

Capital Reporting Company
In the Matter of: 2101 Venture, LLC t/a Club Illusions 10-10-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
2101 Venture, LLC :
t/a Club Illusions :
2101 New York City Avenue, NE :
Retailer CN : Protest
License No. 88682 : Hearing
ANC 5B :
New Application :
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October 10, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

ILEANA CORRALES, ABRA

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6	<p>1 statement of the argument, maybe three minutes each 2 side, and then we'll respond. And then if the Board 3 has questions, we'll ask more questions. 4 MR. MPRAS: Yes, ma'am. 5 CHAIRPERSON MILLER: Okay. All right. 6 Staring with Mr. Mpras. 7 MR. MPRAS: Yes, ma'am. Well, first, I would 8 like to restate my response to the Schaeffers' 9 opposition that it was untimely filed by three weeks 10 and it should be rejected based on -- excuse me -- 11 based on DC Code 23- 173.5 -- I'm sorry, 23-1716.2. 12 The party has seven counter days to file a response of 13 pleading to or regarding a motion from the time of 14 service. 15 CHAIRPERSON MILLER: Is that it? 16 MR. MPRAS: No, ma'am. 17 CHAIRPERSON MILLER: Okay. 18 MR. MPRAS: Now, I'll address the -- 19 CHAIRPERSON MILLER: Okay. 20 MR. MPRAS: Madam, the -- in the response the 21 procedural posture of the party of five opposition 22 asserts that the applicant never had a chance to</p>	8
7	<p>1 challenge standing. But this was an evolving protest, 2 as first, they came as abutting property owners. And 3 then June 11th that was converted to a group of five, 4 as they were not abutting property owners. The 5 research as to a group of five was asked on August the 6 15th and there was -- as to accompany a formation of 7 standing. 8 And we had no response. And then September 9 11th our motion was filed. Now, this is three people 10 owning nine shell companies. And we feel that it's 11 inappropriate for an individual to general numerosity 12 by creation of these companies. There's no shared 13 concern, as is the same person or persons, as there's 14 only three people in question here. And the question 15 is whether numerosity or a multitude of interests that 16 exists? And they don't. 17 Now -- and that is the primary basis of our - 18 - of our motion to dismiss this matter -- this protest, 19 that is. 20 CHAIRPERSON MILLER: Okay. Mr. Collins? 21 MR. COLLINS: Thank you, Madam Chair and 22 members of the Board. Mr. Mpras filed his motion to</p>	9
<p>1 dismiss, asking that the Board would pierce the 2 corporate veil, claiming that the nine owners lack the 3 necessary requirements to proceed as a group of five or 4 more. He said today that the applicant never had a 5 chance to challenge standing. Well, in fact the record 6 shows that the applicant did challenge standing at the 7 initial roll call hearing on June 11th. 8 We then had mediation. We then had a status 9 hearing on August 15th, which -- when Mr. Mpras's 10 colleague raised -- attempted to raise orally a motion 11 to dismiss and then withdrew that motion. And then -- 12 this was filed on August -- I'm sorry, September 11th, 13 this motion, three months after the standing was 14 granted by the Board's hearing officer. 15 This actually is a new argument in his 16 motion. He seeks to pierce the corporate veil, as I 17 said. The burden of proof is clearly on the applicant 18 to make a substantial showing in this regard. There's 19 case law that we cited on Pages 4 and 5 of our 20 opposition, which go to the heart of that issue, 21 needing to have a substantial showing. 22 The ABC law defines a person to include a</p>	<p>1 variety of corporate entities. So we really don't 2 understand the basis for this motion. And then, 3 moreover, although not required to do so, we submitted 4 information in our opposition on the nine separate 5 entities and the properties that they own, the deeds -- 6 their owner -- showing clearly their ownership and the 7 fact that they were nine separate entities. So again, 8 there -- this -- we think this motion is without any 9 base and we think it should be dismissed. 10 As to the opposition to the motion to dismiss 11 that was filed eight days prior to the -- this hearing 12 date, due to confusion the filing was not submitted 13 prior to then. Given the applicant did not request a 14 separate hearing in connection with the motion, we 15 assumed that the motion would be heard today, during 16 this hearing. Even with the October 2nd filing, the 17 applicant had eight days before today to reply and 18 challenge the substance within the opposition. 19 Their reply merely repeats the assertions 20 within the motion to dismiss by stating that the group 21 of nine offered no evidence of any ownership interest 22 in real property. In fact, we did. But what remains</p>	

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10	<p>1 clear is that there's no law or regulation, nor was 2 there a request by the Board or the Board's agent 3 during any of the prior proceedings requiring the group 4 of nine to show proof of ownership. The applicant 5 cites nothing of the contrary. 6 Then, in order to resolve any concerns the 7 Board may have regarding ownership, our opposition 8 attaches the deeds, showing that the group of nine are 9 in fact nine distinct and separate property owners. 23 10 DCMR Section 1716.2 gives the option of filing an 11 opposition. It does not automatically grant the relief 12 requested in a motion if an opposition's not submitted, 13 nor does it -- nor does it require the Board to ignore 14 an opposition or the legitimate facts within an 15 opposition if not submitted within seven days. The 16 applicant's motion to dismiss remains baseless. 17 Madam Chair, the facts are what they are. 18 The applicant had adequate time to respond to challenge 19 the group of nine's opposition. The group of nine were 20 property recognized four months ago, on June 11th, 2012 21 as a group of five or more property owners. Nothing 22 has been submitted to the contrary. And even further,</p>	12
11	<p>1 the Board now has a permanent proof in our -- in our 2 opposition that the group of nine are nine distinct and 3 separate property owners of nine distinct and separate 4 properties. 5 We respectfully request that the Board accept 6 our opposition, as well as the facts set forth within 7 in, proving that the group of nine are in fact nine 8 separate and distinct property owners. And the Board 9 accordingly should deny the motion to dismiss the 10 protest. Thank you. 11 CHAIRPERSON MILLER: Thank you. Anything in 12 response, Mr. Mpras? 13 MR. MPRAS: Yes, ma'am. To me the -- the 14 filing date was September 11th and not October as 15 stated -- was just stated by Mr. Collins for my initial 16 motion. And there were only three entities that -- 17 three individuals that signed the protest for the three 18 entities, not nine individuals in the original protest, 19 which is what's in question in this matter. 20 And this -- excuse me -- and this motion -- 21 excuse me -- this motion should carry, as once again -- 22 once again I must restate that it is only three</p>	13
10	<p>1 individuals who signed for nine companies trying to 2 generate numerosity as they -- by the -- by the use of 3 these companies. 4 CHAIRPERSON MILLER: Thank you. Any 5 questions? Yes, Mr. Jones. 6 MR. JONES: Mr. Mpras, are you implying that 7 you believe these entities were created for the purpose 8 of trying to skirt the reg? 9 MR. MPRAS: Sir, I'm -- what I'm stating is 10 that these purposes of these companies -- not of their 11 creation but they're used to skirt the reg because -- 12 MR. JONES: Okay. So they weren't directly 13 created for purposes of said but you're arguing that 14 the utilization of them in this way is not what the 15 intent of the reg was? 16 MR. MPRAS: I am, sir. 17 MR. JONES: Okay. Thank you. 18 MR. MPRAS: And this would also create a 19 very, very bad precedent for future protests, allowing 20 people to follow the same pattern. 21 MR. JONES: Thank you. Thank you, Madam. 22 CHAIRPERSON MILLER: I'm sorry. I don't</p>	12
11	<p>1 follow. What -- to follow what manner? 2 MR. MPRAS: As in -- I'm sorry, as in 3 creating to -- excuse me -- generating numerosity by 4 using -- by using shell companies. 5 CHAIRPERSON MILLER: By using what? 6 MR. MPRAS: Shell companies. 7 CHAIRPERSON MILLER: Do you have proof that 8 they're shell companies? 9 MR. MPRAS: Most of the companies used -- I 10 do not have proof that they are shell companies. 11 Actually that -- I withdraw that remark. 12 CHAIRPERSON MILLER: Okay. Any other -- oh, 13 Mr. Alberti. 14 MR. ALBERTI: Mr. Collins, I have a question 15 -- going to ask Collins a question. Is that 16 appropriate? 17 CHAIRPERSON MILLER: Yes. 18 MR. ALBERTI: Mr. Collins? 19 CHAIRPERSON MILLER: Yes. 20 MR. ALBERTI: All right, sorry. So this kind 21 of goes to Mr. Jones's question. When were these -- 22 each of the companies formed? How long have they --</p>	13

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14	<p>1 basically how long were they in existence? 2 MR. COLLINS: They were formed well before 3 this application was filed. 4 MR. ALBERTI: Approximately -- I mean, if 5 it's more than a year, that's fine. That's all I'm 6 looking for is -- 7 MR. COLLINS: 1985, sir. 8 MR. ALBERTI: Oh, all the -- these Bladenburg 9 (ph) -- 10 MR. COLLINS: Yes, sir. 11 MR. ALBERTI: -- LLCs? 12 MR. COLLINS: Yes. 13 MR. ALBERTI: Thank you. 14 MR. MPRAS: Mr. Alberti, the -- when they 15 registered to do -- when they were registered properly 16 to conduct business in the District, which would give 17 them standing, would be something to take into 18 consideration. 19 MR. ALBERTI: And do you have information on 20 when that was? 21 MR. MPRAS: That was -- I do not have it with 22 me but I know it was after their formation date.</p>	16	<p>1 MR. COLLINS: There are -- these are nine 2 separate companies owning nine -- all right -- well, 3 actually more than nine distinct pieces of property. 4 They own 15 distinct pieces of property; some own more 5 than one. They existed well before this application 6 was filed. 7 CHAIRPERSON MILLER: Okay. 8 MR. COLLINS: The law -- 25-101 of the DC 9 Code -- I just had it open, sorry -- defines a person 10 to include any number of corporate entities. Include - 11 - a person includes an individual, a partnership, a 12 corporation, a limited liability company and an 13 unincorporated association. So you don't need to be a 14 human person to be a party or -- 15 CHAIRPERSON MILLER: Right. 16 MR. COLLINS: -- to count as the number of 17 five or more. 18 CHAIRPERSON MILLER: So I think Mr. Mpras is 19 saying why weren't there five individuals that show up? 20 MR. COLLINS: Well, there are not five 21 individuals. There's five -- there's five persons 22 under the law because a person includes a corporation.</p>
15	<p>1 MR. ALBERTI: After their formation date? 2 MR. MPRAS: Correct. They were non-DC 3 entities initially. 4 MR. ALBERTI: That still is important to me 5 to know that approximate date. I mean, was it within 6 the last year? 7 MR. MPRAS: Sir, I can't say that for sure. 8 MR. ALBERTI: Okay. Thank you. 9 CHAIRPERSON MILLER: Mr. Mpras, could you 10 just in a nutshell say -- I know you've already said 11 they were untimely with their opposition but your basis 12 for saying that there aren't nine separate entities is 13 what? 14 MR. MPRAS: No, ma'am. Nine separate 15 companies do exist. 16 CHAIRPERSON MILLER: Nine -- 17 MR. MPRAS: But there are only three 18 individuals who signed the protest petition. And those 19 three individuals are trying to use those nine 20 companies to gain standing. 21 CHAIRPERSON MILLER: Mr. Collins, do you want 22 to respond to that?</p>	17	<p>1 CHAIRPERSON MILLER: Okay. So -- and how did 2 the person -- how did the corporation show up for the 3 roll call? 4 MR. COLLINS: Well, through an individual. 5 They showed up through me as their representative. 6 CHAIRPERSON MILLER: Okay. And at roll call, 7 that was not found to be a problem, right? 8 MR. COLLINS: That's correct. 9 MR. MPRAS: No, ma'am. The original roll 10 call -- we were not -- excuse me -- we were prepared 11 to properly respond to that because they changed. 12 Initially, they wanted to -- they came in as abutting 13 property owners. And when that was denied, then they 14 came in as a group of five. And we had to do research 15 as to that and that's how we came up with our argument 16 and motion. 17 CHAIRPERSON MILLER: Is that correct? 18 MR. COLLINS: Well, we came in -- we 19 originally came in as saying that we were abutting. 20 And then when the hearing officer denied that, we 21 pointed out that we are a group of five or more persons 22 under the law sharing a common interest. And in fact,</p>

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<p style="text-align: right;">18</p> <p>1 they are. The total extent of the property is 14 1/2 2 acres. It's right in the same square. It's virtually 3 right next door the property. 4 The fact that there are nine parties, you 5 know, here, there are not nine individuals. They are - 6 - they're -- each is distinct property owner with a 7 distinct interest, a distinctly different property 8 interest, a distinctly different federal employee 9 identification number, nine distinct properties in 10 every way, nine distinct locations, different makeups 11 within the groups. 12 So they do constitute a group of five or -- 13 properly constitutes a group of five or more under your 14 law and your regulations. 15 CHAIRPERSON MILLER: I can see that point. I 16 can see that point. I was just curious whether 17 separate owners showed up at -- here or at the roll 18 call. 19 MR. COLLINS: No. 20 CHAIRPERSON MILLER: No. So you're 21 representing the nine entities, correct? 22 MR. COLLINS: That is correct.</p>	<p style="text-align: right;">20</p> <p>1 CHAIRPERSON MILLER: Further comment? 2 MR. ALBERTI: I will just say that if 3 evidence had been presented to show that these 4 corporations were formed solely for the purpose of this 5 hearing, for the purpose of, as been expressed, 6 skirting the intent of the law, I might agree with Mr. 7 Mpras. But it's clear that there were -- that there's 8 another purpose for them. And I don't know what it is. 9 But they are -- they've been in existence for a long 10 time. And we do have nine separate entities here. 11 So I'm going to vote in favor of the motion. 12 CHAIRPERSON MILLER: Okay. Others? There's 13 a motion that's been -- I believe it's been seconded. 14 Did he second it? Mr. Nophlin? 15 MR. NOPHLIN: Yes. 16 CHAIRPERSON MILLER: Okay. Then all those in 17 favor of the motion to deny the motion to dismiss, say 18 aye? 19 (Chorus of ayes.) 20 CHAIRPERSON MILLER: All those opposed? 21 (No audible response.) 22 CHAIRPERSON MILLER: All those abstaining?</p>
<p style="text-align: right;">19</p> <p>1 CHAIRPERSON MILLER: Okay. Any other 2 questions? Okay. So the way I read the motion to 3 dismiss is that it's based on their not being nine 4 separate entities and that the opposition was untimely 5 -- 6 MR. MPRAS: Ma'am, no. We're -- we -- there 7 are nine separate companies but they -- but again, 8 these companies are being used to skirt the regulation 9 and because there are -- they're owned by the same 10 individuals, which is the three that have signed. 11 CHAIRPERSON MILLER: Okay. Any other 12 questions for -- all right. Then I -- then I suggest 13 that we resolve this motion and then go on to the next 14 motion. I would move that we deny the motion to 15 dismiss on the grounds that there appear to be nine 16 separate legal entities and applicant didn't meet his 17 burden of proof to show that they're skirting the law 18 in some way in that these are not legitimate corporate 19 entities. 20 Do I have a second? 21 MR. NOPHLIN: Second. 22 MR. ALBERTI: Madam?</p>	<p style="text-align: right;">21</p> <p>1 (No audible response.) 2 CHAIRPERSON MILLER: Then the vote is 5-0-0 3 to deny that motion to dismiss with respect to the 4 Schaeffer entities. Okay. 5 The next motion, which we will consider is 6 motion to dismiss the protest of the Arboretum 7 Neighborhood Association, Inc. That was filed by Mr. 8 Mpras on October 2nd, 2012. Again, I'll have Mr. Mpras 9 start and then the Arboretum Association to respond and 10 then Mr. Mpras can have response to that. So whenever 11 you're ready, Mr. Mpras. 12 MR. MPRAS: Yes, ma'am. 13 CHAIRPERSON MILLER: Okay. 14 MR. MPRAS: Well, Ma'am, the motion as stated 15 is to dismiss the protest because the Arboretum 16 Neighborhood Association did not follow its own bylaws 17 in reaching this -- excuse me -- in reaching the 18 resolution to protest under DC Code 25-601. Now, the 19 protest is basically deficient. It fails to 20 demonstrate that the protest was done in accordance 21 with their own bylaws as required by the aforementioned 22 statute.</p>

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<p style="text-align: right;">22</p> <p>1 And their response as a late attempt of 2 rehabilitation is not appropriate. The submission of 3 minutes of the meeting requiring a quorum and not 4 indicating, one fails to meet the statutory minimum 5 required to call a protest. Now, the quorum is 6 important because it demonstrates that an artificial 7 entity, such as the Arboretum, which protest is brought 8 in the name thereof, represents an act of that entity 9 and not the whim of a person claiming authority of that 10 entity. 11 Thus, we again request that their protest be 12 dismissed. And really quickly, now, to address one 13 point of their response, the -- part of their argument 14 is they're claiming that their -- excuse me -- the 15 Board of Regulation's governing motion practices was 16 not -- wasn't adhered to by applicant and that is 17 incorrect. It's -- all motions were submitted by first 18 class mail with certificate service to all parties. 19 CHAIRPERSON MILLER: Did you say that they 20 said that in their opposition? 21 MR. MPRAS: They did. 22 CHAIRPERSON MILLER: I'm not sure we have a</p>	<p style="text-align: right;">24</p> <p>1 have -- 2 CHAIRPERSON MILLER: Why don't -- why don't 3 we -- 4 MR. CHANDLER: Yes. 5 CHAIRPERSON MILLER: -- make copies so we 6 have that in addition to your -- 7 MR. CHANDLER: I'll bring -- 8 CHAIRPERSON MILLER: -- argument. 9 MR. CHANDLER: Yeah. I think I brought an 10 extra copy. 11 CHAIRPERSON MILLER: Oh, okay. They found 12 it. We found it. 13 MR. CHANDLER: Okay. 14 CHAIRPERSON MILLER: So it's being -- it's 15 being printed. 16 MR. CHANDLER: Great. 17 CHAIRPERSON MILLER: Okay. So what we'll do 18 is we'll hear your oral argument. But then we will 19 take a look at your opposition, Mr. -- 20 MR. CHANDLER: Okay. 21 CHAIRPERSON MILLER: But Mr. Mpras, I -- did 22 I interrupt you or are you finished?</p>
<p style="text-align: right;">23</p> <p>1 copy of their opposition. That's why I -- you have an 2 extra? You have an extra? 3 MR. CHANDLER: For Arboretum? I've sent the 4 opposition. You should have a copy. It was submitted 5 on time. 6 MR. ALBERTI: What's the date on that? Would 7 you -- 8 MR. CHANDLER: It was submitted -- it 9 actually was submitted yesterday. 10 CHAIRPERSON MILLER: Oh 11 MR. ALBERTI: That may be why we don't have 12 it. 13 MR. CHANDLER: Sir? 14 MR. ALBERTI: That may be why we don't have 15 it. 16 MR. CHANDLER: Oh 17 CHAIRPERSON MILLER: Do you have that -- 18 MR. CHANDLER: I did -- well, I could send 19 you again -- 20 CHAIRPERSON MILLER: I mean, we can hear your 21 argument but if you have a copy that -- 22 MR. CHANDLER: I do have a copy. I don't</p>	<p style="text-align: right;">25</p> <p>1 MR. MPRAS: Oh, no, Madam. 2 CHAIRPERSON MILLER: Finished? 3 MR. MPRAS: No, ma'am. I'm through. Thank 4 you. 5 CHAIRPERSON MILLER: Okay. So -- but, I'm 6 sorry, we got a little sidetracked. Just so -- you 7 said that they didn't comply with their obligations 8 under 25- 601 because they didn't show that they had a 9 quorum? Is there something -- 10 MR. MPRAS: That's one of the -- excuse me. 11 There was no determination of quorum. There was no 12 voting record as required under their -- under their 13 bylaws. And all business meetings, according to their 14 bylaws, are conducted in accordance with Robert's Rules 15 of Order and which was -- which was not followed when 16 it came to the -- to the voting count. There was no 17 count whatsoever. 18 CHAIRPERSON MILLER: There was what? 19 MR. MPRAS: The voting count is required and 20 there was no voting count whatsoever. 21 CHAIRPERSON MILLER: Okay. 22 MR. CHANDLER: Okay.</p>

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26	<p>1 CHAIRPERSON MILLER: Okay.</p> <p>2 MR. CHANDLER: I was going to say that the</p> <p>3 assertions made were addressed in the opposition to his</p> <p>4 motion to dismiss. But since you hadn't received it, I</p> <p>5 will try to answer a point -- I will answer those</p> <p>6 points, one being we had a quorum. And once the quorum</p> <p>7 was there, we did proceed with business, even though we</p> <p>8 did not state that a quorum was there. We proceeded</p> <p>9 with regular business.</p> <p>10 And we would not have -- we would have had an</p> <p>11 informal meeting in which we would have established</p> <p>12 that a quorum had not been met. And that would have</p> <p>13 been reflected in our minutes, thus, three consists a</p> <p>14 quorum - - was met and proceeded with the meeting. We</p> <p>15 did have a vote and the vote was -- there was a motion.</p> <p>16 The motion was seconded and it was unanimous. That's</p> <p>17 why you do not see a count. You don't see any</p> <p>18 opposition because there wasn't any opposition.</p> <p>19 So the motion carried unanimously, even</p> <p>20 though it's not stated there. And I think -- I'm</p> <p>21 trying to see what his other assertion was. I -- well,</p> <p>22 I have an addition letter in which I have had people</p>	28	<p>1 the sign-in sheet, the first sheet. And some of those</p> <p>2 names are on this letter here I had composed and signed</p> <p>3 by them in which they are asserting that there was a</p> <p>4 quorum.</p> <p>5 CHAIRPERSON MILLER: Okay. Mr. Mpras?</p> <p>6 MR. CHANDLER: And --</p> <p>7 CHAIRPERSON MILLER: Oh, wait. Yeah?</p> <p>8 MR. CHANDLER: -- I'm asking one other thing.</p> <p>9 CHAIRPERSON MILLER: Yes, uh-huh.</p> <p>10 MR. CHANDLER: Mr. Mpras --</p> <p>11 MR. MPRAS: Mpras.</p> <p>12 MR. CHANDLER: -- did not do any follow up</p> <p>13 with the initial information he received to find out if</p> <p>14 there was a quorum. He did not contact me to answer</p> <p>15 any of these questions for which his motion to dismiss</p> <p>16 is based on.</p> <p>17 CHAIRPERSON MILLER: Okay.</p> <p>18 MR. MPRAS: Ma'am, first of all I would</p> <p>19 object to any submissions at this time, as they would</p> <p>20 be untimely under the -- and, ma'am, no follow up on my</p> <p>21 part is necessary. The minutes are the official</p> <p>22 counting of what happened during any such meeting. And</p>
27	<p>1 sign to show that they were at the meeting. Ms. Shaw,</p> <p>2 I did not get her signature. However, she is the</p> <p>3 treasurer and she is mentioned in the minutes, as she</p> <p>4 was there. And she makes up the fourth person in the</p> <p>5 quorum. And I can give this to you. I have a copy for</p> <p>6 each of you if you want that.</p> <p>7 MR. MPRAS: Now, Madam --</p> <p>8 CHAIRPERSON MILLER: Mr. (inaudible) has the</p> <p>9 floor. He's got the floor. And then I'll go back to</p> <p>10 you.</p> <p>11 MR. CHANDLER: Additionally, I have had -- I</p> <p>12 have in excess of five members. Some are on the sign-</p> <p>13 in sheet which accompanied my opposition to the motion</p> <p>14 to dismiss. And I also have a number here who are not</p> <p>15 on the sign-in sheet but signed. The representative to</p> <p>16 the Club Illusion, although they were at our meeting,</p> <p>17 you only see one person on there. Chris Rancin (ph)</p> <p>18 signed the first sheet.</p> <p>19 For some reason, the second sheet, I can't</p> <p>20 locate it. However, that does not mean that Chris</p> <p>21 Rancin was not there with two people, as it does state</p> <p>22 in the minutes. And we had additional people beyond</p>	29	<p>1 I am fully entitled to rely upon those minutes as</p> <p>2 submitted to the Board and to myself. Now, the sign-in</p> <p>3 sheet does not absolve the Arboretum of their duty to</p> <p>4 follow their own bylaws.</p> <p>5 And no -- and an informal meeting where a</p> <p>6 vote was taken is contrary to the bylaws. And there</p> <p>7 was no mention of any informal meeting.</p> <p>8 CHAIRPERSON MILLER: Wait a second. Let me</p> <p>9 just get this clear. You're saying they didn't follow</p> <p>10 their bylaws?</p> <p>11 MR. MPRAS: Yes, ma'am.</p> <p>12 CHAIRPERSON MILLER: In what ways? You're</p> <p>13 saying they didn't have a quorum?</p> <p>14 MR. MPRAS: There was no determination of</p> <p>15 quorum.</p> <p>16 CHAIRPERSON MILLER: But you're saying there</p> <p>17 was no determination of a quorum or there was --</p> <p>18 MR. MPRAS: As required by --</p> <p>19 CHAIRPERSON MILLER: -- as opposed to no</p> <p>20 quorum?</p> <p>21 MR. MPRAS: There was no -- there was no</p> <p>22 determination as a quorum in the minutes --</p>

