to address our concerns.

21 I then went to the ANC meeting and  
22 I raised these concerns. So it wasn't just a

1 procedural thing. I told them substantively  
2 why we were concerned about this establishment  
3 getting an alcohol license.

4 CHAIRPERSON MILLER: Okay. Can I  
5 -- time is kind of running out. So I just  
6 want to tell you that speaking from my point  
7 of view, and I think it is shared by the  
8 Board, that we are most interested in your  
9 view of the impacts on your that, you know,  
10 peace, order and quiet.

11 I mean, I know I get the whole  
12 history about the ANC. We got it. But  
13 obviously now, from whatever more you have to  
14 say, that's where our focus is. You know, you  
15 are the abutting property owner. You know,  
16 what is it that bothers you, you know, and  
17 why. That's what we are most interested in.

18 MR. HIBEY: Do you want to address  
19 that question?

20 MS. PARASCONDOLA: Yeah. I mean,  
21 as I said it's noise. That's what this is  
22 really about. And the fact that the

1 establishment owner has not planned this  
2 business, there is a history of a lack of  
3 planning. They put in this brick oven that  
4 has been sitting there for --

5 CHAIRPERSON MILLER: We heard  
6 that.

7 MS. PARASCONDOLA: -- over a year.

8 CHAIRPERSON MILLER: We heard the  
9 brick oven.

10 MS. PARASCONDOLA: When they first  
11 moved into the establishment, they said we  
12 can't operate our espresso machine because  
13 this structure is not wired for the correct  
14 voltage and it was a couple months later that  
15 they could serve espresso.

16 I also noticed that in June 2010  
17 at their former establishment, they went ahead  
18 and renovated it when everybody in the  
19 neighborhood knew. And this was at 1408 U  
20 Street.

21 MR. HIBEY: Christina?

22 MS. PARASCONDOLA: Yes?

1 MR. HIBEY: Just talk about the  
2 issues that the Board has to decide on.

3 MS. PARASCONDOLA: Sorry. Lack of  
4 planning. Secondly is their refusal to  
5 negotiate on anything to limit the noise, the  
6 indoor sound, to limit the hours of the  
7 sidewalk cafe. Anything, these are provisions  
8 that are standard in settlement agreements  
9 that I have seen for numerous other  
10 establishments.

11 Again, this is -- I can hear so  
12 much noise from our neighbors next door.  
13 After they get a license, there is nothing we  
14 can do about it. It's after we are disturbed  
15 and woken up late at night, then we have to  
16 call the ABRA Investigator or DCRA.

17 Personally, I have to go to bed at  
18 9:00 at night. I get up very, very early for  
19 my job. I'm training for a marathon. I need  
20 to be able to sleep at night in my own home.

21 CHAIRPERSON MILLER: Okay. Yes,  
22 questions?

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CROSS-EXAMINATION

MR. RASHED: Have you ever raised any concern about our music or noise? Did you ever come and contact us that we -- there is noise coming out for the last year and a half?

MS. PARASCONDOLA: Not from inside the establishment.

MR. RASHED: You haven't come and talked to us. Did you ever come and said, Mohammed, your establishment your music is noisy, can you turn it down? We don't appreciate it. Have you ever did this?

MS. PARASCONDOLA: Well, on September 20th after mediation, Mark and I went to your establishment and you showed us the stereo.

MR. RASHED: I don't know. I'm asking you before this mediation, have you ever came in the last year or whatever we have been there, have you ever came and said that your music is playing loud?

MS. PARASCONDOLA: No. And that

1 has already been asked and answered.

2 MR. RASHED: And you said what?

3 Okay. Are you an architect?

4 MS. PARASCONDOLA: No.

5 MR. RASHED: Well, how can you --  
6 the planning and the planning of the  
7 restaurant here, I don't think you are an  
8 expert in it. What we do inside the  
9 restaurant, we give it to people who are  
10 professional doing these things. And that  
11 project can be -- somebody fix it. I'm not  
12 architect. I run a business, but I'm not an  
13 architect. So you are -- did you say that we  
14 talked about it, that you come and see --

15 MS. PARASCONDOLA: I'm not sure  
16 what your question is.

17 MR. RASHED: My question is are  
18 you basing -- you are talking about these, an  
19 owner there, but you never came and complain  
20 at all to us. Although, we said we are going  
21 to play the same music. The mediation that  
22 you asked about it, we told you --

1 CHAIRPERSON MILLER: Wait a  
2 second. Let me stop you. Okay. It's not a  
3 time to debate.

4 MS. PARASCONDOLA: Okay.

5 CHAIRPERSON MILLER: If you have a  
6 question, ask her a question.

7 MR. RASHED: What's the hours?  
8 Can I ask this question? What's the hours  
9 that you are asking to mediate for?

10 MR. HIBEY: Objection.

11 MR. RASHED: What's your hours?  
12 What the hours that you are suggesting and we  
13 said no for it?

14 CHAIRPERSON MILLER: What's the  
15 question?

16 MR. RASHED: My -- she said that  
17 she brought the proposal for mediation.

18 CHAIRPERSON MILLER: Okay. We  
19 can't get into mediation.

20 MR. RASHED: For hours.

21 CHAIRPERSON MILLER: Okay.

22 MR. RASHED: She said she -- that

1 she consent about the hours of us serving  
2 there and the noise coming there.

3 CHAIRPERSON MILLER: Right.

4 MR. RASHED: We are saying that we  
5 are only an hour late. We cutting the hours  
6 down. And we told her what's the hours that  
7 you want us to open? We said okay. We said  
8 we going to be there until 10:00.

9 CHAIRPERSON MILLER: Okay.

10 MR. RASHED: We said we going to  
11 be there until midnight.

12 CHAIRPERSON MILLER: So is your  
13 question what hours?

14 MR. RASHED: She said we -- she  
15 said that we are not listening to her concern.  
16 I'm asking her which concern that you want us  
17 to listen to? The hours we said okay. What  
18 is the concern?

19 CHAIRPERSON MILLER: What concern  
20 didn't he listen to?

21 MS. PARASCONDOLA: I'm not sure I  
22 understand his question. I'm sorry.

1 CHAIRPERSON MILLER: Is that what  
2 your question is?

3 MR. RASHED: What is the -- you  
4 said when you asked us to talk to each other  
5 about the hours of the operation, that we did  
6 -- we were not willing to give you -- to  
7 listen to your concern about the hours.

8 My question is what is the hours  
9 that you suggest?

10 MR. HIBEY: Objection.

11 CHAIRPERSON MILLER: Okay.

12 MR. HIBEY: He has asked it --

13 CHAIRPERSON MILLER: No, let me.  
14 Okay. Getting into the past mediation, what  
15 did you want that I didn't listen to.

16 MR. RASHED: She want --

17 MR. RASHED: If you want to ask  
18 her if she wanted hours different from what  
19 you have now, is she proposing other hours?

20 MS. HAIL: Let me ask her. I have  
21 just a question for her, that's all.

22 CHAIRPERSON MILLER: Okay.

1 MS. HAIL: I have one question for  
2 Christina. Christina, you go door-to-door  
3 with all the neighbors that you asked to --  
4 against us. Why? They never come there  
5 telling us that you tell them to go to  
6 protest. All the neighborhood, they refused.  
7 Why is this?

8 MS. PARASCONDOLA: I'm not sure --

9 MS. HAIL: Why you just --

10 CHAIRPERSON MILLER: Okay.

11 MS. HAIL: My question to you --

12 MS. PARASCONDOLA: I don't know  
13 what the basis is for that.

14 MS. HAIL: No. Christina, my  
15 question to you, you asked me several times to  
16 why you are in our neighborhood. You are  
17 saying to me. My question to you why you are  
18 so like really --

19 MR. HIBEY: Objection. Objection.

20 CHAIRPERSON MILLER: Okay.

21 MS. HAIL: -- want me to move?

22 CHAIRPERSON MILLER: Okay. I'm

1 going to overrule this. And I understand and  
2 I'm sorry that there are these, you know,  
3 tensions that come between neighbors and  
4 create these kind of questions. But for the  
5 Board, we are only looking at now if there are  
6 impacts that the establishment is going to  
7 cause on nearby residents. And that's it.

8 Then it's 4:53 and I think that we  
9 have heard it personally. I want to give you  
10 a chance for questions based on that, but --

11 MS. HAIL: Okay.

12 CHAIRPERSON MILLER: Okay. I  
13 understand your frustration.

14 MS. HAIL: Okay. No problem.

15 CHAIRPERSON MILLER: Are there any  
16 Board questions?

17 MEMBER ALBERTI: Have they  
18 finished?

19 CHAIRPERSON MILLER: Yes, they're  
20 finished. Yes. Are you -- cross-examination?

21 MEMBER ALBERTI: Yes.

22 MR. RASHED: I was finished.

1                   MEMBER ALBERTI:   Okay.  I didn't  
2                   hear that.

3                   CHAIRPERSON MILLER:   Okay.

4                   MEMBER SILVERSTEIN:   Thanks for  
5                   coming, Ms. Parascondola.  Same question I  
6                   asked Mr. Ferris.  Arguendo, we give the  
7                   license, what are the conditions that you  
8                   really need to have to make it acceptable to  
9                   you?

10                  MS. PARASCONDOLA:   That's  
11                  impossible for me to answer, because I don't  
12                  know what they plan to do.  They are asking  
13                  for a license to serve hard liquor.  And they  
14                  haven't answered, you know, whether they are  
15                  going to have a bartender, where they are  
16                  going to put it.  And if you see this  
17                  establishment, it's too small for that sort of  
18                  thing.

19                  So I don't -- I guess I don't have  
20                  an idea.  We haven't seen a floor plan.  I  
21                  don't know where the tables are going to go,  
22                  none of that.  So I can't say, you know,

1 because I don't know what they are going to  
2 do.

3 MEMBER SILVERSTEIN: So hours  
4 don't mean anything to you? Sidewalk cafe  
5 doesn't mean anything to you?

6 MS. PARASCONDOLA: Of course it  
7 does. It sits --

8 MEMBER SILVERSTEIN:  
9 Soundproofing?

10 MS. PARASCONDOLA: Soundproofing  
11 definitely. If they could soundproof it and  
12 have a sound engineer certify that it is  
13 soundproofed. But the problem is they won't.  
14 In discussions, and I hate to bring it up, I  
15 know it's not admissible, they wouldn't sit  
16 down with us and agree to anything.

17 And they said, you know, no, we  
18 are not going to control the volume. You are  
19 telling us how to do our business.

20 CHAIRPERSON MILLER: Okay. Let me  
21 stop you. Okay? Because really, we are --

22 MEMBER SILVERSTEIN: Okay.

1 MS. PARASCONDOLA: I'm sorry.

2 CHAIRPERSON MILLER: He asked you  
3 a simple question. We don't want to get into  
4 the whys and who did what.

5 MEMBER SILVERSTEIN: Yes.

6 CHAIRPERSON MILLER: It was just  
7 like is there something that you think would  
8 protect, you know, your peace, order and quiet  
9 that you want to tell us?

10 MEMBER SILVERSTEIN: Yes.

11 CHAIRPERSON MILLER: That's it.

12 MEMBER SILVERSTEIN: Yes, my  
13 question to you is not are these bad people.

14 MS. PARASCONDOLA: No, they are  
15 not.

16 MEMBER SILVERSTEIN: Or are these  
17 people not negotiating in good faith.

18 MS. PARASCONDOLA: Right.

19 MEMBER SILVERSTEIN: My question  
20 to you is what do you need? I'm trying to be  
21 helpful to you.

22 MS. PARASCONDOLA: I think --

1 MR. HIBEY: Christina, assume that  
2 they are granting the license. Okay. What  
3 restrictions?

4 MS. PARASCONDOLA: I would say no  
5 outdoor sidewalk cafe where they are serving  
6 alcohol, because it is so close to our house  
7 and it's underneath Mr. Van Meter's apartment.  
8 Indoors is fine as long as we have some  
9 control on the volume of the indoor music.  
10 And I'm concerned about when people start  
11 drinking alcohol, they raise their voices if  
12 the music is playing loudly.

13 If you go to many restaurants in  
14 our neighborhood, they play very loud music  
15 inside. So we need a control on the volume of  
16 the music.

17 And thirdly, I don't know why they  
18 need a Class C License, which includes serving  
19 hard liquor. I mean, beer and wine, I could  
20 see going with a light casual dinner. They  
21 haven't said if they are going to have it --  
22 serve cocktails, if they are going to have a

1 bartender. I don't know why they need that.

2 One concern I have is that when I  
3 sat down with Mr. Rashed, the weekend they  
4 were placarded, he told me I'm going to sell  
5 this business and I'm going to get more money  
6 from it with the liquor license. So that's  
7 why we need some restrictions in place,  
8 because I trust Mr. Rashed 100 percent --

9 CHAIRPERSON MILLER: Okay. We are  
10 not -- we don't want to get into that.

11 MS. PARASCONDOLA: Okay.

12 CHAIRPERSON MILLER: We just  
13 wanted to know --

14 MEMBER SILVERSTEIN: Agreed.

15 CHAIRPERSON MILLER: -- what you  
16 were seeking.

17 MS. PARASCONDOLA: Yes.

18 CHAIRPERSON MILLER: You know,  
19 that you thought would protect your peace,  
20 order and quiet.

21 MS. PARASCONDOLA: Again, outdoor  
22 sidewalk cafe, indoor volume control and a

1 Class D rather than a Class C License.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER SILVERSTEIN: Thank you.

4 MS. PARASCONDOLA: You're welcome.

5 CHAIRPERSON MILLER: Thank you.

6 Any other Board questions? Okay. Mr.

7 Alberti?

8 MEMBER ALBERTI: So I'm assuming  
9 when they are busy in the evenings or even  
10 during the day, do you hear -- can you hear  
11 the voices of the patrons in your home?

12 MS. PARASCONDOLA: In our house?

13 No.

14 MEMBER ALBERTI: So it's your  
15 position that you don't want the outdoor cafe  
16 open at all? Is that correct?

17 MS. PARASCONDOLA: Well, currently  
18 they have a permit to operate a cafe and to  
19 serve food. I would prefer not to have liquor  
20 served out there being that it is so close to  
21 people's homes.

22 MEMBER ALBERTI: Okay. And that's

1 what you were asking is that there be no  
2 alcohol served out there. Okay. How late is  
3 too late to serve alcohol out there if it was  
4 served? If you don't have an opinion --

5 MS. PARASCONDOLA: Yeah.

6 MEMBER ALBERTI: -- that's fine,  
7 you don't have to tell me. But I'm asking  
8 your opinion.

9 MS. PARASCONDOLA: As I mentioned  
10 -- right. I go to bed at 9:00. We have  
11 sometimes young children staying with us. Our  
12 guest bedroom overlooks the sidewalk cafe.

13 MEMBER ALBERTI: So 9:00? Okay.

14 MS. PARASCONDOLA: Yes.

15 MEMBER ALBERTI: I'm going to  
16 interrupt just to tell you, I understand your  
17 apprehension. I get it. You have got an  
18 establishment with serving alcohol certain --  
19 it changes the atmosphere to some degree. I  
20 get your apprehension. So I will take that  
21 into account as I deliberate.

22 CHAIRPERSON MILLER: I just want

1 to get a clarification from you. I think when  
2 Mr. Alberti asked you about hearing noise and  
3 you said no, were you referring to noise from  
4 inside the establishment or also the sidewalk  
5 cafe?

6 MS. PARASCONDOLA: I'm sorry, I  
7 was referring to inside the establishment.

8 MEMBER ALBERTI: Right, I  
9 understood.

10 CHAIRPERSON MILLER: Okay. So you  
11 don't hear that even your tenant doesn't hear  
12 it even against --

13 MS. PARASCONDOLA: Correct.

14 CHAIRPERSON MILLER: Okay. Fine.  
15 So the noise -- do you hear noise from the  
16 sidewalk cafe?

17 MS. PARASCONDOLA: Currently, no.  
18 But I do from the sidewalk because there are  
19 a lot of -- we are right between Adams Morgan  
20 and the U Street Corridor, so we do hear  
21 pedestrians especially late at night having --  
22 we can hear conversations and that's what

1 concerns me that we will probably hear it from  
2 the sidewalk cafe, especially if people are  
3 drinking alcohol.

4 CHAIRPERSON MILLER: Okay.

5 MS. PARASCONDOLA: And as someone  
6 testified to, there are very few people who  
7 sit in the outdoor cafe currently.

8 CHAIRPERSON MILLER: Okay. Okay.  
9 Yes?

10 MR. RASHED: Do you go to work?  
11 You are working now?

12 MS. PARASCONDOLA: Yes.

13 MR. RASHED: Well, so currently  
14 you cannot observe our sidewalk cafe if it's  
15 during the day if it has people or it doesn't  
16 have people, because probably you get off work  
17 at 5:00, 6:00.

18 MS. PARASCONDOLA: I work at home  
19 several days a week.

20 MR. RASHED: So but most of the  
21 time, you know, you are only watching our  
22 outside cafe or you work?

1 CHAIRPERSON MILLER: Okay. I  
2 think she answered the question. All right.  
3 Thank you very much.

4 MS. PARASCONDOLA: You're welcome.

5 CHAIRPERSON MILLER: Mr. Hibey,  
6 can we --

7 MR. HIBEY: I think are done.

8 CHAIRPERSON MILLER: -- call it a  
9 day?

10 MR. HIBEY: I just --

11 CHAIRPERSON MILLER: Yes.

12 MR. HIBEY: -- want to be sure  
13 that the Board has accepted my Exhibits 1A  
14 through, I think, M.

15 CHAIRPERSON MILLER: Okay.

16 MR. HIBEY: I think I provided you  
17 with it.

18 CHAIRPERSON MILLER: We haven't  
19 admitted any yet, so why don't you identify  
20 them for us now and we will go through that  
21 exercise.

22 MR. HIBEY: Okay. Exhibits 1A

1 through M, those are the photographs.

2 CHAIRPERSON MILLER: Okay.

3 MR. HIBEY: We move those into the  
4 record.

5 MEMBER ALBERTI: Does the  
6 applicant -- do you --

7 MR. HIBEY: He has a copy. They  
8 have a copy.

9 CHAIRPERSON MILLER: All right. I  
10 wouldn't think there would be an objection to  
11 these photographs, but is there? I mean, who  
12 took the photographs?

13 MR. RASHED: The only objection is  
14 that this doesn't have -- doesn't show any of  
15 them their house. Not the -- it show our, but  
16 it doesn't show her house at all. It only  
17 shows the stairs of our property or upstairs  
18 property, but their house inside, but outside  
19 there is nothing at all showing her address  
20 property or how far it is sticking out. A  
21 little bias, too, somehow.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Hibey, did you say you don't know who took the  
2 pictures?

3 MR. HIBEY: No. I know who took  
4 them.

5 CHAIRPERSON MILLER: Oh.

6 MR. HIBEY: I said it doesn't  
7 matter. She identified them.

8 CHAIRPERSON MILLER: Well, I would  
9 like to know for the record.

10 MR. HIBEY: I took them.

11 CHAIRPERSON MILLER: You took  
12 them. Okay. That's fine. And when did you  
13 take them? When were they taken? Do you  
14 know? A week ago? When were they taken?

15 MR. HIBEY: Two months ago.

16 CHAIRPERSON MILLER: Okay. Okay.  
17 So okay I'm going to admit these as  
18 Defendant's Exhibit, what is this 1?

19 MR. HIBEY: 1A through M.

20 CHAIRPERSON MILLER: 1A through M.  
21 (Whereupon, the documents were  
22 marked for identification as

1           Abutting Neighbor's Exhibit 1A  
2           through 1M and were received in  
3           evidence.)

4           CHAIRPERSON MILLER: And we heard  
5           you. We heard the applicant's comment about  
6           not showing where the residence is or  
7           whatever, but we are going to admit them for  
8           what the -- and give them the weight that they  
9           deserve. Okay. That's 1A through M. Are  
10          they on behalf of the protestants or are they  
11          on behalf of -- what do you want to call them?  
12          The abutting neighbors, abutting neighbors?  
13          Okay. Okay.

14          MR. HIBEY: Exhibit 2 was the  
15          Zoning Map.

16          CHAIRPERSON MILLER: Zoning Map,  
17          okay. Zoning Map, that's from the website?  
18          From the Office of Zoning website? Okay. We  
19          could even take judicial notice of that. So  
20          you don't have any objection, do you? I mean,  
21          it's -- what?

22          MS. HAIL: I don't.

1 CHAIRPERSON MILLER: I can't hear  
2 you.

3 MS. HAIL: My daughter she is at  
4 school.

5 CHAIRPERSON MILLER: Oh, you need  
6 to go?

7 MS. HAIL: I need to go, yes.

8 CHAIRPERSON MILLER: Both of you  
9 or just one of you?

10 MS. HAIL: No, me.

11 CHAIRPERSON MILLER: Okay.

12 MS. HAIL: Can I go?

13 CHAIRPERSON MILLER: Yes, yes, you  
14 can go.

15 MS. HAIL: It's 5:00 and she is  
16 far away. I need to --

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

19 MS. HAIL: Thank you.

20 CHAIRPERSON MILLER: We are almost  
21 done, but you can go. All right. So this is  
22 abutting neighbor's Exhibit No. 2 is the

1 Zoning Map. We are going to admit that. We  
2 could just take it as judicial notice of that  
3 anyway, it's on the website.

4 MR. HIBEY: Yes, that's it.

5 CHAIRPERSON MILLER: Okay.

6 (Whereupon, the document was  
7 marked for identification as  
8 Abutting Neighbor's Exhibit 2 and  
9 was received in evidence.)

10 CHAIRPERSON MILLER: That's it.

11 Okay. Now, the applicant handed me another  
12 email and I'm not sure what this document is,  
13 sir. What? You --

14 MR. RASHED: It's saying that she  
15 is trying to contact the ANC member and she  
16 couldn't reach her. The ANC member she tried  
17 to contact her and get her, but she never.

18 CHAIRPERSON MILLER: I don't think  
19 this is -- do you have an objection to this?

20 MR. HIBEY: I don't know what it  
21 is.

22 CHAIRPERSON MILLER: Did you hand

1 this to -- you need to hand it to the  
2 protestant, but I don't think that it is  
3 relevant. And at this point, I wouldn't --

4 MR. HIBEY: Can I see it?

5 CHAIRPERSON MILLER: Yeah, go  
6 ahead. It's not -- we are looking at the  
7 impact on peace, order, quiet. So okay.

8 MR. HIBEY: It's so ridiculous.  
9 There are replies to this. I mean, now that  
10 you have seen it.

11 CHAIRPERSON MILLER: I don't even  
12 remember what it was, but I basically really  
13 am just not admitting it, because it did not  
14 look like peace, order, quiet. So that won't  
15 be admitted. Okay. Anything else?

16 We have the ANC letter in and I  
17 think there was one other document, oh the  
18 other emails we had admitted. Okay.

19 All right. So that said, anything  
20 else anybody wants to put in the record?

21 MR. HIBEY: But you did not admit  
22 the other emails?

1 CHAIRPERSON MILLER: We did admit  
2 the other emails. We recognized that they are  
3 hearsay. They are relevant. They go to those  
4 people not finding -- those people supporting  
5 the establishment, but we recognized the  
6 weaknesses in them as hearsay and we are  
7 giving them the weight that they deserve.

8 Okay. This other one was not  
9 relevant. I think we're just about done here.  
10 Do the parties wish to make closing  
11 statements? We are almost done, except for  
12 closing statements. All right. Then the  
13 applicant would have the opportunity to go  
14 first, if you want, to sum up your positions  
15 and otherwise it is not required. We have  
16 heard all the evidence in the case. It's not  
17 evidence.

18 MR. RASHED: What I think, I said  
19 all that I have to say in regard for asking  
20 for the Board to approve our application for  
21 the ABC license. And I think we have proven  
22 for the last year been there, we don't have

1 any complaint from the neighbors, even the --  
2 our protestants that we -- you know, any  
3 problems with regards to being on that corner.  
4 I didn't hear testimony for that corner with  
5 no record at all and even no obstacles at  
6 upstairs or next door. I think it is worth to  
7 look at the application and approve it.  
8 That's all I ask for.

9 CHAIRPERSON MILLER: Okay.

10 MR. RASHED: Thank you.

11 CHAIRPERSON MILLER: Thank you.

12 MR. HIBEY: Obviously, we have to  
13 ask the Board not to approve this application.  
14 And it is based on the negative impacts that  
15 we believe will be present should the  
16 application be approved.

17 It's just not appropriate in this  
18 location because of the residential nature of  
19 this area. It is zoned residential. Directly  
20 above the Mediterranean Spot are residents.  
21 You heard from one. His bedroom is directly  
22 above the Mediterranean Spot.

1           The Parascondolas live right next  
2 door and they share a wall. The outdoor space  
3 is going to be directly underneath one  
4 gentleman's bedroom and directly next door to  
5 the Parascondolas' home. It's just not  
6 appropriate. It is too close.

7           And in situations where it is this  
8 close, we need to give it a real close look.  
9 And we need to look at what is going to  
10 happen, what the plan is and how they are  
11 going to make it work. In the Compass Row  
12 case, you were walked through a proposed  
13 renovation and you understood exactly what was  
14 going to be going on there.

15           You were told about soundproofed  
16 wall tiles. You were told about a covered  
17 summer garden. Limited hours, low volume and  
18 seating outside, which is where all this comes  
19 from. This isn't us trying to run a business.  
20 This is us looking at what you have done  
21 before and trying to apply it, trying to see  
22 if we can make something work.

1           Seating outside isn't us running  
2           their business. It is following your  
3           precedent in the Compass Row case. But this  
4           isn't that case.

5           They haven't done anything. They  
6           haven't done any testing. They haven't done  
7           any soundproofing. They haven't show you how  
8           they are going to make this happen. What  
9           their proposed renovation is.

10           In Compass Row there were a number  
11           of adjacent commercial businesses and that's  
12           why, you know, it really wasn't that big of a  
13           deal.

14           Furthermore, you didn't have a  
15           real abutting property owner in that case.  
16           You had a landlord who was just coming in out  
17           of nowhere and just trying to stop things.

18           We have got people here. They  
19           live right next door. We have the gentleman  
20           who lives right above. And this is in a  
21           residential area. It is just not enough to  
22           come in and say we want to cut our hours and

1 we want a liquor license and we don't want to  
2 work those late hours. Nobody does. But  
3 you've got to come up with more.

4 You can't come in here selling  
5 late at night lots of food to people and come  
6 in after being out, say you are going to cut  
7 your hours, get a liquor license, what if it  
8 doesn't work? Do those hours come back? Now,  
9 we are serving these people directly next door  
10 to my clients.

11 In addition, we have got two  
12 neighborhood associations. They are not just  
13 here representing the Parascondolas. They  
14 represent their associations. And the ANC,  
15 you know, we talked at length about the issues  
16 we have with how that all went down. This was  
17 never in a properly put on agenda notice.

18 I understand the Board is not very  
19 interested in that, but what we would point  
20 out very clearly is Mr. Norman's testimony was  
21 not credible. He claims that all Christina's  
22 concerns were technicalities. And that she

1 never expressed her concerns and that there is  
2 nothing wrong with this. That's just not true  
3 and she told you it wasn't.

4 We don't believe that you can  
5 credit his testimony. That's all. Thank you.

6 CHAIRPERSON MILLER: Okay. Thank  
7 you very much. At this point then, I'm going  
8 to close the record. We are not taking in any  
9 more evidence. And I'll ask you if the  
10 parties wish to file proposed findings of fact  
11 and conclusions of law or waive their right to  
12 do so? Do you know what that means? Do you  
13 know? Do you understand what I'm saying?

14 MR. RASHED: No, I didn't.

15 CHAIRPERSON MILLER: Okay. You  
16 have the right, in very few cases the parties  
17 take advantage of it, but you could file a  
18 legal brief setting forth what the facts are  
19 and what conclusions of law you want the Board  
20 to reach.

21 MR. RASHED: Thank you.

22 CHAIRPERSON MILLER: Okay. It's

1 not necessary. It's just --

2 MR. HIBEY: Could we have like a  
3 week to consider?

4 CHAIRPERSON MILLER: Okay. So no.

5 MEMBER ALBERTI: Well, the  
6 transcript won't be --

7 MR. HIBEY: A day?

8 MEMBER ALBERTI: -- out for two  
9 weeks, so --

10 CHAIRPERSON MILLER: Right.

11 MR. HIBEY: Excuse me?

12 MEMBER ALBERTI: I was just  
13 pointing out to the Chair that the transcript  
14 will not be available for two weeks.

15 CHAIRPERSON MILLER: Right. So  
16 the thing is, I mean, yes, you can preserve  
17 your right to do that. And right, as Mr.  
18 Alberti says, the transcript is not ready for  
19 two weeks. And the time for you to make the  
20 filing would start from the availability of  
21 the transcript within 30 days.

22 MR. HIBEY: So we're not going to

1 waive that now.

2 CHAIRPERSON MILLER: So if you are  
3 not going to waive it now, if you -- but let  
4 us know if you are not going to avail yourself  
5 of that, because we are not going to  
6 deliberate on the case if we think that you  
7 are filing those proposed findings of facts.

8 MR. HIBEY: Okay.

9 CHAIRPERSON MILLER: Okay. And as  
10 I say, most people don't do this, but it is a  
11 right if you want to do it. Okay.

12 So we will say that the parties  
13 don't waive their right to do so, because when  
14 one doesn't, then the other one doesn't as  
15 well or shouldn't as well, just in case. But  
16 you are not expected to. If he does it, it's  
17 not evidence. It's another kind of argument  
18 in a way saying this is what you think -- he  
19 thinks we should do or find in the case.

20 And he would serve that on you as  
21 well. Okay? Anybody who does file these will  
22 serve the parties as well as the Board 30 days

1 after they get a copy of the transcript. And  
2 the transcript would be sent to you within two  
3 weeks, that's about when it comes out. Okay.

4 And then the Board will issue a  
5 decision, as this is a new application, within  
6 60 days.

7 MR. HIBEY: Thank you.

8 CHAIRPERSON MILLER: Okay. Thank  
9 you. And I am going to --

10 MR. RASHED: Thank you.

11 CHAIRPERSON MILLER: -- have a  
12 vote on the Board deliberating on this in  
13 closed session pursuant to the Open Meeting  
14 Act, if I can find it.

15 MEMBER ALBERTI: It's procedural.

16 CHAIRPERSON MILLER: Yes. You  
17 don't have to necessarily wait. You don't.

18 As Chairperson of the Alcoholic  
19 Beverage Control Board for the District of  
20 Columbia and in accordance with Section 405 of  
21 the Open Meetings Amendment Act of 2010, I  
22 move that the ABC Board hold a closed meeting

1 for the purpose of seeking legal advice from  
2 our counsel on Case No. 13-PRO-00101, Pal the  
3 Mediterranean Spot, LLC, per Section 405(b) of  
4 the Open Meetings Amendment Act of 2010 and  
5 deliberating upon this case for the reasons  
6 cited in Section 405(b)(13) of the Open  
7 Meetings Amendment Act of 2010.

8 Is there a second?

9 MEMBER BROOKS: Second.

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr. Brooks  
12 has seconded the motion. I'll now take a roll  
13 call vote on the motion now that it has been  
14 seconded.

15 Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Ms. Miller  
20 agrees.

21 Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Okay. It  
2 appears that the motion has passed by 4-0-0  
3 vote.

4 I hereby give notice that the ABC  
5 Board will hold a closed meeting in the ABC  
6 Board conference room after receiving the  
7 proposed findings of fact and conclusion of  
8 law and issue an order within 60 days.

9 Okay. So just to the people who  
10 are here, the Board just had a three and a  
11 half hour hearing, so we just want to take a  
12 10 minute break in between, so we will be back  
13 then to start your hearing. Okay. Thanks.

14 (Whereupon, the Protest Hearing in  
15 the above-entitled matter was concluded at  
16 5:16 p.m.)

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20  
21  
22

<b>A</b>				
<b>A-B-B-R-U-Z-Z-...</b>	<b>able</b> 38:20 39:20 41:5,20 44:10 45:16 46:14 105:5 186:8 226:20	<b>acting</b> 14:2 <b>action</b> 74:20 223:5 <b>active</b> 62:1 63:16 <b>Adams</b> 241:19 <b>add</b> 35:1 <b>addition</b> 40:21 41:11 188:10 222:22 254:11 <b>additional</b> 93:1 136:9 141:14 187:20 <b>address</b> 38:4 43:4 109:10 115:15,17 127:19 134:9 151:12 165:5 186:1 211:2 223:20 224:18 244:19 <b>addressed</b> 161:3 162:12 <b>addresses</b> 134:10 172:12 <b>adequate</b> 221:7 <b>adequately</b> 110:9 <b>adjacent</b> 170:13 171:8,21 173:22 175:18 253:11 <b>adjusting</b> 129:11 <b>administration</b> 38:2 86:22 124:21 <b>administrative</b> 97:1,9 <b>admissible</b> 108:6 109:18 116:1 235:15 <b>admit</b> 111:22 245:17 246:7 248:1 249:21 250:1 <b>admitted</b> 243:19 249:15,18 <b>admitting</b> 119:5 249:13 <b>adopted</b> 77:12 <b>advance</b> 81:13 112:16 161:21 <b>advantage</b> 64:2 255:17 <b>adverse</b> 192:4 <b>advertised</b> 58:1 <b>advice</b> 259:1 <b>affect</b> 216:17 217:13 <b>afford</b> 73:22 99:11 158:10 <b>afforded</b> 73:14 <b>afield</b> 114:1 <b>after-meeting</b> 55:2 <b>afternoon</b> 2:14 4:14 37:7 43:6 53:15 54:22 170:9 184:14 185:8 210:21,22 <b>Agency</b> 95:7,22 <b>Agency's</b> 96:18 <b>agenda</b> 76:18,20,22 77:2,4,11,11,14 77:16,17,19,20 78:8,10,13 80:20 81:1,2,6,12,14,16 81:17 82:2,4,8,11 82:13 83:19 85:9 186:14 187:4 222:10,20 223:9 223:18 254:17 <b>agendas</b> 222:11,13 <b>ago</b> 245:14,15 <b>agree</b> 129:5,6 130:7 130:9 140:22 153:5 154:15 205:19,20 220:10 220:15,18 235:16 259:16,18,22 <b>agreed</b> 152:13 238:14 <b>agreement</b> 72:11 72:15 87:21 88:14 88:18 89:1 100:3 100:4,7 107:12 <b>agreements</b> 72:10 87:17 226:8 <b>agrees</b> 259:20 <b>ahead</b> 36:10 54:12 112:7 124:15,16 138:13 144:5 161:21 190:18 199:12,13 200:15 225:17 249:6 <b>Alberti</b> 1:19 12:12 23:3 27:5,7,9,13 27:16,19 28:1,5 28:10,13 29:6,11 45:1,4,5,20 46:2,6 46:9 53:9 66:20 88:11,12,17,21 89:3,6 96:22 97:8 98:10 109:10 113:3,6,10,16,19 114:1,4,9,13,19 115:1 116:21 117:3,9 118:1,3,8 134:1,4,7 144:1,6 144:8 145:4,11,21 146:1,3,7,11,16 146:20 147:1,6,12 147:15,18 148:1,8 148:12,15,21 149:14,16 170:8,9 171:1,4,14,17,20 172:1,4,6,15,21 173:1,7 174:12,16 174:21 175:4,9,11 175:16,18,21 176:7,11,14,18,21 189:13 197:17 209:6,8,14,18,21 233:17,21 234:1 239:7,8,14,22 240:6,13,15 241:2 241:8 244:5 256:5 256:8,12,18 258:15 259:17,18 <b>alcohol</b> 125:3 139:14 142:11 156:6,17 163:1,20 169:8 186:21 187:11 188:4,16 201:12,16 205:22 207:10,18 208:10 221:20 223:8 224:3 237:6,11		
<b>A-S-T-E-R</b> 15:7	<b>above-entitled</b> 260:15 <b>ABRA</b> 1:23 37:10 42:15,22 43:15 186:4,10 226:16 <b>abstended</b> 183:10 <b>abstention</b> 91:15 <b>abstentions</b> 162:22 180:13 181:11,22 <b>absurd</b> 131:21 <b>abut</b> 167:8 <b>abuts</b> 35:17 163:8 173:14 188:1,5 212:14 220:1 <b>abutting</b> 4:9,12,22 5:3 25:19 28:6 39:6 86:20 150:3 163:9,13 167:9 169:2 171:5 172:1 172:18 173:3,8,11 175:2,5,14 179:18 188:6,11 193:1,3 193:4 195:4 224:15 246:1,12 246:12 247:22 248:8 253:15 <b>accept</b> 109:11 113:4,16,19 114:5 114:6 118:10 131:22 <b>acceptable</b> 194:14 194:14,18 195:8 234:8 <b>accepted</b> 243:13 <b>access</b> 145:3 <b>accidentally</b> 129:13 <b>account</b> 240:21 <b>accurate</b> 149:18 <b>accusation</b> 132:3 <b>achieve</b> 133:15 <b>acoustics</b> 204:15 <b>Act</b> 258:14,21 259:4,7			
<b>a.m</b> 42:12,12,14,14 62:3 164:22 166:2 166:7 <b>a/k/a</b> 198:18 <b>Abbruzzese</b> 3:15 3:16 27:22 38:21 39:2 159:8,13,17 160:2,3,6 162:1 164:14 165:4,7,11 166:11 167:3,8,11 168:9 169:14,17 170:10,19 171:2 171:10,16,18,22 172:3,5,8,19,22 173:6 174:1,14,19 175:1,7,10,15,17 175:20 176:2,9,13 176:16,20 177:7,8 177:12,19 178:1,4 178:18 179:1,4,6 179:10,14,20 180:1,5,7,10,18 181:4,7,10,14,21 182:3,6,9,12,16 182:21 183:2,5,7 183:14,21 184:7 184:11 <b>ABC</b> 21:2 38:13 39:19 41:22 55:7 57:20 68:20 69:5 74:17,18 77:20 78:2,4,15 81:11 81:20 82:3,14 87:6,16 97:17 103:21 104:5 124:10 129:15 136:20 164:2,13 187:17 222:13 223:1,3 250:21 258:22 260:4,5 <b>ABC-licensed</b> 43:15 <b>ability</b> 35:13				

240:2,3,18 242:3	<b>ANC-1B</b> 1:8 2:10	19:22 20:1 24:4	126:2	193:20 203:12
<b>alcohol-serving</b>	14:1 54:14 68:2	29:16 30:7,9 47:1	<b>appropriate</b> 17:9	213:14 227:18
93:2	68:16 70:2,7 73:4	66:22 77:7 96:4	164:8 251:17	229:9 230:16
<b>alcoholic</b> 1:2,13,14	73:12,16 94:20	96:19 98:16 111:2	252:6	234:12 240:1,7
38:1 41:20 86:21	222:12,20 223:5	118:5 119:17	<b>appropriateness</b>	250:19
201:14 258:18	<b>ANC-1B's</b> 73:7	123:1,6,9,20	38:6 178:5,10,21	<b>aspects</b> 7:5 136:18
<b>alcoholics</b> 205:5	95:9	124:10 163:16,18	219:2	<b>assess</b> 166:20
<b>Alex</b> 6:19 11:14	<b>and/or</b> 186:17	164:2,5,14,17	<b>approve</b> 52:22 95:3	<b>assigned</b> 38:11
113:20	<b>announce</b> 161:16	173:13 178:17	250:20 251:7,13	44:9 50:16
<b>Alliance</b> 4:7 162:6	<b>answer</b> 70:13,16	187:16,21 188:2	<b>approved</b> 33:19	<b>assist</b> 158:2
185:10	75:4 124:19 165:9	244:6 248:11	39:19 45:15	<b>association</b> 3:19
<b>allow</b> 128:1 163:17	167:3 170:4,5	250:13	125:17 193:16	16:22 39:1 58:5,6
<b>allowable</b> 216:9	171:3 218:14	<b>applicant's</b> 52:3	194:1 251:16	75:12,21 161:6,7
<b>allowed</b> 17:15 45:9	234:11	119:11,13 163:14	<b>approximately</b>	163:4 164:12,15
45:17,18 49:14,21	<b>answerable</b> 84:9	188:13 213:1	42:2	187:10
169:18 197:4,5	<b>answered</b> 66:11,11	246:5	<b>ar</b> 36:2	<b>associations</b> 186:5
<b>allowing</b> 40:19	100:15 176:21	<b>application</b> 1:10	<b>Arabic</b> 214:17	254:12,14
<b>allows</b> 48:16	192:9 209:21	2:11 21:2 31:4,5	<b>architect</b> 228:3,12	<b>assume</b> 79:9 237:1
<b>amazed</b> 55:19	228:1 234:14	31:20 32:4 33:14	228:13	<b>assumed</b> 37:11
<b>Amendment</b>	243:2	33:21 62:19 74:20	<b>area</b> 10:10,13	53:21 103:2
258:21 259:4,7	<b>answering</b> 90:22	78:19 79:2 91:4	15:15 35:15 40:9	121:16 159:20
<b>American</b> 214:15	145:5	95:1 111:7 116:9	40:22 42:4,20	179:6 185:3
<b>amount</b> 19:7 50:16	<b>answers</b> 155:3	146:8 148:18	43:8 52:19 66:2,3	198:12 210:16
<b>analysis</b> 168:22	<b>anybody</b> 37:3	149:5,9 162:14,17	67:19,22 69:17	<b>assuming</b> 239:8
<b>ANC</b> 6:20 10:1,4	110:10 129:22	163:2,4,6 179:11	71:5 92:9 101:12	<b>assure</b> 190:4
12:1,3,4 17:17,19	141:3 142:4,6	186:13,21 187:3,6	101:16 175:10	<b>assured</b> 72:2
18:17 28:14 33:14	155:1 181:13	188:3 221:13	205:1 215:5 216:3	<b>Aster</b> 6:21 7:1,10
34:1,2 52:15,17	207:12 249:20	222:9,16 250:20	251:19 253:21	10:8 14:18 15:2,3
55:5,14 56:4,12	257:21	251:7,13,16 258:5	<b>Arguendo</b> 234:6	15:6,7 18:12
64:18 67:15 68:8	<b>anyone's</b> 113:12	<b>applications</b> 55:8	<b>argument</b> 30:2	<b>atmosphere</b> 240:19
69:10 74:19 76:8	<b>anyway</b> 109:7	68:9	257:17	<b>attempted</b> 186:9
76:10,10,11,15	223:8 248:3	<b>applied</b> 38:12	<b>art</b> 216:12	<b>attend</b> 162:4
78:19 81:3,10,12	<b>apartment</b> 199:4,8	41:22 45:13	<b>aside</b> 46:20 153:16	186:18
82:6,15 84:1 87:8	200:17 202:9,15	139:11 142:12	<b>asked</b> 8:17 12:21	<b>attendance</b> 174:17
88:5,14 91:1,2	203:19 211:13	144:10,11 146:4	66:11 83:8,14	<b>attended</b> 57:4
95:14,16 96:14,16	212:14,16 220:1	222:18	100:15 107:11	170:17 187:1
97:6,18,19 99:11	237:7	<b>applies</b> 99:4	132:12 144:15	<b>attendees</b> 171:7
99:14,17 100:8	<b>apartments</b> 151:3	<b>apply</b> 33:13 139:20	146:21 151:20	<b>attention</b> 199:19
101:6 103:21	160:11 199:5,8	154:19 252:21	182:10 190:21	200:2
111:5 117:11	<b>apparently</b> 11:16	<b>applying</b> 48:15	191:12 193:15	<b>attorney</b> 67:16
119:12 183:8	203:20	49:20 61:4,15	220:15 223:18	<b>attribute</b> 129:10
221:12,13,17	<b>appear</b> 73:5	140:6 149:2 222:3	228:1,22 231:4,12	<b>audience</b> 2:5
222:8,11 223:6,11	<b>appearance</b> 135:11	<b>appreciate</b> 13:17	232:3,15 234:6	<b>August</b> 76:12 78:17
223:11,18,21	135:14	210:5 227:12	236:2 241:2	95:10 96:16 97:11
224:12 248:15,16	<b>appeared</b> 162:20	<b>apprehension</b>	<b>asking</b> 96:19 136:8	97:20 119:10
249:16 254:14	<b>appears</b> 260:2	240:17,20	136:13 137:13	134:15 222:8
<b>ANC's</b> 55:13 98:12	<b>applicant</b> 3:13	<b>approach</b> 125:21	139:17 158:19	<b>authorization</b>