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<p style="text-align: right;">30</p> <p>1 CHAIRPERSON MILLER: Okay.</p> <p>2 MR. MPRAS: -- or at any time at the</p> <p>3 beginning of the meeting or at any time throughout as</p> <p>4 required by their bylaws specifically.</p> <p>5 CHAIRPERSON MILLER: Okay. That's --</p> <p>6 MR. MPRAS: And it also requires a minimum of</p> <p>7 four out of six elected officers, plus five active</p> <p>8 members shall be present to establish a quorum. And</p> <p>9 that was specifically not established in the minutes.</p> <p>10 CHAIRPERSON MILLER: Four to six elected</p> <p>11 officers? Okay.</p> <p>12 MR. MPRAS: Yes, plus five additional active</p> <p>13 members.</p> <p>14 CHAIRPERSON MILLER: Five active members.</p> <p>15 Okay. Plus five. Okay.</p> <p>16 MR. MPRAS: Now, Madam -- now, this says your</p> <p>17 active members -- the voting is to be done by -- there</p> <p>18 should be -- excuse me. The voting should be -- is to</p> <p>19 be done and active members may -- do participate in the</p> <p>20 vote. The president cannot vote except in -- except in</p> <p>21 case of a tie. Now, and if the vote is not unanimous,</p> <p>22 then the president may vote. But there is no record of</p>	<p style="text-align: right;">32</p> <p>1 the bylaws of the Arboretum also state in part that the</p> <p>2 business meeting shall be conducted in accordance with</p> <p>3 Robert's Rules of Order. Now, when a vote is done,</p> <p>4 according to Robert's Rules of Order, the -- when a --</p> <p>5 excuse me -- "In the meetings of ordinary societies and</p> <p>6 of boards of managers and trustees, there is no object</p> <p>7 in reporting the debates; the duty of the secretary, in</p> <p>8 such cases, is mainly to record what is done by the</p> <p>9 assembly, and not what is done by the members." "He</p> <p>10 should enter the essentials of a record, as previously</p> <p>11 stated, and when a count has been ordered or where the</p> <p>12 vote is by ballot, he should enter the number of votes</p> <p>13 on each side; and when the vote is by yeas and nays, he</p> <p>14 should enter a list of the names of those voting on</p> <p>15 each side."</p> <p>16 CHAIRPERSON MILLER: Okay.</p> <p>17 MR. MPRAS: Neither of that was done.</p> <p>18 CHAIRPERSON MILLER: Okay. All right. I</p> <p>19 think you've fully covered. Okay. Okay. All right.</p> <p>20 Why don't you respond to that?</p> <p>21 MR. CHANDLER: Yes.</p> <p>22 CHAIRPERSON MILLER: And then I don't want</p>
<p style="text-align: right;">31</p> <p>1 any vote having been taken to properly protest the</p> <p>2 license application as required by the bylaws.</p> <p>3 The only notation in the minutes was a motion</p> <p>4 made to oppose a liquor license and it was seconded,</p> <p>5 then, carried. But there's no indication of who made</p> <p>6 the motion, who seconded, as per the bylaws.</p> <p>7 CHAIRPERSON MILLER: Wait.</p> <p>8 MR. MPRAS: And --</p> <p>9 CHAIRPERSON MILLER: You said there was a</p> <p>10 vote. There was a motion?</p> <p>11 MR. MPRAS: There was a motion and it was</p> <p>12 seconded.</p> <p>13 CHAIRPERSON MILLER: It was seconded. Was</p> <p>14 there -- did it say a vote?</p> <p>15 MR. MPRAS: Excuse me?</p> <p>16 CHAIRPERSON MILLER: Did it say a carry?</p> <p>17 MR. MPRAS: No, it just said, "Carry." It</p> <p>18 did not mention a vote.</p> <p>19 CHAIRPERSON MILLER: Motion, seconded, carry.</p> <p>20 MR. MPRAS: Correct.</p> <p>21 CHAIRPERSON MILLER: Okay.</p> <p>22 MR. MPRAS: Now, also in the -- excuse me --</p>	<p style="text-align: right;">33</p> <p>1 this to go on too much longer.</p> <p>2 MR. CHANDLER: All right. Typically --</p> <p>3 CHAIRPERSON MILLER: (Inaudible) --</p> <p>4 MR. CHANDLER: Typically --</p> <p>5 CHAIRPERSON MILLER: Okay.</p> <p>6 MR. CHANDLER: -- we do not put the names of</p> <p>7 each person who vote or there is no account --</p> <p>8 additional count in the vote unless there's a challenge</p> <p>9 to the vote. And as there was no challenge and the vote</p> <p>10 was unanimous and with no opposition, the motion</p> <p>11 carried. It -- maybe it would be nice if she had noted</p> <p>12 it carried without opposition, but it did carry. And</p> <p>13 if it had opposition, it would have been noted.</p> <p>14 And Mr. -- I would like to say one thing --</p> <p>15 is that Club Illusion -- Mr. Mpras has set a very high</p> <p>16 standard for me when, in fact, they themselves have not</p> <p>17 complied --</p> <p>18 MR. MPRAS: Objection.</p> <p>19 CHAIRPERSON MILLER: Okay. Yeah, now, let's</p> <p>20 not go there. Because we -- this is -- it's almost</p> <p>21 5:00. So let's stick to your motion.</p> <p>22 MR. CHANDLER: Okay. I'll stick to it.</p>

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34	1 CHAIRPERSON MILLER: Were there four to six 2 elected officials? 3 MR. CHANDLER: Yes. And there were -- yes -- 4 there are four to six elected officials. 5 CHAIRPERSON MILLER: They're there? 6 MR. CHANDLER: They were there. 7 CHAIRPERSON MILLER: And five active? 8 MR. CHANDLER: And five active members were 9 there -- more than five. 10 CHAIRPERSON MILLER: And what's a quorum? 11 MR. CHANDLER: And -- a quorum is four 12 officials and five active members. 13 CHAIRPERSON MILLER: So it's -- all that was 14 there? You just didn't say it in the minutes? The 15 secretary didn't say it in the minutes? 16 MR. CHANDLER: We have -- we typically did 17 not say it if there is a quorum. We can go forward and 18 conduct regular business. However, if there's no 19 quorum -- 20 CHAIRPERSON MILLER: Right. 21 MR. CHANDLER: -- we have an informal 22 meeting, as I stated, and we do not vote.	36	1 24th. In fact, I was -- yeah, here it is. Let me make 2 sure this is a signed copy. Yes, hopefully it's not my 3 original. Yes. Was notice of the meeting given within 4 ten days? 5 MR. CHANDLER: Notice about -- yes. 6 CHAIRPERSON MILLER: Your meeting? 7 MR. CHANDLER: Yes. 8 CHAIRPERSON MILLER: Okay. All right. Do 9 others have questions? 10 MR. ALBERTI: Just real quick. Mr. Chandler, 11 it seems rather informal the way you established a 12 quorum. So how do you do that? I mean, is there a 13 sign-in list and you -- 14 MR. CHANDLER: Well -- 15 MR. ALBERTI: How do you know -- well, you 16 know who the officers are. 17 MR. CHANDLER: I know who the officers -- 18 MR. ALBERTI: How do you know who the active 19 members are? I mean, I'm curious about it. 20 MR. CHANDLER: Most of the active members -- 21 well, I've lived in the neighborhood for 20 years. And 22 we -- most of the active members are the majority of
35	1 CHAIRPERSON MILLER: Okay. Let me ask you 2 this -- and I'm looking at 25-601, which was cited by 3 Mr. Mpras. 4 MR. CHANDLER: Yeah. 5 CHAIRPERSON MILLER: With respect to a 6 citizens association standing to file protest, it talks 7 about a resolution concerning a license application 8 that's been approved in accordance with your 9 association's bylaws. For -- so do you have a 10 resolution? 11 MR. CHANDLER: We did have a resolution. 12 CHAIRPERSON MILLER: You did have a 13 resolution? 14 MR. CHANDLER: And we submitted it to you. 15 CHAIRPERSON MILLER: Okay. 16 MR. CHANDLER: Do you -- would you like a 17 copy? I think I can find a copy. 18 CHAIRPERSON MILLER: Okay. Find it. 19 MR. CHANDLER: I addressed it to you, Ms. 20 Miller. 21 CHAIRPERSON MILLER: When was that? 22 MR. CHANDLER: That was on -- I think on the	37	1 the people that come out. We do have a few neighbors 2 who are not active members that do, in fact, come out 3 to the meeting. But it's mostly small group. As in 4 any entity, most people don't get involved. So you 5 have an idea of who is an active member and who is not 6 an active member. 7 MR. ALBERTI: Okay. 8 MR. CHANDLER: Additionally, I mean, I don't 9 know if a quorum is necessary for what you all do. 10 CHAIRPERSON MILLER: It is. 11 MR. CHANDLER: And I did not notice that a 12 quorum was established. I don't know if that's in your 13 bylaws but you conducted your meeting as if you had 14 proper authority to do so. 15 CHAIRPERSON MILLER: But for the record, we 16 do that in the morning. 17 MR. CHANDLER: Oh, okay. All right. 18 MR. ALBERTI: But thank you. I -- 19 CHAIRPERSON MILLER: Okay. 20 MR. ALBERTI: I understand. 21 CHAIRPERSON MILLER: Yeah. 22 MR. ALBERTI: Thank you for your answer.

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38	1 MR. CHANDLER: Yes. 2 CHAIRPERSON MILLER: Any other questions? 3 How many members do you have? 4 MR. CHANDLER: I can't tell you that exactly. 5 I made the effort to get it from the treasurer who 6 keeps that record. However, she did not have that 7 information with her last night and she's going to work 8 on it. And I can tell you this, it exceeds a quorum. 9 CHAIRPERSON MILLER: Do you know how many 10 people were at the meeting that night -- I mean, that 11 day, whatever? 12 MR. CHANDLER: At that particular day, I 13 would have to assert that there were between 8 and 15 14 people. 15 MR. MPRAS: Madam Chairman, if there were 16 only eight people there, that doesn't constitute a 17 quorum. 18 MR. CHANDLER: Right. That's what I did. I 19 looked at the sign-in sheet. And -- 20 MR. MPRAS: We're trying to look at that 21 eight. 22 MR. CHANDLER: -- which I furnished a sign-in	40	1 MR. ALBERTI: Can you just name them? 2 MR. CHANDLER: I had it in fact -- 3 MR. ALBERTI: Or on the sign-in sheet. Who 4 are the officers on the sign-in sheet that I heard 5 about? 6 MR. CHANDLER: On the sign-in sheet? 7 MR. ALBERTI: Attachment B or -- 8 MR. CHANDLER: I have to look at the sign-in 9 sheet. But I think it was myself, Mason (ph), Ms. 10 Hughes (ph), Ms. Green (ph). And the other officer who 11 is not on the sign-in sheet but mentioned in the 12 minutes because she gave a report -- but she should be 13 on the other sign- in -- part of the sign-in sheet I 14 can't find -- that is Ms. Kitty Shaw (ph), who -- 15 MR. ALBERTI: And she's mentioned in the 16 minutes? 17 MR. CHANDLER: She is mentioned in the 18 minutes -- 19 MR. ALBERTI: Okay. 20 MR. CHANDLER: -- because she gave a report, 21 the treasurer's report. 22 MR. ALBERTI: Okay. Thank you.
39	1 sheet to you. And I've also had this additional sheet 2 -- I'm sorry -- which has the signatures of members 3 that -- 4 MR. MPRAS: Again, I object to any late 5 submissions. 6 CHAIRPERSON MILLER: Wait a second. Let's 7 just -- I looked at your file today. One person at a 8 time. 9 MR. CHANDLER: There were -- also I had this 10 made up for you. They were also -- if I could give 11 this to the young lady for you? 12 CHAIRPERSON MILLER: I mean, I don't want 13 this to go on too much longer but this is an important 14 issue in that I understand Mr. Mpras's point because 15 sometimes, you know, a small group of people can 16 purport to represent a larger group when they don't 17 really have the authority. So -- 18 MR. ALBERTI: May I ask a quick question? 19 CHAIRPERSON MILLER: Yeah. 20 MR. ALBERTI: Mr. Chandler, who are the 21 officers? 22 MR. CHANDLER: The officers are --	41	1 CHAIRPERSON MILLER: Could I -- I'm not sure 2 I have the resolution that you were talking about. Is 3 this the resolution? May -- 4 MR. CHANDLER: The resolution -- did you 5 mean, like -- 6 CHAIRPERSON MILLER: The letter? 7 MR. CHANDLER: -- the letter I sent to you? 8 CHAIRPERSON MILLER: In accordance with 25- 9 601 it says you have a resolution that you vote on that 10 takes the position of the application. 11 MR. CHANDLER: Well, we -- 12 CHAIRPERSON MILLER: Did you do that? 13 MR. CHANDLER: We voted to submit a letter to 14 you all but it -- without opposition but I don't know 15 what you mean exactly by a resolution -- 16 CHAIRPERSON MILLER: Okay. 17 MR. CHANDLER: -- except for that letter. 18 MR. ALBERTI: Madam Chair -- 19 CHAIRPERSON MILLER: Yeah. 20 MR. ALBERTI: -- it's -- I'm going to give 21 you my opinion. My opinion -- and we're talking about 22 -- I interpret a motion during a meeting to be

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42	<p>1 essentially a resolution. This -- and I will give you 2 my example. My ANC doesn't -- we don't pass 3 resolutions. We pass motions. 4 MR. CHANDLER: Okay. 5 MR. ALBERTI: So I would interpret the law to 6 -- when they say it's resolution to mean -- to be the - 7 - to treat a motion as a resolution. 8 MR. CHANDLER: Well, I think that's how -- 9 MR. ALBERTI: And that's -- I'm just putting 10 that out there. 11 MR. CHANDLER: I think that's how it's been 12 done. I have only been doing this for two years and 13 that seems to have been the way it's -- I do it the way 14 it had been done in the past. 15 CHAIRPERSON MILLER: Oh, I'm not going to get 16 hung on up on what we call it. It could be -- it could 17 be a letter but it's something that the association 18 votes on and takes a position -- 19 MR. CHANDLER: Well, they -- 20 CHAIRPERSON MILLER: -- with respect to the 21 application. 22 MR. CHANDLER: There was a motion to oppose.</p>	44	<p>1 name. 2 CHAIRPERSON MILLER: Does -- in this letter, 3 which is four pages, do you say that your association 4 took a vote -- had a meeting and took a vote? 5 MR. CHANDLER: I think it does say that we 6 voted to oppose. It was -- I think you have my only 7 copy. Oh, no. Here's a copy. Let's see. Oh, no. 8 This is an incomplete copy of that. This -- 9 CHAIRPERSON MILLER: All right. You're 10 saying the minutes reflect that you did though? 11 MR. CHANDLER: Yes. But also it should be -- 12 I think it is in the letter you had. Because I think 13 the letter was written in opposition. If you look on 14 that letter, it states that it's written in opposition 15 to Club Illusion, aka -- I mean, Club Illusion, slash, 16 the other part of the name. 17 CHAIRPERSON MILLER: Okay. What was the date 18 of your meeting? 19 MR. CHANDLER: The date of the meeting was 20 April 10th. 21 CHAIRPERSON MILLER: Oh, here it is. Voted 22 unanimously. Okay. Okay. Board members have other</p>
43	<p>1 CHAIRPERSON MILLER: Where is that reflected? 2 MR. CHANDLER: In the minutes. I don't -- 3 CHAIRPERSON MILLER: No, in the 4 correspondence to the Board. 5 MR. CHANDLER: I mean -- that I -- excuse me. 6 CHAIRPERSON MILLER: Anyone? 7 MR. CHANDLER: I did not know that I had to 8 send a motion in addition to that letter. I thought 9 that was -- that letter to -- that is a letter to 10 oppose the club. 11 CHAIRPERSON MILLER: This -- it's this 12 letter? 13 MR. CHANDLER: Yes. 14 CHAIRPERSON MILLER: Does it reflect the 15 vote? Does it reflect the -- 16 MR. CHANDLER: Yes, it reflects the vote. 17 CHAIRPERSON MILLER: Okay. Let me look at 18 it. That's why I wanted to make sure I was looking at 19 the right thing. 20 MR. CHANDLER: Oh, yes, ma'am. 21 CHAIRPERSON MILLER: Okay. 22 MR. CHANDLER: I'm getting confused by the</p>	45	<p>1 questions? Okay. 2 MR. NOPHLIN: Madam Chair? 3 CHAIRPERSON MILLER: Yeah. 4 MR. NOPHLIN: Just one question. Do you have 5 a record of how many members you have? 6 MR. CHANDLER: I stated a moment ago that our 7 treasurer is going to compile it. She could not put 8 her hand on it. And I did ask her about it. She is 9 going to work on having that right now. I don't have 10 it. 11 MR. NOPHLIN: Does she have the names as well 12 as the number? 13 MR. CHANDLER: She has the names -- 14 MR. NOPHLIN: Numbers? 15 MR. CHANDLER: -- of all paying members. 16 MR. NOPHLIN: And how often do you meet? 17 MR. CHANDLER: We meet the second Tuesday of 18 every month except for in July and August and December. 19 We have a Christmas party then. 20 MR. NOPHLIN: Thank you. 21 CHAIRPERSON MILLER: Okay. Any other 22 questions? All right. I think that we could now</p>

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46	<p>1 deliberate on this briefly and then discuss this 2 motion. I understand Mr. Mpras's concern that it 3 doesn't look like necessarily every dot -- every "I" 4 was dotted or every "T" crossed. But when I look at the 5 minutes and then this letter dated May 24th, 2012, and 6 the opposition, it appears that the Arboretum 7 Neighborhood Association did -- they did have a quorum. 8 And it says it's -- it was a regularly 9 scheduled meeting. And we have testimony that notice 10 was provided. And we have a letter, which would be 11 considered a resolution. In any event, it looks like 12 there was a quorum present from the minutes and the 13 sign-in sheet. So I would on that basis move to deny 14 the motion to dismiss the Arboretum Neighborhood 15 Association's protest. 16 Do I have a second? 17 MR. BROOKS: Second. 18 CHAIRPERSON MILLER: Okay. Further comment? 19 (No audible response.) 20 CHAIRPERSON MILLER: Not to belabor this, my 21 further comment though would be to try to look at in 22 the future 25-601(3) and try to fit more tightly under</p>	48	<p>1 Mpras and an opposition filed by Don Padou -- is that 2 right -- 3 MR. PADOU: Got it. 4 CHAIRPERSON MILLER: -- October 3rd on behalf 5 of the group. Mr. Mpras? 6 MR. MPRAS: DC Code 25-601 officially 7 requires that a protest from a group of no few than 8 five share common grounds for their protest. In this 9 instance, the applicant asserts that using a 10 residential property owner demonstrates that their -- 11 excuse me -- owners demonstrate the -- that their legal 12 residence -- are property owners of District of 13 Columbia and share common grounds for their protest. 14 If these protestants are merely signatories 15 for the purpose of creating multiplicity and do not 16 share common ground for their protest, this protest 17 must be dismissed. Now, let's see. Now, DC Code 25- 18 824(b) and DC Code 25-827(a) specifically hold a 19 Licensee responsible for occurrences within 1000 feet 20 of their establishment. 21 Now, this clearly provides for -- file a 22 parameter of a geographical area that may be affected</p>
47	<p>1 those requirements with resolution and in your bylaws. 2 But I am convinced that the spirit is met and actually 3 the little particulars are met, even though they 4 weren't all pulled together in one place, let's say. 5 So -- okay. Not hearing any other comments, 6 all those in favor of the motion to deny the motion to 7 dismiss the Arboretum Neighborhood Association -- or 8 the motion to dismiss the Arboretum Neighborhood 9 Association as a party, say aye? 10 (Chorus of ayes.) 11 CHAIRPERSON MILLER: All those opposed? 12 (No audible response.) 13 CHAIRPERSON MILLER: All those -- 14 MR. NOPHLIN: I oppose, Madam Chair. 15 CHAIRPERSON MILLER: Opposed? So the vote is 16 -- all those abstaining? 17 (No audible response.) 18 CHAIRPERSON MILLER: The vote is 4-1-0 to 19 deny the motion to dismiss the protest. One more? 20 Thank you very much. We have one more motion to 21 dismiss a party of five. Okay. We have a motion to 22 dismiss a party of five filed September 27th by Mr.</p>	49	<p>1 by the operation of a license. Now, this group of no 2 fewer than five must not be permitted to participate in 3 the protest herein, particularly with the numerosity of 4 participants necessary to predicate such participation. 5 Due to the fact that not one of the protestants is -- 6 with the possibility of the -- excuse me -- with the 7 exception of the Salvation Army -- is within 1000 feet 8 of the proposed venue. 9 But they're as far as 8.2 miles within the 10 District of Columbia. And one protestant, Alison 11 Shockla (ph) provided only a Bowie, Maryland address. 12 This is of importance under Code 25-601.2. That is 13 unlikely, if not impossible, that these protestants 14 share common grounds for their protests. They do not 15 reside in close proximity of one another. 16 It is a necessary and appropriate inquiry to 17 discern if the protestants in fact reside at or own any 18 qualifying property. And usually it is an appropriate 19 inquiry to discern if they are in close enough 20 proximity to each other and to the proposed venue to 21 share common grounds for their protest and be affected 22 by the operation of the -- of the proposed venue.</p>

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50	<p>1 We assert there's no common grounds by virtue 2 of distance. And we also assert that the -- excuse me 3 -- that raising this issue can be done at any time, 4 private or protest hearing, as there is no -- excuse me 5 -- as there's no legislation prohibiting it. And we 6 are here today to argue this protest and no waiver 7 implied or otherwise may be assumed. 8 Now -- and once again, in continuation of 9 that, no authority exists that specifies or dictates 10 for the proposition that a challenge to a protestant's 11 standing must be made at -- prior to protest hearing. 12 So based on -- based on the -- excuse me -- based on 13 the lack of common grounds of these protestants, we'd 14 request that this protest be dismissed. 15 CHAIRPERSON MILLER: Okay. Mr. Padou? 16 MR. PADOU: Thank you, Madam Chair, members 17 of the Board. Applicant's motion is baseless. He's -- 18 applicant starts off by asserting that the protestants 19 have to live within 1000 feet or they don't have a 20 common grounds for a protest. Applicant relies on two 21 sections of Title 25. The first one proscribes a 1000- 22 foot distance for the Board to take action -- summary</p>	52	<p>1 In addition, there's a procedural problem 2 with applicant's motion. This Board, on June 11th, 3 through its agent, LaVerne Fletcher, seated this 4 protest group as a protest group. More than five 5 members of the group showed up as required by statute. 6 Ms. Fletcher questioned those people. Applicant did 7 not. Applicant did not challenge the standing when 8 applicant had a chance. It's a well established 9 doctrine of American jurisprudence that argument not 10 timely waived -- not timely raised is waived. 11 Applicant didn't timely raise it. 12 Now, as this Board knows, there's a statute 13 that says the Board can require five members of protest 14 group to appear in person. Starting about two and a 15 half, three years ago, this Board started requiring 16 every protest group that came before it to have five 17 people at at least the initial roll call or status 18 hearing. 19 As this Board is aware, I took that very 20 statute up to the Court of Appeals and lost. Before 21 the Court of Appeals, this Board argued that one of the 22 reasons that this statute was on the books and was</p>
51	<p>1 action against an establishment. 2 The second one provides the distance for the 3 police chief to take some reaction against an 4 establishment when some incident has happened within 5 that 1000-foot radius. That has nothing to do with the 6 standing to protest. Standing to protest is governed 7 by 25-601. In that statute the legislature said that 8 people can protest if they are residents or property 9 owners of the District of Columbia. 10 They put no distance requirement on that 11 whatsoever. In this case, the distance argument is 12 particularly in the apposite because if the Board -- as 13 the Board will learn in a few minutes, I hope, 14 applicant is proposing parking his future customers as 15 much as a quarter-mile away. 16 So it's a little bit difficult for the 17 establishment -- for the applicant to argue that you 18 have to live within 1000 feet of the establishment or 19 you -- or you're not affected by the establishment when 20 they're going to park hundreds and hundreds of people 21 at satellite parking lots as far as a quarter a mile 22 away.</p>	53	<p>1 interpreted the way the Board interpreted it was to 2 give applicants a chance to question live members of a 3 group to make sure that there was an actual group of 4 five or more people. 5 As I said, we had -- I think it was eight 6 people at the hearing. And applicant raised no 7 questions about it whatsoever. The Board found -- we 8 made a prima facie finding -- showing of standing and 9 seated us. That's an Order of the Board. Applicant 10 had ten days to move for reconsideration and didn't do 11 so. Applicant stayed silent as we -- as we had to move 12 for reconsideration of the standing of Salvation Army 13 as a member of our group. 14 They had their chance to raise it. They 15 waited until one week before this hearing. They 16 offered no evidence that there aren't five people in 17 this group of 79 people that I represent as residents 18 and property owners. They offered no evidence that 19 there aren't five people. They just -- it's a Hail 20 Mary pass to try and get us bumped. 21 CHAIRPERSON MILLER: All right. Thank you. 22 MR. PADOU: Thank you.</p>

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54	<p>1 CHAIRPERSON MILLER: Thank you. One last 2 word, Mr. Mpras? 3 MR. MPRAS: Yes, ma'am. As far as burden of 4 proof, the burden of proof is on the protestants to 5 show that these people are actual bona fide residents 6 of the District of Columbia. The -- now, in 7 continuation of -- excuse me -- of 25-601, the 8 protestants must share common ground. When the 9 protestants are so far apart, how can they share a 10 common ground? It's just not possible. 11 As far as being timely before the Board, 12 there were so many protestants in question, it took an 13 amount of time to go through these lists, check these 14 addresses, and calculate the distances. It's not 15 something that could have been done immediately. And 16 some of them were illegible. So the original protest 17 as submitted took some time to decipher. 18 Now, as far as -- excuse me -- as far as when 19 to object to a -- excuse me -- as far as when to object 20 to a standing, there is -- there's nothing that 21 precludes a challenge at any time. So I urge the Board 22 to dismiss the protest.</p>	56	<p>1 MR. ALBERTI: Well, I don't agree with that. 2 Is that -- so thank you. 3 MR. MPRAS: I can -- I can assess as to the 4 distances and that is the issue here. Based on the 5 distance, they cannot have a common grounds in-between 6 them. 7 MR. ALBERTI: Unless you have any more detail 8 about those 79 people that would convince me to 9 eliminate all but four of them, I'm just not convinced. 10 CHAIRPERSON MILLER: Okay. Anybody else? 11 All right. Then let's move on this one. I would move 12 to deny this motion to dismiss as well. 13 Is there a second? 14 MR. NOPHLIN: Second. 15 CHAIRPERSON MILLER: Okay. Motion's been 16 seconded by Nophlin. I would say also that there is no 17 geographic limit for protestants under the statute that 18 we have now, that the 1000 feet does not apply to 19 standing for protestants. And I think that these kind 20 of issues -- really, standing -- I would hope, if 21 possible -- I don't know what went on with the 22 proceedings before us but it's better if this be</p>
55	<p>1 CHAIRPERSON MILLER: Okay. Any Board 2 questions? Yeah, Mr. Alberti. 3 MR. ALBERTI: First of all, the timing of the 4 question, I'll just point out that at the roll call 5 hearing it's really the Board's Agent who conducts the 6 roll call hearing. And she has sort of, I think, 7 limited powers to make and hear arguments in cases like 8 this. So even if there was a challenge as to common 9 interest, I'm not sure it would get decided in finality 10 at that roll call. So just keep that in mind for the 11 future. 12 I mean, if -- those are the kind of issues 13 that really do need to come to the Board because the 14 Board's Agent really is limited in their ability to 15 make their charge -- make their decision. Now, Mr. 16 Mpras, I'm a little confused. You went through this 17 list of 79 people. Can you eliminate all but five of 18 them or all but four of them? I mean, do you have 19 evidence to eliminate all but four of them? 20 MR. MPRAS: No, sir, I would not. It is -- 21 it is -- excuse me -- it is the obligation of the -- of 22 the protestants to show that -- to make their case.</p>	57	<p>1 resolved earlier rather than later so that we could 2 have just gotten into the meat of the case. 3 Also, I would think that -- you know, if an 4 applicant is dealing with protestants, they should know 5 sooner rather than later if their potential protestants 6 -- whether they're out of the case or not. But that 7 being said, I don't think the case has been made to 8 offset the prima facie showing that this party has 9 standing. So other comments? 10 (No audible response.) 11 CHAIRPERSON MILLER: Okay. All those in 12 favor of the motion that's been seconded to dismiss 13 this party of five -- motion to deny -- oops, I'm going 14 to say this again. My motion is to deny the motion to 15 dismiss the party of five that's been seconded. 16 All those in favor, say aye? 17 (Chorus of ayes.) 18 CHAIRPERSON MILLER: All those opposed? 19 (No audible response.) 20 CHAIRPERSON MILLER: All those abstaining? 21 (No audible response.) 22 CHAIRPERSON MILLER: The vote is 5-0-0 to</p>