110:17 <b>authorized</b> 145:9 <b>avail</b> 257:4 <b>availability</b> 256:20 <b>available</b> 43:5 256:14 <b>Avenue</b> 133:1,3,6 152:19 153:6 154:16,18 157:8 158:17 162:9 <b>aware</b> 125:16 174:10 178:15 <b>awning</b> 202:18,20 <b>Azandeh</b> 2:20 117:1 121:14 122:8 146:10 162:3	79:19 234:15 238:1 <b>based</b> 46:12 47:8 58:10 68:18 99:12 170:12 172:18 175:22 218:20 233:10 251:14 <b>basement</b> 200:19 200:21 211:13 212:13 <b>basement-level</b> 150:11 <b>basic</b> 99:1 <b>basically</b> 21:10 51:4,13 57:18 95:14 100:12 104:21 193:20 218:16 249:12 <b>basing</b> 228:18 <b>basis</b> 109:3 174:21 232:13 <b>bathroom</b> 219:13 219:16 <b>bay</b> 212:11 213:7 213:12,19 <b>bed</b> 212:21 226:17 240:10 <b>bedroom</b> 202:14 212:20 219:7 240:12 251:21 252:4 <b>beer</b> 48:11,14,16 49:5,8,12,14 79:4 80:1 127:5 139:10 163:18 164:5 205:7,9,18 220:3 237:19 <b>beginning</b> 40:3 42:13 68:7 89:15 152:15 <b>begins</b> 24:20 <b>behalf</b> 4:6 14:4 16:21 17:18 246:10,11 <b>believe</b> 5:8 46:14 74:16 170:20 177:15 251:15	255:4 <b>believes</b> 187:14 <b>better</b> 2:18 87:14 119:9 176:6 218:6 <b>beverage</b> 1:2,13,14 38:1 86:21 122:11 125:13 258:19 <b>beverages</b> 41:20 <b>beyond</b> 44:14 <b>bias</b> 244:21 <b>big</b> 215:2 253:12 <b>bit</b> 8:19 145:13 185:13 186:9 190:1,9 201:7,15 212:7 214:12,22 215:15 218:1 <b>block</b> 31:1 54:20 163:10 171:13,14 173:3,12 175:22 188:7 <b>blocks</b> 104:19 171:13,15,19 <b>Board</b> 1:2,14 8:19 20:7 22:17 30:5 37:10 43:19 51:8 51:13 88:10 96:9 96:17 98:13,17,20 100:16 106:6,6 109:11 118:4 143:16 144:1,2,18 157:2,3 159:10 170:7 177:2 183:16,17 185:13 192:2,3,21 209:4 210:2 224:8 226:2 233:5,16 239:6 243:13 250:20 251:13 254:18 255:19 257:22 258:4,12,19,22 260:5,6,10 <b>body</b> 160:15 178:7 186:16 <b>border</b> 185:21 <b>bordering</b> 177:15 <b>bothers</b> 224:16 <b>bottles</b> 49:6,9 80:2	220:3 <b>boundaries</b> 161:8,9 166:17 185:15,17 185:20 192:20 <b>box</b> 128:10 <b>branch</b> 160:20 <b>break</b> 260:12 <b>brick</b> 136:2 219:6 221:4,5,9 223:15 225:3,9 <b>brick-oven</b> 35:9 41:13 135:16,19 136:1,5 221:3 <b>bridge</b> 23:13 <b>brief</b> 40:1 255:18 <b>briefly</b> 34:6 <b>bright</b> 176:12 <b>bring</b> 18:5 32:14,16 108:15 142:5 199:18 235:14 <b>Brooks</b> 1:20 259:9 259:11,15,16 <b>brought</b> 93:20 95:21 157:9 186:16 229:17 <b>building</b> 1:14 34:16 34:17 35:16 43:3 50:3,6 54:19 57:7 57:8 162:7 199:5 199:7 200:19 <b>buildings</b> 199:21 <b>business</b> 42:2 46:13 47:5 63:5 124:21 125:1,20 142:14 145:18 146:19 148:22 156:8,11 157:10,15 186:20 201:5 216:16 218:6,19 225:2 228:12 235:19 238:5 252:19 253:2 <b>businesses</b> 131:16 253:11 <b>busy</b> 42:3 204:10 239:9 <b>butcher</b> 38:21	<b>buy</b> 128:10 <b>bylaws</b> 161:14
<b>C</b>				
<b>c</b> 32:13 106:4 163:17 168:20 178:16 237:18 239:1 <b>cab</b> 67:17 <b>cafe</b> 31:1 38:14 45:9,13 130:20 144:9,10,13 151:21 188:3 194:17 195:2 201:2 202:16 203:13 204:4 205:1,21 209:11 212:3,12 213:3,6 213:9,16,22 223:16 226:7 235:4 237:5 238:22 239:15,18 240:12 241:5,16 242:2,7,14,22 <b>Cairo</b> 214:15 <b>call</b> 37:6 74:8 87:4 87:6 99:16,18 100:10 102:2 129:15 141:5 166:21 195:21 196:5 203:17 226:16 243:8 246:11 259:13 <b>Calla</b> 115:13 <b>called</b> 30:22 37:10 53:20 103:1 121:15 134:22 135:2,4 159:18 185:1 198:10 201:1 210:14 <b>calling</b> 16:9 23:1 <b>calls</b> 39:22 43:11 43:13,14 71:3 <b>Campbell</b> 115:13 <b>care</b> 102:4 <b>Carlos</b> 102:22 103:8				

<b>carry</b> 35:21 48:7,19 63:9 79:12 129:9 130:2	4:20,22 5:3,6,12 5:20 6:1,8,12,15 7:2,4,7,11,15,19 8:1,5,11,16 9:3,7 9:12,18,21 10:3,7 10:12,16,19,21 11:2,9,13,22 12:6 12:10,17 13:1,13 13:18 14:5,8,12 14:15,19,22 15:3 15:6,10,14,19 16:2,7,11,13,16 17:1,6,11,21 18:15,19 19:2,16 19:20 20:5,8,12 20:14 21:7,16,19 22:9,16 23:2,5 24:22 25:3,6,14 25:17,21 26:3,5 26:11,17,21 27:6 27:8,11 28:12,14 28:19 29:9,13 30:18 31:10,13,21 32:1,6 33:4,9 34:3 34:13 36:7,12,17 36:20 37:1,5,15 38:3,9 43:18 45:3 46:10,18,22 47:6 47:12 51:2,8,12 51:18,22 52:2,6 52:20 53:2,5,7,10 53:13 54:2,8,11 54:17 59:3 61:6,8 61:11 62:4,10 64:5 66:13,16 67:2,4,10 73:8,17 74:4,11,14 77:6,9 85:4,7 88:7,10 89:8 94:18,22 95:5,12,17,19 96:3,8,11,14 97:2 97:6,11,14,18,20 98:1,8,11,15 99:1 99:8 100:14 101:3 101:17,21 102:10 102:15,19 103:5,9 103:12,16 104:1,4	104:8,11,13,16,20 105:4,9,12,16 106:1,16,20 107:1 107:5,17,20 108:1 108:5,8,12,17,21 109:13,19 110:2 110:12,15,18 111:1,11,14,19 112:4,7,11,14,18 113:1,5,9,15,18 113:22 114:3,8,11 114:16,21 115:3,8 115:11 116:4,7,16 118:2,7,12 119:8 119:19,22 120:6 120:16,22 121:2,7 121:10,21 122:21 123:3,12,16 124:2 124:4,14 131:2,5 131:11 132:6,8,11 132:14 133:9,16 133:19 134:17 138:15 139:6 143:5,10,20 144:2 144:7,21 149:21 154:22 155:8,10 155:13,16,20 156:1,4,10,14,20 157:1,5 158:20 159:2,7,12,15,22 160:4 161:4 164:16 165:14,17 167:7,10,13,16 169:12,16 170:6 177:1,4 180:21 181:2,8,12,20 182:1,5,7,10,14 182:20,22 183:4,6 183:12,15 184:1,4 184:9,12,15,17,20 185:5,16 188:17 190:12,15,17,22 191:3,7,20,22 192:11,21 193:6,8 193:12 194:2 195:11,14,18 196:7,12,16,22	197:8,12,15,20 198:4,14,20 199:1 201:3,17,21 206:9 206:18 208:14,17 208:20 209:1,4,7 210:1,5,10,18 214:8 224:4 225:5 225:8 226:21 229:1,5,14,18,21 230:3,9,12,19 231:1,11,13,22 232:10,20,22 233:12,15,19 234:3 235:20 236:2,6,11 238:9 238:12,15,18 239:2,5 240:22 241:10,14 242:4,8 243:1,5,8,11,15 243:18 244:2,9,22 245:5,8,11,16,20 246:4,16 247:1,5 247:8,11,13,17,20 248:5,10,18,22 249:5,11 250:1 251:9,11 255:6,15 255:22 256:4,10 256:15 257:2,9 258:8,11,16,18 259:11,17,19 260:1	<b>Christina</b> 4:8,21 39:7 153:10 183:19 192:12 206:2 210:13 211:3 225:21 232:2,2,14 237:1 <b>Christina's</b> 254:21 <b>circumstances</b> 190:3 <b>cited</b> 259:6 <b>citizen</b> 57:7 <b>citizens</b> 4:7 133:13 185:10 <b>city</b> 33:19 <b>civic</b> 186:5 <b>claimed</b> 112:21 <b>claiming</b> 110:13 <b>claims</b> 254:21 <b>clarification</b> 241:1 <b>class</b> 38:13 48:15 49:20 163:17 178:16 222:17 237:18 239:1,1 <b>clean</b> 128:16,17,20 129:21 130:4,4 152:9 <b>cleaning</b> 152:9 <b>clear</b> 18:11 28:11 115:7 153:22 154:14 169:8 170:10 <b>clearly</b> 133:12 172:17 254:20 <b>client</b> 81:22 83:8,14 142:1 196:10 <b>clients</b> 67:20 254:10 <b>clock</b> 58:20 209:2 <b>close</b> 90:8,13,20 104:17 126:18 187:11 203:12 208:6,8 218:17 237:6 239:20 252:6,8,8 255:8 <b>closed</b> 218:12 258:13,22 260:5 <b>closer</b> 4:3 24:17
---	---	---	--	---

199:1	<b>comment</b> 208:5	253:3,10	<b>conference</b> 162:6	96:2,7,19 97:21
<b>closest</b> 160:14	246:5	<b>complain</b> 142:6	260:6	98:2,4 159:9
<b>closing</b> 23:19 30:11	<b>comments</b> 116:20	228:19	<b>confused</b> 13:12	244:7,8 258:1
32:20 90:14	<b>commercial</b> 177:15	<b>complained</b> 208:2	30:13 145:14	<b>corner</b> 130:22
167:21 191:9	201:5 216:11	<b>complaining</b> 142:4	<b>confusion</b> 145:15	153:19 162:8
250:10,12	253:11	207:20	146:8	200:18 212:2
<b>club</b> 165:22	<b>commercial/resi...</b>	<b>complaint</b> 57:10	<b>consent</b> 230:1	213:4 214:3
<b>clubs</b> 93:13 204:11	40:11	251:1	<b>consider</b> 256:3	215:21 251:3,4
<b>cocktails</b> 237:22	<b>commercially</b>	<b>complaints</b> 150:2	<b>considered</b> 33:10	<b>corporation</b> 135:9
<b>coffee</b> 41:16 59:14	200:20	151:8 155:21	223:3	145:14,17 146:4
63:11,20 64:1	<b>commission</b> 54:14	168:4 216:22	<b>considering</b> 35:14	146:12 147:2,3,4
203:16 215:2	55:4,6,9 57:3 58:1	<b>completely</b> 55:20	188:13 194:10	147:7,10 148:22
218:2	58:13 69:2,3 71:3	161:20	<b>consists</b> 40:17	149:1,3,4
<b>coin</b> 207:17	71:11 72:4 74:9	<b>compliance</b> 29:20	<b>constantly</b> 42:6	<b>Corrales</b> 1:23 37:9
<b>coins</b> 205:3,3	75:6,15 84:5	<b>complicated</b> 23:11	<b>construction</b> 31:3	37:14,18,19 38:7
<b>college</b> 214:15	87:20	<b>complications</b>	<b>consumption</b> 42:13	38:10 43:10,22
<b>Columbia</b> 1:1	<b>commissioner</b> 12:1	188:14	<b>contact</b> 227:4	44:7,16,20 45:6
37:22 122:13	14:1,2 56:6 57:14	<b>concern</b> 93:1,17	248:15,17	45:10,22 46:4,8
124:8 160:9,16	88:13 91:5,16	126:12,13 127:18	<b>containers</b> 39:15	46:16,20 47:19
258:20	104:2 107:22	175:12 227:3	<b>contested</b> 106:6	48:1,8,13,21 49:2
<b>come</b> 2:7 9:1,11	183:8 221:18	230:15,16,18,19	<b>continue</b> 19:9	49:7,13,19 50:5,9
13:14,19 22:3	223:12	231:7 238:2	99:20 105:14	50:15,22 51:20
23:13 24:1 29:4	<b>commissioners</b>	<b>concerned</b> 39:2	192:8 200:3	<b>correct</b> 5:8 27:3,22
35:5 59:5 60:5,8	83:3 91:17	75:11,19 86:16	<b>continued</b> 18:21	28:4,16,17 48:8
63:19 100:2,3,7	<b>committee</b> 55:7	206:3 219:16	102:3	50:9 74:21 76:1
101:7 102:11	57:20 68:21,22	224:2 237:10	<b>continuously</b> 67:20	76:18 104:15
103:20 116:17	74:18,18 77:19,20	<b>concerns</b> 35:19	<b>control</b> 1:2,13,14	135:17 146:12
117:19 127:20	78:2,5,7,15 81:5,6	75:5,6,9,15,18	109:21 128:6,9	151:14 225:13
128:10 129:15	81:10,11,18,20	76:3 84:12,18	129:1,1,10,12,19	239:16 241:13
131:19 181:17	82:3,14 87:8,16	86:9 93:6 124:20	129:19 130:9	<b>corridor</b> 40:8 42:4
189:5,15,16,17,20	87:18 103:21	128:22 170:12	151:22 152:7	204:10,10 241:20
190:3,5 191:13	104:5 222:14	173:18 194:7	220:17 235:18	<b>counsel</b> 22:2
199:9 200:16	223:1,3	203:3,9,11,11	237:9,15 238:22	159:18 185:1
227:4,8 228:14	<b>Committee's</b> 69:6	204:19 208:5	258:19	198:10 210:14
232:4 233:3	<b>common</b> 164:3	220:21 221:12,13	<b>controllable</b> 129:18	259:2
253:22 254:3,4,5	168:19 187:17	222:7 223:12,20	<b>controlled</b> 130:2	<b>couple</b> 6:3 28:6
254:8	<b>community</b> 59:10	223:22 242:1	<b>conversation</b> 186:8	65:9 67:19 155:1
<b>comes</b> 16:3 60:3	63:11,17,18 68:12	254:22 255:1	191:19	208:17 220:9
67:8 204:3,22	68:12,18,19 69:20	<b>concluded</b> 260:15	<b>conversations</b>	225:14
252:18 258:3	70:20,21 71:22	<b>concludes</b> 43:17	219:14 241:22	<b>course</b> 139:13
<b>coming</b> 60:16,16	72:1 81:9 83:5	<b>concluding</b> 40:4	<b>cooler</b> 220:2	235:6
126:8 137:20	84:3,6,10 112:21	<b>conclusion</b> 260:7	<b>copies</b> 5:13 22:19	<b>cover</b> 142:21
138:17 167:20	119:3 133:13	<b>conclusions</b> 255:11	36:16 107:2 108:3	<b>covered</b> 252:16
191:13 206:3	<b>compared</b> 151:1	255:19	108:9,18 109:17	<b>covering</b> 143:3
209:9 210:6 227:5	<b>comparison</b> 150:8	<b>conditions</b> 194:12	117:5 159:10	<b>CR</b> 1:8
230:2 234:5	150:19	234:7	<b>copy</b> 5:14,15,17,17	<b>create</b> 233:4
253:16	<b>Compass</b> 252:11	<b>conduct</b> 37:19	5:18 74:5 77:4,8	<b>credible</b> 254:21

<b>credit</b> 255:5	<b>D.C</b> 1:15 40:9	235:11	153:18 154:18	104:12 107:22
<b>criminal</b> 27:12	160:21 166:15	<b>degree</b> 124:22	157:9 207:10	116:3 122:13
<b>cross</b> 23:13 47:1	<b>daily</b> 137:4	240:19	231:18	124:8 125:11,12
51:4 70:12 99:3	<b>damn</b> 205:12	<b>deliberate</b> 240:21	<b>differently</b> 135:12	160:9,12,16
133:19 188:18	<b>dance</b> 141:8	257:6	<b>difficult</b> 208:8	258:19
<b>cross-exam</b> 64:6	<b>dark</b> 218:13	<b>deliberated</b> 74:18	<b>dilemma</b> 148:19	<b>Districts</b> 65:10
<b>cross-examination</b>	<b>date</b> 76:15 191:19	74:19	<b>dinner</b> 59:8 137:4	66:2
47:15 64:7 133:20	<b>dated</b> 94:19 96:15	<b>deliberating</b>	214:20 237:20	<b>disturb</b> 204:6
164:17,19 188:20	<b>dates</b> 69:22	258:12 259:5	<b>dinnertime</b> 59:5	<b>disturbance</b> 126:5
227:1 233:20	<b>daughter</b> 60:18	<b>deliberations</b> 73:13	217:18	130:17,21 168:2,8
<b>cross-examine</b>	61:18,22 247:3	<b>delicatessen</b> 41:16	<b>direct</b> 122:6 153:3	<b>disturbed</b> 226:14
112:13	<b>day</b> 59:8 64:9 81:21	41:16	160:5 185:7	<b>disturbing</b> 142:7
<b>cross-examined</b>	191:16 217:17	<b>deliver</b> 12:22	198:16 199:18	166:8 168:1
32:17	218:21 223:2	<b>delivered</b> 162:1	200:1 210:20	<b>disturbs</b> 93:15
<b>crossed</b> 23:18	239:10 242:15	186:5	<b>directly</b> 34:18	<b>divide</b> 146:18
<b>crossing</b> 23:16	243:9 256:7	<b>deny</b> 205:17	35:17,18 83:14	<b>divided</b> 148:6,9
<b>crowded</b> 60:6	<b>days</b> 42:12 62:14	<b>denying</b> 178:11	150:20 163:14,20	<b>document</b> 248:6,12
<b>cup</b> 63:11,20 64:1	81:3 88:18 242:19	<b>Department</b>	164:6 166:21	249:17
<b>current</b> 14:2 186:1	256:21 257:22	144:12	173:9 188:12	<b>documented</b> 52:15
<b>currently</b> 34:7 41:7	258:6 260:8	<b>depends</b> 70:21	196:2 202:17,19	<b>documents</b> 14:3
43:15 46:3,5	<b>daytime</b> 44:11,12	<b>depict</b> 199:20	212:14,22 213:12	108:3 109:2 111:3
62:13 90:1 122:10	<b>DC</b> 33:22 215:15	<b>Depicted</b> 202:11	251:19,21 252:3,4	111:4 115:22
126:1,7 216:17	<b>DCRA</b> 147:8	<b>deposit</b> 217:6	254:9	117:14 119:15
239:17 241:17	148:16 226:16	<b>describe</b> 150:7	<b>director</b> 144:15	120:1 245:21
242:7,13	<b>DDOT</b> 45:14	216:16	<b>disagree</b> 71:17	<b>dog</b> 202:5
<b>customer</b> 54:15	144:11	<b>description</b> 40:5	<b>disaster</b> 36:1	<b>doing</b> 47:5 51:4
128:4,6,7,11	<b>deadline</b> 116:8,10	<b>deserve</b> 113:17	<b>discussed</b> 74:19	73:15 125:2,16
139:17 166:3	116:12,14	114:7 246:9 250:7	76:6,7,11 78:17	127:2 131:13,14
<b>customers</b> 39:14	<b>deal</b> 91:11 102:13	<b>designate</b> 71:6	169:10 222:9	131:14,17 142:13
41:21 60:16 94:8	253:13	<b>designated</b> 71:10	<b>discussing</b> 162:13	143:8 157:15
118:9 128:10	<b>dealing</b> 20:17	<b>desire</b> 106:8	223:7	217:15 228:10
151:22 214:20	<b>debate</b> 93:5 229:3	<b>desperate</b> 35:4	<b>discussion</b> 91:11	<b>DONALD</b> 1:20
<b>cut</b> 62:19 89:11	<b>debriefing</b> 63:22	<b>details</b> 49:10 68:21	162:17 186:15	<b>donuts</b> 203:16
125:21 126:3,10	<b>decent</b> 63:10	79:21 80:4 82:4	187:5 222:15	<b>door</b> 34:20 35:17
126:15 127:22	<b>decide</b> 19:13	84:17	<b>discussions</b> 68:19	85:11 129:3
130:10,13,21	112:20 226:2	<b>determination</b>	79:1 235:14	160:11 172:2
138:1,19 151:20	<b>decides</b> 68:22	68:18 128:15	<b>dismissed</b> 70:8,19	173:19 200:17
203:22 204:1	<b>decision</b> 69:10,13	<b>determine</b> 19:8	73:5	203:7 226:12
253:22 254:6	143:17 258:5	23:3,6 42:18	<b>disposing</b> 39:14	251:6 252:2,4
<b>cutting</b> 90:9 126:7	<b>Defendant</b> 159:19	110:6 128:11	<b>disruption</b> 56:10	253:19 254:9
130:12,18,19,22	185:2 198:11	139:15 141:13	<b>disruptive</b> 206:1	<b>door-to-door</b> 232:2
167:21 168:5	210:15	<b>determined</b> 178:7	<b>distributed</b> 222:12	<b>Dozens</b> 182:6,7
218:17,18 230:5	<b>Defendant's</b> 245:18	<b>devote</b> 136:15	<b>District</b> 1:1 12:11	<b>draft</b> 77:10,22
	<b>defer</b> 167:9 170:4	<b>different</b> 7:5,13	37:21 64:19,20	<b>drink</b> 59:13 63:9
	194:17	50:13 77:13	65:1,4,7,11 67:8	205:14
<b>D</b>	<b>deferring</b> 175:2	124:19 133:4,4,6	69:14,21 71:21	<b>drinker</b> 59:12
<b>D</b> 168:20 202:5,7	<b>definitely</b> 62:15	135:7,11,14	87:5 101:11,15	<b>drinking</b> 222:1
239:1				

237:11 242:3 <b>drinks</b> 139:13 <b>drivers</b> 67:17 <b>driving</b> 136:12 <b>drop</b> 100:4,12 <b>dropping</b> 60:12 <b>drugs</b> 205:15,16 <b>drunk</b> 205:14 206:1 <b>drunken</b> 39:17 <b>due</b> 44:9 <b>duly</b> 37:11 53:21 103:2 121:16 159:19 185:2 198:11 210:15 <b>Dunbar</b> 57:8 <b>duties</b> 166:14 <b>duty</b> 166:19	184:17,22 185:9 <b>email</b> 5:18 86:8,11 88:2,5,5 117:14 118:10 144:17 223:10 248:12 <b>emailed</b> 117:13 <b>emails</b> 39:22 81:15 105:1,20 106:14 106:20 110:5 111:22 117:5,5 119:13 249:18,22 250:2 <b>employee</b> 15:12 <b>empty</b> 217:19 <b>encounter</b> 63:13 <b>encountered</b> 59:17 <b>encouraged</b> 186:17 190:5 <b>endorse</b> 87:20 <b>endorsement</b> 38:14 163:19 <b>engage</b> 186:8 <b>engineer</b> 235:12 <b>engineers</b> 141:13 <b>enjoy</b> 42:7 <b>enlighten</b> 180:16 <b>enter</b> 88:14,22 <b>entered</b> 116:13 <b>enthusiastic</b> 57:3 57:15 <b>enthusiastically</b> 58:14,15 <b>entire</b> 167:12 169:7 179:7 223:11 <b>entitled</b> 25:7 98:21 101:1,4 <b>entrance</b> 40:22 127:8,9 <b>equipment</b> 219:22 <b>err</b> 118:20 119:5 <b>especially</b> 35:14 126:9 169:9 174:16 241:21 242:2 <b>espresso</b> 225:12,15 <b>essentially</b> 56:4 65:11 91:14	<b>establish</b> 118:6 <b>established</b> 67:11 124:8 <b>establishment</b> 39:12 40:6,10,15 40:17 41:15 42:6 42:8,20 43:3,16 44:10 45:8 54:16 54:20 55:1,3,15 55:20 56:10,13,17 56:20 57:4,10,16 58:15 60:4,13 84:10 87:6 88:15 89:11 92:18 93:7 93:8 94:2,11 100:2 104:14 105:2 107:9 117:8 117:16,20 120:14 122:1 129:21 138:10 150:4,9,10 150:12,16 163:9 163:15 167:22 170:14 171:9 173:11 187:12 188:5,13 201:5 211:14 212:1,1,5 212:15,19 213:1 216:20 217:11,16 218:21 219:6,19 223:14 224:2 225:1,11,17 227:7 227:10,15 233:6 234:17 240:18 241:4,7 250:5 <b>establishment's</b> 173:9 213:9,16,21 <b>establishments</b> 37:21 40:12 56:8 72:9,14 78:6 93:2 226:10 <b>evening</b> 61:20 <b>evenings</b> 239:9 <b>evens</b> 27:2 <b>event</b> 100:6 <b>everybody</b> 21:3 22:2 55:22 225:18 <b>evidence</b> 30:2	31:16 32:17 33:10 36:4 67:3 112:1 116:13,16,17 119:18 120:2 122:4 246:3 248:9 250:16,17 255:9 257:17 <b>ex</b> 184:5 <b>exact</b> 13:14,19 21:4 <b>exactly</b> 34:21 86:9 106:2 189:19 252:13 <b>examination</b> 45:7 70:13 101:5 122:6 160:5 185:7 198:16 210:20 <b>examined</b> 37:12 53:22 103:3 121:17 159:20 185:3 198:12 210:16 <b>example</b> 218:11 <b>excited</b> 57:15 <b>Excuse</b> 5:2 19:14 96:13 122:16 134:17 165:10 199:10 256:11 <b>excused</b> 52:1 101:20 111:20 112:2 210:9 <b>exempted</b> 115:6 <b>exercise</b> 243:21 <b>exhibit</b> 119:11,13 119:17 200:2 211:20 212:3,4,13 212:15,20 213:2,6 213:10,17 214:1,5 214:7 215:10 245:18 246:1,14 247:22 248:8 <b>exhibits</b> 41:3,17 105:20 109:6 243:13,22 <b>existed</b> 109:5 <b>existing</b> 39:3,11 40:10 42:18 <b>exiting</b> 39:4	<b>expected</b> 31:8 162:16 257:16 <b>expecting</b> 21:1 <b>expensive</b> 31:7 <b>experience</b> 121:5 124:20 187:9 <b>experienced</b> 131:20 <b>expert</b> 20:18 228:8 <b>explain</b> 36:6 62:5 144:17 148:16 166:5 186:9 <b>explained</b> 33:21 81:21 82:1 83:6,7 83:10,13 188:22 <b>express</b> 221:12 <b>expressed</b> 255:1 <b>expressing</b> 221:11 <b>extra</b> 5:13 10:22 77:8 137:17
<b>E</b>				<b>F</b>
<b>E</b> 168:20 <b>E-L-W</b> 4:5 <b>E-W</b> 3:17 <b>earlier</b> 78:18 80:19 90:15 119:12 180:2,8 <b>early</b> 167:22 208:9 218:8 226:18 <b>east</b> 161:10 185:18 <b>Eastern</b> 214:16 <b>easy</b> 21:5 <b>eat</b> 60:10 117:20 128:12,13 167:20 217:4 <b>eating</b> 60:11 <b>education</b> 214:13 <b>effects</b> 164:9 <b>Egypt</b> 214:16 <b>eight</b> 41:1 159:10 <b>either</b> 20:3 60:5,10 69:19 84:19 92:18 117:4 173:18 197:7 222:16 <b>elect</b> 84:6 160:18 <b>elected</b> 64:19 65:5 <b>elevator</b> 203:17 <b>Elwyn</b> 4:5 39:20			<b>F</b> 168:21 <b>F-E-R-R-I-S</b> 4:6 <b>facing</b> 150:11 <b>fact</b> 35:14 54:22 55:10 56:3 61:22 66:3 81:10 93:6 94:1 170:12 171:11 224:22 255:10 260:7 <b>factors</b> 178:5 187:20 <b>facts</b> 174:11 255:18 257:7 <b>fail</b> 161:1 <b>failing</b> 73:5 <b>fails</b> 160:16 <b>faith</b> 236:17 <b>fall</b> 106:11 <b>familiar</b> 27:17 55:3 185:13 186:2 <b>family</b> 30:19 40:14 142:17 <b>family-oriented</b> 40:14 63:5 <b>family-owned</b> 146:19	



141:4,4 143:15	152:1,3,4 159:3	209:18	132:7,10,12,18,21	<b>hate</b> 235:14
144:5 145:7	160:1 162:13	<b>Greater</b> 162:5	133:2 134:15	<b>hear</b> 2:18 4:1 7:11
152:14 159:4	165:5,8,22 166:7	<b>greatly</b> 149:17	146:9,10,14 162:3	7:12 17:22 18:6
162:12 168:7	168:1,7,7 169:18	<b>Greek</b> 34:8	162:19 164:18,20	23:9 34:10 62:7
190:18,21 197:13	190:7 192:2,3,5	<b>Green</b> 12:14,15,20	165:6,16,19 167:2	106:7 114:14
199:12,12 200:15	196:18 197:10	13:10,21,22 14:6	167:15 183:22	115:2 124:5 134:4
201:11 203:15	204:6,11 205:17	14:10 18:17	186:7,17 188:19	134:5 137:11
205:9 214:11	205:22 207:10,11	102:14,17,18,22	188:21 189:3,10	141:5 143:16
215:1 219:18	207:13,15 208:2,3	103:7,8,8,11,14	190:14,16 191:11	197:3,6 206:10
222:1 226:17	208:4,11,11	103:19 104:3,6,10	191:15,17 231:20	219:8,10,14,15
232:2,5 234:21	219:15 220:4,6,19	104:12,15,18,22	232:1,9,11,14,21	226:11 234:2
237:13 240:10	220:20 221:3,11	105:8 106:15,17	233:11,14 246:22	239:10,10 241:11
242:10 243:20	222:3 228:20	106:22 107:3,8,14	247:3,7,10,12,15	241:11,15,20,22
247:6,7,12,14,21	230:8,10 233:1,6	107:21 108:4,7,11	247:19	242:1 247:1 251:4
249:5 250:3,13	234:15,16,21	108:15,19 110:22	<b>half</b> 23:15 142:3	<b>heard</b> 12:1 57:9
<b>goal</b> 84:4	235:1,18 237:20	111:18	171:12 227:5	106:9 114:22,22
<b>goes</b> 13:4 30:12	237:21,22 238:4,5	<b>grill</b> 135:5 214:2	260:11	115:3 116:22
53:3 94:7 99:10	240:15 245:17	<b>grounds</b> 55:18	<b>hand</b> 53:16 121:12	197:21 208:15
143:12 166:20	246:7 248:1 252:3	187:7	198:1 213:4 214:3	225:5,8 233:9
203:20 205:7,18	252:9,11,14,14	<b>group</b> 20:17 38:19	248:22 249:1	246:4,5 250:16
<b>going</b> 8:12,18 11:21	253:8 254:6 255:7	39:2 69:20 99:4	<b>hand-delivered</b>	251:21
13:11,20 18:14	256:22 257:3,4,5	<b>grouped</b> 23:21	5:11	<b>hearing</b> 1:7,14 2:4
19:1,12 24:3,8,14	258:9	<b>groups</b> 38:17 70:20	<b>handed</b> 248:11	19:10 22:4,10,17
24:19 25:18,19	<b>good</b> 2:14 4:14 5:17	83:5	<b>handle</b> 35:13 46:15	24:11 32:12,12,20
26:18,22 29:2,4,7	6:2 37:6,7 42:3	<b>guard</b> 57:1	<b>hands</b> 94:1 152:10	71:6 86:13 99:16
29:15,17,19 32:10	53:15 62:22 113:2	<b>guess</b> 18:9 34:8	152:12	99:18 100:11
32:11,12,13,18	137:3,4 143:7	36:10,15 55:11	<b>hands-on</b> 94:9	111:21 116:18
33:1 35:6,22	145:6 168:10	61:19,20 75:12	<b>happen</b> 141:3	118:4,5 137:14
38:21 47:20 48:19	170:9 184:14	197:9,21 211:17	168:21 252:10	166:22 173:21
48:20 49:3,5	185:8 200:13	212:5 213:2	253:8	241:2 260:11,13
51:10 52:4,7 54:3	205:12,19 210:21	214:11 218:14	<b>happened</b> 9:10	260:14
54:4,6,8 57:11,12	210:22 236:17	234:19	21:21 71:13	<b>hearings</b> 68:18
60:11 72:2,3 73:9	<b>gotten</b> 11:7 22:11	<b>guest</b> 213:18	166:20 200:20	69:22 71:2
74:15 78:2 79:3,5	58:17 87:1,10,22	219:12 240:12	<b>happens</b> 81:5 94:2	<b>hears</b> 211:8
79:12,15,18 80:1	155:21	<b>guy</b> 176:12	129:14 207:12	<b>hearsay</b> 109:20,22
80:18 81:6,11	<b>governance</b> 160:15	<b>guys</b> 166:7 170:1	222:5	113:7,14 114:2,10
82:15,16 86:13	<b>Government</b> 33:22	180:11	<b>happy</b> 62:7	250:3,6
90:11 94:4 98:16	160:16,21	<hr/>	<b>hard</b> 20:19 48:17	<b>heighten</b> 179:11
101:22 106:2	<b>graduate</b> 124:22	<b>H</b>	109:2 170:4	<b>heightened</b> 163:22
110:19 119:10	<b>Graham</b> 115:13	<b>Hail</b> 2:15,20,20 3:1	204:20 234:13	187:15
120:5,8,9 126:6	<b>Graham's</b> 183:8	8:22 9:5,8,15 10:6	237:19	<b>heightens</b> 179:12
126:20 127:2,3,4	<b>granted</b> 33:20	11:17 15:13 26:20	<b>hard-headed</b> 56:18	<b>hello</b> 3:15
128:5,12,12,13	<b>granting</b> 237:2	60:17,22 61:4,7	<b>hard-working</b>	<b>help</b> 24:14 32:9
135:18,22 136:15	<b>great</b> 16:13 46:6	61:10,13 62:3,9	21:13 58:18	33:6 139:1 152:10
136:19 138:19	53:14 73:14,18,22	117:2 121:4,9,14	<b>harm</b> 167:5	152:19 157:15
139:1,2,9,17,18	89:6 91:10,11	121:19 122:8	<b>harsher</b> 72:19	158:7 204:1
139:19 140:4	99:10 145:5,5,12	123:10 131:1,4	<b>hash</b> 68:21	<b>helpful</b> 46:7 158:15

236:21	123:15,18 124:3	<b>Hill</b> 3:18 27:20	226:6 229:7,8,11	173:22 175:16
<b>helping</b> 157:16	133:21 134:1,3,6	39:1 75:12 161:6	229:12,20 230:1,5	188:4
<b>Hibey</b> 4:14,15,19	134:8,12,19,21	161:18 163:3	230:6,13,17 231:5	<b>impact</b> 36:1 86:17
4:21 5:2,5 7:18,21	135:2,6,10,15,20	164:12,15	231:7,8,18,19	168:22 187:13
8:3 11:5,11,14,18	135:22 136:4,8,21	<b>hinges</b> 194:15	235:3 252:17	192:4 249:7
12:5,9,16,19 13:8	137:2,5,19 138:3	<b>hire</b> 125:4,5,9	253:22 254:2,7,8	<b>impacted</b> 194:19
13:16 14:11,14,17	138:13,15 139:4,8	<b>history</b> 224:12	<b>house</b> 26:10 151:5	<b>impacts</b> 141:13
15:5,9,11,18 16:4	139:21 140:4,8,11	225:2	203:19 212:4,6,13	164:9 201:18
16:5,9,12,15 18:8	140:15,18,21	<b>hold</b> 67:4 203:8,8	213:5 214:18	224:9 233:6
18:16,20 20:2,10	141:11,17,20	258:22 260:5	215:18 216:1	251:14
20:13 22:7,13,21	142:8,15,20 143:2	<b>home</b> 34:17,19	219:5,8 223:17	<b>impairment</b> 24:12
24:6,10,13,18	143:19,22 145:1	35:17,18 86:1	237:6 239:12	<b>implement</b> 157:10
25:2,5,11,16,20	148:4 157:4,7,13	163:10 166:5	244:15,16,18	<b>implying</b> 177:20
26:4,8,14 27:14	157:19 158:1,6,9	188:6 194:12	<b>houses</b> 151:4	<b>important</b> 172:16
27:15,18 34:6,10	158:13,18,21	223:14 226:20	<b>housing</b> 164:8	173:20 190:6
34:11,15 36:9	159:1,5,6 195:15	239:11 242:18	<b>Howard</b> 64:13,22	<b>impossible</b> 59:2
47:13,14,16,21	195:16,20 196:10	252:5	65:2,12	234:11
48:6,10,18 49:1,4	196:14,20 197:4,7	<b>homeowners</b> 86:20	<b>hurt</b> 207:14	<b>improvise</b> 185:12
49:11,17 50:2,8	197:10 199:10,14	161:9 167:9 169:3	<b>husband</b> 3:5,7,9	<b>inability</b> 35:21
50:10,20 51:1,3,6	199:17 200:1,6,9	175:2,5	165:21 186:18	<b>inappropriate</b>
51:10 64:8,11,15	200:12,15 201:19	<b>homes</b> 163:21	189:5,18 211:12	170:1 178:3 183:9
64:18 65:4,13,16	201:22 202:4,6,8	172:18 173:3,11	<b>husband's</b> 213:10	188:15
65:19,21 66:4,8	202:11,17,21	239:21		<b>include</b> 22:22
66:15 67:3 68:1,4	203:2,8 206:5,16	<b>honest</b> 57:1 72:7	<b>I</b>	23:18,20 183:2
68:8,16 69:5,9	206:21 207:2,6,21	87:8,15 209:17	<b>idea</b> 11:6 18:12	185:20
70:2,7,12 71:15	208:22 210:21	<b>honestly</b> 58:19,21	115:10 199:6	<b>included</b> 35:9
72:5,17 73:1,4,11	211:1,5,9,15,21	<b>hope</b> 133:14 178:9	234:20	<b>includes</b> 23:16
74:13,17 75:2,8	212:8 214:10	<b>hopefully</b> 24:1	<b>ideas</b> 157:9	78:12 115:15
75:17,22 76:5,9	215:4,7,9 216:6	125:18	<b>identification</b>	161:8 219:20
76:16,21 77:3,8	216:15 217:8,12	<b>hotel</b> 150:15	119:16 245:22	237:18
77:13 78:3,9,12	218:22 220:22	<b>hour</b> 23:15 59:6	248:7	<b>including</b> 161:12
78:16,22 79:11,17	221:11,15 224:18	62:18 208:9 230:5	<b>identified</b> 6:13,16	<b>income</b> 127:11
79:22 80:5,8,13	225:21 226:1	260:11	6:19 8:7 9:13	136:10
80:19 81:19 82:7	229:10 231:10,12	<b>hours</b> 42:11 44:12	13:7 116:18,19	<b>incorporated</b> 186:4
82:10,14,22 83:12	232:19 237:1	50:13 62:19 80:9	245:7	<b>increase</b> 136:13
83:17,21 84:8,11	243:5,7,10,12,16	89:12 90:1,3,9	<b>identify</b> 8:8,17,21	157:11,15
84:21 85:6,10,15	243:22 244:3,7	125:21 126:4,10	32:2 115:15 119:9	<b>increasing</b> 136:18
85:19,22 86:7,15	245:1,3,6,10,15	126:15,16 127:22	119:10 215:10	<b>incredibly</b> 22:10
86:19 87:13 88:2	245:19 246:14	129:2,19 130:10	243:19	<b>indicated</b> 100:10
88:6,9 96:13 97:4	248:4,20 249:4,8	130:11,12,12,18	<b>identifying</b> 37:16	161:14
97:10,13,16,21	249:21 251:12	130:19 136:14	<b>Illeana</b> 1:23 37:9	<b>indicating</b> 194:6
98:6,14 105:7,11	256:2,7,11,22	138:19 151:20	37:19	<b>indoor</b> 40:17
105:13,17 107:13	257:8 258:7	152:13,15 155:17	<b>illegal</b> 177:16 179:3	220:10 226:6
107:16,18 109:15	<b>high</b> 168:21,22	156:2 167:1,21	<b>imagination</b> 213:15	237:9 238:22
109:22 114:17	<b>highlights</b> 38:4	168:5 169:5,5,20	<b>immediate</b> 101:12	<b>indoors</b> 203:14
115:5,9,12 119:7	<b>highly</b> 110:17	194:16,16,22	<b>immediately</b>	237:8
122:16 123:4,8,11	185:13	204:7 222:19	170:13 171:8,21	<b>Industrial</b> 10:15

15:22 16:1 <b>inexperience</b> 35:21 <b>informal</b> 165:8 <b>informally</b> 166:22 <b>information</b> 12:22 17:15 19:7 46:12 46:19 103:7 105:18,22 122:20 172:10,12 174:13 176:5 <b>informed</b> 186:12 <b>inside</b> 122:12 126:20 127:6 152:3 162:7 164:6 205:5 207:12,18 207:18 216:20,21 227:6 228:8 237:15 241:4,7 244:18 <b>inspection</b> 37:20 <b>install</b> 220:2 <b>installed</b> 221:4 <b>intend</b> 125:13 <b>intending</b> 126:10 <b>intention</b> 135:16 <b>intentionally</b> 141:7 <b>interest</b> 142:16 194:11 <b>interested</b> 224:8,17 254:19 <b>Internet</b> 157:19,20 158:4 <b>interrupt</b> 74:6 122:17 138:16 143:11 199:11 240:16 <b>interrupted</b> 206:22 <b>interview</b> 38:20 39:20 <b>interviews</b> 50:19 <b>introduced</b> 168:20 169:8 <b>introduction</b> 160:8 <b>introductions</b> 2:13 <b>investigate</b> 38:11 50:18 <b>investigation</b> 38:5	40:3 <b>investigations</b> 37:20 <b>Investigator</b> 1:23 29:10,12,14 30:5 30:6 37:7,9,14,18 37:22 38:7,10 43:10,21,22 44:7 44:16,20 45:5,10 45:22 46:4,8,16 46:20 47:3,19 48:1,8,13,21 49:2 49:7,13,19 50:5,9 50:15,22 51:20 226:16 <b>Investigator's</b> 34:22 <b>Investigators</b> 43:1 <b>investment</b> 221:9 <b>invitation</b> 162:12 <b>invite</b> 189:9 190:2 <b>inviting</b> 162:3 <b>invoking</b> 25:1 <b>involved</b> 70:3,5,6 <b>involvement</b> 130:15 <b>involves</b> 222:6 <b>issuance</b> 38:18 164:13 188:16 217:13 <b>issue</b> 6:17 24:7 50:12 108:22 111:2 116:6 143:13 156:15 217:9 220:7 258:4 260:8 <b>issued</b> 144:19 <b>issues</b> 23:10 38:6 38:16 39:3,11,11 42:18 44:18 94:4 219:2 221:19 226:2 254:15 <b>item</b> 187:4 <b>items</b> 78:1 81:17,17 <b>ixnay</b> 178:11	<b>J</b> 164:14 <b>J-O-H-N</b> 103:11 <b>James</b> 159:17 160:3 162:1 <b>January</b> 43:12 <b>jazz</b> 129:10 140:13 <b>Jeff</b> 115:14,16 118:10 <b>Jelks</b> 115:14 <b>Jilani</b> 12:14 13:22 91:3,6 103:15 221:18 <b>Jim</b> 183:7 <b>job</b> 84:6 226:19 <b>John</b> 12:14 13:10 13:22 14:10 18:16 102:17,22 103:7,8 103:9,10,11 <b>join</b> 56:17 <b>Joseph</b> 198:18 <b>judgment</b> 101:14 <b>judicial</b> 246:19 248:2 <b>July</b> 134:13 161:22 162:5,18 186:3,14 223:1,10 <b>juncture</b> 17:9 <b>June</b> 225:16 <b>jurisdiction</b> 46:1	11:19,21 13:11 16:19 18:13,13,16 19:3 21:3,5 23:11 31:14 38:5 44:13 45:11,21 47:4 51:15 52:8,9,13 55:10 56:16 57:5 57:13 58:4,11,16 58:17,19,21 60:7 60:13 61:21 62:13 62:16 63:7 66:6 71:12 74:7 79:3,5 79:8,12,17,20 80:1,3,8,11,15 85:2,13,13,18 86:5 88:20 92:14 92:16 95:20 97:2 100:17 103:16 106:2,12,17 111:9 111:10,16 113:13 115:9,18,18,19 116:2 117:7,16,17 117:21 118:16,21 118:22 119:1 121:7 122:1,2,5 125:4,5,6,15 127:15,16 128:2,3 128:4 129:20 130:16 131:20 133:11 138:22 139:9,13,19 143:5 145:8,12 147:15 148:3,4,5,10,13 148:13 149:9 151:5 152:10 153:22 154:13 156:15 160:7 165:8 166:18,21 167:5 168:11 169:4,7,9,18 170:3,16,21 171:4 171:10 172:11 173:20 174:3 175:6 176:4 178:8 178:11,12 179:4 179:11,14,16 180:2,7 181:15	193:21 197:15 204:9,17,18,19 205:21,22 208:1 210:6 214:21 215:4 216:19,21 217:15 218:9,15 220:4 222:4,5,6 223:19 224:9,11 224:14,15,16 227:17 232:12 233:2 234:12,14 234:21,22 235:1 235:15,17 236:8 237:17 238:1,13 238:18 242:21 245:1,3,9,14 248:20 251:2 253:12 254:15 255:12,13 257:4 <b>knowing</b> 190:3 <b>knowledge</b> 168:19 <b>known</b> 92:12,16,18 <b>knows</b> 111:11,13 117:12 222:7
				<b>L</b>
				<b>labeled</b> 113:20 <b>lack</b> 225:2 226:3 <b>Ladies</b> 198:2 <b>lady</b> 62:1 <b>laid</b> 169:5 <b>landlord</b> 130:3 144:19,19 145:3 152:8 253:16 <b>language</b> 190:1,9 190:11,20 214:17 <b>late</b> 50:21 59:6,10 62:17 63:7,8,16 63:18 80:6 91:16 136:22 137:6,21 138:2,4,14 139:3 155:17 196:19 209:11 217:2 218:6 226:15 230:5 240:2,3 241:21 254:2,5 <b>law</b> 255:11,19