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58	<p>1 deny the motion. 2 Okay. That takes care of those preliminary 3 matters. I don't think there are -- the only -- the 4 next case of preliminary matters, how we're going to 5 proceed here with one applicant and four protestant 6 parties. Perhaps the representatives of each party 7 should come up here. My question is whether the four 8 parties -- protestants are going to be able to come 9 together and -- as one opposing party per se or how -- 10 whether you've talked about this or not. 11 Normally, an opponent has -- a protestant has 12 an hour and a half and the applicant has an hour and a 13 half. And we have four parties here as of now. 14 MR. PADOU: Madam Chair? 15 CHAIRPERSON MILLER: So I don't think we're 16 going to have four times an hour and a half or whatever 17 we've got here. So there's got to be some merging. 18 MR. PADOU: Madam? 19 CHAIRPERSON MILLER: Yeah. 20 MR. PADOU: We have discussed this amongst 21 ourselves. 22 CHAIRPERSON MILLER: Good.</p>	60
59	<p>1 MR. PADOU: And we think we have a workable 2 plan to kind of divvy up our side of the time. 3 CHAIRPERSON MILLER: Good. Okay. We're 4 going to have then applicant an hour and a half and 5 protestants an hour and a half? 6 MS. MANNING: Yes. 7 CHAIRPERSON MILLER: And you're going to have 8 particular areas of interest that are going to be 9 represented by different representatives; is that it? 10 MR. PADOU: That's one way to put it, your -- 11 MS. MANNING: Yeah. 12 MR. PADOU: -- Madam Chair. 13 CHAIRPERSON MILLER: Okay. Do you want to 14 just give -- let us know what -- 15 MR. PADOU: Well, we each have a different 16 set of witnesses. 17 CHAIRPERSON MILLER: Okay. 18 MR. PADOU: And the way we had it agreed to, 19 Madam Chair, was that Mr. Collins would go first, I 20 would go second and Mr. Chandler would go third. 21 However, some of our witnesses are now under time 22 constraints.</p>	61
60	<p>1 CHAIRPERSON MILLER: Okay. 2 MR. PADOU: So we've rearranged that amongst 3 ourselves a little bit. So it's not really thematic. 4 It's, you know, whose witnesses are going to be up 5 there. 6 CHAIRPERSON MILLER: Okay. 7 MR. PADOU: I would also advise the chair, I 8 have two witnesses from the Salvation Army. 9 CHAIRPERSON MILLER: Uh-huh. 10 MR. PADOU: They have a staff meeting that 11 they have to be at by 6:00. Normally, as you just 12 mentioned, the applicant puts their case on first. I 13 wonder if we might try and rejigger the order a little 14 bit to allow the two witnesses from the Salvation Army 15 to testify so that they can leave and make the meeting 16 that they have to go to. 17 CHAIRPERSON MILLER: Mr. Mpras, do you have 18 an objection? 19 MR. MPRAS: Ma'am, I'd like to know if -- 20 excuse me -- I'd like the names of the witnesses, 21 please, first. 22 MR. PADOU: Sure. They're on my witness</p>	61

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62	<p>1 two witnesses. What do you all think? I really -- 2 MR. MPRAS: Well, no. That's fine. 3 CHAIRPERSON MILLER: I've never gone totally -- 4 MR. MPRAS: That's fine but I'd want them to 5 remain for cross. 6 CHAIRPERSON MILLER: Right. Okay. All 7 right. So we can take them first. I wanted just to ask 8 a couple -- in these proceedings sometimes people 9 invoke the rule of witnesses. I want to know if 10 anybody wants to do that. 11 MR. MPRAS: We do. 12 CHAIRPERSON MILLER: You do. Okay. And do 13 you? 14 MR. PADOU: Madam Chair, you'll have to 15 explain that to my witnesses. 16 CHAIRPERSON MILLER: Okay. I'm sorry. Well, 17 that means that if you have witnesses, while one -- 18 except for a party, while one witness is testifying, 19 the other witnesses will be out of the room so that 20 they don't hear what the other witness said so their 21 testimony is not influenced. So -- okay. Do you want 22 to -- want to invoke that?</p>	64	<p>1 who just left. Yes. 2 CHAIRPERSON MILLER: All right. I want to 3 ask you all one more question. Normally, we do opening 4 statements. Do you want to do them quickly or do you 5 want to -- or did the Salvation Army people want to go 6 first? 7 MR. MPRAS: If they're going to go first -- I 8 mean, if both parties are willing -- 9 CHAIRPERSON MILLER: If they're in a hurry -- 10 MR. MPRAS: -- to waive to opening 11 statements, we are. Yeah. 12 MS. MANNING: Yeah, let them -- it's -- 13 CHAIRPERSON MILLER: Fine, let's go. 14 MS. MANNING: Let them go first. 15 CHAIRPERSON MILLER: Okay. 16 MR. PADOU: First begins. 17 CHAIRPERSON MILLER: Yes, you. Thank you for 18 being so patient. 19 MS. LOGSDON: Oh, thanks. We appreciate your 20 consideration. 21 CHAIRPERSON MILLER: I'm going to swear you 22 in.</p>
63	<p>1 How many -- well, how many witnesses do you 2 have? You have two from the Salvation Army? 3 MR. PADOU: Yes. 4 CHAIRPERSON MILLER: Okay. This is -- 5 MR. PADOU: Yeah, here. I can help out. 6 CHAIRPERSON MILLER: Okay. 7 MR. PADOU: Everybody who's not from the 8 Salvation Army has to leave the room if you're a 9 witness. 10 MS. MANNING: And only one Salvation Army. 11 And only one Salvation Army has to stay. 12 MR. PADOU: Right. And Robert, you're going 13 to have leave the room. So I'm only going to have one 14 Salvation Army witness. 15 CHAIRPERSON MILLER: How many witnesses do 16 you have? 17 MR. MPRAS: Ma'am, we have -- we have two. 18 CHAIRPERSON MILLER: Two. 19 MR. MPRAS: And one is the party. 20 CHAIRPERSON MILLER: One is the party. So 21 the other one will be out of the room? 22 MR. MPRAS: The other one is Mr. Morris (ph)</p>	65	<p>1 MS. LOGSDON: Uh-huh. 2 CHAIRPERSON MILLER: Okay. Do you swear to 3 tell the truth, the whole truth, nothing but the truth? 4 MS. LOGSDON: I do. 5 CHAIRPERSON MILLER: Thank you. 6 MR. PADOU: Could you state your name and 7 spell it for the record, please? 8 MS. LOGSDON: My name is Mary Lynn Logsdon, 9 M-A- R-Y, L-Y-N-N, L-O-G-S-D-O-N. And I'm the 10 executive director of the Salvation Army Harbor Lights 11 Center located at 2100 New York Avenue, N.E. 12 MR. PADOU: And how long have you worked at 13 the Harbor Lights Center there? 14 MS. LOGSDON: Three years. 15 MR. PADOU: And could you give a brief 16 description of what the Harbor Lights Center is? 17 MS. LOGSDON: Yes. I actually have a 18 statement that's prepared by our area commander that 19 I'll read and then take questions. 20 MR. PADOU: I'd like to object as to 21 relevancy. 22 CHAIRPERSON MILLER: Okay. So could you</p>

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66	<p>1 profer the relevancy --</p> <p>2 MR. PADOU: Yes.</p> <p>3 CHAIRPERSON MILLER: -- for Mr. Mpras?</p> <p>4 MR. PADOU: I'm familiar with the statement</p> <p>5 they would like to make. It's a generalized exposition</p> <p>6 of their opposition to the grant of a license to two</p> <p>7 large nightclubs across the street from them.</p> <p>8 CHAIRPERSON MILLER: So I'm not sure though.</p> <p>9 Is this somebody else's statement but it represents</p> <p>10 your feelings as well or what?</p> <p>11 MR. PADOU: No. It's --</p> <p>12 CHAIRPERSON MILLER: What is it?</p> <p>13 MR. PADOU: It's a statement of the Salvation</p> <p>14 Army as a corporate entity.</p> <p>15 CHAIRPERSON MILLER: Okay.</p> <p>16 MR. PADOU: The witness is the executive</p> <p>17 director of the organization.</p> <p>18 CHAIRPERSON MILLER: Okay.</p> <p>19 MR. PADOU: I'm not sure how to describe it</p> <p>20 more than that.</p> <p>21 CHAIRPERSON MILLER: All right.</p> <p>22 MR. PADOU: I didn't write it.</p>	68	<p>1 MS. LOGSDON: Yes.</p> <p>2 MR. NOPHLIN: And everybody agreed on this</p> <p>3 statement?</p> <p>4 MS. LOGSDON: Yes.</p> <p>5 MR. NOPHLIN: It's sort of a mission</p> <p>6 statement? What is it?</p> <p>7 MS. LOGSDON: It's just a statement about us</p> <p>8 being the Harbor Lights Center and our opposition to</p> <p>9 the nightclubs being put across the street.</p> <p>10 MR. NOPHLIN: Okay.</p> <p>11 MR. MPRAS: Ma'am -- Chairman Miller, I would --</p> <p>12 CHAIRPERSON MILLER: Yeah.</p> <p>13 MR. MPRAS: -- object as the -- they're a</p> <p>14 member of the class of -- the group of five or more</p> <p>15 represented by Mr. Padou. And the -- if we're -- we</p> <p>16 can't have every one of the members coming up and</p> <p>17 expressing their protest issues when it should be done</p> <p>18 by the representative of the -- of the group itself.</p> <p>19 CHAIRPERSON MILLER: No, no. This is a</p> <p>20 witness for the Salvation Army, which is one of the --</p> <p>21 MR. MPRAS: No, ma'am. The Salvation Army is</p> <p>22 a member of the group of 79 represented by Mr. Padou.</p>
67	<p>1 CHAIRPERSON MILLER: She didn't write it?</p> <p>2 MR. PADOU: They wrote it.</p> <p>3 MS. LOGSDON: I did write it.</p> <p>4 CHAIRPERSON MILLER: You did write it. Okay.</p> <p>5 MS. LOGSDON: But it was approved by my area</p> <p>6 commander.</p> <p>7 CHAIRPERSON MILLER: Okay.</p> <p>8 MS. LOGSDON: So with the Salvation Army, any</p> <p>9 time you do anything --</p> <p>10 CHAIRPERSON MILLER: Okay.</p> <p>11 MS. LOGSDON: -- in the public -- but I</p> <p>12 actually did write the statement. So</p> <p>13 CHAIRPERSON MILLER: Oh, good. All right.</p> <p>14 Go ahead.</p> <p>15 MS. LOGSDON: As you are aware, the Salvation</p> <p>16 Army --</p> <p>17 MR. NOPHLIN: Excuse me, Madam Chair?</p> <p>18 CHAIRPERSON MILLER: Wait. I'm sorry.</p> <p>19 MR. NOPHLIN: Excuse me. I'm sorry. Is this</p> <p>20 statement -- is this statement made by you or is it the</p> <p>21 mission itself? In other words, is this something that</p> <p>22 you wrote and passed it to the mission for approval?</p>	69	<p>1 They're not an independent protestant.</p> <p>2 CHAIRPERSON MILLER: Okay. But they're a</p> <p>3 member --</p> <p>4 MR. PADOU: Madam Chair, it doesn't --</p> <p>5 CHAIRPERSON MILLER: He's their</p> <p>6 representative. And she is going to give testimony. I</p> <p>7 don't see that. Okay. Overruled.</p> <p>8 MR. PADOU: Go ahead and read your statement.</p> <p>9 MS. LOGSDON: Okay. As you may be aware, the</p> <p>10 Salvation Army Harbor Light opened in July, 1997 at</p> <p>11 2100 New York Avenue, N.E., with the help of the</p> <p>12 District of Columbia government. The Harbor Lights</p> <p>13 Center is a 136- bed program, licensed by DC's</p> <p>14 Addiction and Prevention Recovery Administration and</p> <p>15 has provided substance abuse treatment.</p> <p>16 MR. MPRAS: Ma'am, I'll have to object. This</p> <p>17 is a narrative. I mean --</p> <p>18 CHAIRPERSON MILLER: This is a -- let -- this</p> <p>19 is her statement. She's in a hurry. She's giving her</p> <p>20 statement. I overrule. Go ahead.</p> <p>21 MS. LOGSDON: We provided --</p> <p>22 CHAIRPERSON MILLER: It's her testimony.</p>

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<p style="text-align: right;">70</p> <p>1 MS. LOGSDON: -- substance abuse services to 2 the District of Columbia for 15 years at this current 3 location. Prior to the development of Harbor Light, 4 the neighborhood was known for the hotel on the block, 5 drugs, prostitution and crime. The Harbor Light Center 6 has changed the perception of the neighborhood for the 7 positive by providing treatment services to 8000 8 residents in the District of Columbia since 1997. 9 Addition to alcohol and drugs cost the 10 District in so many ways and there are few residential 11 treatment centers like Harbor Light. Our clients face 12 the fight of their lives when they choose to attempt 13 recovery and seek change and spiritual guidance in 14 their lives instead of drugs or alcohol. Allowing the 15 aforementioned entities to establish a presence in 16 close proximity to Harbor Light will present an 17 unwanted and unnecessary temptation to the residents 18 who are learning to live their lives drug free. 19 Allowing nightclubs to open across the street 20 will be detrimental to and not keeping with the overall 21 mission of the Harbor Lights Center, which includes 22 raising an addiction's -- an addict's -- person's</p>	<p style="text-align: right;">72</p> <p>1 MR. PADOU: Okay. So they were open when you 2 came in as executive director. And they're no longer 3 there? 4 MS. LOGSDON: Correct. 5 MR. PADOU: But you have some experiences 6 with them? 7 MS. LOGSDON: Yes. 8 MR. PADOU: And that informed your opposition 9 to these two clubs? 10 MS. LOGSDON: Correct. We would find drug 11 paraphernalia outside our gates, alcohol outside our 12 gates. They parked where they shouldn't park, blocked 13 access to our own parking, parked on the sidewalk. 14 MR. MPRAS: Objection. There's been evidence 15 to tie of these things that she's stating to the 16 Skylark Club or any other entity? 17 CHAIRPERSON MILLER: Her testimony is limited 18 -- is not limited to that. It's based on her 19 experience and why she's objecting. Go ahead. 20 MS. LOGSDON: That's -- 21 MR. PADOU: You left off with them blocking 22 access to your parking lot.</p>
<p style="text-align: right;">71</p> <p>1 knowledge, a commitment to sobriety, raising a person's 2 spiritual wellness, providing a clean, safe and healthy 3 environment where people struggling with addiction can 4 identify the core values for sober living, and offering 5 a ray of hope to people whose lives have been disrupted 6 by substance abuse and dependence. 7 Allowing two large nightclubs back in this 8 neighborhood would lead to an increase in drug and 9 alcohol use and an attendant rise in crime. 10 Individuals fighting addiction should not be subject to 11 nightclubs in their front yard. The Harbor Light 12 Treatment Center is opposed to the development of these 13 two businesses so close to a program that can save 14 lives from drugs and alcohol every day. 15 CHAIRPERSON MILLER: Thank you. 16 MR. PADOU: Thank you. You -- were you the 17 executive director when the Skylark Club was opened 18 down the street from you? 19 MS. LOGSDON: Yes, for part of the time. 20 MR. PADOU: Okay. 21 MS. LOGSDON: They were open when I've been 22 the executive director.</p>	<p style="text-align: right;">73</p> <p>1 MS. LOGSDON: Right. We have two gates that 2 protect our parking as the Salvation Army. And 3 oftentimes we would be calling the police and tow 4 trucks to tow people off the sidewalk and away from in 5 front of our gates. 6 MR. PADOU: Okay. And do you have an idea of 7 the relative size of this club that caused so many 8 problems with you and this club? 9 MS. LOGSDON: I do not. It was small but I 10 have no idea how -- what their occupancy was. 11 MR. PADOU: Well, the occupancy of this one 12 is 1200. Was it 1200? 13 MS. LOGSDON: No. 14 MR. PADOU: Okay. So do you expect the 15 problems from this to be greater or lesser? 16 MS. LOGSDON: Greater. 17 MR. PADOU: All right. I don't think I have 18 any further questions, Madam Chair. 19 CHAIRPERSON MILLER: Okay. Thank you. 20 Cross? 21 MR. MPRAS: Yes, ma'am. Ms. Logsdon, do you 22 know what type of establishment the Skylark was?</p>

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<p style="text-align: right;">74</p> <p>1 MS. LOGSDON: It was a strip club. It was 2 nightclub that had ladies that stripped. 3 MR. MPRAS: Do you understand what type of 4 establishment -- excuse me -- that is being proposed 5 right now? 6 MS. LOGSDON: We know it's a large nightclub. 7 MR. MPRAS: Now, ma'am, you were saying that 8 you found different drug paraphernalia around your 9 Harbor Lights District Center; is that correct? 10 MS. LOGSDON: Correct. 11 MR. MPRAS: Now, did you see where this came 12 from? 13 MS. LOGSDON: No. 14 MR. MPRAS: You just saw it there? 15 MS. LOGSDON: Yes. And on eight occasions in 16 the last year the Skylark was open, there was drug 17 paraphernalia which was turned into the police. Since 18 they have closed, there have been none. 19 MR. MPRAS: Is that the only basis you have 20 for attributing it to the Skylark? 21 MS. LOGSDON: Yes. 22 MR. MPRAS: The -- you state that you feel a</p>	<p style="text-align: right;">76</p> <p>1 -- excuse me -- isn't it possible that -- I'm sorry -- 2 your inpatient -- your inpatient staff, are they -- are 3 they secured in the evenings? Is your facility secured 4 after a certain time -- after a certain hour? 5 MS. LOGSDON: We have gates that lock in 6 front. Our doors are locked to the outside public. But 7 people inside can leave anytime. 8 MR. MPRAS: You can leave at any time? 9 MS. LOGSDON: Uh-huh. 10 MR. MPRAS: Okay. So, ma'am, isn't it 11 possible that the temptation you were referring to 12 might be found somewhere other than the proposed venue? 13 MS. LOGSDON: Absolutely. It's found 14 everywhere. 15 MR. MPRAS: Well, thank you very much. 16 MS. LOGSDON: You're welcome. 17 CHAIRPERSON MILLER: Board questions? 18 MR. BROOKS: Yeah. 19 CHAIRPERSON MILLER: Yes, Mr. Brooks. 20 MR. BROOKS: Yeah. One question. Ms. 21 Logsdon, what is the average length of stay for your 22 residents?</p>
<p style="text-align: right;">75</p> <p>1 nightclub would be a temptation to recovering addicts -- 2 MS. LOGSDON: Correct. 3 MR. MPRAS: -- and affect their spiritual 4 learning -- wellness? 5 MS. LOGSDON: Correct. 6 MR. MPRAS: Could you please elaborate on 7 that? 8 MS. LOGSDON: Well, we are a drug and alcohol 9 rehabilitation center. And we're residential. So 10 people come there. They stay 24/7. We run on 11 structured programming in groups. And we have a 12 spiritual component. A church is on location at the 13 treatment center. So the people come. They can be 14 addicted to alcohol, drugs and alcohol. They can have 15 mental illness, drugs and alcohol. And they all come 16 to us for services. 17 MR. MPRAS: Are these individuals inpatient, 18 outpatient? 19 MS. LOGSDON: We have both inpatient and 20 outpatient. We have 136 beds inpatient and right now 21 20 to 25 in outpatient. They come three times a week. 22 MR. MPRAS: So I mean, isn't it possible that</p>	<p style="text-align: right;">77</p> <p>1 MS. LOGSDON: It really varies. It's about 2 110 days because we're lucky; we have 28 day on the 3 short end but we also have a HUD transitional housing 4 program where people can stay up to two years. So the 5 average length of stay is very unpredictable. Thirty- 6 three people can stay up to two years. And then about 7 28 stay 30 days. Everyone -- everybody else stays 8 somewhere in the middle. 9 MR. BROOKS: Thank you, Madam Chair. 10 CHAIRPERSON MILLER: Others? Mr. Alberti. 11 MR. ALBERTI: Hi, Ms. Logsdon. I -- 12 CHAIRPERSON MILLER: Yeah. 13 MR. ALBERTI: Okay. I -- forgive me if I 14 missed this, but where is Harbor Lights located? 15 MS. LOGSDON: 2100 New York Avenue, directly 16 across the street from the proposed location. 17 MR. ALBERTI: Oh, right there? 18 MS. LOGSDON: Uh-huh. 19 MR. ALBERTI: Right across the street? Okay. 20 Thank you. That's it. 21 CHAIRPERSON MILLER: Could you clarify for 22 me, is Harbor Lights part of the Salvation Army or a</p>

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<p style="text-align: right;">78</p> <p>1 separate -- 2 MS. LOGSDON: Yes. 3 CHAIRPERSON MILLER: It's part of Salvation 4 Army? 5 MS. LOGSDON: Yes. 6 CHAIRPERSON MILLER: Okay. 7 MS. LOGSDON: It's owned and operated by the 8 Salvation Army. 9 CHAIRPERSON MILLER: All right. And at some 10 of the -- some of the clients have -- of Harbor Light - 11 - are they all residential or just -- some of them are 12 day patients? 13 MS. LOGSDON: We have 136 that are 14 residential. And then -- right now we have 20 to 25 who 15 are outpatient who live in the District of Columbia and 16 come three times a week. 17 CHAIRPERSON MILLER: Okay. And how long has 18 this program been operating? 19 MS. LOGSDON: Fifteen years. 20 CHAIRPERSON MILLER: Fifteen. 21 MS. LOGSDON: Uh-huh. We opened in 1997. 22 CHAIRPERSON MILLER: Is there any -- is there</p>	<p style="text-align: right;">80</p> <p>1 limited. 2 MR. NOPHLIN: Thank you. 3 CHAIRPERSON MILLER: Where is the Club 4 Illusions property in relation to Harbor Lights? 5 MS. LOGSDON: Directly across our driveway. 6 CHAIRPERSON MILLER: Right across your drive -- 7 MS. LOGSDON: So we're 2100. They will be 8 2101. 9 CHAIRPERSON MILLER: Okay. All right. Okay. 10 Oh, Mr. Jones. 11 MR. JONES: Just for clarification purposes, 12 the only -- is the only issue that you have with this 13 proposed establishment related to the impacts you've 14 seen as it relates to your experiences with the Skylark 15 establishment? 16 MS. LOGSDON: Well, the fact that I have 17 people living there, trying to live in recovery, and 18 will now be faced with a large nightclub out their 19 window every night they go to bed. 20 MR. JONES: Were they faced with that when 21 the Skylark was there? 22 MS. LOGSDON: The Skylark was very small.</p>
<p style="text-align: right;">79</p> <p>1 opposition from residents as to this program? 2 MS. LOGSDON: At that time there was. 3 CHAIRPERSON MILLER: There was. And now? 4 MS. LOGSDON: None. 5 CHAIRPERSON MILLER: Okay. All right. Thank 6 you very much. 7 MS. LOGSDON: Uh-huh. 8 MR. NOPHLIN: Madam Chair? 9 CHAIRPERSON MILLER: Wait a second. Yes, Mr. 10 Nophlin. 11 MR. NOPHLIN: Please, one quick question. 12 The area -- would you describe the area in which the 13 Salvation Army is and also where your organization area 14 is? What kind of area is it, lighted area? Is it 15 industrial or what is it? 16 MS. LOGSDON: Well, we sit right at the 17 location of Bladensburg Road and New York Avenue. So 18 beside us is McDonald's. You have the Exxon. And then 19 there's us, then a vacant lot, and then businesses down 20 the way pretty far. Across the street the only 21 existing business at this time is the KFC, which is on 22 the corner of Bladensburg Road. So it's pretty</p>	<p style="text-align: right;">81</p> <p>1 And it sat down three or four businesses from us on the 2 other side of the street. So it was directly related 3 to our property. It wouldn't be across from us. It 4 was down the street. 5 MR. JONES: And did you see any impact? 6 MS. LOGSDON: Across from the lot 7 MR. JONES: Did you see an impact associated 8 with the operation of the Skylark and your mission? 9 MS. LOGSDON: I would say, "No." 10 MR. JONES: Okay. Thank you. Thank you, 11 Madam. 12 CHAIRPERSON MILLER: Okay. Any redirect? 13 MR. PADOU: Just a couple, Madam Chair. Mr. 14 Mpras got you to testify that your clientele faces 15 temptation everywhere. Do you remember that? 16 MS. LOGSDON: Uh-huh. 17 MR. PADOU: Given the nature of addiction, is 18 temptation that's across the street more tempting than 19 temptation that is downtown? 20 MS. LOGSDON: Yes. 21 MR. PADOU: Okay. And that's your concern? 22 MS. LOGSDON: Correct.</p>

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82	<p>1 MR. PADOU: When you were describing the 2 neighborhood, isn't it true that there's a Queens 3 Chapel residential neighborhood -- 4 MR. MPRAS: Objection, leading. 5 CHAIRPERSON MILLER: I didn't hear the 6 question. Do you need to rephrase? I couldn't tell. 7 MR. PADOU: I can do it. I mean, we're 8 trying to save here. I'm happy to do that. In 9 response to a question from the Board, you testified 10 that New York Avenue, where you're located, is mostly 11 businesses. 12 MS. LOGSDON: Right. 13 MR. PADOU: Are there residential 14 neighborhoods nearby you? 15 MS. LOGSDON: Yes. 16 MR. PADOU: In fact Queens Chapel is behind 17 you, correct? 18 MS. LOGSDON: Correct. 19 MR. PADOU: And -- well, we don't need to go 20 through every neighborhood. I have no further 21 questions. 22 MS. LOGSDON: There are neighborhoods.</p>	84	<p>1 Thank you. 2 CHAIRPERSON MILLER: Hope you make it back in 3 time. 4 MS. LOGSDON: Yeah, we called for a standby 5 just in case. 6 CHAIRPERSON MILLER: Is there going to be 7 another Salvation Army witness? 8 MS. LOGSDON: No. 9 MR. PADOU: No. 10 MS. LOGSDON: We just combined it. 11 CHAIRPERSON MILLER: You did? Thank you. 12 Okay. 13 MR. PADOU: Thanks, Madam. 14 CHAIRPERSON MILLER: Thank you. Okay. So 15 we're going to go back to our normal procedure. 16 MR. MPRAS: I want to get back on track as 17 well. 18 CHAIRPERSON MILLER: Yeah, okay. Is there 19 any - - is there any other emergencies? Okay. You all 20 said you were foregoing opening statements; is that 21 correct? 22 MR. MPRAS: Yes, ma'am.</p>
83	<p>1 CHAIRPERSON MILLER: Any -- 2 MR. MPRAS: Yes, yes. 3 CHAIRPERSON MILLER: Yes. 4 MR. MPRAS: I have a couple of questions. 5 Ma'am, do you know the zoning for your area? 6 MS. LOGSDON: I do not. 7 MR. MPRAS: No? Now, ma'am, do you know the 8 distance you are from any other residential 9 neighborhood? 10 MS. LOGSDON: I really couldn't tell you. I 11 don't -- I don't know the mapping that well to be even 12 -- be able to give you a guess. Sorry. 13 MR. MPRAS: I -- 14 MS. LOGSDON: I know behind us near the 15 school there's a residential street one block up off of 16 Bladensburg Road. But the other ones, I wouldn't know. 17 MR. MPRAS: Thank you. 18 MS. LOGSDON: You're welcome. 19 MR. MPRAS: No further questions. 20 CHAIRPERSON MILLER: Okay. Well, thank you 21 very much. 22 MS. LOGSDON: We really appreciate this.</p>	85	<p>1 CHAIRPERSON MILLER: All right. So let's 2 move into the applicant's case. 3 MR. MPRAS: Okay. I'd like a second, please. 4 I'd like to call Mr. -- yeah, Mr. Alemayehu to the 5 stand. 6 MR. ALBERTI: You're not going to call our 7 witness? 8 CHAIRPERSON MILLER: I'm sorry. I'm sorry. 9 It's so, so late. Okay. Yeah, our witness first. 10 Thank you. 11 MR. MPRAS: Well, thank you. 12 CHAIRPERSON MILLER: Do you swear to tell the 13 truth, the whole truth and nothing but the truth? 14 MS. CORRALES: Yes. 15 CHAIRPERSON MILLER: Thank you. 16 MS. CORRALES: All right. Good evening, 17 Madam Chair and Board members. My name is Ileana 18 Corrales. I -- and I conduct inspections and 19 investigations in licensed ABC establishments across 20 the District of Columbia. I have been an investigator 21 with the Alcoholic Beverage Regulation Administration 22 since February, 2008. I was assigned to investigate the</p>