260:8	29:21 31:18 35:2	<b>limited</b> 203:14	145:13,14 185:12	216:3
<b>laws</b> 139:19	35:14,22 38:13,18	216:11 252:17	186:9 190:1,8	<b>location</b> 67:21
<b>lawyer</b> 31:14 33:3	39:19 41:22 45:12	<b>line</b> 73:9 192:8	196:19 201:15	124:19 134:9
52:8 132:1	45:15 48:16 49:16	<b>liquor</b> 35:2,11	203:6 212:7 214:2	155:5 162:2
<b>laying</b> 86:8	49:20 56:5 61:5	46:15 48:12,14,17	214:11,12,22	188:15 215:13
<b>layout</b> 34:21 80:15	61:15 70:22 72:2	48:17 49:22 68:9	215:14 217:22	219:3 251:18
<b>lead</b> 46:13,19 56:19	79:8,10 86:13	69:16 72:1 79:4	244:21	<b>locations</b> 216:10
68:13,15 69:14,16	87:12 88:22 95:3	81:7 82:20 93:18	<b>live</b> 34:18 52:18	<b>lock</b> 129:3
69:21 130:3	99:14 101:8	94:13 101:8	57:6 64:11,13	<b>loitering</b> 43:7
<b>Leading</b> 70:13	116:11,12 122:13	126:22 136:9,13	65:5,14 67:12	<b>long</b> 63:22 92:1,8
<b>learned</b> 79:1 221:6	123:22 124:7	139:10 142:9,18	93:13 104:6,8,17	92:11,17 138:22
223:6	125:10,17,21	142:21 148:18	104:18 110:8	155:14 164:21
<b>lease</b> 124:1	126:2 136:9,13,20	151:7 152:3 154:6	111:6 117:10,12	211:5 237:8
<b>leave</b> 26:2,15 27:3	139:12,15 142:9	154:9 162:15	117:18 118:9,16	<b>longer</b> 162:12
28:21 29:3 71:20	142:18,21 145:16	163:18 164:6	129:7,9 130:19	219:11
181:17 205:11	146:5,14,15,22	168:18,19 203:4	141:18 150:9,18	<b>look</b> 45:11 66:1
<b>left</b> 36:13	147:2 148:11	204:5,22 205:1,11	150:19,20,22	71:18 72:19 93:9
<b>legal</b> 178:9 179:7	149:2 162:15,17	205:12 217:13	161:8 163:13	95:20 97:5 108:10
255:18 259:1	163:1,17 164:2,13	222:3,9,14 234:13	165:22 171:7,12	133:4,7 137:8
<b>legality</b> 178:4,6,20	166:10 168:18	237:19 238:6	173:8,10,21	149:12 213:13
178:21 179:3	177:17 186:12,21	239:19 254:1,7	179:18 202:22	222:2,11 249:14
<b>legislative</b> 160:15	187:17 188:16	<b>liquor-serving</b>	211:9,11 252:1	251:7 252:8,9
160:20	191:14 193:22	138:10	253:19	<b>looked</b> 135:12
<b>legislators</b> 160:19	203:4 205:1,11	<b>liquoring</b> 208:12	<b>lived</b> 15:14 92:2	220:13,14
<b>length</b> 6:4 254:15	217:13 218:16,17	<b>liquoring</b> 208:12	211:6	<b>looking</b> 67:7 91:1
<b>let's</b> 13:3 33:12	219:2 222:4,10,15	<b>list</b> 78:1 83:4 84:17	<b>lively</b> 125:1	115:6 136:17
37:6 53:2 66:17	222:18 223:4,8	84:18 110:11	<b>lives</b> 10:10,12	137:21 180:3
74:13 159:4	224:3 226:13	170:16 174:2,14	15:15,16 18:13	192:2,3 201:22
171:18,19 195:2	234:7,13 237:2,18	222:13,17	36:3 85:11,14,18	212:17 213:5
214:5	238:6 239:1	<b>listed</b> 16:6,8 76:17	86:6 143:14	233:5 249:6
<b>letter</b> 52:16 55:11	250:21 254:1,7	76:20,22 77:2,21	192:19 196:2	252:20
74:9 94:19 95:8,9	<b>licensed</b> 147:22	78:6 105:21	253:20	<b>looks</b> 72:16 199:7
95:9,13,20 96:15	187:11	122:19 147:9,16	<b>living</b> 10:10 20:20	200:13
96:16 97:7,10,13	<b>licensed-ABC</b>	147:19 148:2,17	21:14 36:3 151:3	<b>lot</b> 2:5 23:21 54:21
97:17 98:7 106:18	37:20	175:13,13 176:10	173:18 188:10,12	54:21 57:5 60:1,2
109:14 119:10,11	<b>licensee</b> 35:20,20	<b>listen</b> 169:20	204:14 212:16	61:19 62:2,17
119:12 144:16	42:10,11 53:20	230:17,20 231:7	213:6	63:7,17,18 67:8
161:3 162:1	103:1 121:15	231:15	<b>LLC</b> 1:6 145:20	69:16,18 70:18
170:11 186:5,10	123:9,19,19,20	<b>listened</b> 166:11	147:8 148:18	71:1 72:6,16,19
187:8 249:16	<b>licenses</b> 68:9 69:17	<b>Listserv</b> 161:18	259:3	93:15 100:4
<b>letters</b> 33:15	81:7 82:20 124:11	<b>listservs</b> 81:8 83:5	<b>Llewyns</b> 11:14	101:12 109:5
106:18,21 108:13	178:16 221:20	<b>literally</b> 58:20	<b>located</b> 2:9 40:8,16	118:22 152:6
<b>level</b> 140:16,22	222:14	64:10	41:9 42:21 50:6	200:21 204:11
164:1 187:15	<b>life</b> 187:13 205:15	<b>little</b> 8:19 59:11	122:9 161:13	205:8 241:19
220:12	205:16	67:6 113:21	163:6,10 173:11	<b>lots</b> 254:5
<b>liable</b> 207:11,13,15	<b>light</b> 237:20	125:22 136:15,16	173:13 187:21	<b>loud</b> 34:12 203:18
<b>license</b> 1:9 2:10	<b>limit</b> 226:5,6	136:17 137:17	188:6 215:17	204:10,12 227:21

237:14	<b>massive</b> 221:8	38:12 39:5,9,13	258:21 259:4,7	172:6,15,21 173:1
<b>loudly</b> 237:12	<b>matter</b> 1:5 19:19	39:15 40:7,13	<b>meets</b> 164:4	173:7 174:12,16
<b>Love</b> 201:1	50:18 61:22 99:10	41:1,7,12 64:12	<b>member</b> 1:19,20,21	174:21 175:4,9,11
<b>loves</b> 55:22	102:4 163:22	64:20 65:6,7,16	10:10 12:4,11,12	175:16,18,21
<b>low</b> 221:8 252:17	187:14 245:7	76:11,12,17,21	18:18 23:3 24:10	176:7,11,14,18,21
<b>lowest</b> 160:15	260:15	78:5,13 79:2,3	24:16 26:1 27:5,7	177:3,6,9,13,21
<b>lunch</b> 54:21 59:8	<b>matters</b> 6:3 20:18	82:17,19 85:12	27:9,13,16,19	178:2,15,19 179:2
137:3 214:20	149:14,17 168:14	86:2 122:9 135:3	28:1,5,10,13 29:6	179:5,8,13,16,21
218:1	<b>Matthew</b> 3:16	135:5 145:19	29:11 32:8 33:5	180:3,6,9,15,19
<b>lunchtime</b> 59:6	38:20 159:17	162:2,14,20 163:1	34:1,9 43:20 44:2	183:5,19 189:13
217:18,21	160:3 162:1	186:6,13 187:1	44:13,18,21 45:1	191:5 192:13,15
	164:14	188:22 196:3	45:5,20 46:2,6,9	192:16,19 193:14
<b>M</b>	<b>maximum</b> 23:15	199:20 203:4	53:9 57:14 65:1	193:19 194:3,5,20
<b>M</b> 243:14 244:1	<b>meals</b> 205:8,9,19	212:19 214:4,18	65:11 66:10,20	195:6,9 196:8
245:19,20 246:9	217:4	215:13,16 216:2	69:14,20 70:10,15	197:14,17 206:13
<b>M-A-T-T-H</b> 3:16	<b>mean</b> 5:14 23:17	216:16 217:6	71:21 87:5 88:12	209:6,8,14,18,21
<b>M-O-R-E</b> 146:2	26:15 29:22 79:16	222:2 223:7	88:17,21 89:3,6	222:22 233:17,21
<b>machine</b> 225:12	88:20 95:6 103:17	251:20,22 259:3	89:10,17,21 90:4	234:1,4 235:3,8
<b>Madam</b> 19:14 38:7	107:4,8 109:7,8	<b>Mediterranean-s...</b>	90:10,18,21 91:7	235:22 236:5,10
112:3 114:17	115:5,20 116:22	41:8,11	91:12,18 92:1,4,8	236:12,16,19
118:1 154:21	119:1 130:1 145:5	<b>meet</b> 41:6 43:11	92:11,17,22 93:10	238:14 239:3,8,14
<b>mailed</b> 111:8	153:17 158:11	67:20 160:17	93:16 94:6,10,16	239:22 240:6,13
<b>main</b> 32:19	167:5 169:17	161:1,15	96:22 97:8 98:10	240:15 241:8
<b>majored</b> 214:16	172:10,16 176:12	<b>meeting</b> 1:3 55:9	101:6,11,15	244:5 248:15,16
<b>majority</b> 73:6,19	176:13 190:2	55:10,13,14 57:17	107:21 109:10	256:5,8,12 258:15
136:22	196:3 201:13	57:20 58:1,11	111:5 112:3,6,9	259:9,10,16,18,22
<b>making</b> 35:2 39:18	203:19 208:13	63:12 74:10 75:6	112:12,15,19	<b>members</b> 34:1
109:17 152:9	216:6 224:11,20	75:15 76:8,10,10	113:3,6,10,16,19	52:16,17 181:19
<b>manage</b> 124:12	235:4,5 237:19	76:15,18 81:3,10	114:1,4,9,13,19	181:20 182:2,15
138:12	244:11 246:20	81:22 82:6,21	115:1 116:21	182:17,18,19
<b>management</b> 127:7	249:9 256:16	83:14 84:20 85:3	117:3,9,12 118:1	183:3 186:20
<b>manager</b> 10:15	<b>meaning</b> 120:15	85:16,18,20 86:3	118:3,4,8 120:4	187:10 189:15
15:22 138:9	<b>means</b> 173:10	86:5,8 87:2,8,19	123:1,5 132:16	209:5
<b>managing</b> 131:10	216:7 255:12	91:2 103:20	134:1,4,7 137:10	<b>membership</b>
<b>map</b> 65:14 66:9,14	<b>measured</b> 66:18	117:14 130:11	144:1,6,8 145:4	182:17 187:5
66:21 67:7 215:13	<b>mediate</b> 56:11,12	162:20,21 170:18	145:11,21 146:1,3	190:7
246:15,16,17	59:1 87:2 126:11	171:7 180:13	146:7,11,16,20	<b>mention</b> 86:5
248:1	152:15 229:9	181:6,9,13 186:15	147:1,6,12,15,18	157:14
<b>marathon</b> 226:19	<b>mediated</b> 87:20	186:18 187:3	148:1,8,12,15,21	<b>mentioned</b> 36:20
<b>Marcus</b> 115:13	<b>mediation</b> 169:22	192:6 222:10,11	149:14,16 150:1,6	47:16 50:11
<b>Mark</b> 4:11,21	220:9 227:14,18	222:13,20,20	150:17 151:6,10	105:20 157:7
195:22 211:12	228:21 229:17,19	223:2,18,21	151:15 152:17	240:9
227:14	231:14	258:13,22 260:5	153:1,7,11,15	<b>menu</b> 47:20 48:4
<b>marked</b> 119:16	<b>mediations</b> 169:11	<b>meetings</b> 54:21,22	154:5,10,20	<b>Meridian</b> 3:18
215:10 245:22	<b>Mediterranean</b> 1:6	55:1 57:5,19 59:9	160:12 165:10,12	27:20 39:1 58:4
248:7	1:7 2:7,8 3:13	59:11,15 63:18,22	170:9 171:1,4,14	75:12 161:5,18
<b>Marshall</b> 186:19	5:15 34:7,15	161:2,16 162:4,10	171:17,20 172:1,4	163:3 164:12,14

<b>merit</b> 68:11	15:14,19 16:2,7	114:16,21 115:3,8	232:10,20,22	<b>month</b> 161:16
<b>merits</b> 68:22	16:11,13,16 17:1	115:11 116:4,7,16	233:12,15,19	<b>months</b> 57:13
<b>met</b> 1:14 101:11	17:6,11,21 18:15	118:2,7,12 119:8	234:3 235:20	160:10,13 201:6
165:19 170:21	18:19 19:2,16,20	119:19,22 120:6	236:2,6,11 238:9	209:9 225:14
223:1	20:5,8,12,14 21:7	120:16,22 121:2,7	238:12,15,18	245:15
<b>Meter</b> 3:21,21	21:16,19 22:9,16	121:10,21 122:21	239:2,5 240:22	<b>moratorium</b> 93:5
198:2,3,7,9,17,18	23:2,5 24:22 25:3	123:3,12,16 124:2	241:10,14 242:4,8	<b>Morgan</b> 241:19
198:18,19,22	25:6,14,17,21	124:4,14 131:2,5	243:1,5,8,11,15	<b>morning</b> 126:2
199:3,12,16,22	26:3,5,11,17,21	131:11 132:6,8,11	243:18 244:2,9,22	130:13 165:1
200:4,8,11,13,16	27:6,8,11 28:12	132:14 133:9,16	245:5,8,11,16,20	167:19 217:7
201:4 202:2,5,7	28:14,19 29:9,13	133:19 134:17	246:4,16 247:1,5	218:7,8,12
202:10,13,19	30:18 31:10,13,21	138:15 139:6	247:8,11,13,17,20	<b>motion</b> 91:3,6
203:1,5,10 206:7	32:1,6 33:4,9 34:3	143:5,10,20 144:2	248:5,10,18,22	101:7 259:12,13
206:11,15,19	34:13 36:7,12,17	144:7,21 149:21	249:5,11 250:1	260:2
207:1,4,8,22	36:20 37:1,5,15	154:22 155:8,10	251:9,11 255:6,15	<b>move</b> 11:5 21:15
208:16,19 209:12	38:3,9 43:18 45:3	155:13,16,20	255:22 256:4,10	22:12 24:3,16
209:15,20 210:4,8	46:10,18,22 47:6	156:1,4,10,14,20	256:15 257:2,9	97:9 98:10 132:13
<b>Meter's</b> 237:7	47:12 51:2,8,12	157:1,5 158:20	258:8,11,16	133:1 143:18
<b>MHNA</b> 162:4,21	51:18,22 52:2,6	159:2,7,12,15,22	259:11,17,19,19	152:18,19 153:3,5
<b>Michael</b> 198:3,9,18	52:20 53:2,5,7,10	160:4 161:4	260:1	153:12 154:16
<b>microphone</b> 2:17	53:13 54:2,8,11	164:16 165:14,17	<b>mine</b> 150:16	157:7 158:16
15:4 34:14 198:21	54:17 59:3 61:6,8	167:7,10,13,16	<b>minus</b> 220:16	204:17 232:21
<b>middle</b> 30:14	61:11 62:4,10	169:12,16 170:6	<b>minute</b> 193:13	244:3 258:22
214:16	64:5 66:13,16	177:1,4 180:21	198:5 260:12	<b>moved</b> 31:2 88:1
<b>midnight</b> 60:19	67:2,4,10 73:8,17	181:2,8,12,20	<b>minutes</b> 36:13 91:2	201:7 214:18
126:3,10 130:14	74:4,11,14 77:6,9	182:1,5,7,10,14	<b>missed</b> 73:21	225:11
165:1 166:2,9	85:4,7 88:7,10	182:20,22 183:4,6	<b>mistaken</b> 5:8	<b>moving</b> 100:20
167:21 168:6	89:8 94:18,22	183:12,15 184:1,4	<b>mistakes</b> 141:2	119:8
203:13 218:17	95:5,12,17,19	184:9,12,15,17,20	<b>mixed-use</b> 40:10	<b>MPD</b> 43:9,13
230:11	96:3,8,11,14 97:2	185:5,16 188:17	<b>modification</b>	129:15
<b>Migration</b> 39:13	97:6,11,14,18,20	190:12,15,17,22	125:14	<b>music</b> 129:8,9
<b>mike</b> 1:21 4:3,15	98:1,8,11,15 99:1	191:3,7,20,22	<b>Mohammed</b> 3:4	130:19 140:11,13
198:17 219:11	99:8 100:14 101:3	192:11,21 193:6,8	41:6 121:14 122:7	141:5,8,19 142:7
<b>mile</b> 64:11,15	101:17,21 102:10	193:12 194:2	165:3 227:10	165:22 203:14,17
<b>Miller</b> 1:15,19 2:3	102:15,19 103:5,9	195:11,14,18	<b>mom-and-pop</b>	203:22 220:10,11
2:16,21 3:2,6,8,11	103:12,16 104:1,4	196:7,12,16,22	55:22	227:3,10,21
3:20 4:1,17,20,22	104:8,11,13,16,20	197:8,12,15,20	<b>mom-n</b> 201:6	228:21 237:9,12
5:3,6,12,20 6:1,8	105:4,9,12,16	198:4,14,20 199:1	<b>mom-n-pop</b> 201:10	237:14,16
6:12,15 7:2,4,7,11	106:1,16,20 107:1	201:3,17,21 206:9	203:15	
7:15,19 8:1,5,11	107:5,17,20 108:1	206:18 208:14,17	<b>moment</b> 181:18	<b>N</b>
8:16 9:3,7,12,18	108:5,8,12,17,21	208:20 209:1,4,7	<b>Monday</b> 43:9	<b>N.W</b> 1:15 2:9 40:16
9:21 10:3,7,12,16	109:13,19 110:2	210:1,5,10,18	<b>money</b> 35:3 61:14	42:16 43:8,12
10:19,21 11:2,9	110:12,15,18	214:8 224:4 225:5	201:8,16 238:5	122:10 161:11,12
11:13,22 12:6,10	111:1,11,14,19	225:8 226:21	<b>monitor</b> 44:10	162:3,8,9 163:11
12:17 13:1,13,18	112:4,7,11,14,18	229:1,5,14,18,21	<b>monitored</b> 42:15	185:19 188:7
14:5,8,12,15,19	113:1,5,9,15,18	230:3,9,12,19	<b>monitoring</b> 42:22	199:4 211:4
14:22 15:3,6,10	113:22 114:3,8,11	231:1,11,13,22	43:6	<b>name</b> 3:16 6:21 7:9

12:5,7,9,13 13:15 15:5,8,8 22:14 37:19 54:13 102:16,17 103:6 122:5,7 124:9,9 124:10 135:7 146:9,22 147:5 149:11,12 160:1,2 179:17,20 184:16 185:9 211:2 <b>names</b> 11:7,19,20 13:19 139:12,13 172:13 <b>nasty</b> 201:13 <b>nature</b> 251:18 <b>near</b> 24:1 67:11,12 <b>nearby</b> 115:16 118:9 233:7 <b>nearly</b> 166:15 <b>necessarily</b> 258:17 <b>necessary</b> 256:1 <b>need</b> 4:3 8:6 22:12 23:6 66:22 89:5 105:6 107:6 123:7 125:15 136:9 139:3 141:15,21 142:21 143:15,16 144:14 145:2,7 166:4 189:5,15 193:17 206:9 226:19 234:8 236:20 237:15,18 238:1,7 247:5,7 247:16 249:1 252:8,9 <b>needed</b> 26:20 33:20 151:14 <b>needs</b> 26:15 29:3 115:21 222:1 <b>negative</b> 164:9 187:13 251:14 <b>negatively</b> 36:1 <b>negotiate</b> 226:5 <b>negotiating</b> 236:17 <b>negotiations</b> 89:18 169:11,13 <b>neighbor</b> 71:5	153:9 203:7 206:2 219:11 <b>neighbor's</b> 246:1 247:22 248:8 <b>neighborhood</b> 3:18 10:9,11 15:17 30:21 33:16,17 34:1 39:1 40:5,14 40:15 42:9 58:6 75:12,21 92:5,7 93:3,19 101:9 104:7,9 106:8,11 111:6 122:14 124:18 127:1,13 127:17 128:21 132:13 161:6,7 163:3 164:12,15 166:8 186:2 201:12 221:21,22 225:19 232:6,16 237:14 254:12 <b>neighbors</b> 42:7 93:15 130:15 132:22 150:2,21 151:16 155:21 193:1 216:1 219:9 226:12 232:3 233:3 246:12,12 251:1 <b>neither</b> 105:18 162:18 <b>never</b> 19:21 21:11 35:10,12 57:9,16 60:15 125:3 136:7 142:2,3,6,8,12 146:18 148:6,9,10 148:10 157:16 167:4 189:7 205:14,16 228:19 232:4 248:17 254:17 255:1 <b>new</b> 1:10 2:11 31:19 32:2,4 38:18 41:22 88:18 88:21 116:13,16 116:17 142:14 162:14 179:11	222:16 258:5 <b>nice</b> 61:7 217:4 <b>NICK</b> 1:19 <b>night</b> 50:21 136:22 137:6,21 138:14 139:3 165:22 209:11 217:2 218:6 226:15,18 226:20 241:21 254:5 <b>nights</b> 138:4 218:10 <b>noise</b> 39:3 59:17 150:4 204:1 206:3 206:5,21 207:5 217:8 219:16 220:7 221:19 224:21 226:5,12 227:3,5 230:2 241:2,3,15,15 <b>noises</b> 39:18 206:12 206:15 <b>noisy</b> 217:1 220:20 227:11 <b>non-ANC</b> 17:16 <b>non-voting</b> 192:14 192:18 <b>noon</b> 217:22 <b>normal</b> 56:20 87:3 87:11 <b>normally</b> 61:18 69:13 81:1 140:13 <b>Norman</b> 6:18 9:16 9:18 11:11 14:13 14:14,16,17,19,21 14:22 53:4,6,8,9 53:10,19 54:13,14 54:18 59:7,20 60:20 61:2,17 62:15,21 63:4 64:10,13,17,22 65:8,15,18,20 66:1,6,18 67:5,14 68:3,6,10,20 69:7 69:12 70:4,17 71:17 72:6,18 73:2 74:2,7,22	75:3,10,19 76:2,7 76:14,19 77:1,10 77:15 78:4,11,14 78:21 79:7,14,20 80:3,7,11,14,22 81:20 82:9,12,18 83:2,13,18,22 84:9,14,22 85:13 85:17,21 86:4,11 86:18 87:1,14 88:4,13,16,19 89:2,4,11,13,20 90:2,6,12,19 91:5 91:9,14,21 92:3,6 92:10,13,20 93:4 93:12,21 94:7,14 94:19,21 95:4,11 95:15,18 96:1 99:21 100:13 101:10,19 218:2 <b>Norman's</b> 254:20 <b>north</b> 65:11 161:11 185:19 216:2 <b>notches</b> 203:22 204:21 <b>note</b> 45:8 203:6 <b>noted</b> 43:1 162:16 223:17 <b>notice</b> 8:12,19 19:4 23:12 77:20 84:13 84:15 97:1,9 105:22 109:4,6 110:1 112:16 186:6,10 191:17 246:19 248:2 254:17 260:4 <b>noticed</b> 60:15 85:2 209:10 225:16 <b>notified</b> 86:12 <b>noting</b> 113:12 <b>number</b> 46:3 55:6 60:21 71:13 157:9 222:18 253:10 <b>numerous</b> 187:19 218:21 226:9 <b>NW</b> 1:8	<b>O</b> <b>oath</b> 33:11 120:19 122:3 <b>object</b> 55:17 105:14,15 122:18 123:17 <b>objected</b> 58:5,6 75:13 <b>objection</b> 7:16,20 17:10,12,14 18:6 18:9 26:12 57:9 66:21 67:1 68:13 75:20 83:7 96:12 96:20 97:3 98:3 99:19 102:12 107:13,16 108:9 109:14,21 110:4 116:22 118:5 119:4,7 123:14 124:15 204:4 229:10 231:10 232:19,19 244:10 244:13 246:20 248:19 <b>objectionable</b> 110:17 <b>objections</b> 17:19 23:9 58:8,10,10 75:14 114:14 <b>obligated</b> 21:21 30:1 <b>observation</b> 218:20 <b>observe</b> 242:14 <b>observed</b> 93:22 <b>obstacles</b> 251:5 <b>obtaining</b> 142:18 <b>obvious</b> 172:16 <b>obviously</b> 25:9 69:17 196:18 224:13 251:12 <b>occasions</b> 71:14 <b>occupancy</b> 40:18 40:19 <b>occur</b> 39:4 <b>October</b> 1:12 5:11 40:4 41:5 42:17 43:9,13 94:20
---	--	--	---	--

96:15 98:9 222:21 <b>off-line</b> 77:16 <b>off-premise</b> 49:22 <b>offer</b> 36:4 152:22 153:12 157:21 158:1,5 <b>offered</b> 41:12 89:11 133:1 152:19 158:2,7 <b>offers</b> 41:13 <b>office</b> 54:19 128:13 183:8 213:10 215:15 246:18 <b>officer</b> 3:17 <b>offices</b> 65:2 216:13 <b>official</b> 55:13 <b>officially</b> 68:14 70:5 <b>officials</b> 33:22 <b>oh</b> 3:15 10:3 12:17 16:18 20:5 29:13 32:1 53:13 59:7 62:9 95:15 98:11 98:15,19 104:1 105:6 114:8,16 116:1 129:16 144:2 182:20 183:6 184:19 189:7 197:8 198:7 199:16 245:5 247:5 249:17 <b>okay</b> 2:3,19 3:11,11 3:20 4:20 5:6,12 5:20,21 6:2 7:2,15 8:5,16 9:3,7,12,21 10:3,7,16 11:2,3,9 11:22 12:6,10 13:2,3 14:9 15:1 15:10,19 16:7,13 17:6,7,8,21 18:7 18:15,19 19:2,20 20:8,12 21:16 22:9 23:2 24:3,13 25:6,14 27:2,6,8 27:19 28:1,5,10 28:12,19 29:3,14 30:12,15,18 32:2	32:6 33:2,7 34:3 36:7,22,22 37:5 37:15 38:3,9 44:21 45:3,20 46:8,22 47:6,12 48:10 49:3,17 51:1,3,18,22 52:6 52:20 53:2,7,15 53:17 54:11,17 61:6,8,10 62:4,7 62:11 64:5,6 65:19 66:17 67:10 68:8,16 71:8 73:4 74:11,14,16 75:22 76:5,16,21 77:3 78:3,9,16 79:11 80:13 81:19 83:12 84:11,21 85:4,19 85:22 86:7 88:6 88:10 89:3,6,20 90:18,21 94:6,18 95:5,17,19 96:11 98:2,3,17 99:8 100:14 101:17,21 102:7,14,19 103:5 103:9,12,17 104:2 104:16,20 105:8 105:16 106:1,1,16 107:17 108:1,21 109:1 110:2,12 111:18 112:5,11 112:18 113:1,15 113:18 114:11,16 116:4,17 117:3 118:7,12 119:8,19 119:22 120:2,16 120:22 121:3,10 121:21 122:1,5,21 124:2,14 126:15 126:17 131:4,4,6 131:11 132:8,11 133:9,16,19 134:8 134:21 135:6,10 137:2 138:3 139:6 139:21 143:10 144:3,6,8,21 145:1,4,4,11,11	146:1 148:12 150:17 151:21 152:14 153:11 154:22 155:13,20 156:4 157:1,1,3,5 158:6 159:1,2,4,4 159:7,12,15,22 160:4 165:1,4,6 166:9 167:7,10,13 167:16 168:10 170:6 171:1,17 172:19 173:6 174:1 176:18 177:1 179:1,5 180:6,9,15 182:18 182:20 183:4,6,12 183:15,16 184:9 184:13,20 185:5 185:16 190:12,13 190:15,22 191:20 192:1,9,17,21 193:8,11 194:20 195:6,9,11,14 197:13,22 198:2 198:20,22 199:9 199:22,22,22 200:4,16 201:14 202:4,6,7,8,10,21 202:21 203:5,10 203:12,13 204:2 204:21 205:9 208:14,20 209:4,7 209:14,18 210:1,3 210:4,8,10,11,18 211:15,19,21 214:8 215:4 216:15 217:12 218:22 220:22 224:4 226:21 228:3 229:2,4,18 229:21 230:7,9,17 231:11,14,22 232:10,20,22 233:11,12,14 234:1,3 235:20,21 235:22 237:2 238:9,11 239:2,6	239:22 240:2,13 241:10,14 242:4,8 242:8 243:1,15,22 244:2,22 245:12 245:16,16,17 246:9,13,13,17,18 247:11,17 248:5 248:11 249:7,15 249:18 250:8 251:9 255:6,15,22 256:4 257:8,9,11 257:21 258:3,8 260:1,9,13 <b>Olive</b> 115:12 <b>on-premise</b> 49:15 <b>once</b> 28:22 70:20 71:9 73:2 81:17 99:14 108:10 125:16 208:12 214:21 <b>ones</b> 16:8 71:8 117:13 <b>open</b> 23:19 57:22 59:10 62:17 63:1 63:3,8 80:6 90:7 126:1,3 130:13 135:13 155:18,19 161:7 166:2 230:7 239:16 258:13,21 259:4,6 <b>opened</b> 134:14,22 135:11,15 155:6 221:2 <b>opening</b> 17:4 24:5 29:15,16 30:3,15 31:15 32:10 34:4 36:13 62:14 164:22 <b>operate</b> 93:9 225:12 239:18 <b>operates</b> 41:8 42:5 <b>operating</b> 168:5 <b>operation</b> 42:11 194:16 195:1 222:19 231:5 <b>operations</b> 216:17 <b>opinion</b> 46:12,17	113:12 240:4,8 <b>opportunity</b> 250:13 <b>opposed</b> 72:1,20 <b>opposing</b> 70:22 <b>opposition</b> 116:11 <b>order</b> 24:4 29:14 36:2 42:19 94:12 138:20 143:12 164:10 168:17 172:20 174:9 178:13 192:4 207:2 224:10 236:8 238:20 249:7,14 260:8 <b>orders</b> 49:12 139:18 140:2,3 <b>organization</b> 5:9 182:4 183:20 184:6 185:14 192:13 193:2 <b>organizational</b> 160:21 <b>original</b> 77:22 107:4 108:20 159:9 <b>ought</b> 108:2 <b>ourself</b> 133:12 <b>outdoor</b> 40:22 86:2 144:9,10 163:19 169:9 188:3 194:17 209:11 237:5 238:21 239:15 242:7 252:2 <b>outdoors</b> 90:11,13 90:15 <b>outline</b> 77:18 <b>outlined</b> 187:7 <b>outside</b> 43:7 53:12 106:8 122:12 126:14 127:22 128:5,7 130:20,20 144:18 151:21 152:1 164:6 192:19 196:1 205:4 207:17,21 208:10 216:20
---	--	--	---	---

217:2 242:22 244:18 252:18 253:1 <b>outstanding</b> 215:3 <b>oven</b> 136:3 221:4,5 221:9 225:3,9 <b>overhead</b> 31:6 <b>overlooking</b> 202:15 213:21 <b>overlooks</b> 212:12 213:8,13,15,19 240:12 <b>overrule</b> 233:1 <b>overruled</b> 122:22 124:15 <b>overruling</b> 123:13 <b>owned</b> 39:8 42:2 148:22 <b>owner</b> 2:22 3:5,9 4:9,12 5:19 33:12 39:7 41:6 58:17 84:2 123:21 124:6 138:9,12 146:12 147:9,13 148:17 149:4,6 224:15 225:1 228:19 253:15 <b>owners</b> 3:12 5:1,4 5:14,15 25:9,19 26:15 28:7 150:3 171:5 214:22 220:8 <b>owns</b> 145:17	<b>Palestine</b> 62:1 <b>paper</b> 21:4 137:8 189:1 <b>papers</b> 20:20,21,22 21:12 52:14 73:6 147:3,7,21 <b>paperwork</b> 21:18 <b>paragraph</b> 185:12 <b>Parascondola</b> 4:8,9 4:11,12 16:18,19 20:4 26:9 28:8,9 28:17 36:19 37:4 39:7,8 53:11 157:8 193:5 195:21 197:5 210:13,22 211:3,4 211:7,11,12,19,22 212:10 214:14 215:6,8,12 216:7 216:18 217:10,14 219:4 221:1,14,16 224:20 225:7,10 225:22 226:3 227:6,13,22 228:4 228:15 229:4 230:21 232:8,12 234:5,10 235:6,10 236:1,14,18,22 237:4 238:11,17 238:21 239:4,12 239:17 240:5,9,14 241:6,13,17 242:5 242:12,18 243:4 <b>Parascondolas</b> 4:16,19 34:19 252:1,5 254:13 <b>Pardon</b> 148:8 <b>parking</b> 43:5 <b>part</b> 10:2 32:19 49:12 70:5 78:22 123:21 124:6 127:9 133:13 136:19 137:14 147:9,13 149:4,5 150:11 152:7 169:6 177:10 193:2	<b>participation</b> 126:6 <b>particular</b> 70:22 72:21 82:6,21 <b>parties</b> 25:12,13 26:8 51:5 250:10 255:10,16 257:12 257:22 <b>parts</b> 7:13 <b>party</b> 25:7,8,10 28:15 29:3,5 51:14 63:14 168:13 194:19 <b>partying</b> 63:6 <b>partywall</b> 150:21 <b>passed</b> 91:13,15 199:14 260:2 <b>patio</b> 204:6 206:4,6 206:22 207:14 214:1 <b>patronizing</b> 39:4 <b>patrons</b> 39:4,17 217:3 239:11 <b>Paul</b> 57:8 <b>peace</b> 36:2 42:19 94:12 138:20 143:12 164:9 168:16 172:20 174:9 178:13 192:4 207:2 224:10 236:8 238:19 249:7,14 <b>peak</b> 204:7 <b>pedestrians</b> 241:21 <b>people</b> 2:5 9:1 11:7 11:19 13:9 20:19 20:20 21:13,14 25:12,12 30:20 34:18 52:18 60:5 60:8 63:6,8,14 80:17,18 105:21 110:7 111:9 115:10,15,18 116:2,10 117:7,10 117:15,17,19,21 118:6,16 119:1,2 122:12,12 125:4,5 125:10 126:8	127:13,16 133:4,5 136:5 137:20 141:8 142:4 150:3 150:9,18,22 151:3 166:19 167:19,20 169:21 170:21 173:1,3 174:15 175:13 179:18 180:13 181:5,9,11 181:14,15 182:11 182:13,13,21,22 183:10 189:4 196:2 201:7,11,14 204:16 205:4,5,8 205:17,21 207:17 208:10 209:10 217:17,20 218:1,9 228:9 236:13,17 237:10 242:2,6,15 242:16 250:4,4 253:18 254:5,9 257:10 260:9 <b>people's</b> 163:21 239:21 <b>percent</b> 56:14 69:8 127:16,17 146:11 148:17 150:12,13 160:22 181:18 238:8 <b>percentage</b> 126:21 128:2 137:9,12 152:2 <b>perform</b> 50:18 <b>performed</b> 73:13 <b>period</b> 42:22 44:8 <b>permit</b> 45:14 144:12,18 239:18 <b>permitted</b> 122:13 216:13 <b>person</b> 27:20 38:19 55:16 69:14,21 78:18 87:5 99:3 101:15 105:19 205:13 218:3 <b>person's</b> 26:6 <b>personal</b> 88:4 143:14	<b>personally</b> 57:12 58:14 60:2,15 68:13,14 92:13,16 111:9 117:17 125:8 161:22 226:17 233:9 <b>personnel</b> 42:15 <b>persons</b> 106:7 <b>persuasive</b> 118:15 <b>petty</b> 208:2,4 <b>phone</b> 39:22 <b>photographs</b> 244:1 244:11,12 <b>pick</b> 60:1 217:7 <b>picked</b> 152:5 <b>picture</b> 150:18 201:19 202:12 <b>pictures</b> 34:20 41:4 199:15,19 200:7 211:16,18 245:2 <b>PIF</b> 5:9,19,21 6:13 8:6,14 9:14 11:12 11:15 13:7 14:20 16:8 18:22 19:3 19:22 22:5 109:4 116:19 123:7 <b>PIFs</b> 22:2 109:5 <b>pizza</b> 35:10 41:14 47:17,18 48:3 135:17,19 136:1,3 136:6,19 221:3,5 <b>placarded</b> 238:4 <b>place</b> 14:3 30:22 56:1 60:12 63:5 63:12,20 91:19 94:3 103:13,21 123:22 124:1,7,12 124:12 125:15 127:10,14,21 128:17 138:5 151:4 156:19 162:5 201:8 215:3 217:4 218:12 220:2 222:21 238:7 <b>places</b> 63:8 222:1 <b>plan</b> 35:22 141:9
<b>P</b>				
<b>P-R-O-C-E-E-D-...</b> 2:1 <b>p.m</b> 2:2 102:8,9 162:11,11,18 217:22 260:16 <b>page</b> 215:21 <b>painting</b> 212:17 <b>Pal</b> 1:6,6 2:6 38:12 39:4,9 40:7,13 41:1,6,12 122:8 145:19 259:2 <b>palatable</b> 193:17				

186:20 187:2 234:12,20 252:10 <b>planned</b> 225:1 <b>planning</b> 225:3 226:4 228:6,6 <b>plans</b> 35:6,8 48:12 48:14 <b>plat</b> 215:17 <b>play</b> 140:11 193:16 220:11 228:21 237:14 <b>played</b> 203:14 <b>playing</b> 130:19 142:3 227:21 237:12 <b>please</b> 24:11 34:9 134:2 137:11 146:17 198:1 223:19 <b>Plenty</b> 43:5 <b>plus</b> 207:5 <b>point</b> 18:4 67:13 74:12 77:22 81:16 82:1 110:20 113:2 197:1 217:11 224:6 249:3 254:19 255:7 <b>pointing</b> 256:13 <b>policy</b> 163:22 164:4 168:14 174:8 187:14 <b>pop</b> 201:7 <b>posed</b> 43:14 <b>position</b> 55:13 74:3 85:1 95:14,16 98:12 107:14 208:15 239:15 <b>positions</b> 21:20 250:14 <b>positive</b> 181:16 <b>possibility</b> 39:17 <b>possible</b> 39:16 <b>potential</b> 35:20 42:10 86:17 <b>potentially</b> 115:16 157:10 <b>practical</b> 164:4	<b>precaution</b> 169:2 <b>precautionate</b> 169:1 <b>precedent</b> 253:3 <b>prefer</b> 99:2 239:19 <b>prefers</b> 51:9,13 <b>prejudice</b> 18:3,3,11 19:4,8 <b>prejudiced</b> 19:13 22:11 109:9 <b>preliminarily</b> 115:6 <b>preliminary</b> 6:3 24:6 77:16,17 81:1,2,14 103:6 <b>premise</b> 49:21 <b>premises</b> 163:17 <b>prepared</b> 36:15 <b>presence</b> 157:20 <b>present</b> 1:18,22 9:6 18:1 23:15 40:1 52:11,15 73:20 90:9 95:3 145:18 159:5 180:12 186:7 187:2,20 191:18 251:15 <b>presented</b> 19:6 81:4 111:7 <b>presenters</b> 181:17 <b>presenting</b> 120:10 <b>Presently</b> 209:9 <b>presents</b> 30:9,10 <b>preserve</b> 256:16 <b>president</b> 184:6 <b>presiding</b> 1:16 <b>pretty</b> 169:7 203:11 214:6 215:20 219:15 <b>prevented</b> 50:12 <b>previous</b> 95:8 214:6 <b>previously</b> 15:4 88:20 93:18 <b>primary</b> 218:19 <b>printed</b> 107:4 <b>prior</b> 58:16 <b>priorities</b> 166:13	193:20 194:8 <b>private</b> 188:5 <b>privilege</b> 35:13 <b>probability</b> 168:22 <b>probably</b> 51:11 53:11 92:7 117:19 137:7 144:16 150:14 217:16 242:1,16 <b>problem</b> 27:4 44:6 56:16 118:18 121:9 233:14 235:13 <b>problems</b> 44:19 59:18 93:19 94:3 94:11 195:1 251:3 <b>procedural</b> 17:12 19:19 99:9 224:1 258:15 <b>procedure</b> 18:21 24:4 29:14 56:21 87:3 100:18 <b>proceed</b> 23:6 52:10 69:4 99:15 100:5 100:10 <b>proceeding</b> 24:20 106:5 <b>process</b> 58:18 73:16 92:14 99:15 99:20 100:11 167:12 168:14 169:7,22 174:4 186:10 <b>professional</b> 132:1 139:16,22 228:10 <b>profits</b> 157:11 <b>project</b> 228:11 <b>projecting</b> 212:11 213:7,12,19 <b>projects</b> 63:17 <b>proliferation</b> 221:20 <b>promised</b> 167:4 <b>properly</b> 254:17 <b>properties</b> 174:18 179:18 216:9 <b>property</b> 4:9,12	28:6 35:16 39:7,9 39:14,16 127:9 150:3 163:14 164:2 171:5 173:8 173:9,22 177:11 177:14 187:17 188:11 224:15 244:17,18,20 253:15 <b>proposal</b> 151:19 229:17 <b>proposed</b> 43:3 90:9 252:12 253:9 255:10 257:7 260:7 <b>proposing</b> 89:22 231:19 <b>proposition</b> 35:3 <b>propped</b> 212:21 <b>protect</b> 236:8 238:19 <b>protest</b> 1:6 2:4,11 17:15 38:11,15 68:9,15 69:1,1,4 69:10,21 70:3,6 71:2 72:22 73:6 78:19 86:21 99:20 100:8,11,12 105:18,21 116:9 116:14 122:20 162:22 163:4 167:9 168:11,13 171:6 172:17,20 174:22 175:3 177:10 187:6,8 191:14 194:22 222:6 232:6 260:14 <b>protestant</b> 30:10 123:7 143:13 249:2 <b>protestants</b> 16:14 16:17 20:15 23:21 30:3,7 34:5 36:8 107:2 112:13 246:10 251:2 <b>protested</b> 78:18	<b>protestees</b> 38:17 <b>protesting</b> 38:18 55:19 72:10,14 116:10 168:17 178:12,13 <b>protests</b> 69:10,18 70:8 71:19 72:7,8 73:7 99:14 100:1 164:13 <b>proven</b> 250:21 <b>provided</b> 43:10 48:4 106:4 243:16 <b>provisions</b> 72:21 226:7 <b>proximity</b> 173:17 178:3 187:11 <b>prudent</b> 114:6 <b>public</b> 57:22 83:3 161:21 <b>publicized</b> 57:21 82:3 83:11 <b>publicizes</b> 81:5 <b>published</b> 82:4 <b>purchased</b> 217:5 <b>purpose</b> 259:1 <b>pursuant</b> 258:13 <b>push</b> 117:21 <b>pushing</b> 71:8 <b>put</b> 31:16 33:13,13 48:5 81:18 83:3 114:4 120:2 127:7 127:10 141:6 220:5 225:3 234:16 249:20 254:17 <b>putting</b> 85:8 141:7
<b>Q</b>				
<b>quality</b> 42:6 187:13 <b>question</b> 5:7 27:14 27:14 44:2 45:2 46:11 47:8,10 51:15 52:7 59:5 60:17 66:12 70:11 79:15 95:13 98:19 98:22 99:4,5,7 101:4 111:22				

132:9,15 138:18 144:4 145:6 156:5 165:13,19 167:17 168:10,11 170:15 174:6 183:18 184:3 190:18 191:6,8 192:10 193:1,13,15 196:13 206:17 209:6,22 218:15 224:19 228:16,17 229:6,6,8,15 230:13,22 231:2,8 231:21 232:1,11 232:15,17 234:5 236:3,13,19 243:2	174:9 178:13 192:5 207:3 224:10 236:8 238:20 249:7,14 <b>quite</b> 27:10 55:18 62:1 75:3 83:8 201:7 219:19 <b>quorum</b> 73:20 91:8 91:10 95:2 170:22 172:13	123:21 124:6,17 131:8,12 132:19 132:22 133:3,10 133:18 134:11,14 134:16,20 135:1,4 135:8,13,18,21 136:2,7,12 137:1 137:3,7,12,22 138:7 139:11 140:1,6,10,13,17 140:20 141:1,15 141:18,21 142:10 142:19 143:1,3,7 144:14,22 145:2 145:10,19,22 146:2,6,10,13,15 146:18,21 147:4 147:11,14,17,20 148:3,6,9,14,20 149:7,15 150:1,5 150:10 151:2,9,12 151:18 152:21 153:3,9,14,17 154:8,13 155:6,9 155:12,15,18,22 156:3,7,13,18,22 157:12,18,22 158:3,8,10,16,22 167:17 181:1 183:18 184:2,5,8 190:10,19 191:1 191:12,21 192:10 192:12,16 207:7 209:3 227:2,8,17 228:2,5,17 229:7 229:11,16,20,22 230:4,10,14 231:3 231:16,17 233:22 238:3,8 242:10,13 242:20 244:13 248:14 250:18 251:10 255:14,21 258:10	<b>read</b> 105:2,6 185:11 <b>ready</b> 120:3 159:5 256:18 <b>reaffirming</b> 95:1 <b>real</b> 63:20 88:13 194:7 252:8 253:15 <b>reality</b> 164:5 <b>realize</b> 34:12 <b>really</b> 18:3 55:16 55:17 58:9,16 60:7 63:13 71:8 71:20,20 72:7,10 72:11,13,20 93:14 110:7,7 117:6 138:16 143:14 149:8 155:2 161:2 208:11 220:21 224:22 232:18 234:8 235:21 249:12 253:12 <b>reason</b> 19:9 20:15 41:21 70:19 140:19 141:1 142:17 <b>reasonable</b> 89:14 220:19 <b>reasonably</b> 89:15 <b>reasons</b> 62:16 78:20 149:8 153:20 163:5 164:11 174:9 178:14 259:5 <b>rebuilding</b> 200:22 <b>recall</b> 91:10 191:16 <b>received</b> 5:21 19:22 119:18 246:2 248:9 <b>receiving</b> 112:16 260:6 <b>recess</b> 102:8 <b>recognized</b> 250:2,5 <b>Recognizing</b> 114:9 <b>recommend</b> 69:1 203:21 223:5 <b>recommendation</b>	69:6 118:3 <b>recommended</b> 203:21 <b>record</b> 13:22 18:9 31:17 37:17 55:12 72:18 96:21 105:3 105:11,14 107:10 110:4 118:18 120:2 122:18 132:20 170:17 179:9 185:15 211:2 244:4 245:9 249:20 251:5 255:8 <b>recorded</b> 116:14 220:11 <b>records</b> 45:7 149:18 <b>red</b> 44:3,11,16 <b>redirect</b> 98:18 101:5 <b>redundant</b> 7:8 <b>Reeves</b> 1:14 <b>refer</b> 41:2 <b>reference</b> 86:14 <b>referring</b> 165:18 241:3,7 <b>refile</b> 18:22 <b>reflects</b> 96:15 <b>refurbish</b> 201:8 <b>refusal</b> 226:4 <b>refuse</b> 130:10 <b>refused</b> 127:19 220:18 232:6 <b>regard</b> 250:19 <b>regarding</b> 2:11 38:15 42:19 186:20 <b>regardless</b> 109:12 223:8 <b>regards</b> 251:3 <b>registered</b> 220:16 <b>regular</b> 55:7 214:20 <b>regulation</b> 38:1 106:3 125:12 <b>Regulatory</b> 86:21
	<b>R</b>			
<b>questioning</b> 73:9 192:8 <b>questions</b> 18:2 30:6 30:12 43:19 44:22 47:2,11 51:3,7,17 54:5 61:12 62:12 64:4 70:16 88:11 94:17 98:13,17,17 98:19,20 100:16 101:14 120:12,13 121:11 132:17 144:1,3 149:20 154:12,21 155:1 157:2,3 167:14 170:7,7 176:15,22 177:2 180:17 183:16,17,17 188:19 190:13 191:10 192:22 193:9 195:10 209:3 210:2,3 226:22 233:4,10 233:16 239:6 <b>quick</b> 45:1 88:13 209:6 <b>quickly</b> 66:17 116:7 211:17 <b>quiet</b> 36:2 42:19 94:12 138:21 143:12 164:10 168:17 172:22	<b>R-5-B</b> 50:6 163:7 177:11 187:22 216:3,10 <b>R-5-D</b> 216:5 <b>raise</b> 17:9,20 53:16 116:5 121:11 132:19 197:22 237:11 <b>raised</b> 70:18 83:7 156:16 223:22 227:2 <b>raising</b> 82:1 <b>Rashed</b> 3:4,4,7,10 6:6,10,14,18 7:1,3 7:6,14 8:10,15 9:16,19,22 10:5,8 10:14,18,20 11:1 12:3,7 14:21 15:2 15:16,21 20:16 21:9,18 26:13,19 28:18 30:17,19 31:12,19,22 32:3 33:2,7,12 41:6,7 41:19 42:1 47:4 47:11,17 52:5,11 52:21 53:4,6 54:6 54:10 59:4,16 62:13,18 63:3 64:3 90:16,20 92:12 96:6,10 97:19 101:2,6 102:7 111:4,13,16 117:6,11 119:21 120:11,21 121:1 121:14,20 122:7,8	<b>rationale</b> 27:9 <b>reach</b> 87:17 162:16 248:16 255:20 <b>reached</b> 87:21		