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86	<p>1 protest to the new application 2101 Venture LLC that 2 will be trading as Club Illusions. 3 The applicant has applied for a CN Nightclub 4 License along with a summer garden endorsement. I will 5 now get into the protest issues. Regarding the 6 specific protest issues in this case, I was able to 7 speak with a representatives of the groups protesting 8 the license. 9 ANC 5B was represented by Mr. Ivan Bent (ph), 10 group of five or more represented by Mr. Don Padou, the 11 Arboretum Neighborhood Association represented by 12 Randall -- Mr. Randall Chandler, and the Schaeffers, 13 developers of a projected Walmart on New York Avenue 14 which -- who are represented by Attorney Christopher 15 Collins. 16 The protestants stated concerns that the 17 establishment operation would significantly affect the 18 existing parking issues in the neighborhood. The 19 capacity of the establishment will only increase the 20 already existing parking issues as well as the 21 pedestrian traffic and safety in the area, specifically 22 on New York Avenue, N.E., which is already a high-</p>	88	<p>1 as a coat -- in addition, Club Illusion will possess 2 two dance rooms with a DJ booth in each of them. 3 A stage will be erected in the back dance 4 room. There will be a total of six bars that will serve 5 alcoholic beverages. The establishment has yet to be 6 built at the site of 2101 New York Avenue, N.E. 7 Therefore, a complete description of the club -- of 8 Club Illusions, cannot be stated. The establishment 9 will be located in a commercial district, specifically 10 a CN -- C- N-1 zone. 11 On Friday, September 29, 2012 I met with the 12 owner, Mr. Alemayehu, managing member of 2101 Venture, 13 LLC. He gave me a tour of the vacant building and 14 presented me with a plan of the prospective 15 establishment and a detailed parking plan, which you 16 can refer to in Exhibits 13, 14, and 15. He stated the 17 parking plan addresses those parking issue that has 18 been raised by the protestants in this matter. 19 According to the parking plan, the establishment will 20 provide approximately 331 immediate parking spaces and 21 approximately 1431 parking spaces via shuttle service 22 to and from the establishment.</p>
87	<p>1 volume traffic area, possible increase in loitering, 2 disorderly conduct and the potential decrease in 3 property values. In addition, the opening of such a 4 large -- of such a large nightclub would negatively 5 affect the peace, order and quiet of the surrounding 6 neighborhood residents. 7 I will now present a brief summary of my 8 findings resulting from my investigation beginning 9 August 23rd, 2012 and concluding on September 29th, 10 2012. I will begin with a description of the 11 prospective establishment as it has been described to 12 me by the owner. Club Illusions will be a one-level 13 nightclub with a 60-patron occupancy summer garden that 14 will be located at 2101 New York Avenue, N.E. 15 The establishment is approximately 14,500 16 square feet. The plan layout for prospective club 17 outlined a kitchen space -- well you can refer to 18 Exhibits 7 and 9 -- 7, 8, 9, 10 as I describe these -- 19 as I describe the prospective establishment. The plan 20 layout of the prospective club outlines a kitchen 21 space, storage space for alcohol, an office, a coat 22 check room, the large women and men's restroom, as well</p>	89	<p>1 In addition, he described his prospective 2 nightclub as a high end venue, providing entertainment 3 including DJs and performances. He stated that, with 4 the opening of his establishment, he will provide 5 approximately 100 employment positions to the District 6 of Columbia. In addition, Club Illusions will 7 participate in the Metropolitan Police Department 8 reimbursable detail program, as well, hire in-house 9 security personnel. 10 2101 Venture, LLC, has submitted a security 11 plan to ABRA, which you can refer to in Exhibit 16 in 12 my report. ABRA investigators monitored 2101 New York 13 Avenue, N.E., a total of 15 separate occasions from 14 August 23rd, 2012 until about -- until September 28th, 15 2012. At no point in time did ABRA investigators know 16 of any loitering, excessive noise, excessive pedestrian 17 traffic or excessive noise made by patrons of other 18 nearby establishments within the vicinity of 2101 New 19 York Avenue, N.E. 20 ABRA investigators noted that New York 21 Avenue, N.E. is a major road with moderate to high 22 volume traffic. 2101 New York Avenue, N.E. is</p>

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<p style="text-align: right;">90</p> <p>1 currently a vacant building. ABRA investigators' 2 observations are based on the activities surrounding 3 the vicinity of 2101 New York Avenue, N.E. Since the 4 establishment is currently not in operation, ABRA 5 investigators cannot determine the effects of the 6 establishment on residential parking needs and 7 vehicular and pedestrian safety.</p> <p>8 The following are the current parking zones 9 that are near the establishment: 2101 New York Avenue, 10 N.E. is bounded by the 1900 block of Montana Avenue, 11 non-zoned street parking, and the 1800 block of 12 Bladensburg Road, N.E., one hour parking restrictions 13 from 9:30 a.m. to 6:30 p.m. The nearest protestants 14 are residents that reside -- that reside within the 15 Arboretum neighborhood.</p> <p>16 Most of the parking within Arboretum is non- 17 zoned, off-street parking. In order to prevent issues 18 with Club Illusions patrons parking in nearby 19 residential area, Club Illusions, like I mentioned 20 before, had drafted a parking plan it will encourage 21 its patrons to use. And this concludes my testimony 22 for 2101 Venture, LLC.</p>	<p style="text-align: right;">92</p> <p>1 MR. ALBERTI: Okay. I guess I'll ask him 2 about it. And the 65 spaces from Days Inn, did he talk 3 about how he was going to get --</p> <p>4 MS. CORRALES: As well, same thing applies to 5 that one. He leases those spaces from the --</p> <p>6 MR. ALBERTI: Okay. I can ask the applicant 7 about that.</p> <p>8 MS. CORRALES: Uh-huh.</p> <p>9 MR. ALBERTI: Where is the offsite parking, 10 this 1400 shuttle spaces -- shuttle spaces?</p> <p>11 MS. CORRALES: Correct. It's not --</p> <p>12 MR. ALBERTI: Do you know where that is?</p> <p>13 MS. CORRALES: It's -- I don't know 14 specifically where it's at but it's not on this plan. 15 He had mentioned to me a space driving distance from 16 the establishment.</p> <p>17 MR. ALBERTI: So he didn't say where? Okay.</p> <p>18 MS. CORRALES: I don't recall.</p> <p>19 MR. ALBERTI: All right. Can you describe 20 this intersection for me a little bit?</p> <p>21 MS. CORRALES: Bladensburg and New York 22 Avenue, N.E.?</p>
<p style="text-align: right;">91</p> <p>1 CHAIRPERSON MILLER: Thank you. Other Board 2 questions?</p> <p>3 MR. ALBERTI: Yes.</p> <p>4 CHAIRPERSON MILLER: Yes, Mr. Alberti.</p> <p>5 MR. ALBERTI: Now, let me start talking. I'm 6 looking at -- I don't know the exhibit number -- 7 Exhibit 13. Sixty-eight spaces for 2021 and a hundred 8 and ten spaces -- for 2021 New York Avenue and a 9 hundred and ten spaces for 1975 New York Avenue. And 10 they're right in that same -- they're in that same area 11 as the club? They're bounded by New York Avenue and 12 Montana Avenue and Bladensburg Road, right there in 13 that triangle?</p> <p>14 MS. CORRALES: They are on that property 15 that's behind the establishment.</p> <p>16 MR. ALBERTI: Okay. Now, it says 60 -- 88 17 spaces in McDonald's. Did the applicant describe how 18 that's going to work? I mean, because McDonald's is 19 probably open late, I would imagine.</p> <p>20 MS. CORRALES: Sure. The applicant stated to 21 me that he owns a parking company that leases that 22 parking - - those parking spaces from McDonald's.</p>	<p style="text-align: right;">93</p> <p>1 MR. ALBERTI: Yeah.</p> <p>2 MS. CORRALES: Very busy, high-volume traffic 3 area.</p> <p>4 MR. ALBERTI: How many lanes of traffic?</p> <p>5 MS. CORRALES: Three lanes.</p> <p>6 MR. ALBERTI: There's three.</p> <p>7 MS. CORRALES: Three on each.</p> <p>8 MR. ALBERTI: That's all?</p> <p>9 MS. MANNING: It's in the each direction.</p> <p>10 MS. CORRALES: Yeah, three in each direction.</p> <p>11 CHAIRPERSON MILLER: Yeah.</p> <p>12 MR. ALBERTI: How many lanes of traffic 13 total?</p> <p>14 MS. CORRALES: Huh?</p> <p>15 MR. ALBERTI: How many lanes of traffic 16 total?</p> <p>17 MS. CORRALES: Six total, three in each 18 direction.</p> <p>19 MR. ALBERTI: Three in each direction. Okay. 20 Plus a turn lane?</p> <p>21 MS. CORRALES: Excuse me?</p> <p>22 MR. ALBERTI: Plus a turn lane so I see?</p>

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94	<p>1 MS. CORRALES: From New York Avenue onto 2 Bladensburg? 3 MR. ALBERTI: Across New York Avenue. 4 MS. CORRALES: I'm not sure. 5 MR. ALBERTI: Here's my concern. I'm looking 6 at pedestrian -- I'll go -- I'll go right to the heart 7 of it. I'm a little bit familiar with that pass 8 through there. There's got to be eight lanes, 9 including turn lanes. It's got to be, like, eight 10 lanes wide there. Have you -- did you -- did you at all 11 examine the pedestrian crossing signals and pedestrian 12 crossing -- I'll say access? 13 Do you examine that at all at this 14 intersection? 15 MS. CORRALES: We observed -- so like I said 16 in the report, moderate pedestrian traffic in the area. 17 So as far as specifically in the -- 18 MR. ALBERTI: Did you observe anyone crossing 19 that intersection? 20 MS. CORRALES: Did I observe anyone crossing? 21 MR. ALBERTI: Yeah. 22 MS. CORRALES: On occasion, yes. Plenty of</p>	96	<p>1 MR. ALBERTI: And their observation of the 2 traffic? 3 MS. CORRALES: Their observations are -- 4 well, traffic -- 5 MR. ALBERTI: Yeah. 6 MS. CORRALES: -- moderate to high traffic 7 patterns. 8 MR. ALBERTI: Again, I'm asking these 9 questions because I -- that was a -- trying to get an 10 idea of what it's going to be like with clubgoers -- 11 130 some clubgoers trying to cross that street at any 12 given time, being patient. Anyways, that's not for you 13 to answer. I'm sorry. Okay. And how close is this to 14 -- how close is the club -- any approximate -- oh, this 15 circle on this map, what's the radius of this circle on 16 this map, which is Exhibit 5? That'll answer my 17 question. 18 Do you know what that -- what that radius is? 19 MS. CORRALES: I'm looking for it. I need a 20 minute. 21 MR. ALBERTI: It says 112 -- 20 (inaudible). 22 MS. CORRALES: Twelve hundred -- twelve</p>
95	<p>1 people crossing the intersection. 2 MR. ALBERTI: How much time do they have? 3 How difficult was it? 4 MS. CORRALES: It wasn't difficult. 5 There's a crosswalk right there. So most people would 6 have crossed -- 7 MR. ALBERTI: Okay. Well, how much time do 8 they have? 9 MS. CORRALES: -- at the crosswalk. Excuse 10 me? 11 MR. ALBERTI: How much time do they have? 12 MS. CORRALES: How much -- I don't know how 13 much time they have. 14 MR. ALBERTI: Okay. Is there a lot of 15 traffic passing through there most times of day? 16 MS. CORRALES: For the most part, yes. 17 MR. ALBERTI: Okay. At all hours that you 18 were there? 19 MS. CORRALES: I monitored the area 20 specifically from about noon-ish until about 3:00 p.m. 21 and I have -- and other investigators monitor it at 22 night.</p>	97	<p>1 hundred feet. 2 MR. ALBERTI: Okay. So this is approximately 3 1200 feet from -- a little less than that from the 4 beginning of the Arboretum neighborhood; is that 5 correct? 6 MS. CORRALES: Correct. 7 MR. ALBERTI: Okay. I have no further 8 questions. 9 CHAIRPERSON MILLER: Other Board questions? 10 I just have one for you. Page 4 you mentioned a school 11 that's 57 feet from the establishment, Washington Math, 12 Science and Technology Public Charter School. Isn't 13 that a disqualification or what's your understanding? 14 I'm looking at 25-314(b)(1). It's a statute that says, 15 "No license shall be issued for any establishment 16 within 400 feet of a public, private or parochial 17 primary, elementary or high school." 18 MS. CORRALES: I question that as well and 19 the hearings officer advised me that it would be up to 20 the Board to decide if there was one. 21 CHAIRPERSON MILLER: Okay, okay. Did you 22 reach any -- I don't think I saw this in your report.</p>

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98	<p>1 I saw facts in your report but I didn't see necessarily 2 a conclusion. Maybe that's -- probably you're going to 3 say it's for the Board to decide. 25-314 says, "In the 4 case of applications for nightclub licenses that the 5 Board shall consider whether they would generate a 6 substantial adverse impact on the residents of the 7 District." 8 Did you -- did you draw any conclusions with 9 respect to whether this proposed nightclub would have 10 any adverse impacts on the nearby residences? 11 MS. CORRALES: I also spoke with that with 12 your hearing officer but she advised me that it would 13 be up to the Board to decide that. 14 CHAIRPERSON MILLER: Okay. Why -- can you 15 explain further -- on Page 6, you said you were unable 16 to retrieve a call for service log for the Metropolitan 17 Police Department. 18 MS. CORRALES: Yes. 19 CHAIRPERSON MILLER: Can you elaborate on how 20 that is, that you weren't able to get a call for 21 service log? 22 MS. CORRALES: The request was made to the</p>	100	<p>1 of my report and they are listed on there. 2 MS. MANNING: Okay. You said you went out 3 between noon -- you said noon and 5:00? So you went -- 4 MS. CORRALES: Right. So -- correct. So the -- 5 MS. MANNING: -- you went out during the 6 heavy traffic time, when the school that's -- noon to 7 5:00, that begins -- 5:00 is in the middle of the rush 8 hour time. And that volume right there, that 9 congestion right there that's coming down New York 10 Avenue because everybody is going back out to the 11 suburbs home from work -- and you said, "Moderate to 12 high." Your response was, "Moderate to high," of the 13 traffic? 14 And the students are coming out of the 15 school. And there was a question that you raised about 16 the time of -- 17 CHAIRPERSON MILLER: No, no. Is there -- 18 MR. ALBERTI: Can I just -- can I just -- 19 CHAIRPERSON MILLER: Wait, wait. Is there -- 20 MR. ALBERTI: Can I clarify? 21 MS. MANNING: No. My questions are -- 22 MR. MPRAS: Like, where's the question?</p>
99	<p>1 Metropolitan Police Department and I received -- and 2 they were told they were going to give it to me and 3 they never did. I requested it again and never heard 4 back again. 5 CHAIRPERSON MILLER: Okay. 6 MS. CORRALES: Because we don't have access 7 to that directly. They do. 8 CHAIRPERSON MILLER: Okay. Any other Board 9 questions? Any other parties' questions based on the 10 Board questions? Mr. Mpras? 11 MR. MPRAS: Ma'am, I'd like to address your 12 question in possible -- regarding the -- regarding the 13 school. 14 CHAIRPERSON MILLER: Well, we're really doing 15 questions. You'll have an opportunity to raise -- 16 MR. MPRAS: No, I understand that. 17 CHAIRPERSON MILLER: Okay. Let's -- okay. 18 You have any questions -- any questions? Yes. 19 MS. MANNING: I have a question. The -- can 20 you give the time that the officers went out at night, 21 the specific times that they went out? 22 MS. CORRALES: Sure. You can look on Page 5</p>	101	<p>1 CHAIRPERSON MILLER: Yeah, okay. 2 MS. MANNING: My question at the time -- the 3 -- she said, "Moderate to high." I don't think it's 4 moderate to high. I think it's high to extremely -- 5 CHAIRPERSON MILLER: Wait. And it's not your 6 turn -- 7 MR. MPRAS: Well, she can't testify that. 8 CHAIRPERSON MILLER: -- to testify. Do you 9 have a question for the witness? 10 MS. MANNING: To explain what she mean by 11 moderate to high of the traffic. 12 CHAIRPERSON MILLER: Do you know what she's 13 referring to, where you -- 14 MS. MANNING: The traffic between noon to 15 5:00. 16 CHAIRPERSON MILLER: -- refer to traffic as 17 being moderate to high. 18 MR. ALBERTI: Can I just say it the direct 19 way and help? I understood the answer to her question 20 to talk about throughout the day, ranging from moderate 21 to high; is that correct, Ms. Corrales? 22 MS. CORRALES: Throughout the day, correct.</p>

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102	<p>1 Yeah.</p> <p>2 MR. ALBERTI: Throughout the day, throughout</p> <p>3 the 24-hour period it ranges from moderate to high. So</p> <p>4 that was her response.</p> <p>5 CHAIRPERSON MILLER: Did you have a question</p> <p>6 as to what that means though? What is --</p> <p>7 MS. MANNING: Yeah, what does that mean?</p> <p>8 CHAIRPERSON MILLER: Like, how much --</p> <p>9 MS. MANNING: Yeah.</p> <p>10 CHAIRPERSON MILLER: -- traffic is moderate?</p> <p>11 MS. MANNING: Yeah, how much -- how much --</p> <p>12 explain the moderate to high, the traffic.</p> <p>13 CHAIRPERSON MILLER: Okay. Can you</p> <p>14 elaborate, you know, like --</p> <p>15 MS. CORRALES: Right. So when I -- when I</p> <p>16 say, "Moderate to high," I mean, backed up traffic to</p> <p>17 no backed up traffic. And it's just -- it's just</p> <p>18 fluctuating back and forth. That's what I mean when I</p> <p>19 say, "Moderate to high."</p> <p>20 CHAIRPERSON MILLER: So high is a lot of</p> <p>21 backup?</p> <p>22 MS. CORRALES: Correct. A lot of backup up</p>	104	<p>1 that there's entrances into the establishment from New</p> <p>2 York Avenue, that's the area that I focused on the</p> <p>3 most. So that hundred block of New York Avenue.</p> <p>4 MS. MANNING: And when you gave the answer to</p> <p>5 the 68 spaces, that's to the McDonald's space?</p> <p>6 MS. CORRALES: This is what was brought to me</p> <p>7 from the applicant. So the exhibit provided by the</p> <p>8 applicant and the 68 spaces is from the Exhibit No. 5.</p> <p>9 MS. MANNING: So he didn't have a letter of -</p> <p>10 - saying if he was -- had permission to use the</p> <p>11 McDonald's at -- to use the space in McDonald's? I'm</p> <p>12 just trying to figure out what did they submit.</p> <p>13 MS. CORRALES: Did he provided me with a</p> <p>14 letter?</p> <p>15 MS. MANNING: Letter saying that he had</p> <p>16 permission to lease that space at McDonald's?</p> <p>17 MS. CORRALES: No, no.</p> <p>18 MS. MANNING: I have no further questions.</p> <p>19 CHAIRPERSON MILLER: Okay. Mr. Collins?</p> <p>20 MR. COLLINS: Just referring to your Exhibit</p> <p>21 No. 5, just to make sure I'm reading this correctly,</p> <p>22 within the 1200-foot radius of the site, there are a</p>
103	<p>1 until about Montana Avenue --</p> <p>2 MR. ALBERTI: Moderate --</p> <p>3 MS. CORRALES: -- from New York to Montana</p> <p>4 Avenue because that's the area that I surveyed.</p> <p>5 MR. ALBERTI: And moderate is a constant</p> <p>6 flow? And moderate's a -- and moderate's a constant</p> <p>7 flow?</p> <p>8 MS. CORRALES: Correct, yes.</p> <p>9 CHAIRPERSON MILLER: Okay. Anything else?</p> <p>10 MS. MANNING: I guess my other question is</p> <p>11 you'll -- from New York Avenue back to Montana, so it's</p> <p>12 only a block that you all survey from? It's not --</p> <p>13 because if that's a backup, you don't go further than a</p> <p>14 block --</p> <p>15 MS. CORRALES: All right. So --</p> <p>16 MS. MANNING: -- to survey the area?</p> <p>17 MS. CORRALES: What is your question again?</p> <p>18 MS. MANNING: My question is, is it only just</p> <p>19 a block that you survey or is it more than a block that</p> <p>20 you survey of the traffic?</p> <p>21 MS. CORRALES: I surveyed the New York Avenue</p> <p>22 where the establishment will be located. So the fact</p>	105	<p>1 number of ABC-licensed locations. Did you</p> <p>2 differentiate between the types of license that were at</p> <p>3 these different locations?</p> <p>4 MS. CORRALES: Yes, sir. If you look at Page</p> <p>5 No. 3, you can see the licenses that are within 1200</p> <p>6 feet of the prospective establishment.</p> <p>7 MR. COLLINS: What I note here is it appears</p> <p>8 that there's an inconsistency between what's shown on</p> <p>9 Page 3 and what's shown on Exhibit 5.</p> <p>10 MS. CORRALES: Correct. Let me clarify that.</p> <p>11 The map that was provided to me from the GIF (ph)</p> <p>12 system is outdated and not updated. But I did my own</p> <p>13 research as to which licenses were active in the area</p> <p>14 with those addresses. And these are -- these are the</p> <p>15 actual current licenses that we have. But it doesn't</p> <p>16 reflect on the map.</p> <p>17 MR. COLLINS: So for instance, DC Star, the</p> <p>18 Stadium Club, are they -- they're not accurate?</p> <p>19 MS. CORRALES: They're not within my 1200</p> <p>20 feet of --</p> <p>21 MR. COLLINS: Well, this is -- it appears</p> <p>22 here that they are.</p>

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106	1 MS. CORRALES: Where? 2 CHAIRPERSON MILLER: Mr. Collins, could you 3 clarify for the record what you're looking at? 4 MR. COLLINS: Sure. I'm looking at Exhibit 5 5 to the report that -- 6 CHAIRPERSON MILLER: Okay. 7 MR. COLLINS: -- Ms. Corrales provided. And 8 then I'll also refer, if I can, to -- I have to ask the 9 question (inaudible) the Title 23 DCMR Section 101, the 10 delineation of geographic boundaries, did you measure - 11 - take those measurements in accordance with 23 DCMR 12 Section 101? 13 MS. CORRALES: No, sir. This was not 14 provided to me by the person who generates these maps 15 at ABRA. 16 MR. COLLINS: I see. So it was not done in 17 accordance with this section? Okay. All right. Thank 18 you. 19 CHAIRPERSON MILLER: What? Is that true? It 20 wasn't? Do you know how it was done? 21 MS. CORRALES: This map was provided to me -- 22 CHAIRPERSON MILLER: Yeah.	108	1 Fletcher. 2 CHAIRPERSON MILLER: Right. 3 MS. CORRALES: And this is what she provides 4 me with. 5 MR. COLLINS: Let me ask you, did you -- did 6 you request a map showing the distance between -- 7 shortest distance between property lines? 8 MS. CORRALES: No, sir. We just request the 9 1200-foot map -- 1200 -- the establishments within 1200 10 feet of the -- of the prospected establishment. 11 MR. COLLINS: But not using the shortest 12 distance between property lines? 13 MR. MPRAS: Asked and answered. 14 MS. CORRALES: I do not know. I cannot 15 answer that question. I don't know what he's talking 16 about. 17 CHAIRPERSON MILLER: Yeah. 18 MR. COLLINS: Okay. Thank you. 19 CHAIRPERSON MILLER: Your answer is what? 20 MS. CORRALES: I do not know. I don't know 21 what he's talking about -- what he's referring to. 22 CHAIRPERSON MILLER: I'm sorry, you're
107	1 MS. CORRALES: -- by the -- by Ms. Fletcher. 2 CHAIRPERSON MILLER: Okay. 3 MS. CORRALES: That's all I can say regarding 4 the map, which is -- 5 CHAIRPERSON MILLER: Okay. I think Mr. 6 Collins though made some statement that it wasn't in 7 accordance with -- oh, what -- 8 MR. MPRAS: And we'd like to object to that 9 as facts aren't in evidence. 10 CHAIRPERSON MILLER: It's what? 11 MR. MPRAS: We'd like to object to that 12 comment. 13 MR. COLLINS: I just simply asked the 14 question, was it done in accordance with 23 DCMR 15 Section 101. 16 CHAIRPERSON MILLER: And -- but -- 17 MR. COLLINS: And the answer is no. 18 CHAIRPERSON MILLER: And your answer -- no, I 19 don't think her answer was no. That's the thing. 20 She's saying she didn't do it. 21 MS. CORRALES: I didn't answer. I didn't do 22 the map. This -- we request a 1200-foot map from Ms.	109	1 talking too fast. 2 MS. CORRALES: Oh, I do not know what he's 3 referring to. 4 CHAIRPERSON MILLER: You don't know what he's 5 referring to? 6 MS. CORRALES: Correct. 7 CHAIRPERSON MILLER: Okay. 8 MR. COLLINS: Thank you. 9 CHAIRPERSON MILLER: Okay. 10 MR. PADOU: Investigator, you testified that 11 the -- 12 CHAIRPERSON MILLER: Excuse me, Mr. Padou. 13 MR. PADOU: Yes. 14 CHAIRPERSON MILLER: I thought we had an 15 agreement that one representative's going to ask 16 questions. So -- 17 MR. PADOU: Well, we -- 18 CHAIRPERSON MILLER: Are we -- well, isn't 19 that the plan, that you had different areas? 20 MR. PADOU: Right. 21 CHAIRPERSON MILLER: I just want to -- okay. 22 MR. PADOU: That wasn't -- if that's the