<b>reiterate</b> 110:4	180:11	76:3,4 84:19	100:21 101:19	<b>Row</b> 252:11 253:3
<b>relation</b> 150:8	<b>requested</b> 42:11	<b>respect</b> 73:10,11	106:22 107:8,20	253:10
<b>relevant</b> 74:16	<b>requests</b> 188:2,3	<b>respond</b> 77:12	108:1 109:1	<b>rowdy</b> 63:13
197:18 249:3	<b>require</b> 79:10	<b>response</b> 84:22	111:19 115:8,11	208:11,12
250:3,9	<b>required</b> 29:16	87:11	120:3 121:8,8,12	<b>rowhouse</b> 199:6,7
<b>remember</b> 249:12	45:14 186:11	<b>responsibilities</b>	123:2,6,11 124:11	<b>rug</b> 212:18
<b>renew</b> 31:17	189:12 190:4	166:14	131:6,21 133:14	<b>rule</b> 25:1 26:16
<b>renewal</b> 31:22	250:15	<b>responsibility</b> 53:1	135:12 136:11,21	99:2 114:15
222:16	<b>requirements</b>	128:16,20	138:6,14 142:9	126:19
<b>renewed</b> 29:21	160:18 161:1	<b>rest</b> 72:2 120:20	143:20 146:6	<b>rules</b> 62:6
<b>renovate</b> 220:6	186:4	<b>restaurant</b> 33:20	151:13 152:11	<b>ruling</b> 100:19
<b>renovated</b> 225:18	<b>residence</b> 86:17	35:8 38:13 41:9	157:2,11 158:2,9	<b>run</b> 131:15 156:8
<b>renovation</b> 252:13	164:3 187:10,18	48:15 60:19 125:2	159:4 160:11	220:20 228:12
253:9	194:13 246:6	138:8 140:9,12	165:5 173:10,19	252:19
<b>rent</b> 142:22 143:3	<b>residences</b> 170:13	149:1 156:19	173:22 174:5,12	<b>running</b> 125:1,7
<b>rented</b> 200:19,21	171:7 172:7 193:2	216:14 220:20	175:15 176:2	156:11,12 224:5
<b>renters</b> 161:9	<b>resident</b> 4:10,13	228:7,9	183:13 193:9,9	253:1
<b>repeat</b> 26:6 165:13	106:10 160:8,10	<b>restaurants</b> 156:21	195:12 196:7	<b>Ruthanne</b> 1:15,19
165:18 197:2	194:13 199:3	237:13	197:9 198:1,14	161:4
<b>repetitive</b> 85:8	<b>residential</b> 34:17	<b>restrictions</b> 237:3	200:7,15 202:22	
<b>replies</b> 249:9	35:15 50:4,8	238:7	203:1,3,12 205:10	<b>S</b>
<b>report</b> 34:22 38:5	163:8 164:7	<b>resulted</b> 43:14	205:10,12 209:2	<b>S</b> 185:19
43:21 45:6 46:21	170:13 173:13,14	187:5	209:20 210:2,2	<b>sacrifice</b> 189:20
47:9 48:5 50:3	177:14 188:1	<b>resulting</b> 40:2	212:7,9 213:4,13	<b>safe</b> 114:5 138:6
78:7,15	216:5 251:18,19	<b>retail</b> 40:11	213:14 214:3	171:18
<b>represent</b> 3:12 4:15	253:21	<b>Retailer</b> 1:8	219:21 230:3	<b>salads</b> 41:14
4:18 12:3,15,18	<b>residentially</b> 35:16	<b>return</b> 39:21	236:18 240:10	<b>sale</b> 137:9
41:17 56:9 84:5	163:7,11 187:22	<b>review</b> 69:3	241:8,19 243:2	<b>sales</b> 42:13 80:9,15
95:14 99:17	188:8 216:8	<b>reviewed</b> 55:9	244:9 247:21	136:14,18,22
176:16 194:21	<b>residents</b> 36:2	57:21	249:19 250:12	137:6,6,13,17
254:14	55:16 56:8,9,13	<b>reviews</b> 55:8	252:1 253:19,20	143:8
<b>representative</b> 6:20	57:6,18 58:2,2,3	<b>ridiculous</b> 249:8	255:11,16 256:10	<b>sandwiches</b> 41:14
10:1,2 12:11	87:18 101:12	<b>right</b> 2:4,13 3:14	256:15,17,17	<b>sat</b> 221:17 238:3
17:17,18 27:21	141:20 161:7	6:2 8:5 11:13,17	257:11,13	<b>satisfied</b> 76:3
38:22 51:14 71:4	163:13 166:16	12:18 13:1,13,21	<b>risk</b> 168:22	<b>satisfy</b> 127:15
71:5,11 162:19	169:2 171:12	14:5 21:17,19	<b>road</b> 74:15	<b>Saturday</b> 204:8
166:15 186:22	172:12 173:8,17	22:6 23:5 26:3,22	<b>robberies</b> 59:17	218:8
<b>represented</b> 13:10	173:21 176:20	29:11 31:21 34:19	<b>role</b> 195:4	<b>save</b> 36:17
176:1	188:10,12 193:4,4	36:3 37:6 45:18	<b>roll</b> 71:2 99:16,17	<b>saving</b> 127:10
<b>representing</b> 3:18	195:4 233:7	50:4 51:12 53:16	100:10 166:21	<b>saw</b> 44:4
16:21 18:17 95:2	251:20	54:2,3,18 62:11	206:14 259:12	<b>saying</b> 10:1 19:11
103:14,17 105:19	<b>residing</b> 106:7	64:12,21 65:14	<b>room</b> 1:14 24:20	66:5,17 82:4
110:14 166:18	<b>resolution</b> 73:19	68:1,3 76:9,13	28:21 29:1 162:6	86:12 89:12 109:3
168:12 176:3	74:1,1,8	77:6,9 78:20,21	204:14 212:16	109:16 118:20
185:9 254:13	<b>resolve</b> 18:2 83:15	79:13,22 80:6,10	213:6,18 220:2	177:16,22 230:4
<b>reputation</b> 42:3	84:1,3 87:7,15,16	80:21 83:15 85:11	260:6	232:17 248:14
<b>request</b> 28:20	<b>resolved</b> 75:7,16	85:12 98:13	<b>round</b> 183:16	255:13 257:18

<b>says</b> 95:8 96:16 106:4 146:8 147:13 173:7 203:7 256:18	222:5 228:14 234:16 237:20 249:4 252:21	234:13 237:22 239:19 240:3 257:20,22	89:22 90:2 136:14 136:17	242:14
<b>scary</b> 35:3	<b>seeing</b> 95:6 110:6	<b>served</b> 35:10 93:18 191:17 239:20 240:2,4	<b>shortly</b> 84:20	<b>sign</b> 129:8 189:1
<b>scene</b> 168:20	<b>seeking</b> 79:10 218:15 238:16 259:1	<b>serves</b> 22:2 47:22 48:2	<b>shot</b> 213:17	<b>signed</b> 159:9
<b>scheduled</b> 102:2 162:4 187:3	<b>seeks</b> 163:16,19 164:2,5 187:16	<b>service</b> 43:11 163:19 188:4 194:16	<b>show</b> 11:1 29:18,20 32:15 34:20,20 58:3 65:13 66:8 66:14 71:7,9,12 72:3 77:3,5,7 105:6 118:15 137:15 161:1,2 189:16 215:7 244:14,15,16 253:7	<b>significant</b> 187:12
<b>school</b> 247:4	<b>seen</b> 60:20 61:3,21 94:10,14 97:14 117:4 218:9 226:9 234:20 249:10	<b>serving</b> 31:7 34:8 34:16 35:9 79:6 122:10 126:20 127:3,4 131:9 151:7 167:19 168:3 204:4 205:20 221:3 230:1 237:5,18 240:18 254:9	<b>showed</b> 55:17 57:18 80:19 81:22 83:1 227:15	<b>Silverstein</b> 1:21 24:10,16 26:1 32:8 33:5 34:9 43:19,20 44:2,13 44:18,21 66:10 70:10,15 89:9,10 89:17,21 90:4,10 90:18,21 91:7,12 91:18 92:1,4,8,11 92:17,22 93:10,16 94:6,10,16 112:3 112:6,9,12,15,19 120:4,7 123:1,5 132:16 137:10 149:22 150:1,6,17 151:6,10,15 152:17 153:1,7,11 153:15 154:5,10 154:20 165:10,12 177:3,5,6,9,13,21 178:2,15,19 179:2 179:5,8,13,16,21 180:3,6,9,15,19 191:5 193:14,19 194:3,5,20 195:6 195:9 196:8 197:14 206:13 234:4 235:3,8,22 236:5,10,12,16,19 238:14 239:3 259:10,21,22
<b>scrutiny</b> 164:1 179:13,15 187:15 187:21	<b>sell</b> 41:20 48:12,14 48:16 49:14,22 135:19 136:19 154:6 238:4	<b>session</b> 258:13	<b>showing</b> 66:21 202:13 244:19 246:6	<b>similarly</b> 219:10
<b>SDCA</b> 16:21 19:21 39:21 186:18 187:14	<b>selling</b> 46:15 49:12 254:4	<b>set</b> 37:6 87:2 140:22	<b>shown</b> 35:12	<b>simple</b> 160:17 161:3 236:3
<b>Sean</b> 103:10	<b>send</b> 71:3 77:18,22 81:2,14	<b>setting</b> 169:9 220:14 255:18	<b>shows</b> 214:5 215:16 244:17	<b>simplicity</b> 149:8,11
<b>seat</b> 2:8 110:20 198:21	<b>senior</b> 57:7	<b>settlement</b> 72:9,11 72:15 88:17,22 100:3 107:11 226:8	<b>shut</b> 218:12	<b>Simply</b> 153:15
<b>seating</b> 40:18 122:11 252:18 253:1	<b>sent</b> 5:18 53:14 80:20 81:1 95:9 96:17 111:5 223:9 258:2	<b>settling</b> 151:16	<b>side</b> 8:19 21:22 23:14 40:22 118:20 119:5 205:3 211:20 212:7,9,18 213:1	<b>single</b> 12:8,11 57:14 65:1,11 69:13,20 71:21 87:4 101:11,15 107:21 127:20 129:4 160:12 222:14
<b>seats</b> 40:19 41:1 45:9,17 145:8,10 222:18	<b>sentence</b> 160:7	<b>seven</b> 42:12	<b>side's</b> 23:17	
<b>second</b> 39:6 138:16 180:22 213:18 214:17 229:2 259:8,9,10	<b>separate</b> 107:7 178:5 216:19	<b>shaded</b> 215:14	<b>sides</b> 25:4 32:9 161:12 163:12 185:21 188:8 207:16	
<b>seconded</b> 259:12 259:14	<b>separating</b> 219:5 223:14	<b>shadow</b> 212:4	<b>sidewalk</b> 38:14 45:9,13 144:10,13 188:3 195:2 200:18 202:16 203:13 204:3,13 205:21 207:13 212:3,12 213:3,6 213:9,16,22 223:16 226:7 235:4 237:5 238:22 240:12 241:4,16,18 242:2	
<b>Secondly</b> 226:4	<b>September</b> 40:3,4 42:17 134:16,19 155:7,8,11,12,15 223:10 227:14	<b>shame</b> 160:14		
<b>section</b> 106:5 258:20 259:3,6	<b>serious</b> 220:7	<b>share</b> 44:15 146:19 147:16 148:1,10 211:14 252:2		
<b>secure</b> 138:6	<b>serve</b> 20:11,15 21:1 21:3,6,8,10,21 22:13,17,19 35:11 47:18 60:9 79:3,8 79:9,15 125:4,5,6 125:8,9,12 126:8 135:16,22 136:2,5 139:9 163:18 164:5 205:1 208:9 220:3 225:15	<b>shared</b> 224:7		
<b>see</b> 2:5,17 6:15 7:16 13:2,4 23:10 45:12,16 53:3 59:21 60:3,18,22 89:4 93:8 94:19 108:2,5,9,9 109:8 117:6 118:17 137:8 157:6 191:11 206:20 208:13 212:6 213:3,11,21 214:2 214:5 215:14,21 215:22 218:4		<b>shares</b> 148:7 164:3 187:17 211:13		
		<b>Shaw</b> 27:19		
		<b>Shaw-Dupont</b> 4:6 28:3 185:10		
		<b>shocked</b> 55:20		
		<b>short</b> 44:8 152:16 155:2 218:14		
		<b>shorter</b> 62:20		

<b>sir</b> 32:8 44:17,20 80:4 123:6 124:2 128:8 180:20 197:22 206:10 209:8 210:3 248:13	138:13,17 139:21 157:6 165:16 182:9 184:4,19 196:13 215:17 223:10 226:3 230:22 233:2 236:1 241:6	<b>spoke</b> 39:6 173:20 173:21 222:22 <b>spoken</b> 220:8 <b>sponsor</b> 115:21 <b>Sports</b> 162:6 <b>spot</b> 1:6,7 2:7,9 3:13 5:15 34:7,15 38:12 39:5,10,13 39:15 40:7,13 41:1,7,12 64:12 64:21 65:6,7,17 76:11,17,22 78:5 78:13 79:3 82:17 82:20 85:12 86:2 122:9 134:10 135:3 145:20 162:20 186:6,13 187:1 188:22 196:3 199:20 203:4 212:19 214:5,18 215:14 215:17 216:2 217:6 222:3 251:20,22 259:3	196:18 204:4 208:12 237:10 256:20 260:13 <b>started</b> 122:2 161:5 201:9 <b>starting</b> 2:13 211:18 <b>state</b> 37:1 160:7 169:19 170:3 177:9 185:14 211:1 <b>stated</b> 39:2,8,10 41:19 42:1,5 167:11 172:17 173:12 180:1,8 <b>statement</b> 17:4,4 24:5 29:15,17 30:4,16 31:15 32:10 34:4 36:15 159:9,14 185:11 <b>statements</b> 23:19 250:11,12 <b>stating</b> 74:9 <b>station</b> 59:22 67:18 <b>stay</b> 29:1,8 62:17 63:1,8 70:3,4,6 80:6 90:6 166:7,9 <b>staying</b> 167:18 240:11 <b>step</b> 24:20 <b>steps</b> 151:13 217:3 <b>stereo</b> 220:14 227:16 <b>sticking</b> 244:20 <b>stop</b> 31:10 51:11 191:4,22 192:1 229:2 235:21 253:17 <b>store</b> 50:1 201:10 203:15 205:2 <b>story</b> 120:19 207:11 <b>strategy</b> 69:19 <b>street</b> 1:8,15 2:9 31:3 40:8,16 41:10 42:4,16 43:8,12 57:6,8	59:22 67:16,17 92:19 122:9 128:14 133:22 134:6,13 150:11 150:12,13,14,15 151:5 154:19 160:10 161:10,10 161:11,12 162:3,8 162:8 163:11,12 185:18,19,19,20 186:1 188:7,9 199:4 200:17 204:9 211:4,20 213:8 215:21 216:4 225:20 241:20 <b>streets</b> 161:13 185:21 212:2 213:20 215:22 <b>strict</b> 178:20 <b>strictly</b> 109:20 <b>strong</b> 68:11 70:21 71:21 <b>stronger</b> 99:19 <b>strongly</b> 72:1 <b>structure</b> 163:7,8 173:14 187:22 188:1 225:13 <b>structures</b> 173:15 <b>students</b> 204:11 <b>studies</b> 214:16 <b>study</b> 141:12 <b>stuff</b> 60:1 191:9 204:17 207:10 <b>submit</b> 14:6 45:14 105:5 106:14,17 111:3 <b>submitted</b> 52:17 74:2,8 <b>submitting</b> 73:6 96:20 <b>subs</b> 41:14,16 <b>Subsection</b> 106:4 <b>subsequent</b> 119:13 <b>substantively</b> 224:1 <b>successful</b> 56:15 131:13
<b>sit</b> 2:16 60:10 63:21 120:12 128:8 217:4 235:15 242:7	<b>sort</b> 35:6 36:5 50:11 56:22 58:12 70:1 141:12,12 153:13 219:1 234:17	<b>spot's</b> 79:2 162:2 162:14 163:1 216:16 223:7		
<b>sitdown</b> 41:9 48:9	<b>sound</b> 31:15 106:12 107:6 140:8 141:13,14,22 204:13 226:6 235:12	<b>spread</b> 144:20 <b>square</b> 215:18 219:20		
<b>site</b> 127:21	<b>soundproof</b> 235:11	<b>stack</b> 200:6		
<b>sits</b> 235:7	<b>soundproofed</b> 235:13 252:15	<b>staff</b> 69:15		
<b>sitting</b> 2:19 40:22 128:6 140:2 152:1 196:1 199:2 217:20 218:1 221:10 225:4	<b>soundproofing</b> 235:9,10 253:7	<b>stairs</b> 244:17		
<b>situated</b> 34:21	<b>sounds</b> 31:16 106:13	<b>stand</b> 37:12 53:15 53:22 102:20 103:3 121:3,17 128:9 133:12 159:20 184:18 185:3 197:22 198:12 210:16		
<b>situation</b> 35:4 59:2 177:17	<b>source</b> 218:19	<b>standard</b> 73:18 82:19 178:21 226:8		
<b>situations</b> 252:7	<b>south</b> 67:8 161:11 185:19	<b>standing</b> 13:3 128:5,6,8 152:2		
<b>six</b> 16:10 43:13 57:13 66:12 217:16	<b>southern</b> 67:7 135:5	<b>start</b> 2:12 37:16 122:4 160:1		
<b>sleep</b> 60:18 226:20	<b>space</b> 86:2 136:10 221:7 252:2			
<b>slighting</b> 37:3	<b>speak</b> 24:11 38:16 134:2,7 137:11 186:19 187:2			
<b>small</b> 40:21 55:22 219:19 234:17	<b>speaking</b> 36:8,9 205:13 224:6			
<b>smoke</b> 205:15,17	<b>specific</b> 38:15 149:7 173:2,4 188:14 195:2			
<b>smoothies</b> 41:17	<b>specifically</b> 79:5,9 116:20 173:18 175:13 189:8 190:2			
<b>sole</b> 194:10	<b>specifics</b> 58:8			
<b>Solea</b> 162:7	<b>specified</b> 220:12			
<b>somebody</b> 9:13 53:14 110:14 113:11 131:19 132:2 138:11 140:2 150:19 152:18 207:14 228:11	<b>spending</b> 142:16			
<b>somebody's</b> 194:11	<b>spent</b> 201:7			
<b>sorry</b> 3:6 8:10 13:11 16:15,18 24:13,15 34:11 74:5 82:9 88:18 97:16 100:18 122:16 131:7				

<b>sufficient</b> 23:12	42:20 43:8	226:1 231:4	235:19	43:18,20,21 45:6
<b>Suffix</b> 215:18,18	<b>survive</b> 143:8	<b>talked</b> 111:7	<b>tenant</b> 211:13	46:6,9 51:18 54:3
<b>suggest</b> 204:20	<b>suspect</b> 149:18	127:18 142:16	213:5 216:22	59:3 87:13 88:6
231:9	<b>swear</b> 53:16 62:11	157:16 165:21	241:11	89:7 98:3 101:17
<b>suggesting</b> 229:12	102:11 121:20	167:1 169:21	<b>tenant's</b> 212:13,15	111:18 121:3
<b>suggestion</b> 207:19	198:5,6 210:11	221:18 227:9	212:20 220:1	132:6 133:16,18
<b>suggestions</b> 158:14	<b>sworn</b> 37:11 53:21	228:14 254:15	<b>tenants</b> 144:20	139:6 143:19,21
<b>suggests</b> 208:7	103:2 121:16	<b>talking</b> 7:5,12	<b>tensions</b> 233:3	143:22 145:12
<b>Suite</b> 1:15	159:19 184:18	35:15 72:13 80:5	<b>term</b> 33:18 154:1	159:2 164:16
<b>sum</b> 250:14	185:2 198:11	98:12 107:18	<b>terms</b> 55:5 56:19	176:18 180:18,19
<b>summary</b> 40:1	210:15	126:6 130:17	68:15 79:4 88:18	183:13 184:8,9,10
<b>summer</b> 209:10	<b>system</b> 140:9 214:4	138:14,20 166:22	107:11 139:9	184:11 185:5
221:4 252:17		199:18 228:18	154:17,18	188:17 190:16
<b>Sunday</b> 204:7	<b>T</b>	<b>talks</b> 55:2 94:8	<b>testified</b> 8:13 28:22	193:10 195:12,13
218:8	<b>T</b> 186:1	<b>tap</b> 49:5,8 80:2	37:12 53:22 78:17	198:15 200:8
<b>support</b> 9:2 33:14	<b>T-E-K-L-E</b> 15:8,9	<b>tdnorman29@g...</b>	103:3 121:17	206:18 207:7
33:16 52:16,19	<b>t/a</b> 1:6	88:3	159:21 185:4	208:19 209:8,19
58:15 75:16 91:3	<b>table</b> 2:8 3:14 4:4	<b>tea</b> 59:14 63:12	198:13 210:17	209:22 210:3,18
91:17 95:1,3	13:19 214:2	<b>technical</b> 55:18	218:3 242:6	214:8,10 239:3,5
101:7,9 105:1	<b>tables</b> 41:2 94:8	58:10 72:8 78:20	<b>testify</b> 8:18 16:3	243:3 247:17,19
106:18,21 107:9	125:6 219:21	83:20 100:1	23:7 24:19 25:19	251:10,11 255:5,6
108:13 109:14	234:21	<b>technicalities</b> 21:11	26:18 27:1,1	255:21 258:7,8,10
112:21 113:20	<b>take</b> 2:8 56:19	83:10 160:18	28:22 29:2,5 30:5	<b>Thanks</b> 51:1 159:1
119:1,2 137:15	60:10 68:13,14	254:22	47:7 52:4 54:4,7,9	234:4 260:13
<b>supported</b> 33:17	69:14,16,21 74:20	<b>technicality</b> 20:19	61:9 106:3,13	<b>thing</b> 2:12 48:3
56:5 117:8,15	82:15,16 85:1	83:11 148:11	120:5,8,9 122:2	58:12 63:1 70:1
147:21	96:22 97:4,8	149:12	123:2,6 131:5,6	84:14 86:14 129:4
<b>supporters</b> 116:12	102:4 110:19	<b>technically</b> 85:2	159:4 210:7	131:21 205:6
<b>supporting</b> 250:4	121:3 139:18	160:19	<b>testifying</b> 8:2,9	207:20 208:8
<b>supportive</b> 58:3	140:1 152:8	<b>teetotaler</b> 59:13	9:13 17:2 24:9	214:6 219:5 221:1
<b>supports</b> 58:14	153:18 162:4	<b>Tekle</b> 6:21,22 7:9	104:21	223:13 224:1
<b>supposed</b> 22:18	172:21 173:4	10:9 15:7,7 18:12	<b>testimony</b> 17:7	234:18 256:16
70:16 73:21	176:7 223:4,5	<b>tell</b> 6:16 8:3 9:4	26:6 29:18 36:5	<b>things</b> 44:4 52:14
158:11	240:20 245:13	32:10,11,13,18,19	36:18 43:17 47:9	52:15,21 56:7
<b>sure</b> 27:10 30:14	246:19 248:2	32:20,21,22 33:1	62:8 99:13 102:12	70:19 100:9
33:2 34:6 37:2	255:17 259:12	47:17 48:18 49:4	105:15 107:6,7	129:13,18,18
73:20 75:13 98:5	260:11	49:8 55:21 56:8	108:22 110:19	130:5,5,8,16,21
107:3 108:4	<b>taken</b> 140:3 213:17	71:22 86:15,19	111:21 122:19	141:2 149:13
110:22 113:8,11	245:13,14	108:2 109:2 117:9	124:16 152:18	152:6,11 174:3,4
138:5 152:9	<b>talk</b> 4:3 18:14	121:22 128:1,7	170:11 197:3,6	204:5 228:10
154:10 179:9	34:12 47:22 48:2	148:5 172:6	251:4 254:20	253:17
181:18 197:14	48:11 49:11,17	176:12 194:7	255:5	<b>think</b> 15:20 17:22
219:15 228:15	52:12 89:13,18	214:12 219:7	<b>testing</b> 253:6	18:4 22:12 23:6
230:21 232:8	120:14 126:12	224:6 232:5 236:9	<b>text</b> 107:10,19	23:11,22 36:18
243:12 248:12	144:9 145:13	240:7,16	<b>t</b> 1:4,11	46:11 60:2 62:21
<b>surprise</b> 56:3	164:20 165:2,20	<b>telling</b> 149:3 207:9	<b>thank</b> 28:10,13	63:1 66:7,7,21
<b>surrounding</b> 40:9	166:10 173:16,17	223:12 232:5	33:7 34:3,6 37:15	67:5,11 70:17