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<p style="text-align: right;">110</p> <p>1 understanding that I provided, I apologize --</p> <p>2 CHAIRPERSON MILLER: Okay.</p> <p>3 MR. PADOU: -- to the Board.</p> <p>4 CHAIRPERSON MILLER: Just so we know what's</p> <p>5 going on. Okay.</p> <p>6 MR. PADOU: Okay. Each of us have a</p> <p>7 different --</p> <p>8 CHAIRPERSON MILLER: Witness?</p> <p>9 MR. PADOU: -- viewpoint on things.</p> <p>10 CHAIRPERSON MILLER: Okay.</p> <p>11 MR. PADOU: For example, I represent people</p> <p>12 who live nearby and Mr. Collins represents property</p> <p>13 that lives nearby.</p> <p>14 CHAIRPERSON MILLER: I see.</p> <p>15 MR. PADOU: And my human beings have slightly</p> <p>16 different interests than Mr. Collins's property.</p> <p>17 CHAIRPERSON MILLER: I see. Okay.</p> <p>18 MR. PADOU: But what I -- what I meant to</p> <p>19 convey was that we had a discrete set of witnesses,</p> <p>20 some are Mr. Collins's witnesses, some are mine, some</p> <p>21 are Mr. Chandler's. And we kind of have an order --</p> <p>22 CHAIRPERSON MILLER: Okay.</p>	<p style="text-align: right;">112</p> <p>1 ahead. You can have a -- why don't you --</p> <p>2 MR. PADOU: Okay. That's all I've got.</p> <p>3 CHAIRPERSON MILLER: Yeah.</p> <p>4 MR. PADOU: You testified that the</p> <p>5 intersection of Bladensburg and New York is a busy</p> <p>6 intersection. Remember that?</p> <p>7 MS. CORRALES: Yes.</p> <p>8 MR. PADOU: Would you be surprised to learn</p> <p>9 that DDOT already classifies it as a failed</p> <p>10 intersection?</p> <p>11 MR. MPRAS: Objection. It's a leading</p> <p>12 question.</p> <p>13 CHAIRPERSON MILLER: Leading? It's not his</p> <p>14 witness --</p> <p>15 MR. MPRAS: True.</p> <p>16 CHAIRPERSON MILLER: -- I don't think. Yeah,</p> <p>17 go ahead.</p> <p>18 MR. MPRAS: Withdrawn.</p> <p>19 MS. CORRALES: What is your question?</p> <p>20 MR. PADOU: You testified that it was a busy</p> <p>21 intersection. I want to know if -- you know, busy is</p> <p>22 subjective, you know. If you're from the part of</p>
<p style="text-align: right;">111</p> <p>1 MR. PADOU: -- that's been --</p> <p>2 MR. ALBERTI: Ms. Miller, can I ask a real</p> <p>3 quick procedural question? Do we have an understanding</p> <p>4 that the -- that the protestants as a whole, as a group</p> <p>5 -- their totality have an hour and a half to present</p> <p>6 their case?</p> <p>7 MR. PADOU: We understand that.</p> <p>8 CHAIRPERSON MILLER: Okay.</p> <p>9 MR. ALBERTI: Okay.</p> <p>10 MR. PADOU: And we've split up the time</p> <p>11 internally amongst ourselves.</p> <p>12 MR. ALBERTI: That's fine. I just want to</p> <p>13 make sure that that was the understanding.</p> <p>14 CHAIRPERSON MILLER: Okay.</p> <p>15 MR. PADOU: Yeah, yeah, we do.</p> <p>16 MR. ALBERTI: Sorry.</p> <p>17 MR. PADOU: We don't think each have an hour</p> <p>18 and a half.</p> <p>19 MR. ALBERTI: All right.</p> <p>20 MR. PADOU: We would slit our wrists if that</p> <p>21 was the case.</p> <p>22 CHAIRPERSON MILLER: Okay, thank you. Go</p>	<p style="text-align: right;">113</p> <p>1 California I'm from, three trucks in an hour is busy.</p> <p>2 So what I'm trying to do is get a -- in-depth. And so</p> <p>3 I'm asking would you be -- would you be surprised --</p> <p>4 yes, and your characterization as a busy intersection.</p> <p>5 Per DDOT characterizes that intersection as a failed</p> <p>6 intersection (inaudible).</p> <p>7 MR. MPRAS: Objection. It calls for</p> <p>8 speculation.</p> <p>9 CHAIRPERSON MILLER: No, it doesn't. It just</p> <p>10 asks her opinion. Go ahead.</p> <p>11 MS. CORRALES: No, I don't -- I'm not really</p> <p>12 grasp -- well, I have a question about the question.</p> <p>13 CHAIRPERSON MILLER: Do you know what a</p> <p>14 failed intersection is?</p> <p>15 MS. CORRALES: That's what I was trying to</p> <p>16 get at. What --</p> <p>17 CHAIRPERSON MILLER: Okay.</p> <p>18 MR. PADOU: Well, are you aware that DDOT</p> <p>19 grades every intersection in the city, A through F,</p> <p>20 just like when we were in fifth grade?</p> <p>21 MS. CORRALES: No, I did not.</p> <p>22 MR. PADOU: Okay. Never mind. On your map,</p>

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<p style="text-align: right;">114</p> <p>1 this 1200-foot circle map, now, laying aside Mr. 2 Collins's point that that 1200-foot circle doesn't 3 comply with measurement apart -- 4 MR. MPRAS: Objection. That's not in 5 evidence. 6 CHAIRPERSON MILLER: True. 7 MR. PADOU: Well, I don't need to put it in 8 evidence. It's a regulation of the Board. 9 CHAIRPERSON MILLER: But we don't know that 10 it doesn't comply. Does that -- 11 MR. PADOU: Well, you're -- 12 CHAIRPERSON MILLER: Has that been 13 established: I don't -- 14 MR. PADOU: Well, Madam Chair, you do know 15 that it doesn't comply because it's a circle. And if 16 the measurements were made in accordance with 23 DCMR 17 101, it would be a square because that's the shape of 18 the property. 19 CHAIRPERSON MILLER: Well, that's your -- 20 that's your argument. Okay. 21 MR. PADOU: Okay. 22 CHAIRPERSON MILLER: So --</p>	<p style="text-align: right;">116</p> <p>1 MS. CORRALES: However, DC Star sits outside 2 of the circle. 3 MR. PADOU: But DC Star and Stadium are right 4 next to each other, right? 5 MS. CORRALES: But on the map, it's still 6 outside of the circle. 7 MR. PADOU: I understand that. But they're 8 next to each other. So if Stadium is partly in the 9 circle, DC Star is just outside the circle; is that 10 correct? 11 MS. CORRALES: Okay. But what is your 12 question? 13 MR. PADOU: Never mind. You said that you 14 didn't put on your Page 3 listing of licenses the 15 licenses that were (inaudible). Did that include Club 16 AKA 555 -- 17 MS. CORRALES: No. 18 MR. PADOU: -- which is a license in 19 safekeeping that's at 2046 West Virginia Avenue? 20 MS. CORRALES: They are not active on my map. 21 The address isn't active on my map. 22 MR. PADOU: I understand that. They're --</p>
<p style="text-align: right;">115</p> <p>1 MR. PADOU: But my -- the point I'm really 2 trying to get to is even using this circle, that circle 3 cuts through the middle of Stadium Club and DC Star. 4 The question -- 5 MR. MPRAS: Objection. Counsel's testifying. 6 CHAIRPERSON MILLER: But he's leading -- are 7 you leading up to a question? I -- 8 MR. PADOU: Yes. My question is since the 9 circle went through the middle of two nightclubs, why 10 weren't those listed on -- I think it's Page 3 of your 11 report when you talk about active licenses within 1200 12 feet. 13 MS. CORRALES: If you're looking at its -- 14 the map that I have in my report -- 15 MR. PADOU: Uh-huh. 16 MS. CORRALES: -- DC Star sits outside of the 17 circle. Okay? 18 MR. PADOU: Okay. 19 MS. CORRALES: And Stadium -- could have been 20 a mistake of mine -- sits either -- I think it sits on 21 it. And I must have missed it. 22 MR. PADOU: Okay.</p>	<p style="text-align: right;">117</p> <p>1 they have a license. They're getting a building 2 permit. My question is, did your -- did the licenses 3 that you kept off your list because they were inactive 4 include that establishment that says they're going to 5 open next year? 6 MS. CORRALES: I -- 7 MR. PADOU: Did it include that batch? 8 MS. CORRALES: Club AKA had nothing to do 9 with my investigation. So I have -- nothing regarding 10 Club AKA was taken into account. 11 MR. PADOU: Okay. Did your list of inactive 12 licenses include Skylark? 13 MS. CORRALES: I do not have a list of 14 inactive licenses. 15 MR. PADOU: All right. Let me just make sure 16 I got it right then. When you looked at your GIS 17 system, it was out of date. You testified to that. 18 And you took out the inactive licenses when you 19 compiled your list of licenses within 1200 feet. Do I 20 have it right? 21 MS. CORRALES: The licenses -- okay. Can I 22 explain this map?</p>

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118	<p>1 CHAIRPERSON MILLER: Yes.</p> <p>2 MS. CORRALES: Okay.</p> <p>3 CHAIRPERSON MILLER: Go ahead.</p> <p>4 MS. CORRALES: For example, there is</p> <p>5 Grand American Buffet & Bar. It is within my 1200 --</p> <p>6 my -- it's within the circle of establishments within</p> <p>7 1200 feet of 2101 New York Avenue. However, that</p> <p>8 license was transferred over to Joe's Noodles House</p> <p>9 (ph). Okay. So --</p> <p>10 CHAIRPERSON MILLER: What? Could you --</p> <p>11 could you repeat that? I couldn't hear it. What?</p> <p>12 MS. CORRALES: For example, Grand American</p> <p>13 Buffet Bar & Grille is no longer they. They</p> <p>14 transferred their license over to Joe's Noodle House.</p> <p>15 CHAIRPERSON MILLER: Okay.</p> <p>16 MS. CORRALES: So on my report I have the</p> <p>17 active licenses within the 1200 -- within 1200 feet of</p> <p>18 2101 New York Avenue.</p> <p>19 MR. PADOU: Okay. I'm trying to find out the</p> <p>20 inactive licenses.</p> <p>21 MS. CORRALES: I did not focus on inactive</p> <p>22 licenses.</p>	120	<p>1 located within 1200 feet of 2101 New York Avenue.</p> <p>2 MR. CHANDLER: So I -- does the resident --</p> <p>3 or does the residential area come in play at all in</p> <p>4 that area?</p> <p>5 MS. CORRALES: These? No. This just -- this</p> <p>6 map is provided to us for our investigation to take</p> <p>7 into account other establishments within 1200 feet of</p> <p>8 the prospective establishment.</p> <p>9 MR. CHANDLER: Okay. Did you -- did you know</p> <p>10 that the traffic lights on New York Avenue and</p> <p>11 Bladensburg Road are timed? Did you --</p> <p>12 MS. CORRALES: They're timed? No, I did not</p> <p>13 know that.</p> <p>14 MR. CHANDLER: You did this -- you didn't</p> <p>15 take that into account in your assessment?</p> <p>16 MS. CORRALES: No.</p> <p>17 MR. CHANDLER: And The last thing is, the</p> <p>18 2000 -- there's a -- are you aware of the 2005 traffic</p> <p>19 study of New York Avenue and it focus on Bladensburg</p> <p>20 Road and New York Avenue and Bladensburg Road and</p> <p>21 Montana -- a 2000s study? Do you consult those studies</p> <p>22 when you make your assessment on traffic, if you were</p>
119	<p>1 MR. PADOU: I understand that. Do you</p> <p>2 remember if the inactive licenses that your GIS system</p> <p>3 showed to you included Club AKA and Skylark?</p> <p>4 MS. CORRALES: No, it did not.</p> <p>5 MR. PADOU: It did not?</p> <p>6 MS. CORRALES: No.</p> <p>7 MR. PADOU: Okay. I have no further</p> <p>8 questions.</p> <p>9 MR. CHANDLER: Yes, just a brief question.</p> <p>10 CHAIRPERSON MILLER: Okay.</p> <p>11 MR. CHANDLER: Three -- I'm sorry -- it's</p> <p>12 three brief questions real fast. What is the purpose</p> <p>13 of the circle? I'm not sure. I didn't get that</p> <p>14 report. So what does the circle --</p> <p>15 BOARD MEMBER: When -- can you go -- you go a</p> <p>16 little bit closer to the microphone?</p> <p>17 MR. CHANDLER: Oh, I'm sorry. Excuse me.</p> <p>18 What is -- what is the purpose of this circle? What</p> <p>19 does it indicate?</p> <p>20 MS. CORRALES: All right. Which exhibit?</p> <p>21 MR. CHANDLER: In Exhibit 5.</p> <p>22 MS. CORRALES: These are, like, ABC licenses</p>	121	<p>1 making that assessment?</p> <p>2 MS. CORRALES: No, and I'm not aware of that</p> <p>3 study.</p> <p>4 MS. MANNING: I just have one more question.</p> <p>5 CHAIRPERSON MILLER: Other questions?</p> <p>6 MS. MANNING: Could I go ahead?</p> <p>7 CHAIRPERSON MILLER: You already -- just one</p> <p>8 question?</p> <p>9 MS. MANNING: Just this one question.</p> <p>10 CHAIRPERSON MILLER: Okay.</p> <p>11 MS. MANNING: Because the circle -- this just</p> <p>12 has to do with the property line on Queens Chapel Road</p> <p>13 --</p> <p>14 CHAIRPERSON MILLER: Okay.</p> <p>15 MS. MANNING: -- the way the circle's going</p> <p>16 on. So -- because it's at the -- it's a little over the</p> <p>17 property line. So how is that considered not through</p> <p>18 the -- I mean, it's showing it. So when you look at</p> <p>19 this circle, it shows the two clubs there on Queens</p> <p>20 Chapel Road and it shows a little bit of it. So I'm</p> <p>21 just saying, is that -- that's the property line,</p> <p>22 correct? So how is that taken in --</p>

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<p style="text-align: right;">122</p> <p>1 CHAIRPERSON MILLER: But I'm not a witness. 2 Do you have a question for her? 3 MS. MANNING: No, no. I'm just saying how is 4 that -- how is that not in their -- when they do the -- 5 I guess the person who did the map, how are they 6 considering this not being part of the -- my question 7 is, how is this not being considered part of the 8 circle? 9 CHAIRPERSON MILLER: How is what not being -- 10 MS. MANNING: The two clubs, DC Star and the 11 Stadium Club. 12 MS. CORRALES: I do not know. 13 CHAIRPERSON MILLER: Other questions? 14 MR. MPRAS: I have a couple. And Ms. 15 Corrales, based on your report, there's only -- as 16 written, there's only -- there are no CN licenses 17 within 1200 feet of the proposed establishment; is that 18 correct? 19 MS. CORRALES: No, sir. 20 MR. MPRAS: Ms. Corrales, do you have -- have 21 you had cause in the past to be in the area of 2101 New 22 York Avenue for the purpose of performing your duties?</p>	<p style="text-align: right;">124</p> <p>1 of them for an official investigation of any type? 2 MS. CORRALES: No, sir. 3 MR. MPRAS: Have you responded to any 4 complaints regarding those establishments? 5 MS. CORRALES: No. 6 MR. MPRAS: Thank you very much. 7 CHAIRPERSON MILLER: Okay. 8 MR. ALBERTI: Another quick question? 9 CHAIRPERSON MILLER: Yeah. 10 MR. ALBERTI: Ms. Corrales, when you 11 responded to Mr. Mpras's question about were there any 12 other CN clubs within 1200 feet, it was a very vague 13 question to me. So I'm going to ask a very specific 14 question. If I told you that the way the Board -- the 15 way that -- the way the distances are measured 16 officially by ABRA regulations, if we were to ask that 17 question, "Is there a CN nightclub within 1200 feet," 18 the measurement would be from property lines. 19 So that would be the -- let's say the 20 northeast corner of Club Illusions's building to the 21 southernmost corner of Stadium. Now, based on your 22 map, can you -- what would your response to Mr. Mpras</p>
<p style="text-align: right;">123</p> <p>1 MS. CORRALES: What's the question? 2 MR. MPRAS: Have you been -- have you had 3 cause to be in the area of 2101 New York Avenue for the 4 purpose of performing your duties with the exception of 5 this report? 6 MS. CORRALES: What was the second word you 7 said? 8 MR. MPRAS: Oh, for the purpose of performing 9 your official duties and investigating? 10 MS. CORRALES: Have I been in the area? 11 MR. MPRAS: Yes. 12 MS. CORRALES: Yes. 13 MR. MPRAS: Can you tell me which 14 establishments you visited? 15 MS. CORRALES: Oh, you mean these 16 establishments? 17 MR. MPRAS: Yes. 18 MS. CORRALES: That are in the report? 19 MR. MPRAS: Yes, ma'am. 20 MS. CORRALES: Actually I've never been 21 inside any of these establishments. 22 MR. MPRAS: So have you had to respond to any</p>	<p style="text-align: right;">125</p> <p>1 be under those criteria? And if you don't know, that's 2 okay. 3 MS. CORRALES: I do not know. 4 MR. ALBERTI: Okay. Thank you. 5 CHAIRPERSON MILLER: Other questions? 6 MR. ALBERTI: So you -- so -- and your answer 7 is you do not know if there is a club -- a nightclub -- 8 a CN club within 1200 feet as officially measured by 9 ABRA regulations? 10 MS. CORRALES: Wait. I'm sorry. Well -- 11 MR. ALBERTI: Is that correct? 12 MS. CORRALES: You kind of lost me there. He 13 asked me if there was other CN nightclubs within 1200 14 feet of the establishment. 15 MR. ALBERTI: And I'm telling -- and I'm -- 16 and I'm -- let's back up. If I told you that the way 17 the official measurement was made was from the corner - 18 - the northeast corner of Club Illusions to the most 19 southern corner of Stadium, would your answer change? 20 MS. CORRALES: I do not know. 21 MR. ALBERTI: Okay. Thank you. Your answer 22 to Mr. Mpras would be, "I do not know?"</p>

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126	<p>1 MS. CORRALES: Right. I do not know 2 actually. 3 MR. ALBERTI: Is that what I'm hearing? 4 Thank you. 5 CHAIRPERSON MILLER: Okay. Any other 6 questions? Thank you very much. 7 MS. CORRALES: You're welcome. 8 CHAIRPERSON MILLER: Okay. Now, I think 9 we're ready for Mr. Mpras's witnesses. 10 MR. MPRAS: I'd like to call Mr. Alemayehu. 11 CHAIRPERSON MILLER: Okay. Do you swear to 12 tell the truth, the whole truth, nothing but the truth? 13 MR. ALEMAYEHU: I do. 14 CHAIRPERSON MILLER: Okay. Thank you. 15 MR. MPRAS: Would you please state your full 16 name for the record? 17 MR. ALEMAYEHU: Taweke Alemayehu. 18 MR. MPRAS: Could you please tell me your 19 occupation? 20 MR. ALEMAYEHU: I was an owner. Occupation? 21 Owner. 22 MR. MPRAS: Okay. Owner of?</p>	128	<p>1 MR. ALEMAYEHU: It's upscale kind of 2 restaurant plus bar/lounge. 3 CHAIRPERSON MILLER: I'm having trouble. 4 Sorry. Upscale what? 5 MR. ALEMAYEHU: Upscale bar/lounge. 6 CHAIRPERSON MILLER: Bar/lounge. Okay. 7 MR. ALEMAYEHU: Yes, ma'am. 8 MR. MPRAS: Now, what do you mean by upscale? 9 MR. ALEMAYEHU: Which would be professional, 10 clean, good atmosphere, decent. 11 MR. MPRAS: Mr. -- you said you own another 12 venue. How many year -- Bar 7, how many years has that 13 been in business? 14 MR. ALEMAYEHU: Two years and ten months. 15 MR. MPRAS: And what type of establishment is 16 this? 17 MR. ALEMAYEHU: It's a bar/lounge/restaurant. 18 MR. MPRAS: Okay. Is it similar to what 19 you're trying to create right now? 20 MR. ALEMAYEHU: Exactly. 21 MR. MPRAS: Could you please describe the 22 crowd as it exists there -- your clientele?</p>
127	<p>1 MR. ALEMAYEHU: Club Illusion. 2 CHAIRPERSON MILLER: You're -- I think you're 3 going to need to speak up, please. 4 MR. ALEMAYEHU: Club Illusions. 5 MR. MPRAS: So can you tell me what other 6 businesses you own? 7 MR. ALEMAYEHU: I own Bar 7 and Tag-B Parking 8 and Tag-B Valet Parking and Maine Cab Company. 9 MR. ALBERTI: What was that? I'm -- 10 MR. PADOU: I have a problem hearing. So 11 MR. ALBERTI: You need to speak up. And is 12 that mike on? And could you speak into the mike? 13 MR. ALEMAYEHU: Yes, it's on. It's on. Yes. 14 MR. ALBERTI: Okay. Speak into the mike, 15 please. 16 CHAIRPERSON MILLER: So 17 MR. ALEMAYEHU: Yes. I own Club Illusions, 18 Bar 7, Tag-B Parking and Tag-B Valet Parking and 19 including Maine Cab Company. 20 MR. MPRAS: Sir, could you please describe 21 the nature of the venue you intend to open, what type 22 of establishment you're planning on creating?</p>	129	<p>1 MR. ALEMAYEHU: Twenty-five and up, young 2 professionals. 3 MR. MPRAS: So you're stating that -- so are 4 you saying that you plan on creating the same type of 5 environment in your new venue? 6 MR. ALEMAYEHU: Exactly. 7 MR. MPRAS: Now, sir, as to -- there have 8 been some concerns -- many concerns raised about 9 parking, sir. Could you please tell me how you plan on 10 addressing the parking needs of your new establishment? 11 MR. ALEMAYEHU: We have plenty of parking 12 onsite and offsite. Plus, we have by old Hecht's 13 Warehouse, which would be 1401 New York Avenue, which 14 would be -- would have more than 1500 parking indoor 15 and outdoor so -- which we plan to shuttle people. 16 MR. MPRAS: Now, sir, do you -- do you -- 17 does your company own these shuttle buses? 18 MR. ALEMAYEHU: We operated with another 19 shuttle company, which is currently working with a 20 different establishment. 21 MR. MPRAS: And are you currently work with 22 these -- working with these people?</p>

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130	<p>1 MR. ALEMAYEHU: Yes.</p> <p>2 MR. MPRAS: If I can -- we bring everyone's</p> <p>3 attention Exhibit 13 of Investigator Corrales's report?</p> <p>4 Sir, is this the parking plan you submitted?</p> <p>5 MR. ALEMAYEHU: Yes. Beside this --</p> <p>6 MR. MPRAS: So are there any corrections</p> <p>7 you'd like to make to this parking plan at this time?</p> <p>8 MR. ALEMAYEHU: Yes.</p> <p>9 MR. MPRAS: And that would be?</p> <p>10 MR. ALEMAYEHU: That would be the 68 spaces -</p> <p>11 -</p> <p>12 CHAIRPERSON MILLER: Wait a second. You need</p> <p>13 to be sure you're actually talking into a mike when you</p> <p>14 go up there --</p> <p>15 MR. ALEMAYEHU: Okay.</p> <p>16 MR. MPRAS: Okay.</p> <p>17 CHAIRPERSON MILLER: -- for the court</p> <p>18 reporter's sake. Okay.</p> <p>19 MR. MPRAS: Yes, ma'am.</p> <p>20 MR. ALEMAYEHU: There's 68 spaces actually.</p> <p>21 The architect, when he designed it, he made a mistake.</p> <p>22 That was supposed to be -- which is --</p>	132	<p>1 CHAIRPERSON MILLER: We can't hear that on</p> <p>2 the record or you don't want that to be in the record?</p> <p>3 Yeah.</p> <p>4 MR. ALBERTI: Ms. Miller, may I ask a -- make</p> <p>5 a suggestion? Can we have the applicant mark the</p> <p>6 correction on -- mark the correction on a map and then</p> <p>7 have them submit that map as evidence?</p> <p>8 MR. ALEMAYEHU: Okay.</p> <p>9 MR. MPRAS: Yes, sir.</p> <p>10 MR. ALBERTI: I would -- it --</p> <p>11 CHAIRPERSON MILLER: Are you interested in</p> <p>12 having this copied now so you can follow or you're just</p> <p>13 saying in -- submit it later as evidence? What's your</p> <p>14 request, whatever you want?</p> <p>15 MR. ALBERTI: Well, once he marks it, then it</p> <p>16 can be shown around. And then we'll have it for the</p> <p>17 record later.</p> <p>18 MR. MPRAS: You to mark it --</p> <p>19 MR. ALBERTI: We'll know -- we'll know --</p> <p>20 CHAIRPERSON MILLER: Okay.</p> <p>21 MR. ALBERTI: -- later what everyone's been</p> <p>22 showing.</p>
131	<p>1 MR. ALBERTI: Madam Chair, I --</p> <p>2 CHAIRPERSON MILLER: You can't hear either?</p> <p>3 MR. COLLINS: I can't understand what he's</p> <p>4 saying.</p> <p>5 MR. ALBERTI: -- can't hear him talk.</p> <p>6 CHAIRPERSON MILLER: Okay. Can you speak</p> <p>7 louder and more slowly?</p> <p>8 MR. ALEMAYEHU: On this map -- on the parking</p> <p>9 map right here, the arrows shows this building, which</p> <p>10 is supposed to be this building. That was supposed to</p> <p>11 show the building right next to it, which is -- I need</p> <p>12 to -- I need to correct that.</p> <p>13 MR. COLLINS: We can't -- we can't see what</p> <p>14 he's gesturing to.</p> <p>15 CHAIRPERSON MILLER: Okay. Do you -- you</p> <p>16 have to show that to the protestants as well.</p> <p>17 MR. ALEMAYEHU: See this arrow right here?</p> <p>18 MR. COLLINS: Yeah.</p> <p>19 MR. ALEMAYEHU: This space which is not ours --</p> <p>20 MR. ALBERTI: Could we have him mark it on a</p> <p>21 map and submit it as evidence? Because otherwise,</p> <p>22 nobody knows.</p>	133	<p>1 MR. MPRAS: And so approximately how far is</p> <p>2 your -- the 1401 New York Avenue location that you</p> <p>3 mentioned - - approximately how far is it from the</p> <p>4 proposed venue?</p> <p>5 MR. ALEMAYEHU: It's half a mile.</p> <p>6 MR. MPRAS: Okay. So how many spaces in</p> <p>7 total would be available for your patrons?</p> <p>8 MR. ALEMAYEHU: Fifteen hundred.</p> <p>9 MR. MPRAS: That's -- excuse me, sir. Would</p> <p>10 that be 1500 only at the satellite location?</p> <p>11 MR. ALEMAYEHU: Fifteen hundred, that's --</p> <p>12 it's actually about 2000 parking spaces at that space.</p> <p>13 MR. MPRAS: And how many spaces --</p> <p>14 CHAIRPERSON MILLER: Excuse me, 2000 parking</p> <p>15 spaces where?</p> <p>16</p> <p>17 MR. ALEMAYEHU: The old Hecht's Warehouse,</p> <p>18 1400 New York.</p> <p>19 CHAIRPERSON MILLER: Okay.</p> <p>20 MR. MPRAS: And how many spaces do you have</p> <p>21 within the vicinity of 2101 New York Avenue?</p> <p>22 MR. ALEMAYEHU: Approximately over 200</p>

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134	<p>1 spaces.</p> <p>2 MR. MPRAS: Now, can you tell me from what</p> <p>3 entities if any you'd lease space?</p> <p>4 MR. ALEMAYEHU: Which would be -- was said</p> <p>5 number that I have with -- from Mr. Peter Marks.</p> <p>6 MR. MPRAS: Uh-huh.</p> <p>7 MR. ALEMAYEHU: -- and from McDonald's across</p> <p>8 the street and the Days Inn hotel.</p> <p>9 MR. MPRAS: Are these the contracts you have</p> <p>10 from McDonald's and the Days Inn hotel?</p> <p>11 MR. ALEMAYEHU: Yes.</p> <p>12 MR. MPRAS: Would you like these -- a copy</p> <p>13 for the Board.</p> <p>14 CHAIRPERSON MILLER: Okay. You give a copy</p> <p>15 to the protestants?</p> <p>16 MR. MPRAS: We did.</p> <p>17 CHAIRPERSON MILLER: Okay.</p> <p>18 MR. PADOU: Can I -- can I see those --</p> <p>19 reserve the right to object. I have to look at the --</p> <p>20 Your Honor, I object to the introduction of these into</p> <p>21 evidence. They're not listed as exhibits on</p> <p>22 applicant's PIF.</p>	136	<p>1 objections to the documents but that's the threshold.</p> <p>2 MR. ALBERTI: To these documents?</p> <p>3 MR. PADOU: No. I have other objections.</p> <p>4 The MacDonald letter doesn't appear to be on</p> <p>5 letterhead.</p> <p>6 MR. ALBERTI: Well, let's see if the chair</p> <p>7 wants to hear them.</p> <p>8 MR. PADOU: Okay.</p> <p>9 CHAIRPERSON MILLER: Okay. Well, I do want</p> <p>10 to hear them because I -- looking at the McDonald's, I</p> <p>11 have some questions too. It doesn't really say what</p> <p>12 period of time or -- go ahead. I --</p> <p>13 MR. MPRAS: No, ma'am, but permission has</p> <p>14 been granted and the content number has been provided</p> <p>15 by the area supervisor who gave that authority, should</p> <p>16 any further inquiries be necessary.</p> <p>17 CHAIRPERSON MILLER: I just don't understand</p> <p>18 if --</p> <p>19 MR. ALBERTI: Well, if you accept them, then</p> <p>20 we can (inaudible) --</p> <p>21 MR. PADOU: But before we even get to the</p> <p>22 merits of these letters, applicant is ambushing</p>
135	<p>1 CHAIRPERSON MILLER: Excuse me. Mr. Padou,</p> <p>2 what did you just object to?</p> <p>3 MR. PADOU: I objected to the entering of</p> <p>4 these documents into evidence. They're not listed on</p> <p>5 applicant's PIF in the exhibits area.</p> <p>6 CHAIRPERSON MILLER: And the documents that</p> <p>7 are being -- are you offering some documents for</p> <p>8 evidence, Mr. Mpras, or the contracts, the letters?</p> <p>9 What?</p> <p>10 MR. MPRAS: It's -- I mean, they're just the</p> <p>11 letter, slash, one (inaudible). The McDonald's is one</p> <p>12 letter and the newer version of it and one contract</p> <p>13 from --</p> <p>14 MR. ALEMAYEHU: Days Inn Hotel.</p> <p>15 MR. MPRAS: -- the Days Inn just for the</p> <p>16 parking spaces.</p> <p>17 MR. ALBERTI: Ms. Miller, may I ask a</p> <p>18 question real quick?</p> <p>19 CHAIRPERSON MILLER: Yeah, sure. Go ahead.</p> <p>20 MR. ALBERTI: Mr. Padou, your only objection</p> <p>21 is that they're not on the PIF?</p> <p>22 MR. PADOU: No. Well, I have other</p>	137	<p>1 protestants. This wouldn't be allowed in Superior Court</p> <p>2 and it's not allowed in the rules of this Board. The</p> <p>3 PIF asks everybody -- demands that everybody write down</p> <p>4 the witnesses and their exhibits. This Board has</p> <p>5 frequently held that if you don't put down the witness</p> <p>6 and you don't put down the exhibits, it's not</p> <p>7 admissible. You can't have a person testify.</p> <p>8 These things aren't on the PIF. We shouldn't</p> <p>9 even be discussing them.</p> <p>10 CHAIRPERSON MILLER: Well, I'll let you</p> <p>11 respond, Mr. Mpras.</p> <p>12 MR. MPRAS: Madam, the Board has -- the Board</p> <p>13 has on several occasions accepted into evidence</p> <p>14 exhibits that are not on the PIF. And these are in</p> <p>15 direct response to the Board's inquiries as to the</p> <p>16 parking issue.</p> <p>17 MR. PADOU: One of the reasons that the Board</p> <p>18 has -- and the Superior Court has the rule that</p> <p>19 documents have to be disclosed ahead of time is so that</p> <p>20 the opposing party can look at the documents and frame</p> <p>21 their appropriate argument if they wish to object.</p> <p>22 These documents, particularly the one from McDonald's,</p>

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138	<p>1 lack all sorts of indicia of being a competent letter 2 or a contract. 3 McDonald's is a huge corporation. They don't 4 usually make obligations without at least putting it on 5 letterhead. And -- well, they don't want to make 6 obligations without putting it in a contract. 7 CHAIRPERSON MILLER: Right. 8 MR. PADOU: What, McDonald's has said, "Yeah, 9 a nightclub can use our parking lot and we'll accept 10 the liability that flows from that?" 11 CHAIRPERSON MILLER: Okay. Do you -- do you 12 have a response? 13 MR. MPRAS: My response? My response is that 14 -- is that this can easily be verified. And many 15 McDonald's are independently owned and do not require - 16 - and each owner -- excuse me -- takes whatever action 17 they deem appropriate for their particular property, as 18 may be the case here. But -- and the rules of Superior 19 Court do not apply here and there is no rule that 20 specifically excludes any exhibits that are non-PIF. 21 MR. PADOU: Of course the document can be 22 verified but not in the context of this hearing. And</p>	140	<p>1 do not -- I don't have that information. 2 MR. ALBERTI: So you don't know whether -- 3 you don't know who the owner is then? 4 MR. ALEMAYEHU: I can answer this question, 5 sir. 6 MR. ALBERTI: No. Okay. Who is the owner, 7 sir? 8 MR. ALEMAYEHU: It's a franchisee. 9 MR. ALBERTI: It's a franchisee. 10 MR. ALEMAYEHU: Yes. 11 MR. ALBERTI: Is this letter from the 12 franchisee, Mr. Mpras? 13 MR. MPRAS: I'll have to pose that question. 14 Sir, is the -- and this is a question for the 15 applicant. Is Gisele (inaudible) to your knowledge the 16 franchisee or a -- or an area manager? 17 MR. ALEMAYEHU: She is an area manager for 18 all three locations in northeast -- all the McDonald's. 19 MR. ALBERTI: Okay. Thank you for that 20 information. 21 CHAIRPERSON MILLER: Let me ask, Mr. Mpras, I 22 see the McDonald's letters. What -- the Tag-B Group,</p>
139	<p>1 the record closes at the end of this hearing. I'll get 2 you to produce -- 3 MR. ALBERTI: May I ask a quick -- 4 CHAIRPERSON MILLER: Yeah. 5 MR. PADOU: -- these documents and giving us 6 a chance to -- 7 CHAIRPERSON MILLER: We've heard that. We 8 understand that -- 9 MR. PADOU: Okay. All right. 10 CHAIRPERSON MILLER: -- that's your argument. 11 MR. ALBERTI: May I ask a quick question? 12 CHAIRPERSON MILLER: Okay. Go ahead. 13 MR. ALBERTI: Mr. Mpras? 14 MR. MPRAS: The documents are our exhibits. 15 MR. ALBERTI: Mr. Mpras -- Mr. Mpras, are 16 these -- I haven't looked at the letters because 17 they're not in the evidence yet. So I haven't looked 18 at them. Are they -- are they from the franchisee? 19 McDonald's are either company owned or franchised. For 20 some -- yeah, for these -- is this McDonald's company 21 owned for franchised? 22 MR. MPRAS: I cannot answer that question. I</p>	141	<p>1 what's -- 2 MR. MPRAS: That is the valet company, owned 3 by Mr. Alemayehu. 4 CHAIRPERSON MILLER: It's a valet company. 5 Okay. And this letter with all these blackouts in it 6 is supposed to -- is proffered for the purpose of what? 7 MR. MPRAS: For the purpose of indicating 8 that those parking spaces are available as stated. 9 CHAIRPERSON MILLER: They're available when, 10 to whom? 11 MR. MPRAS: To Mr. Alemayehu for use of -- 12 for the patrons to park at -- 13 CHAIRPERSON MILLER: Club Illusions? 14 MR. MPRAS: -- at the proposed venue, yes. 15 CHAIRPERSON MILLER: Does it say it's for 16 Club Illusions in here? 17 MR. MPRAS: Ma'am, it says that Tag-B Group 18 has the use of it and Mr. Alemayehu is the owner of 19 Tag-B Group. 20 CHAIRPERSON MILLER: But it lists certain 21 nightclubs and it doesn't list Club Illusions here. 22 Oh, it lists the ones that are done?</p>

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142	<p>1 MR. MPRAS: No. It says services they 2 provide valet services for currently. 3 CHAIRPERSON MILLER: Okay. I have some real 4 problems with these letters but I think the consensus 5 of the -- of the Board is that we will take them into 6 evidence and give it the value that it -- that they're 7 worth. But I think that the fact that the McDonald's 8 doesn't even have a letterhead on it doesn't -- nowhere 9 did they mention Club Illusions. Same with the Tag 10 thing there; they don't mention the Club Illusions. 11 I think that it's going to be a stretch that 12 they are given much weight. And also, I do recognize 13 the fact that they weren't on the TIF [sic] so -- I 14 meant the PIF. But in any event, I think -- I don't 15 know -- extreme caution is to not exclude evidence 16 that's -- it's -- could be relevant to the case. 17 Because it has some relevance we're going to let it in. 18 But I would say that they probably will be given very 19 little weight because of those failings of reliability. 20 Okay. Moving on. 21 MR. MPRAS: Mr. Alemayehu, how long have you 22 been in the -- in the valet business?</p>	144	<p>1 northeast, southeast, southwest, northwest. 2 MR. MPRAS: Sir, and are you familiar with -- 3 have you become familiar with the traffic patterns of 4 the District based on your -- in your occupation? 5 MR. ALEMAYEHU: Yes. 6 MR. MPRAS: And sir, can you tell me what 7 degree of difficulty, if any, you'll have 8 accommodating, you know, the patrons who -- to Club 9 Illusions as far as parking? 10 MR. ALEMAYEHU: I don't think any problem 11 when it comes to parking and the traffic. That's what 12 we do. That's what -- that's what I do for a living 13 normally for the past 12 years. 14 MR. MPRAS: Now, sir, can you tell me, how do 15 you plan to -- you'll -- now, the stated concerns of 16 the protestants have been -- that I'd like you to 17 address at this time are peace, order and quiet. Can 18 you tell me how as a business owner you plan to address 19 those concerns? 20 MR. ALEMAYEHU: Well, we would not play any 21 music outside. The music has got to be inside. And we 22 will follow every rules and regulation we follow with</p>
143	<p>1 MR. ALEMAYEHU: Twelve years. 2 MR. MPRAS: And sir, can you tell me, what is 3 the largest volume of automobiles you handled in -- for 4 a particular venue in a -- in one particular evening? 5 MR. ALEMAYEHU: Maybe it's between 200-1000. 6 MR. MPRAS: And what's the -- what was the 7 most recent occasion that you've had to accommodate a 8 very large number of vehicles? 9 MR. ALEMAYEHU: It was actually this past 10 Thursday. It would be 3700 people. We have 250 11 vehicles. And we shuttled about 1500 and more people. 12 MR. MPRAS: Now, did you accomplish this 13 using the same method you plan on using for Club 14 Illusions? 15 MR. ALEMAYEHU: Yes. 16 MR. MPRAS: Now, as having been in the 17 business -- excuse me -- how many years did you say you 18 were in the business again? 19 MR. ALEMAYEHU: Twelve years. 20 MR. MPRAS: And sir, can you provide valet 21 services in what areas of the district? 22 MR. ALEMAYEHU: All the four quarters,</p>	145	<p>1 the District applies. 2 MR. MPRAS: Sir, have you had any issues with 3 peace, order and quiet in the venue you currently own? 4 MR. ALEMAYEHU: Never. 5 MR. MPRAS: And do you plan on taking that 6 same business model to Club Illusions? 7 MR. ALEMAYEHU: Yes. 8 MR. MPRAS: Okay. Thank you very much. No 9 further questions. 10 CHAIRPERSON MILLER: Any cross-examination? 11 MR. COLLINS: I have some. 12 CHAIRPERSON MILLER: Oh, okay. 13 MR. COLLINS: You mentioned that you would be 14 using the Hecht's Warehouse for parking -- for valet 15 parking. And did I hear you correctly? Did you say 16 that there's 1500 parking spaces there for your use? 17 MR. ALEMAYEHU: Yes. 18 MR. COLLINS: And you have a lease for that - 19 - for the Hecht's warehouse? 20 MR. ALEMAYEHU: Yes, I do. 21 MR. COLLINS: Can you produce it? 22 MR. ALEMAYEHU: I don't have it with me right</p>

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146	<p>1 now but I've been working at that building for the past 2 six months with Douglas Development. We wanted the 3 property as a car storage facility. 4 MR. COLLINS: And so you park other vehicles 5 from other venues there? 6 MR. ALEMAYEHU: Yes, we do. 7 MR. COLLINS: What's the total capacity for 8 parking at the Hecht's Warehouse? 9 MR. ALEMAYEHU: Over 2000. 10 MR. COLLINS: Two thousand? 11 MR. ALEMAYEHU: Yes. 12 MR. COLLINS: Do you have a parking plan that 13 shows that? 14 MR. ALEMAYEHU: I can produce that. That is 15 not a problem. It's actually -- we go by the square 16 footage. That building has 765,000 square foot in that 17 building. 18 MR. COLLINS: And does -- 19 MR. ALEMAYEHU: And they all can be parking 20 in the old warehouses. 21 MR. COLLINS: And there's no -- there's no 22 plan for redevelopment of that building?</p>	148	<p>1 whether it's going to be a self-park, whether it would 2 be valet parking, what would be free parking included 3 to -- and Metro pickups too. 4 MR. COLLINS: Okay. So what we've 5 established so far is that the Hecht's warehouse, that 6 would be a pickup from there. McDonald's, would that 7 be a valet park or would people just self-park there 8 and walk over? 9 MR. ALEMAYEHU: It would be a valet parking 10 and the self-parking too. 11 MR. COLLINS: Both? 12 MR. ALEMAYEHU: Yes. 13 MR. COLLINS: Okay. And would that be free 14 parking at the McDonald's? 15 MR. ALEMAYEHU: There will be a charge. 16 MR. COLLINS: And who would -- who would be 17 charging the customers there? 18 MR. ALEMAYEHU: Would be the valet 19 attendants. 20 MR. COLLINS: The valet attendants for people 21 who self-park will be charged? 22 MR. ALEMAYEHU: It's actually mostly -- the</p>
147	<p>1 MR. ALEMAYEHU: Not anytime soon so far. 2 MR. COLLINS: And you're sure of that? 3 MR. ALEMAYEHU: I don't own the building. 4 The landlord knows that. 5 MR. COLLINS: All right. Your shuttles, can 6 you describe how they would come and pick up your -- 7 how they would deliver your passengers and pick them 8 up? And do the people drive to the club and then get 9 picked up by the bus or do they drive to the Hecht's 10 Warehouse and get picked up by the bus? 11 MR. ALEMAYEHU: They drive by Hecht's 12 warehouse, picked up by bus, and dropped off by -- 13 right in front of the building. 14 MR. COLLINS: How will your clientele know to 15 drive to the Hecht's warehouse? 16 MR. ALEMAYEHU: We will post it on our 17 website. 18 MR. COLLINS: Okay. And will you also post 19 that they will drive to the McDonald's and get picked 20 up? 21 MR. ALEMAYEHU: All our parking plans are 22 going to be on our website, which will be indicated</p>	149	<p>1 self-parking is going to be by Hecht's warehouse. It 2 will be free parking. 3 MR. COLLINS: Hecht's warehouse is free 4 parking? 5 MR. ALEMAYEHU: Yes. 6 MR. COLLINS: Okay. 7 MR. ALEMAYEHU: Then we go out on McDonald's 8 and the Days Inn -- will be valet parking basically. 9 MR. COLLINS: They're both valet parking? 10 MR. ALEMAYEHU: Yes. 11 MR. COLLINS: No self-park? 12 MR. ALEMAYEHU: There's no plan for self- 13 parking for now. 14 MR. COLLINS: Okay. And those are both -- 15 there's a charge for parking there? 16 MR. ALEMAYEHU: Yes, sir. 17 MR. COLLINS: Okay. All right. You show 20 18 spaces in the vacant building that is the old -- what 19 is it, the old KFC? 20 MR. ALEMAYEHU: Yes. 21 MR. COLLINS: And you show 20 spaces in 22 there. What is -- what's that? How is that going to</p>

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150	<p>1 work?</p> <p>2 MR. ALEMAYEHU: We are negotiating. They</p> <p>3 agreed. We didn't sign the contract yet.</p> <p>4 MR. COLLINS: Okay. And when you do --</p> <p>5 assuming you do sign the contract, is that -- is that</p> <p>6 valet parking?</p> <p>7 MR. ALEMAYEHU: Yes, sir.</p> <p>8 MR. COLLINS: Okay. When you say, "Valet</p> <p>9 park" -- I just want to make sure I understand that</p> <p>10 we're saying the same thing -- that means they get on a</p> <p>11 bus and they get driven to the bus?</p> <p>12 MR. ALEMAYEHU: No, no, no. Valet parking is</p> <p>13 they can drive their car --</p> <p>14 MR. COLLINS: Yeah.</p> <p>15 MR. ALEMAYEHU: -- to the site and valet</p> <p>16 parkers would park the cars.</p> <p>17 MR. COLLINS: Okay. So there's no self-park</p> <p>18 at the McDonald's, no self-park at the Days Inn, no</p> <p>19 self-park at the KFC; is that correct?</p> <p>20 MR. ALEMAYEHU: Yes, sir.</p> <p>21 MR. COLLINS: But the only place that they're</p> <p>22 going to be taken by shuttle bus is the -- is the</p>	152	<p>1 park.</p> <p>2 MR. COLLINS: Okay. And the charge as well?</p> <p>3 MR. ALEMAYEHU: Yes.</p> <p>4 MR. COLLINS: Parking charge. Okay. Let's</p> <p>5 go to the space -- there's a notation on your parking</p> <p>6 plan that shows 110 spaces located behind the building</p> <p>7 that's going to be used for the club.</p> <p>8 MR. ALEMAYEHU: It's not behind. It's</p> <p>9 actually part of it and the building right next to it</p> <p>10 and the front part -- there are some spaces too.</p> <p>11 MR. COLLINS: Well, the building -- when you</p> <p>12 did your correction earlier --</p> <p>13 MR. ALEMAYEHU: Yes.</p> <p>14 MR. COLLINS: -- with the 68 spaces, that was</p> <p>15 a point to the building next door to the west of your</p> <p>16 club, right? That's 68 spaces on that property. I</p> <p>17 mean, that's what it shows. Remember that?</p> <p>18 MR. ALEMAYEHU: It's actually 68 spaces -- a</p> <p>19 mistake. That's why we tried to correct it earlier --</p> <p>20 which would be 110 spaces will be the back and the</p> <p>21 building right next door in the front part.</p> <p>22 MR. COLLINS: So the 110 spaces applies to</p>
151	<p>1 Hecht's warehouse?</p> <p>2 MR. ALEMAYEHU: We have self-parking, onsite,</p> <p>3 which -- it's Peter Marx property, which is right next</p> <p>4 door.</p> <p>5 MR. COLLINS: I haven't gotten there yet.</p> <p>6 I'm just -- I'm just going through -- I just want to</p> <p>7 make sure I get this down one at a time. The Hecht's</p> <p>8 warehouse, there's free parking, but there's a shuttle</p> <p>9 bus pickup --</p> <p>10 MR. ALEMAYEHU: Yes.</p> <p>11 MR. COLLINS: -- and drop-off? McDonald's is</p> <p>12 valet parking, no self-parking and it's -- and it's pay</p> <p>13 -- charge for that. The Days Inn is valet park.</p> <p>14 There's a charge for that. And there's no lease yet</p> <p>15 for the KFC but it is -- it will be valet parking; is</p> <p>16 that right?</p> <p>17 MR. ALEMAYEHU: There's negotiations being</p> <p>18 done. Just we did not sign a contract yet but we will.</p> <p>19 MR. COLLINS: Right. I understand that. But</p> <p>20 when you do -- assuming you do sign the contract, is it</p> <p>21 your intention to operate a valet there or self?</p> <p>22 MR. ALEMAYEHU: Yes, valet. Yes, yes. Valet</p>	153	<p>1 spaces in the back of that building?</p> <p>2 MR. ALEMAYEHU: Not only the back.</p> <p>3 MR. COLLINS: Well --</p> <p>4 MR. ALEMAYEHU: The building right next to</p> <p>5 it, to the west.</p> <p>6 MR. COLLINS: To the west. So there's -- so</p> <p>7 we can strike the 68 space --</p> <p>8 MR. ALEMAYEHU: Yes.</p> <p>9 MR. COLLINS: -- designation?</p> <p>10 MR. ALEMAYEHU: Yes.</p> <p>11 MR. COLLINS: there are no 68 spaces?</p> <p>12 MR. ALEMAYEHU: There's -- there are no 68</p> <p>13 spaces.</p> <p>14 MR. COLLINS: Okay. All right. So it's just</p> <p>15 110 spaces. And the 110 spaces will fit behind the</p> <p>16 club and also on the building next door?</p> <p>17 MR. ALEMAYEHU: Yes.</p> <p>18 MR. COLLINS: And in the front --</p> <p>19 MR. ALEMAYEHU: Yes.</p> <p>20 MR. COLLINS: -- of both those buildings?</p> <p>21 MR. ALEMAYEHU: Not both. Not right in front</p> <p>22 of Club Illusion. Club Illusion in front would be</p>

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154	<p>1 where --</p> <p>2 MR. COLLINS: Okay.</p> <p>3 MR. ALEMAYEHU: -- we have our setup -- would</p> <p>4 be.</p> <p>5 MR. COLLINS: Okay. Do you have a parking</p> <p>6 plan that shows how that is to be laid out?</p> <p>7 MR. ALEMAYEHU: It's in the process, which</p> <p>8 would be -- as I said before with the measurement --</p> <p>9 MR. COLLINS: Uh-huh.</p> <p>10 MR. ALEMAYEHU: -- part of my job -- that's</p> <p>11 what we do every day. A hundred ten is moderate. We</p> <p>12 could put more, which would be -- after our spaces</p> <p>13 filled up, it would be stack parking -- it's going to</p> <p>14 be.</p> <p>15 MR. COLLINS: Stack parking? So there's no -</p> <p>16 - and what size would the parking spaces be?</p> <p>17 MR. ALEMAYEHU: Which -- could you -- what</p> <p>18 size you mean?</p> <p>19 MR. COLLINS: Well, there's a -- there's a</p> <p>20 required size of parking spaces. What size are you</p> <p>21 planning to use for parking spaces?</p> <p>22 MR. ALEMAYEHU: It would be 160 square feet</p>	156	<p>1 you're going to convert that building to a -- to a</p> <p>2 parking garage?</p> <p>3 MR. ALEMAYEHU: Yes.</p> <p>4 MR. COLLINS: And then the valet -- the</p> <p>5 shuttle bus -- how will the shuttle bus work? It'll</p> <p>6 pick the people up from Hecht's.</p> <p>7 MR. ALEMAYEHU: Yes.</p> <p>8 MR. COLLINS: It'll bring them to the club.</p> <p>9 Where will the shuttle bus park?</p> <p>10 MR. ALEMAYEHU: The shuttle bus will park</p> <p>11 basically right in front of where -- there's a driveway</p> <p>12 we set up. I mean, just basically between the two</p> <p>13 properties, there's a huge driveway.</p> <p>14 MR. COLLINS: Uh-huh.</p> <p>15 MR. ALEMAYEHU: So the buses go in the</p> <p>16 driveway and drop the peoples and go back out in the</p> <p>17 same time.</p> <p>18 MR. COLLINS: And they go back out on -- and</p> <p>19 how would they get back to Hecht's?</p> <p>20 MR. ALEMAYEHU: They have to go out on -- by</p> <p>21 Washington. They can make a right turn on Bladensburg</p> <p>22 or they can go all the way down by Washington Times and</p>
155	<p>1 per vehicle.</p> <p>2 MR. COLLINS: A hundred and sixty square feet</p> <p>3 per vehicle.</p> <p>4 MR. ALEMAYEHU: Yes.</p> <p>5 MR. COLLINS: And what about the aisles?</p> <p>6 MR. ALEMAYEHU: A hundred sixty-two.</p> <p>7 MR. COLLINS: The drive aisles?</p> <p>8 MR. ALEMAYEHU: Drive aisles?</p> <p>9 MR. COLLINS: Yeah.</p> <p>10 MR. ALEMAYEHU: It's got to be 22 feet.</p> <p>11 MR. COLLINS: Twenty-two feet wide?</p> <p>12 MR. ALEMAYEHU: Yes. Which they can be --</p> <p>13 later on, once it gets filled up, it would be stack</p> <p>14 parking -- the drive aisles.</p> <p>15 MR. COLLINS: So when this 110 spaces on this</p> <p>16 -- on the club site in the back and then the front of</p> <p>17 the building to the west -- and where else on the</p> <p>18 building to the west, inside the buildings?</p> <p>19 MR. ALEMAYEHU: Inside the building, yes.</p> <p>20 MR. COLLINS: Inside the building.</p> <p>21 MR. ALEMAYEHU: Yes.</p> <p>22 MR. COLLINS: Okay. And the -- okay. So</p>	157	<p>1 they can make a u-turn and come back again.</p> <p>2 MR. COLLINS: So you'll go eastbound on New</p> <p>3 York Avenue. They will go out the building and go</p> <p>4 eastbound toward Washington?</p> <p>5 MR. ALEMAYEHU: Yes, yes.</p> <p>6 MR. COLLINS: They can either turn on</p> <p>7 Bladensburg or turn around on Washington --</p> <p>8 MR. ALEMAYEHU: Yes.</p> <p>9 MR. COLLINS: -- and go back then to --</p> <p>10 MR. ALEMAYEHU: Sixteenth Street.</p> <p>11 MR. COLLINS: -- to 16th Street.</p> <p>12 MR. ALEMAYEHU: Yes.</p> <p>13 MR. COLLINS: And then how often would that</p> <p>14 shuttle bus run?</p> <p>15 MR. ALEMAYEHU: We have currently one in -- I</p> <p>16 mean, we have three buses basically.</p> <p>17 MR. COLLINS: Three buses?</p> <p>18 MR. ALEMAYEHU: Yes.</p> <p>19 MR. COLLINS: Okay. And how often do they</p> <p>20 run?</p> <p>21 MR. ALEMAYEHU: As soon as -- when they find</p> <p>22 peoples. They -- we're not going to wait to hold</p>