72:16 73:17 75:10 76:14 77:15 81:22 85:5 90:6,7,14,22 91:5 92:21 93:22 96:6 99:10 100:21 108:13,22 110:20 111:1 112:19 113:2,3 114:13,19 118:14,19 119:9 123:15 131:8 139:4 141:15,21 143:11,15 144:16 145:15 147:11,13 147:17,20 153:18 154:15 155:2 176:11 178:8 185:10,13 190:10 192:7,8 194:9,15 200:12 206:10 208:15 215:3 216:12 217:1 218:2 220:16 224:7 228:7 233:8 236:7,22 241:1 243:2,7,14,16 244:10 248:18 249:2,17 250:9,18 250:21 251:6 257:6,18	<b>thrilled</b> 214:19 <b>Thurgood</b> 186:19 <b>tiles</b> 252:16 <b>time</b> 23:22 24:2 28:21 32:16 50:17 56:14 59:19 60:18 61:3 69:8 75:5,14 99:22 120:19 121:5 125:20 126:1 127:2,4 128:17 129:22 130:11 136:16,17 140:14,17 142:12 142:17 152:4 160:17,17,22 179:7 182:12 189:14 190:13 191:8 195:17 196:4,8,15,17 204:20 217:19 224:5 229:3 242:21 256:19 <b>times</b> 9:6 42:16 60:21,22 62:17 66:12 71:1 100:4 140:18 208:18 217:17 218:21 220:9 232:15 <b>timing</b> 195:22 <b>today</b> 73:15 99:13 174:20 175:3 176:3 204:18 <b>told</b> 32:21 42:7 48:21 83:17 84:11 84:15 85:10,15,22 86:3 136:4 152:18 166:6 189:3,14,20 208:3 221:22 222:2,4 223:2 224:1 228:22 230:6 238:4 252:15,16 255:3 <b>Tony</b> 6:18 9:16 11:11 53:4,6,7,9 53:19 54:13 <b>tool</b> 19:3 <b>tools</b> 158:4	<b>top</b> 132:20 150:20 151:4 213:20 214:3 <b>topic</b> 186:15 <b>total</b> 40:19 42:16 <b>totally</b> 56:2 <b>touch</b> 129:13 141:3 149:19 <b>townhome</b> 188:5 <b>traffic</b> 218:1 <b>trail</b> 20:21 52:13,14 <b>training</b> 226:19 <b>transcript</b> 256:6,13 256:18,21 258:1,2 <b>transparent</b> 161:20 <b>Transportation</b> 144:12 <b>trash</b> 39:3,15 59:18 59:20 60:3,4,14 60:15 94:12 128:18 130:1,2 152:4 217:7 <b>trash/litter</b> 43:2 <b>traveling</b> 219:17 <b>tried</b> 31:9 43:10 45:11 58:7 151:16 151:18 248:16 <b>troubles</b> 91:19,22 <b>true</b> 70:18 76:19 77:1 80:12 137:1 137:4 140:10,14 142:20 255:2 <b>trust</b> 101:14 220:19 238:8 <b>truth</b> 55:21 <b>try</b> 31:4,7 56:11,12 59:1 69:13 72:8 126:11 132:3 153:21 157:11 196:20 201:18 <b>trying</b> 21:14,15 35:11 73:15 84:16 93:13 125:22 138:1 158:15 201:10 236:20 248:15 252:19,21 252:21 253:17	<b>Tuesday</b> 161:15 162:5 218:11 <b>Tumblr</b> 161:19 <b>turn</b> 47:1 52:2 129:13 140:19 180:22 200:9 204:21 227:11 <b>turnaround</b> 44:8 50:12 <b>TV</b> 219:12 <b>twice</b> 192:9 <b>Twitter</b> 161:19 <b>two</b> 6:6,10 8:20 11:9,18 32:5 36:13 38:16,17 57:19 80:17 81:9 81:12 134:10 160:7,12 162:22 167:1 171:13,15 171:19 172:5 175:19 178:16 180:2,8,13 181:10 181:14,15,21 195:16 201:6 203:22 204:21 205:3,3 212:5 217:20 245:15 254:11 256:8,14 256:19 258:2 <b>type</b> 49:15 60:9,14 93:3,7,7 156:11 <b>types</b> 48:11 216:12 <b>typically</b> 162:11	<b>Um-hum</b> 51:2 94:21 110:15,18 112:14 177:12 189:2 192:11 194:2 201:3 <b>umbrella</b> 213:20 <b>unable</b> 99:15,16 112:13 <b>unanimous</b> 56:4 <b>unanimously</b> 33:15 91:15 <b>underneath</b> 164:7 237:7 252:3 <b>understand</b> 21:8,9 21:20 22:1,18 75:21 79:7,14 85:6 89:16 90:12 93:19 109:3,16 149:17 151:7 153:20 154:8,17 158:12 166:12,13 168:6 230:22 233:1,13 240:16 254:18 255:13 <b>understanding</b> 99:13 <b>understood</b> 15:15 27:10 166:12 241:9 252:13 <b>undertake</b> 141:12 <b>underway</b> 24:7 <b>unfolds</b> 13:2 <b>unfortunate</b> 62:22 <b>Unfortunately</b> 186:22 <b>University</b> 64:14 65:1,12 214:15 <b>upper</b> 214:3 <b>upstairs</b> 142:5 244:17 251:6 <b>use</b> 34:13 45:15 49:15,21 99:18 205:15 209:16 213:14 216:13 219:12 <b>uses</b> 216:9,11 <b>usually</b> 56:7,15
<b>U</b>				
<b>U</b> 1:8 2:9 30:22 40:8,16 41:10 42:3,15 43:7,11 65:2 122:9 133:22 134:6,13 150:12 150:13 161:11 162:3 185:20 204:9 211:20 212:2 213:19 215:22 225:19 241:20 <b>Uh-huh</b> 182:5				

59:21 60:6 69:7 71:4 80:16 81:9 82:18 94:5 101:8 116:18,19	82:5,16,21 95:2 101:7 172:14 182:13,19 186:16 258:12 259:13 260:3	<b>want</b> 6:3 9:1 13:14 23:14 24:5,21 31:16 33:6 34:10 35:1 38:4 52:9,10 56:7,16,18 59:4 59:13 61:14 62:5 63:10,19,21 65:20 66:13 72:11 83:9 83:15 84:1,5 87:7 87:16,17 89:16,17 93:12 96:4,9 97:4 100:2 102:2 105:13 106:13,14 120:18,18 121:3 121:22 126:14,18 127:21 128:5 129:3,9,14,17 132:9 136:16 138:1 143:10 144:9 145:6,13 151:22 154:6,11 154:15 169:13 174:5 179:17 181:4 192:7,22 196:6 198:5,5 199:6 201:15 205:4,8,18 208:21 217:21 224:6,18 230:7,16 231:15 231:16,17 232:21 233:9 236:3,9 238:10 239:15 240:22 243:12 246:11 250:14 253:22 254:1,1 255:19 257:11 260:11	249:20 <b>Warner</b> 115:14,16 118:11 <b>warning</b> 161:21 <b>warrant</b> 187:20 <b>warranted</b> 164:1 187:16 <b>Washington</b> 1:15 40:9 92:3 162:6 <b>wasn't</b> 6:17 8:6 21:5 37:3 77:11 82:19 85:2 86:12 189:11 190:4 223:22 253:12 255:3 <b>watch</b> 44:5 70:9 207:9,16 209:1 <b>watching</b> 219:12 242:21 <b>way</b> 30:12 32:8 77:17 81:2 93:9 110:6,8 129:6 153:18 174:5 194:6,6 257:18 <b>ways</b> 112:20 <b>we'll</b> 129:3,16,19 193:15 <b>we're</b> 29:19 93:13 111:20 136:19 250:9 256:22 <b>We've</b> 69:16 <b>weaknesses</b> 250:6 <b>web-presence</b> 157:16 <b>webpage</b> 81:15 83:4 <b>website</b> 161:17 246:17,18 248:3 <b>Wednesday</b> 22:4 <b>week</b> 42:12 50:18 214:21 218:10 242:19 245:14 256:3 <b>weekdays</b> 137:18 155:18 <b>weekend</b> 126:9 137:17 238:3	<b>weekends</b> 137:16 137:19 138:2,4 155:19 <b>weeks</b> 81:9,13 256:9,14,19 258:3 <b>weight</b> 73:14,18,22 99:11 113:17 114:7 118:21,22 246:8 250:7 <b>weird</b> 103:17 <b>welcome</b> 44:1 51:21 153:19 183:14 239:4 243:4 <b>well-experienced</b> 131:9,10 <b>went</b> 82:22 83:2 144:15 201:4 214:14 220:13 223:21 225:17 227:15 254:16 <b>weren't</b> 72:13,20 75:13 122:3 182:15 <b>west</b> 161:10 185:18 <b>whatchamacallit</b> 208:4 <b>whichever</b> 127:5 <b>whys</b> 236:4 <b>wife</b> 117:3 122:8 124:9 126:17 131:14 146:9 148:17 <b>willing</b> 127:19 140:22 141:6 231:6 <b>window</b> 213:14 <b>windows</b> 202:14,15 212:8,11 213:4,12 <b>wine</b> 48:12,14,16 79:4 127:4 139:10 163:18 164:6 204:5 205:7,9,18 220:3 237:19 <b>wired</b> 225:13 <b>wish</b> 17:20 255:10 <b>withdraw</b> 73:3
<b>V</b>				
<b>V</b> 160:10 <b>vacant</b> 201:6 <b>valid</b> 168:11 174:6 <b>Van</b> 3:21,21 198:2 198:3,7,9,17,17 198:18,18,22 199:3,12,16,22 200:4,8,11,13,16 201:4 202:2,5,7 202:10,13,19 203:1,5,10 206:7 206:11,15,19 207:1,4,8,22 208:16,19 209:12 209:15,20 210:4,8 237:7 <b>variety</b> 41:13,15 <b>various</b> 188:14 <b>ventilation</b> 214:4 221:7 <b>veracity</b> 110:5 <b>verify</b> 110:8 <b>vicinity</b> 175:8 <b>view</b> 224:7,9 <b>violations</b> 59:18 <b>vis-a-vis</b> 178:20 <b>visiting</b> 50:13 <b>visits</b> 43:4 <b>visual</b> 218:20 <b>vocal</b> 133:8 <b>voice</b> 208:5 <b>voices</b> 237:11 239:11 <b>voltage</b> 225:14 <b>volume</b> 129:7,10,11 203:14 204:1,21 220:10,17 235:18 237:9,15 238:22 252:17 <b>voluntary</b> 88:14 <b>vote</b> 56:3 71:3 74:9	<b>voted</b> 33:15 73:19 74:20 75:1,4 91:17 162:21 163:4 166:19 168:12,15 170:21 170:22 174:7,15 175:20 178:10 179:19 180:14 181:6,11 183:10 223:4,4 <b>voting</b> 95:18 187:6	<b>W</b>		
	<b>wait</b> 18:4 19:12 124:4 146:16 147:6 180:21,22 181:2 184:15,17 191:3,22 193:13 198:4 229:1 258:17 <b>waiting</b> 109:1 210:6 <b>waitresses</b> 49:3 79:19 139:17 140:1,3 <b>waive</b> 255:11 257:1 257:3,13 <b>walk</b> 36:6 200:17 204:13 211:16 217:16 218:7 <b>walk-in</b> 139:18 <b>walked</b> 252:12 <b>Walker</b> 98:4 <b>walking</b> 39:17 218:20 <b>walks</b> 129:22 <b>wall</b> 150:22 164:3 187:18 211:14 212:17,22 219:6 219:22 223:15 252:2,16 <b>walls</b> 203:20	<b>wanted</b> 37:2 72:15 72:21 78:19 84:17 84:18 103:20 120:1 139:5 145:12 154:4 157:14 179:8 190:4 231:18 238:13 <b>Wanting</b> 158:16 <b>wants</b> 41:19 111:2		

<b>witness</b> 9:1 12:18 18:1 19:6,12 23:17,18 28:16,18 29:7 37:10,12 52:1 53:3,20,22 66:9 98:22 100:22 101:20 102:1,6,6 103:1,3 110:11 112:2 119:20 121:15,17 133:11 142:5 159:18,20 185:1,3 196:1 198:10,12 210:9 210:11,14,16	15:16,21 32:9 <b>worried</b> 220:5 <b>worries</b> 91:20 <b>worry</b> 223:3 <b>worth</b> 109:17 112:22 113:7 118:21 251:6 <b>worthwhile</b> 114:20 <b>wouldn't</b> 65:8 67:9 197:2,2 235:15 244:10 249:3 <b>wraps</b> 41:14 <b>write</b> 13:9 <b>writing</b> 74:3 115:20 167:5 <b>wrong</b> 27:3 255:2 <b>wrote</b> 50:3 55:11 <b>www.meridianhi...</b> 161:17	156:13,14,18 160:9,12 <b>years-old</b> 166:4 <b>Yep</b> 157:5 <b>young</b> 62:1 240:11	148:17 238:8 <b>10th</b> 20:7 131:17 <b>11</b> 41:3 160:13 <b>11:00</b> 42:13 90:16 90:16,19,20 126:16 <b>11:30</b> 166:3 <b>11th</b> 20:7 <b>12</b> 41:3 70:8 122:12 145:10,10 <b>12:00</b> 42:12,14 90:8 90:13 126:3 138:20 208:7 <b>120</b> 219:6 223:15 <b>12th</b> 161:10 185:18 <b>13</b> 41:3,4 <b>13-PRO-00101</b> 1:9 2:6 259:2 <b>14</b> 166:19 171:11 180:12,14 181:11 182:13,21,22 183:10 <b>14-2</b> 162:21 <b>1408</b> 225:19 <b>1414</b> 160:10 <b>14DB</b> 220:16 <b>14th</b> 1:14 30:22 31:3 65:2 162:7,8 <b>15</b> 30:21 31:2 42:2 92:7 124:18 131:15 156:12 183:3 <b>1501</b> 1:8 2:9 40:16 41:10 42:15 43:7 43:11 122:9 133:21 134:3,13 162:2 <b>15th</b> 150:14,15 151:5 163:10 185:18 188:7 199:4 200:17 211:4 212:2 213:8 213:19 215:22 <b>16</b> 1:12 162:5,18 180:12 182:13 <b>16th</b> 161:10 <b>17</b> 223:1	<b>17th</b> 186:14 <b>189</b> 215:18 <b>1A</b> 211:18,20 243:13,22 245:19 245:20 246:1,9 <b>1B</b> 9:19 66:7 103:22 200:2,10 200:11,12,13 202:2,3 212:1 <b>1B09</b> 67:5 <b>1B10</b> 65:14,15,21 66:4 <b>1B12</b> 14:1 65:17 104:12 160:12 <b>1C</b> 212:3 <b>1D</b> 200:9 201:19 202:2,4,13 212:4 <b>1E</b> 212:13 <b>1F</b> 212:15 <b>1G</b> 212:20 <b>1H</b> 213:2 <b>1I</b> 213:6 <b>1J</b> 213:10 <b>1K</b> 213:17 <b>1L</b> 214:1 <b>1M</b> 214:5 246:2 <b>1st</b> 78:17 134:16			
<b>witnesses</b> 6:5 7:22 8:17,20 13:6,20 16:5,10 17:14,16 22:14,22 23:7 24:8,19 25:1,10 25:18 26:16 27:2 28:20 32:14 36:5 52:7,12 106:7 195:16	<b>Y</b>	<b>Z</b>					
<b>woken</b> 226:15 <b>wondering</b> 195:17 196:14 <b>word</b> 99:19 173:5 176:8 <b>words</b> 165:9,15,18 <b>work</b> 8:22 9:2 12:21 20:22 31:8 35:7 56:18 58:20 61:1 67:11,16 87:17 127:8,12 136:10 142:10,11 142:12 151:16 153:21 156:8,17 189:4,18 205:3 215:2 242:10,16 242:18,22 252:11 252:22 254:2,8 <b>worked</b> 66:3 125:3 156:6,7,19,20 <b>working</b> 20:20 30:20 57:2 92:9 242:11 <b>works</b> 10:11,13	<b>X</b>	<b>Zahra</b> 6:20 9:22 12:4,8,19 13:10 13:22 57:14 65:18 101:10 103:13,15 107:10 112:5 113:10 116:1 221:18 <b>Zone</b> 50:7 177:15 216:5 <b>zoned</b> 35:16 50:3 163:7,11 187:22 188:8 216:3,8 251:19 <b>zoning</b> 50:5 178:20 179:2 215:5,13,15 246:15,16,17,18 248:1 <b>Zwergley</b> 11:15	<b>148</b> 17 238:8 <b>10th</b> 20:7 131:17 <b>11</b> 41:3 160:13 <b>11:00</b> 42:13 90:16 90:16,19,20 126:16 <b>11:30</b> 166:3 <b>11th</b> 20:7 <b>12</b> 41:3 70:8 122:12 145:10,10 <b>12:00</b> 42:12,14 90:8 90:13 126:3 138:20 208:7 <b>120</b> 219:6 223:15 <b>12th</b> 161:10 185:18 <b>13</b> 41:3,4 <b>13-PRO-00101</b> 1:9 2:6 259:2 <b>14</b> 166:19 171:11 180:12,14 181:11 182:13,21,22 183:10 <b>14-2</b> 162:21 <b>1408</b> 225:19 <b>1414</b> 160:10 <b>14DB</b> 220:16 <b>14th</b> 1:14 30:22 31:3 65:2 162:7,8 <b>15</b> 30:21 31:2 42:2 92:7 124:18 131:15 156:12 183:3 <b>1501</b> 1:8 2:9 40:16 41:10 42:15 43:7 43:11 122:9 133:21 134:3,13 162:2 <b>15th</b> 150:14,15 151:5 163:10 185:18 188:7 199:4 200:17 211:4 212:2 213:8 213:19 215:22 <b>16</b> 1:12 162:5,18 180:12 182:13 <b>16th</b> 161:10 <b>17</b> 223:1	<b>Y-N</b> 4:6 <b>yeah</b> 62:16 74:2 76:14,15 80:7 97:21 110:2 113:9 129:2 137:15,16 137:22 152:14 155:9 179:15 182:17 183:17 192:18 194:3 197:7,20 221:16 224:20 240:5 249:5 <b>year</b> 32:4 68:7 70:8 73:7 92:21,22 142:2 168:3 225:7 227:5,19 250:22 <b>year-old</b> 219:6 223:15 <b>year-resident</b> 185:22 <b>years</b> 9:8 29:21 30:21 31:2 42:3 67:19 92:7,10 124:18 125:3 131:14,15 156:12	<b>0</b>	<b>1</b>	<b>2</b>
		<b>1</b> 43:12 76:12 119:11,17 163:6 185:12 199:4,8 222:8,21 245:18 <b>1,800</b> 219:20 <b>1/2</b> 211:7 <b>1:00</b> 62:3 <b>1:48</b> 2:2 <b>10</b> 41:3 67:6 81:3 92:10 150:13 186:3 218:9 260:12 <b>10,000</b> 166:15 <b>10:00</b> 42:12 126:16 126:17,18 166:2 203:13 208:7 230:8 <b>100</b> 127:15 146:11			<b>2</b> 119:14,17 163:9 199:8 215:10 246:14 247:22 248:8 <b>2:00</b> 217:22 <b>2:30</b> 102:2 155:19 167:18 218:7,11 <b>20</b> 134:15 217:16 <b>200</b> 173:12 <b>2000</b> 1:14 163:10 188:6 199:4 <b>20009</b> 1:15 <b>2002</b> 150:14 211:4 <b>2008</b> 38:2 <b>2010</b> 225:16 258:21 259:4,7 <b>2011</b> 222:12 <b>2012</b> 134:13,19		

155:15 222:12	5 92:10 166:4			
<b>2013</b> 1:12 40:3,4	<b>5:00</b> 242:17 247:15			
41:5 42:17 43:9	<b>5:16</b> 260:16			
43:12,13 68:5	<b>50</b> 40:20 122:12			
71:16 76:12 94:20	<b>58</b> 215:19			
95:10 119:10	<b>59</b> 215:18			
161:22 162:5,18	<b>5A</b> 41:17			
186:3 221:17	<b>5C</b> 41:17			
222:8,21 223:1,11				
<b>2015</b> 150:11	<hr/> <b>6</b> <hr/>			
<b>20th</b> 227:14	<b>6</b> 43:13 86:1 212:3			
<b>2300</b> 162:7	<b>6:00</b> 242:17			
<b>24/7</b> 58:20	<b>60</b> 258:6 260:8			
<b>24/Seven</b> 30:22				
134:22	<hr/> <b>7</b> <hr/>			
<b>25</b> 125:2 131:14	<b>7</b> 43:9 161:22			
156:13,14	162:10 221:17			
	<b>7,500</b> 166:15			
<hr/> <b>3</b> <hr/>	<b>7:00</b> 162:11			
<b>3</b> 163:13 199:8				
<b>3:00</b> 63:2 90:7	<hr/> <b>8</b> <hr/>			
130:13 164:22	<b>8</b> 40:4 41:5 42:17			
166:7	95:10 119:10			
<b>3:06</b> 102:8	<b>8:00</b> 162:18			
<b>3:07</b> 102:9	<b>8:30</b> 162:11			
<b>30</b> 40:3 62:14	<b>80</b> 69:8			
223:10 256:21	<b>8th</b> 96:16 97:12,20			
257:22				
<b>30th</b> 42:17	<hr/> <b>9</b> <hr/>			
<b>31</b> 223:10	<b>9</b> 41:3,3 94:20			
<b>32</b> 40:19 122:11	211:7			
<b>37</b> 185:22	<b>9:00</b> 226:18 240:10			
	240:13			
<hr/> <b>4</b> <hr/>	<b>90</b> 69:8 127:16			
<b>4</b> 38:2 163:16	150:12			
<b>4-0-0</b> 260:2	<b>92484</b> 1:9 2:10			
<b>4:00</b> 63:2 90:7	<b>95</b> 160:22			
126:2,8 130:13	<b>97/98</b> 156:18			
<b>4:30</b> 138:17 155:19	<b>99</b> 56:14 181:18			
167:18 196:18	<b>9th</b> 5:10,11 20:7			
<b>4:53</b> 233:8	96:15 98:9			
<b>400</b> 178:16				
<b>400S</b> 1:15				
<b>405</b> 258:20				
<b>405(b)</b> 259:3				
<b>405(b)(13)</b> 259:6				
<hr/> <b>5</b> <hr/>				