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158	<p>1 anybody. They have to move. They have to circle 2 around. 3 MR. COLLINS: So when they -- when they fill 4 up, they go? 5 MR. ALEMAYEHU: No. Just these three buses 6 would be enough -- sufficient. So none of them are 7 going to stop. So they stop. If they find people, 8 they go. If they don't find, they stay because they 9 don't have to be filled up. 10 MR. COLLINS: Excuse me. Excuse me. I think 11 that's all the questions. Thank you. 12 MS. MANNING: Oh, I have a question. 13 CHAIRPERSON MILLER: Yeah, did you have a 14 question, Mr. Padou? 15 MR. PADOU: I'm deferring to the ANC 16 commissioner. 17 CHAIRPERSON MILLER: Okay. 18 MS. MANNING: Going back to -- you said the 19 music outside, you're not playing music outside. How 20 do you plan to work on that building? Because noise -- 21 explain how you're going to control the sound. 22 MR. ALEMAYEHU: We would have a soundproof --</p>	160	<p>1 CHAIRPERSON MILLER: I can't hear that. 2 MR. ALBERTI: Can't hear you. 3 MS. MANNING: Can you use your outside voice, 4 please? 5 MR. ALEMAYEHU: We have a security plan and 6 we will use reimbursable detail for MPD. 7 MS. MANNING: Have you have a conversation 8 with Sergeant Fox? 9 MR. ALEMAYEHU: Not yet. 10 MS. MANNING: Do you plan on having a 11 conversation with Sergeant Fox? 12 MR. ALEMAYEHU: Yes, ma'am. 13 MR. PADOU: The satellite parking that you're 14 going to use is the Hecht's Warehouse, you testified, 15 right? 16 MR. ALEMAYEHU: Yes, sir. 17 MR. PADOU: Okay. And that's owned by 18 Douglas Jemal, isn't it? 19 MR. ALEMAYEHU: Yes, sir. 20 MR. PADOU: And isn't it true that Douglas 21 Jemal has been quoted in newspapers as saying he's 22 going to file a PUD for that property next year?</p>
159	<p>1 MS. MANNING: You're soundproofing the whole 2 building? 3 MR. ALEMAYEHU: It's actually the entire wall 4 of the building. 5 CHAIRPERSON MILLER: I'm sorry, you're going 6 to soundproof what? 7 MR. ALEMAYEHU: She was asking for a 8 soundproof -- I said we were going to put a soundproof, 9 which would be -- the entire wall inside, where the 10 main floor is going to be, would be soundproof. 11 CHAIRPERSON MILLER: The main floor's going 12 to be totally soundproof -- the walls? Okay. 13 MS. MANNING: Is this one or two floors? 14 MR. ALEMAYEHU: One floor only. 15 MS. MANNING: Regarding order, how do you 16 plan to -- because you can't control -- people come 17 into your establishment. How do you plan to control 18 the -- have orderly conduct within that area? 19 MR. ALEMAYEHU: We have -- we're going to 20 have reimbursable detail inside and we have a security 21 plan already. 22 MS. MANNING: I can't hear you.</p>	161	<p>1 MR. ALEMAYEHU: I'm not aware of that. 2 MR. PADOU: You testified that you're 3 currently using that property for your other valet 4 parking operations; is that right? 5 MR. ALEMAYEHU: Yes, sir. 6 MR. PADOU: Okay. And, you know, the gist of 7 your technology is that you're -- or testimony is that 8 you're an -- you're an expert on handling valet and 9 that sort of thing; is that -- do I have that right? 10 MR. ALEMAYEHU: Yes, sir. 11 MR. PADOU: About how many cars a night or a 12 weekend or however you measure these things are you 13 parking at that Hecht's warehouse right now? 14 MR. ALEMAYEHU: So far currently we use it 15 for a different -- which I -- we shuttled for past 16 Thursday 3700 peoples -- 3700 peoples came into this 17 venue. We only parked 80 cars at that site. 18 MR. PADOU: Uh-huh. So are you going to 19 continue to use that site for other operations besides 20 Club Illusions? 21 MR. ALEMAYEHU: The facility's way enough for 22 more than anything.</p>

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<p style="text-align: right;">162</p> <p>1 MR. PADOU: That wasn't my question, sir. My 2 question is, are you going to continue to use the 3 facility -- 4 MR. ALEMAYEHU: Yes, sir. 5 MR. PADOU: -- for other operations? 6 MR. ALEMAYEHU: Yes, sir. 7 MR. PADOU: So your other operations and Club 8 Illusions are going to have to share this Hecht's 9 warehouse; is that right? 10 MR. ALEMAYEHU: Yes, sir. 11 MR. PADOU: Okay. Did I hear right that you 12 don't own the shuttle buses that you're going to use? 13 MR. ALEMAYEHU: No, I don't. 14 MR. PADOU: But you have an arrangement with 15 some company that does own shuttle buses? 16 MR. ALEMAYEHU: Yes, sir. 17 MR. PADOU: How big are these buses? 18 MR. ALEMAYEHU: Forty-six passengers each 19 bus. 20 MR. PADOU: So they're a large bus? 21 MR. ALEMAYEHU: Yes, sir. 22 MR. PADOU: And the buses are going to</p>	<p style="text-align: right;">164</p> <p>1 basically we always work with -- we accommodate. 2 MR. PADOU: Okay. By sister company, you 3 mean another company? 4 MR. ALEMAYEHU: Yes, sir. 5 MR. PADOU: Okay. Stadium Club has valet 6 parking, don't they? 7 MR. ALEMAYEHU: Yes, they do. 8 MR. PADOU: And isn't it correct that even 9 though they have valet parking that their customers, in 10 order to avoid the valet parking charge, park in all 11 the surrounding residential neighborhoods? 12 MR. MPRAS: Objection. He can't possibly 13 know the answer to that. 14 CHAIRPERSON MILLER: Why not? 15 MR. MPRAS: As to what the Stadium customers 16 do? 17 CHAIRPERSON MILLER: Yeah, why don't they -- 18 he can answer why he wouldn't know if he doesn't know. 19 Do you not know? It's just a -- do you have any idea 20 about that question? 21 MR. ALEMAYEHU: I'm not aware of that. 22 Maybe, maybe not.</p>
<p style="text-align: right;">163</p> <p>1 transfer people from the Hecht's Warehouse and drop 2 them off in front of your New York establishment? 3 MR. ALEMAYEHU: Yes, sir. 4 MR. PADOU: Okay. Do you own any buses that 5 you use in your other operations? 6 MR. ALEMAYEHU: We do work with different bus 7 companies throughout the city. 8 MR. PADOU: Okay. But you don't own any 9 buses? 10 MR. ALEMAYEHU: But I don't own -- I don't 11 own buses. 12 MR. PADOU: So your expertise is in valet 13 parking, not in shuttle buses? 14 MR. ALEMAYEHU: We are a one-stop shop 15 basically for when it comes to a nightclub, hotels, 16 restaurants. 17 MR. PADOU: Uh-huh. 18 MR. ALEMAYEHU: We provide all kinds of 19 services. Basically if anybody -- 20 MR. PADOU: Because you don't provide the 21 shuttle buses because you don't own any, right? 22 MR. ALEMAYEHU: We have a sister company</p>	<p style="text-align: right;">165</p> <p>1 MR. PADOU: Okay. So in planning to open 2 this club, you haven't had discussions with the other 3 large club that's nearby, Stadium Club; is that 4 correct? 5 MR. ALEMAYEHU: I actually do valet parking 6 for different venues in the area which -- 7 MR. PADOU: Okay. That wasn't my question. 8 My question is, as a potential owner of a large 9 nightclub on New York Avenue, did you go talk to the 10 owners of the other nightclub that's nearby and ask 11 them how they have established themselves in the 12 neighborhood? Have you tried to go them and learn any 13 lesson? 14 MR. ALEMAYEHU: Yes. 15 MR. PADOU: You have? 16 MR. ALEMAYEHU: Yes. 17 MR. PADOU: And you didn't talk about their 18 customers not using their valet program? 19 MR. ALEMAYEHU: Everybody have their own 20 kinds of management, which my management will be 21 different than what Stadium or any other clubs. 22 MR. PADOU: Oh, how will yours be different</p>

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<p>1 than Stadium? 2 MR. ALEMAYEHU: Which would be my -- I can -- 3 since in a business for a nightclub, in the -- in the 4 parking business for a long time, those kind of issues 5 would be squashed before it even gets there. 6 MR. PADOU: So you won't have problems 7 because you're an expert in the area? 8 MR. ALEMAYEHU: Not like that. It's just, 9 you know, we have enough parking for peoples to park. 10 It will be enough information for everybody. 11 MR. PADOU: What's the occupancy of your 12 establishment that you want to open? It's 1200, isn't 13 it? 14 MR. ALEMAYEHU: Yes. 15 MR. PADOU: And the occupancy of Stadium is 16 350 approximately; isn't that correct? 17 MR. ALEMAYEHU: I don't know idea how much 18 that -- 19 MR. PADOU: All right. So their parking 20 lessons won't really be relevant to your establishment 21 if they were much smaller; is that correct? 22 MR. ALEMAYEHU: I have no answer for that,</p>	<p>1 told people at, for example, the ANC meeting that you 2 all had a contract to park your cars at the Salvation 3 Army parking lot? 4 MR. ALEMAYEHU: No, sir. 5 MR. PADOU: He said that. 6 MR. ALEMAYEHU: Mr. Jackson doesn't represent 7 me whatsoever in any cases. 8 MR. PADOU: So it's your testimony that Mr. 9 Jackson came to public meetings but he wasn't 10 representing you? 11 MR. ALEMAYEHU: No. 12 MR. MPRAS: Asked and answered. 13 MR. PADOU: I'm sorry, I didn't hear his 14 answer. 15 MR. ALEMAYEHU: No. 16 CHAIRPERSON MILLER: I wasn't clear whether 17 he did -- whether he represented you at one time and 18 doesn't represent you now or whether he never 19 represented you. 20 MR. ALEMAYEHU: He never represented me 21 whatsoever. 22 CHAIRPERSON MILLER: He never represented</p>
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<p>1 sir. 2 MR. PADOU: You have to speak up. No one can 3 hear you. 4 MR. ALEMAYEHU: I have no answer for that, 5 sir. 6 MR. PADOU: Okay. When you first thought 7 about moving into this neighborhood, isn't it true that 8 you hired a man named Jeff Jackson to go to public 9 meetings and explain your plans? 10 MR. ALEMAYEHU: That he was expedited -- not 11 actually for me just to say anything. My actual legal 12 representative would be probably Mr. Mani (ph). 13 MR. PADOU: Okay. My question is though that 14 it's correct that you hired him to represent you at 15 public meetings? 16 MR. MPRAS: Madam, I'll have to object. It's 17 beyond the scope of direct. 18 MR. PADOU: It's not. This is going to go to 19 directly to parking, Madam Chair, with my very next 20 question. 21 CHAIRPERSON MILLER: Okay. Let's see. 22 MR. PADOU: Isn't it true that Mr. Jackson</p>	<p>1 you? 2 MR. ALEMAYEHU: Never. 3 CHAIRPERSON MILLER: That's your testimony? 4 MR. ALEMAYEHU: He was applying for my ABC 5 license for the first time for -- fill out the 6 application and all that kind of stuff. But he's never 7 been my representative whatsoever. He doesn't 8 represent me or my company. 9 MR. PADOU: Well, maybe we're hung up on the 10 semantics of the word, "Representative." Did you hire 11 him to help you get a liquor license? 12 MR. ALEMAYEHU: To fill out the application, 13 yes. 14 MR. PADOU: Okay. And as part of his helping 15 you fill out the application, did he appear at public 16 meetings like the local ANC meetings? 17 MR. ALEMAYEHU: I didn't ask him to. 18 MR. PADOU: Okay. It was -- it was your 19 testimony that -- well, we won't -- I won't even go 20 there. You testified that Club Illusions is going to 21 be like Bar 7, your current bar and restaurant? 22 MR. ALEMAYEHU: Yes, sir.</p>

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<p style="text-align: right;">170</p> <p>1 MR. PADOU: What's the occupancy at Bar 7? 2 MR. ALEMAYEHU: Three hundred and fifty. 3 MR. PADOU: Okay. So this is -- Club 4 Illusions would be, what, four times as large as Bar 7 5 approximately? 6 MR. ALEMAYEHU: Three times, I would say. 7 MR. PADOU: Okay. Do you have two stages at 8 Bar 7? 9 MR. ALEMAYEHU: I have two floors, one stage. 10 MR. PADOU: Where's Bar 7 located? 11 MR. ALEMAYEHU: Bar 7 is 1015 1/2 7th Street, 12 N.W., Washington DC, literally across the street from 13 the convention center. 14 MR. PADOU: Right. So most of your patrons 15 arrive on foot from Metro like many other 16 establishments down there; is that correct? 17 MR. ALEMAYEHU: Majority of them, they drive. 18 MR. PADOU: Pardon me? 19 MR. ALEMAYEHU: Majority of them, they drive. 20 CHAIRPERSON MILLER: Could you -- what did 21 you say? 22 MR. ALEMAYEHU: Majority of my clients at Bar</p>	<p style="text-align: right;">172</p> <p>1 convention area? That is your testimony? 2 MR. ALEMAYEHU: Yes. 3 MR. PADOU: It was also your testimony that 4 you don't foresee any problems with either parking or 5 pedestrians getting 1200 people in and out of your 6 club? Do I have that right? 7 MR. ALEMAYEHU: Yes, sir. 8 MR. PADOU: That's not a major issue for you? 9 MR. ALEMAYEHU: Well, to be in any business, 10 there's always a challenge. 11 MR. PADOU: Uh-huh. 12 MR. ALEMAYEHU: I'm not saying there's no 13 challenge. In the process we have a battle but at the 14 same time if anybody prepare an event, all those 15 problems will go away. 16 MR. PADOU: So it's your view that if you 17 prepare in advance, the problems will go away? 18 MR. ALEMAYEHU: As I said before, every 19 business has its own challenge. 20 MR. PADOU: All right. I have no further 21 questions, Madam Chair. 22 CHAIRPERSON MILLER: Thank you.</p>
<p style="text-align: right;">171</p> <p>1 7, they all drive. 2 CHAIRPERSON MILLER: The majority -- 3 MR. ALEMAYEHU: Yes. 4 CHAIRPERSON MILLER: -- drive? 5 MR. ALEMAYEHU: Yes. 6 CHAIRPERSON MILLER: Okay. 7 MR. PADOU: So every -- so most people who 8 come to Bar 7, which is across the street from the 9 convention center, they drive to get there? Is that 10 your testimony? 11 MR. ALEMAYEHU: When it's convention -- I 12 mean, our clientele is not based on the convention 13 center or anything, just followers that we have. 14 MR. PADOU: I understand that. I'm just -- I 15 just want to make sure I had it right, that it's your 16 testimony that most people that come to Bar 7 get there 17 by car? 18 MR. ALEMAYEHU: Yes, sir. 19 MR. PADOU: Okay. Where do they park? 20 MR. ALEMAYEHU: They do valet parking and 21 there's plenty of parking in the area too. 22 MR. PADOU: There's plenty of parking in the</p>	<p style="text-align: right;">173</p> <p>1 MR. CHANDLER: I have really brief -- 2 CHAIRPERSON MILLER: Yeah, come to the -- 3 MR. CHANDLER: That is about the 65 parking 4 spaces at the Days Inn, how long have you had those? 5 MR. ALEMAYEHU: We signed that contract last 6 month. 7 MR. CHANDLER: Just last month? 8 MR. ALEMAYEHU: Yes. 9 MR. CHANDLER: And so those spaces aren't 10 currently in use by anyone? 11 MR. ALEMAYEHU: They're being used by us 12 actually. 13 MR. CHANDLER: They're being used by you? 14 MR. ALEMAYEHU: Yes. 15 MR. CHANDLER: And for which entity or club 16 would you use those spaces for? 17 MR. MPRAS: Objection, relevance. 18 MR. ALEMAYEHU: For it comes -- it comes to - 19 - for Club Illusion. 20 CHAIRPERSON MILLER: Do you want to say the 21 relevance? 22 MR. CHANDLER: The relevance is if those</p>

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174	<p>1 spaces are currently used --</p> <p>2 CHAIRPERSON MILLER: Uh-huh.</p> <p>3 MR. CHANDLER: -- now, how will they be</p> <p>4 available in the future? And for what clubs are they</p> <p>5 parking people now in that area?</p> <p>6 MR. ALEMAYEHU: As I say before, we signed</p> <p>7 the contract last month. That lot is under our company</p> <p>8 contract, which means we still have the access to use</p> <p>9 it. We're not using it for anybody. We're just</p> <p>10 reserving it for ourselves.</p> <p>11 MR. CHANDLER: Reserve? And that's the same</p> <p>12 thing with McDonald's space?</p> <p>13 MR. ALEMAYEHU: Yes.</p> <p>14 MR. CHANDLER: Because that's -- I -- have</p> <p>15 you ever seen cars parked in that space -- recently in</p> <p>16 any of those spaces?</p> <p>17 MR. ALEMAYEHU: Yes. Days Inn have events</p> <p>18 time to time. So they use it.</p> <p>19 MR. CHANDLER: Okay. So -- and that was the</p> <p>20 crux of their question. And I think the -- we're</p> <p>21 limited to parking right now? That's the only thing</p> <p>22 we're talking about?</p>	176	<p>1 them using the parking lot or is it if the space is</p> <p>2 available, you can use it?</p> <p>3 MR. ALEMAYEHU: The Days Inn parking lot --</p> <p>4 the 65 spaces is ours.</p> <p>5 CHAIRPERSON MILLER: What? I'm sorry, could</p> <p>6 you speak louder and slower?</p> <p>7 MR. ALEMAYEHU: Days Inn -- the Days Inn</p> <p>8 parking lot -- the 65 spaces would be ours at all time.</p> <p>9 CHAIRPERSON MILLER: Sixty-five, not a</p> <p>10 hundred and eighty?</p> <p>11 MR. ALEMAYEHU: Not 180. But if we needed</p> <p>12 additional spaces, that would be -- we would give them</p> <p>13 advance notice and they'll accommodate us -- not</p> <p>14 entirely but additional 50 or 60 more.</p> <p>15 CHAIRPERSON MILLER: Okay. I think that</p> <p>16 completes the protestant's cross. Other Board</p> <p>17 questions?</p> <p>18 MR. ALBERTI: Yeah, I guess.</p> <p>19 CHAIRPERSON MILLER: Okay.</p> <p>20 MR. ALBERTI: It's mostly on parking. Your -</p> <p>21 - you have a contract to use the Hecht's building or</p> <p>22 parking property for the parking?</p>
175	<p>1 CHAIRPERSON MILLER: Limited to the</p> <p>2 testimony.</p> <p>3 MR. CHANDLER: The testimony.</p> <p>4 CHAIRPERSON MILLER: Whatever he testified on</p> <p>5 direct.</p> <p>6 MR. CHANDLER: Oh, okay. All right. I guess</p> <p>7 that's --</p> <p>8 MR. ALEMAYEHU: For the record, I want to add</p> <p>9 this one. Days Inn had about 180 parking spaces. So</p> <p>10 we can use as needed if it needs additional parking</p> <p>11 according to our contract.</p> <p>12 CHAIRPERSON MILLER: Has up to 108?</p> <p>13 MR. ALEMAYEHU: A hundred and eight spaces,</p> <p>14 they have.</p> <p>15 CHAIRPERSON MILLER: Eighty or eight?</p> <p>16 MR. ALEMAYEHU: Eighty.</p> <p>17 CHAIRPERSON MILLER: Eighty, okay.</p> <p>18 MR. CHANDLER: May I ask another question?</p> <p>19 MR. ALEMAYEHU: Yes, sir.</p> <p>20 MR. CHANDLER: What if Days Inn is -- have</p> <p>21 used those parking spaces to its capacity? Well, how</p> <p>22 would you be able to -- would your contract supersede</p>	177	<p>1 MR. ALEMAYEHU: The entire property actually.</p> <p>2 We -- my company manages that property for indoor</p> <p>3 parking -- storage facility.</p> <p>4 MR. ALBERTI: Okay.</p> <p>5 MR. COLLINS: Could you clarify which</p> <p>6 property is that you're talking about?</p> <p>7 MR. ALBERTI: Hecht's.</p> <p>8 MR. COLLINS: The Hecht's.</p> <p>9 MR. ALBERTI: The Hecht's Warehouse. You</p> <p>10 didn't submit as evidence your lease there. But let me</p> <p>11 ask you some questions about that.</p> <p>12 MR. ALEMAYEHU: Yes, sir.</p> <p>13 MR. ALBERTI: Is there a specific number of -</p> <p>14 - is it for the whole property is your lease or is it</p> <p>15 specific area?</p> <p>16 MR. ALEMAYEHU: It's not a -- it's not a</p> <p>17 lease. It's a manager that I -- that I actually manage</p> <p>18 that property from Douglas Development. So our plan is</p> <p>19 to go over, you know -- to have an indoor parking</p> <p>20 facility -- indoor car storage facility for Washington,</p> <p>21 DC. That's what we do.</p> <p>22 MR. ALBERTI: So it's your testimony that</p>

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178	<p>1 you're contracted to manage that? 2 MR. ALEMAYEHU: Manage and use, yes. 3 MR. ALBERTI: Manage and use? 4 MR. ALEMAYEHU: Yes. 5 MR. ALBERTI: Okay. The entire property? 6 MR. ALEMAYEHU: Yes, sir. 7 MR. ALBERTI: Okay. And use with what 8 restrictions, if any? 9 MR. ALEMAYEHU: So far there is no 10 restriction. 11 MR. ALBERTI: So you can use it for whatever 12 purpose you want? 13 MR. ALEMAYEHU: For parking basically. 14 MR. ALBERTI: I'm asking you a question. 15 MR. ALEMAYEHU: Well, I misunderstand your 16 question, sir. 17 MR. ALBERTI: And you said I -- you said you 18 got to -- you've got a contract to use that property. 19 And I said, "With what restrictions?" And you said, 20 "None." 21 MR. ALEMAYEHU: No, I'm sorry. I just -- 22 parking only.</p>	180	<p>1 - the letter from McDonald's is -- I'll note that it's 2 not on McDonald's letter head. The person who signed 3 it is the area supervisor. So did you talk to the 4 franchisee -- 5 MR. ALEMAYEHU: No. 6 MR. ALBERTI: -- about this parking? 7 MR. ALEMAYEHU: Actually this McDonald's? 8 No, sir. 9 MR. ALBERTI: Does this letter state the cost 10 to you for parking -- for using that -- for parking? 11 MR. ALEMAYEHU: Yes. 12 MR. ALBERTI: It does? Where on that letter 13 -- do you have a copy of that letter there? 14 MR. ALEMAYEHU: I mean, it says how much it 15 costs, you mean? 16 MR. ALBERTI: Yeah, does this letter state 17 the cost to you to use that parking? 18 MR. ALEMAYEHU: I don't have that letter but 19 I can -- 20 MR. ALBERTI: Would someone provide him with 21 the letter, please? 22 MR. ALEMAYEHU: Okay. I have it. There's no</p>
179	<p>1 MR. ALBERTI: So you can use that property 2 only for parking? 3 MR. ALEMAYEHU: Yes, sir. 4 MR. ALBERTI: Okay. When -- how is it 5 restricted in terms of time? How long does that 6 contract go or what are the cancelation agreements in 7 it? For instance, I'll -- just for example, your tag 8 with Days Inn says that either party can cancel within 9 30 days. So that's a -- so how does this contract run? 10 How -- what's the duration of this contract? 11 MR. ALEMAYEHU: Most of the parking 12 agreements in this city would be -- you would have a 13 cancellation between 30-60 days. 14 MR. ALBERTI: I don't care about most of 15 them. I'm talking about Hecht's right now. 16 MR. ALEMAYEHU: Hecht's would be a two month 17 -- 60 days notice cancellation. 18 MR. ALBERTI: Okay. So they can cancel at -- 19 the owners of Hecht's property can cancel it with 60 20 days' notice? 21 MR. ALEMAYEHU: Yes, sir. 22 MR. ALBERTI: Okay. Thank you. McDonald's -</p>	181	<p>1 cost evaluated. Yes. There is nothing that says cost 2 on it. No, sir. 3 MR. ALBERTI: Oh, so there's no -- does it -- 4 does it say how long you get to use the parking? 5 MR. ALEMAYEHU: As long as I take -- as long 6 as it's a problem -- we don't -- we don't have any 7 problems with them so far, you know. We pay them -- 8 MR. ALBERTI: Does it say how long you can 9 use the parking? 10 MR. ALEMAYEHU: It doesn't say anything. 11 MR. ALBERTI: Okay. So there's no term limit 12 on -- according to this letter, there's no term limit. 13 MR. ALEMAYEHU: Yes, sir. 14 MR. ALBERTI: Okay. Does it say how many 15 parking spaces you are entitled to use? 16 MR. ALEMAYEHU: It doesn't say so. It 17 doesn't say anything. 18 MR. ALBERTI: Okay. Thank you. Your 19 agreement with Days Inn -- 20 MR. ALEMAYEHU: Yes. 21 MR. ALBERTI: -- does it say how many parking 22 spaces you're entitled to use?</p>

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<p style="text-align: right;">182</p> <p>1 MR. ALEMAYEHU: It does -- it doesn't say 2 that too. 3 MR. ALBERTI: It does -- it does or doesn't? 4 MR. ALEMAYEHU: No, it doesn't. 5 MR. ALBERTI: It doesn't? 6 MR. ALEMAYEHU: Yeah. But we have -- we have 7 65 spaces. 8 MR. ALBERTI: And what is the duration on 9 this contract or what triggers the ending of it? 10 MR. ALEMAYEHU: Any parties. Maybe I can 11 cancel it or they can cancel it. It's 30 days' notice. 12 MR. ALBERTI: Okay. Thank you. And this was 13 signed the -- the Days Inn was signed with the general 14 manager? 15 MR. ALEMAYEHU: Yes, sir. 16 MR. ALBERTI: Okay. Okay. You said that -- 17 your testimony was that for now there would be valet 18 parking only at Days Inn and McDonald's? 19 MR. ALEMAYEHU: Yes, sir. 20 MR. ALBERTI: What would make you change your 21 mind to allow self-parking? What might change that? 22 MR. ALEMAYEHU: That through valet parking we</p>	<p style="text-align: right;">184</p> <p>1 due to -- if you were to do self-parking, would you 2 implement any pedestrian safety measures? 3 MR. ALEMAYEHU: Yes, sir. 4 MR. ALBERTI: And what would they be? 5 MR. ALEMAYEHU: It would be five miles -- 6 MR. ALBERTI: No. I meant getting to and 7 from your -- let me be clear. You have pedestrians 8 going from the parking lot to the club and vice versa - 9 - 10 MR. ALEMAYEHU: Yes, sir. We'll -- 11 MR. ALBERTI: -- at all hours of the night. 12 People would come out having two or three drinks or 13 more trying to cross Bladensburg Road at 3:00 in the 14 morning with all the other bar traffic coming up 15 heading east out to -- out to Maryland. Am I sort of 16 painting a picture that I'm worried -- that I'm worried 17 about? So would you implement any pedestrian safety 18 measures? 19 MR. ALEMAYEHU: Yes, sir. 20 MR. ALBERTI: And what would they be? 21 MR. ALEMAYEHU: It would be -- we would have 22 our valet attendants to be posted in every major</p>
<p style="text-align: right;">183</p> <p>1 park more cars than, you know, self-park. Instead of, 2 you know, having, you know, 65 spaces I can by -- my 3 stack parking would be 100. 4 MR. ALBERTI: So my question to you was, for 5 now, your decision is to use it for valet only? 6 MR. ALEMAYEHU: Yes, sir. 7 MR. ALBERTI: What conditions would cause you 8 to change your mind? Because you said, "For now." So 9 obviously there's something in your mind that says, 10 "Well, you know, if conditions change, I would go to 11 self-parking." I want to know what those conditions 12 would be that would cause you to go to self-parking 13 there. 14 MR. ALEMAYEHU: This condition because -- to 15 have more cars to park, you have to use the valet 16 parking. Self-parking only uses, you know, locking -- 17 you know, you lock your car and leave -- wouldn't be 18 enough parking. With stacking parking or those kinds 19 of things, valet parking would be easier to do, you 20 know, for customers to park more cars. 21 MR. ALBERTI: You're still -- you're not 22 answering my question but I'll drop it. If you were</p>	<p style="text-align: right;">185</p> <p>1 crosswalk with a reflective vest to protect the 2 pedestrians, making sure no -- everybody's safe. 3 MR. ALBERTI: Do we have a commitment from 4 you to do that? Because I'm very concerned. 5 MR. ALEMAYEHU: Yes, sir. That's what I've 6 been doing for the past 12 years. My record can show. 7 MR. ALBERTI: I don't have any other 8 questions for you. Thank you. Thank you for coming, 9 Mr. Alemayehu. 10 CHAIRPERSON MILLER: Okay. Any other Board 11 questions? Yes, Mr. Jones. 12 MR. JONES: Thank you, Madam Chair. Just for 13 clarification, you are the owner of Tag-B Group? 14 MR. ALEMAYEHU: Tag-B Parking. Tag-B, yes. 15 MR. JONES: Tag -- well, it's 16 www.tagbgroup.com? 17 MR. ALEMAYEHU: Yes, sir. 18 MR. JONES: Okay. The company that is 19 supported -- or supports that website, you own that 20 company? 21 MR. ALEMAYEHU: Yes. 22 MR. JONES: Okay. And you're saying you</p>

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<p style="text-align: right;">186</p> <p>1 already have contracts in place or you provide services 2 for valet parking under Tag-B for a variety of other -- 3 for a variety of nightclub-type establishments? 4 MR. ALEMAYEHU: Yes. 5 MR. JONES: Okay. And do you currently have 6 contracts -- I believe you already testified to the 7 fact that you currently have contracts in place that 8 allow you utilization of some of the places that you're 9 noting as being used to support Club Illusions for 10 parking purposes for other establishments? 11 MR. ALEMAYEHU: We use it for -- 12 MR. JONES: For example, do you currently 13 have a contract to park cars for, let's say, maybe 14 Ibiza at the Hecht's parking lot or the Hecht's -- old 15 Hecht's building? 16 MR. ALEMAYEHU: Well, Ibiza, we have enough 17 parking. 18 MR. JONES: Excuse me? 19 MR. ALEMAYEHU: By Ibiza nightclub we have 20 enough parking. We don't have to come all the way to 21 Hecht's. 22 MR. JONES: Okay. So do you have a contract</p>	<p style="text-align: right;">188</p> <p>1 MR. JONES: Is that a -- is that a correct 2 statement? 3 MR. ALEMAYEHU: Yes. 4 MR. JONES: Of those 65 spaces, are any of 5 those 65 spaces currently being used to support another 6 contract that you have under Tag-B to provide parking 7 and/or valet services for another licensed 8 establishment? 9 MR. ALEMAYEHU: Until we open, we will, but 10 after we open, we will not. 11 MR. JONES: Okay. So what are those that you 12 currently do? 13 MR. ALEMAYEHU: Currently I work with 14 Echostage. 15 MR. JONES: Who? 16 MR. ALEMAYEHU: Echostage. 17 MR. JONES: Echostage? 18 MR. ALEMAYEHU: Yes. 19 MR. JONES: All right. Is that it? 20 MR. ALEMAYEHU: Yes. 21 MR. JONES: How many spaces are you going to 22 contract for?</p>
<p style="text-align: right;">187</p> <p>1 with any licensed establishment -- 2 MR. ALEMAYEHU: Yes. 3 MR. JONES: -- to do valet parking? And you 4 use the space at the Hecht's location to support that? 5 MR. ALEMAYEHU: No. 6 MR. JONES: No? What about any of the other 7 spaces that you noted as being spaces that you're going 8 to utilize to support parking at Club Illusions? Do 9 you have a contract to support parking with another 10 licensed establishment that utilizes those spaces? 11 MR. ALEMAYEHU: Can you repeat the question 12 again? 13 MR. JONES: So, for example, you noted 14 Days Inn -- 15 MR. ALEMAYEHU: Uh-huh. 16 MR. JONES: -- as one of the places where 17 you'd be using their parking spaces to support your 18 patrons at Club Illusions. 19 MR. ALEMAYEHU: Yes. 20 MR. JONES: Correct? You noted they have 65 21 spaces that you have dedicated access to. 22 MR. ALEMAYEHU: Yes.</p>	<p style="text-align: right;">189</p> <p>1 MR. ALEMAYEHU: With who? 2 MR. JONES: Echostage. 3 MR. ALEMAYEHU: There's no contracts 4 whatsoever. 5 MR. JONES: So what's your arrangement with 6 Echostage? 7 MR. ALEMAYEHU: Echostage basically -- if 8 they need parking they will -- they can use my facility 9 until we've opened up our Club Illusion. 10 MR. JONES: Okay. So when you say, "Your 11 facility," I'm talking about Days Inn -- 12 MR. ALEMAYEHU: Uh-huh. 13 MR. JONES: -- 65 spaces that you have noted 14 in this report document -- or this document that's 15 noted in the report that we received from Investigator 16 Corrales. 17 MR. ALEMAYEHU: Yes. 18 MR. JONES: Sixty-five spaces. Of those 65 19 spaces, are any of those spaces being used under your 20 current arrangement with Echostage -- 21 MR. ALEMAYEHU: Yes. 22 MR. JONES: -- or whatever the place? Yes.</p>

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190	<p>1 MR. ALEMAYEHU: Twenty-five. 2 MR. JONES: Well, 25. 3 MR. ALEMAYEHU: Yes. 4 MR. JONES: Okay. What about any of the 5 other parking space facilities that you've noted in 6 this report? You got McDonald's. You got 2021 New 7 York Avenue. You have 1975 New York Avenue and you 8 have the - - I guess it's the -- again, it's not 9 reported on this report but I think you refer to as the 10 Hecht's location. 11 MR. ALEMAYEHU: Yes. 12 MR. JONES: So each one of those, can you 13 identify whether or not you are under contract for -- 14 by parking spaces that require the utilization of any 15 portion of these spaces? You already gave me what Days 16 Inn is. So Echostage, you already have allocated 25 17 spots to some other contract that you're under under 18 Tag- B currently? 19 MR. ALEMAYEHU: It is not a contract but just 20 -- we allow you to use it for now. But the Hecht's 21 Warehouse basically would be for Club Illusion. 22 MR. JONES: So when you say it's not a</p>	192	<p>1 have all 65 spots? 2 MR. ALEMAYEHU: Yes. 3 MR. JONES: Okay. So under McDonald's, do 4 you currently have a contract under Tag-B that uses any 5 of those spaces? 6 MR. ALEMAYEHU: No. 7 MR. JONES: No. Under 1975, yes or no? 8 MR. ALEMAYEHU: No. 9 MR. JONES: Under 2021 New York Avenue, yes 10 or no? 11 MR. ALEMAYEHU: No. 12 MR. JONES: And the Hecht's Company, don't 13 you - - am I referring to it correct? It's at the Old 14 Hecht's Building? 15 MR. ALEMAYEHU: Yes, yes. 16 MR. JONES: Anything? 17 MR. ALEMAYEHU: No. 18 MR. JONES: Nothing? 19 MR. ALEMAYEHU: Sir -- 20 MR. JONES: So you do not have -- 21 MR. ALEMAYEHU: I do. actually I -- actually 22 about 45 cars, they park in there on a daily basis at</p>
191	<p>1 contract, you just allow them to use it for now? 2 MR. ALEMAYEHU: Yes. 3 MR. JONES: What's going to -- I don't know - 4 - what's the nature of our arrangement then? You -- if 5 you don't have a contract -- 6 MR. ALEMAYEHU: It's employees -- 7 MR. JONES: -- do you get paid for that? 8 MR. ALEMAYEHU: -- employees -- there are 9 employees that park. 10 MR. JONES: Do you get paid for that? 11 MR. ALEMAYEHU: Yes. 12 MR. JONES: What is the nature of that 13 arrangement? Do you have a contract? Do they -- 14 MR. ALEMAYEHU: No contract. 15 MR. JONES: -- just pay you by -- 16 MR. ALEMAYEHU: Monthly. 17 MR. JONES: Okay. 18 MR. ALEMAYEHU: Monthly. 19 MR. JONES: They pay you monthly? 20 MR. ALEMAYEHU: Yes. 21 MR. JONES: So you're saying you will 22 terminate that arrangement in order to secure that you</p>	193	<p>1 that site, which would be a monthly contract too. 2 MR. JONES: Say that one more time. 3 MR. ALEMAYEHU: So 45 cars park in the 4 Hecht's Warehouse currently. 5 MR. JONES: Forty-five cars parked there? 6 MR. ALEMAYEHU: Yes. 7 MR. JONES: So of the almost 2000 spaces you 8 noted -- 9 MR. ALEMAYEHU: Yeah. 10 MR. JONES: -- you're utilizing 45 of them 11 currently -- 12 MR. ALEMAYEHU: Exactly. Yes. 13 MR. JONES: -- under Tag-B? 14 MR. ALEMAYEHU: Yes. 15 MR. JONES: What other activities do you have 16 under Tag-B? Because it doesn't seem like you have a 17 lot of business under Tag-B (inaudible) so what other 18 stuff do you have going on with Tag-B? 19 MR. ALEMAYEHU: Well, basically under Tag-B, 20 Tag-B Parking, Tag-B Valet Parking, Tag-B 21 Transportation, which is -- we marketing our company as 22 a -- as a one- stop shop and -- which would be -- under</p>

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194	<p>1 Tag-B would be -- Bar 7 would under Tag-B. But 2 they're all different entities basically but they have 3 similar names. 4 MR. JONES: I'm looking at -- what is the 5 name of the entity that is responsible for valet 6 parking services? 7 MR. ALEMAYEHU: Tag-B Valet Parking, LLC. 8 MR. JONES: All right. Tag-B Valet Parking. 9 And is that the entity that has established their 10 contract with Days Inn? 11 MR. ALEMAYEHU: Yes. 12 MR. JONES: Okay. You noted in this letter 13 that was -- I'm not sure what exhibit this is but it's 14 the contract that you have with Days Inn. And you 15 noted -- yeah, I can't read all this but some 16 restaurant, Dirty Martini Restaurant/Bar, Ibiza 17 Nightclub, Lux Lounge, etc., etc., etc. You have 18 established contracts with all of these entities under 19 Tag-B Valet Parking, LLC? 20 MR. ALEMAYEHU: Yes, sir. 21 MR. JONES: Okay. None of these 22 establishments require the utilization of any of the</p>	196	<p>1 me what it says underneath the black. I just want to 2 understand why you redacted -- I can understand why you 3 potentially redacted the other parts. I just don't 4 understand -- this could be relevant to -- this could 5 be germane to how you're going to be supporting 6 parking. So I'm trying to understand why you redacted 7 that. 8 MR. ALEMAYEHU: I just have a problem with 9 terms of the agreement. That's why it's been wiped 10 out. But basically we have the use of the use of 11 Monday to Sunday of the parking lot. 12 MR. JONES: So that's what's under there, 13 Monday through Sunday? 14 MR. ALEMAYEHU: Yes. 15 MR. JONES: Okay. So seven days a week? 16 MR. ALEMAYEHU: Yes, sir. 17 MR. JONES: Okay. 18 MR. PADOU: I'm sorry, which document are you 19 looking at right now? 20 MR. JONES: I'm looking at the Tag-B group 21 contract with Days Inn for parking services -- 22 MR. PADOU: Okay.</p>
195	<p>1 parking spaces that you're noting as being available 2 for Club Illusions, correct? 3 MR. ALEMAYEHU: Yes. 4 MR. JONES: None of them? 5 MR. ALEMAYEHU: None of them. 6 MR. JONES: Okay. Thank you for that. 7 MR. ALEMAYEHU: Thank you. 8 MR. JONES: Now, in terms of this contract 9 here, are you familiar with this contract that you have 10 submitted for Days Inn? 11 MR. ALEMAYEHU: Yes. 12 MR. JONES: And it's addressed to the general 13 manager, Mr. S-Z-E? 14 MR. ALEMAYEHU: Mike Szesze (ph). 15 MR. JONES: Michael Szesze? 16 MR. ALEMAYEHU: Yes. 17 MR. JONES: Okay. There's an item in here 18 that's redacted on Page 2, "Hours of operation will 19 be." Is it -- 20 MR. ALEMAYEHU: 6:00 p.m. to 3:00 a.m. 21 MR. JONES: Why was -- why was this area 22 redacted? I'm not telling -- I'm not asking you tell</p>	197	<p>1 MR. JONES: -- that was initially dated 2 August 21st and ratified on September 15th. 3 MR. PADOU: Got you. I just wanted to make 4 sure I was on the same document as you guys were. 5 MR. JONES: Not a problem. 6 MR. PADOU: Thank you. 7 MR. JONES: Okay. And this McDonald's 8 document -- let's -- I guess I'm not really following. 9 What are you really -- I guess, cards on the table, 10 what is -- what is this really supposed to tell us? 11 MR. ALEMAYEHU: Just basically that shows -- 12 basically shows that I'm allowed to park in their 13 facility. We give them same proposal as this -- which 14 he was supposed to sign it but he just -- you know, 15 they give us this letter basically -- just we're 16 allowed to use it. So they kept -- 17 MR. JONES: Okay. So you don't have -- you 18 do not have a signed contract in place with McDonald's? 19 MR. ALEMAYEHU: I do. 20 MR. JONES: You do? 21 MR. ALEMAYEHU: Yes. 22 MR. JONES: You have a signed contract --</p>

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198	1 MR. ALEMAYEHU: Yes. 2 MR. JONES: -- similar to this document that 3 you have with Days Inn? 4 MR. ALEMAYEHU: Yes, I do. 5 MR. JONES: Why wasn't that produced? 6 MR. ALEMAYEHU: Which would be in their 7 possession, not with me. 8 MR. JONES: Excuse me? 9 MR. ALEMAYEHU: Which would be in their 10 possession, in McDonald's possession, not with me. 11 MR. JONES: It was not produced why? 12 MR. ALEMAYEHU: No. It's -- the entire 13 contract -- the signed contract is with McDonald's 14 people and not with me. I can provide a -- 15 MR. JONES: So why isn't it with you as part 16 of this -- you thought -- you thought enough to bring 17 this document that's dated 10/9/2012. 18 MR. ALEMAYEHU: Yes. Which -- 19 MR. JONES: Right? So you're saying that you 20 have an existing contract in place with McDonald's but 21 you didn't think to bring that? But you brought a 22 document that's dated October 9th, i.e., yesterday?
199	1 MR. ALEMAYEHU: What happened was the 2 district manager, she don't have it on her -- I sent 3 out my supervisor to go pick it up. 4 MR. JONES: Yes. 5 MR. ALEMAYEHU: But she don't have it in her 6 possession. She have everything in the laptop. She's 7 supposed to sign it and it give to them but -- 8 MR. JONES: Okay. So you don't have one? 9 MR. ALEMAYEHU: I do. 10 MR. JONES: You're saying that it's in her 11 laptop. She's supposed to sign it and give it to you. 12 But you don't have it? 13 MR. ALEMAYEHU: Which indicates -- it shows 14 you right here we have a -- 15 MR. JONES: No, no. This -- I'm sorry, this 16 does not show me that. 17 MR. ALEMAYEHU: Well, I don't have it. 18 MR. JONES: Before if it did, then it 19 wouldn't be asking you this question. 20 MR. ALEMAYEHU: Well, I don't have it. I can 21 produce it by tomorrow, sir. 22 MR. JONES: Okay. So you don't have it? As
200	1 it stands right now today, you don't have it, correct? 2 MR. ALEMAYEHU: Well, as I said, it would be 3 a signed authorization to use a parking lot right her 4 with me in my hand. 5 MR. JONES: Do you have a contract? 6 MR. ALEMAYEHU: I do have a contract but it's 7 -- 8 MR. JONES: Do you have a contract with you 9 here today? 10 MR. ALEMAYEHU: I don't have it right now. I 11 don't have it right now. 12 MR. JONES: Okay. Do you have your Hecht 13 Company contract? 14 MR. ALEMAYEHU: Yes, I have that. Yes. It's 15 in my -- 16 MR. JONES: Do you have that here with you 17 today? 18 MR. ALEMAYEHU: No, I didn't bring it. 19 MR. JONES: You didn't bring it? 20 MR. ALEMAYEHU: Yes, sir. 21 MR. JONES: Okay. Is that germane -- would 22 you consider that to be germane to what story you're
201	1 pitching to us in terms of how you're going to operate 2 Club Illusions? 3 MR. ALEMAYEHU: Not really. It's actually, 4 like -- 5 MR. JONES: It's not? 6 MR. ALEMAYEHU: It's actually -- I was 7 supposed to bring it but I didn't. It's not indicated 8 (inaudible) very important. 9 MR. JONES: Okay. You're -- 10 MR. ALEMAYEHU: If I knew, I would bring it. 11 MR. MPRAS: Mr. Jones, would you use another 12 word other than, "Germane." Maybe he just didn't get 13 that. 14 MR. JONES: What word would he understand? 15 Give me one. 16 MR. MPRAS: Relevant. 17 MR. JONES: I'll give it to your client. 18 MR. MPRAS: Important. 19 MR. JONES: Important. Is that -- do you 20 think it's important? 21 MR. ALEMAYEHU: Yes. 22 MR. JONES: The ability of you to use the

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202	1 Hecht's Company -- 2 MR. ALEMAYEHU: Yes. 3 MR. JONES: -- parking facility, is that 4 important to you as far as what you're pitching to us 5 as to how you're going to operate Club Illusions? 6 MR. ALEMAYEHU: Yes. 7 MR. JONES: It is? But you didn't think it 8 was relevant enough to bring with you? 9 MR. ALEMAYEHU: Let's see. 10 MR. JONES: I can't read faces. 11 MR. ALEMAYEHU: Yeah, you're right. I should 12 -- suppose to bring it. 13 MR. JONES: Okay. Thank you. So you don't 14 have that. What about 21 -- 2021 New York Avenue? Do 15 you have a contract for that? 16 MR. ALEMAYEHU: Yes. 17 MR. JONES: Do you have it here with you 18 today? 19 MR. ALEMAYEHU: No. Actually the number is 20 here so we can provide -- 21 MR. JONES: All right. And 19 -- 22 CHAIRPERSON MILLER: I'm sorry, I'm sorry.
203	1 What did you just say? 2 MR. ALEMAYEHU: For 21 -- 3 MR. JONES: 2021 New York Avenue. 4 MR. ALEMAYEHU: 2021? 5 MR. JONES: Yes. 6 MR. ALEMAYEHU: Oh, no. I don't. 7 MR. JONES: You do not have a contract for 8 that, right? 9 MR. ALEMAYEHU: It's actually -- it's in -- 10 it's in process because we -- verbal agreement but we 11 are sending contract, which would be -- 12 MR. JONES: Okay. 13 MR. PADOU: I'm sorry, I couldn't hear the 14 answer. Could you repeat that? 15 MR. JONES: Can you repeat that, sir? 16 MR. ALEMAYEHU: It would be a verbal 17 agreement. It will be signed soon. 18 CHAIRPERSON MILLER: It's in the process, he 19 said. 20 MR. PADOU: Okay. 21 MR. ALEMAYEHU: I mean, which would be 21, 22 you said?
204	1 MR. JONES: 2021 New York Avenue. 2 MR. ALEMAYEHU: Yeah, yeah. I have that. 3 That's been signed already. That was Peter Marx. 4 MR. JONES: Okay. And you have that here 5 today? 6 MR. ALEMAYEHU: That's actually -- I don't 7 have the number but I can verify he's here. 8 MR. MPRAS: He'll be testifying later. 9 MR. JONES: Okay. And 1975 New York Avenue? 10 MR. ALEMAYEHU: 1975? 1975. Excuse me. 11 Which one is that? 12 MR. JONES: Do you have that contract? 13 MR. ALEMAYEHU: Nineteen -- it's actually -- 14 I think it's a little bit mistake on this one. Numbers 15 would be -- 2021 would be 110 spaces. 1975, which I 16 didn't have. 17 MR. PADOU: I'm sorry, sir. What document 18 are you looking at when you said there's mistakes? Is 19 that the parking plan? 20 MR. ALEMAYEHU: Yes. 21 MR. ALBERTI: Just a correction -- 22 MR. PADOU: Okay.
205	1 MR. ALBERTI: -- we made earlier. 2 MR. JONES: Oh, so what's the right -- 3 MR. ALBERTI: Ask him. 4 MR. JONES: Right. 5 MR. ALEMAYEHU: 21 -- 2021 New York Avenue 6 should be 110 space. 1975 New York Avenue would be 68, 7 which I don't have, which would be a mistake. 8 MR. JONES: Okay. So just to make sure I'm 9 clear -- 10 MR. ALEMAYEHU: Yes. 11 MR. JONES: -- do you have either of those 12 contracts here today for 2021 or 1975? 13 MR. ALEMAYEHU: I don't have 1975. It's a 14 mistake, as I said before. 15 MR. JONES: When you say 1975 is a mistake, 16 is it a mistake that it is an option -- 17 MR. ALEMAYEHU: No. 18 MR. JONES: -- or is it a mistake about the 19 number of spaces? 20 MR. ALEMAYEHU: It's the number of the spaces 21 -- 22 MR. JONES: Right.

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206	<p>1 MR. ALEMAYEHU: It should -- supposed to be 2 in -- still in the process. It's supposed to be -- 3 once you sign it, you're supposed to bring it but it's 4 already in the process, not -- no -- and it's actually 5 -- it's kind of -- we're negotiating. But the 6 architect who did it -- in-house architect, he put it 7 in. He told me I had it but we don't. 8 MR. JONES: Okay. So you don't have it? 9 MR. ALEMAYEHU: Yes. 10 MR. JONES: Okay. The contract that you did 11 submit for Days Inn, does it specify in that contract 12 that you have unlimited rights to 65 spaces? 13 MR. ALEMAYEHU: I -- no. 14 MR. JONES: No. Okay. So how do we know 15 that that 65 space number that you put down here -- 16 MR. ALEMAYEHU: Uh-huh. 17 MR. JONES: -- is valid if it's not in the 18 contract? 19 MR. ALEMAYEHU: Well, you can -- well, you 20 can verify if you call and ask the general manager of 21 the place including all of Days Inn. 22 MR. JONES: You're saying we could call and</p>	208	<p>1 MR. ALEMAYEHU: No, we can't. 2 MR. JONES: You can't? Right. So I don't 3 know that you have a guaranteed 65 spaces based on this 4 contract. It just says that you have the right to park 5 there. It can be just one parking space. 6 MR. ALEMAYEHU: Well, there is no reason for 7 me to lie. You know, it's -- that -- it's not that I 8 don't have it. I can say I do have it. I'm under 9 oath. 10 MR. JONES: Just to be clear -- just to be 11 clear -- 12 MR. ALEMAYEHU: Yes. 13 MR. JONES: -- I'm not questioning or 14 challenging your integrity. I'm not saying that you're 15 lying. I'm just asking you, how am I to verify that 16 against the evidence that you've put into -- you gave 17 this to -- your attorney gave this to us -- 18 MR. ALEMAYEHU: Yes. 19 MR. JONES: -- as supporting evidence to 20 support your claim. And I'm trying to understand what 21 in this is helping me to support the entire claim that 22 you're making. The only thing that's here is that you</p>
207	<p>1 ask the general manager of the Days Inn to confirm your 2 number? 3 MR. ALEMAYEHU: That anybody can verify. 4 MR. JONES: Is that -- is that what you're 5 saying? 6 MR. ALEMAYEHU: Anybody can verify it, sir. 7 MR. JONES: No. I'm just asking, are you 8 saying that you're -- you wanted us to call? 9 MR. ALEMAYEHU: No. No, sir. 10 MR. JONES: Okay. So help me understand how 11 this contract that you presented as evidence to support 12 your claim that you have 65 spaces at Days Inn -- help 13 me understand how I'm supposed to pull from this 14 document that you have unlimited rights to Days Inn 15 parking property. 16 MR. ALEMAYEHU: This is a normal parking 17 agreement that we signed -- everybody. That means we 18 have the right to use those 65 spaces. I cannot 19 provide you -- 20 MR. JONES: So why not 180? Why not 100? 21 Why can't you use as many spaces as you want at Days 22 Inn? This contract doesn't limit you?</p>	209	<p>1 have the right to park at the Days Inn facility. 2 That's the only evidence that you've provided that 3 supports this large number. It's a large number of 4 parking spaces that you're claiming you have unlimited 5 rights to. 6 And I don't see that here. Because you also 7 said that you have a company that shares these spaces. 8 And I know for a fact that Days Inn has a lot of big 9 events, almost every weekend, because we sign a lot of 10 one-day events for this exact location. So I'd be 11 surprised if they had 180 spaces -- or 65 spaces 12 available for you every weekend that you're going to 13 have Club Illusions open, which is why I really want to 14 see this in your contract. 15 I don't doubt that you could get that. But I 16 need to see it in order for me to feel comfortable that 17 you have it. 18 MR. ALEMAYEHU: You're right. 19 MR. JONES: Because there's a notation in 20 here, "When the Days Inn has special events, we will 21 need to be notified in advance." Why is that in your 22 contract?</p>

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210	<p>1 MR. ALEMAYEHU: Basically we assist then when 2 they have -- when we operate and have events, we will 3 assist them to park. They have -- we have parking lots 4 behind the hotel -- actually east of the hotel, which 5 has never been used. So that's why we assist them to - 6 - assist them to park in it. I understand -- I'm aware 7 if they have events, sometimes on the weekend, 8 sometimes in the regular days. 9 MR. JONES: So would you have a concern, 10 given what you know about how they operate, that you 11 would have 100 -- that you would have your 65 spaces 12 available to you, unlimited access? 13 MR. ALEMAYEHU: Yes, sir. Yes, sir. 14 MR. JONES: You would have a concern? 15 MR. ALEMAYEHU: No, I don't. 16 MR. JONES: No. Because you're saying that 17 this contract, you get a right to those 65 spaces? 18 MR. ALEMAYEHU: Yes, sir. 19 MR. JONES: Okay. Are you under -- are your 20 other contracts structured similar to this one? 21 MR. ALEMAYEHU: Yes, sir. 22 MR. JONES: Where it's not specified the</p>	212	<p>1 would make me want to come to Bar 7? What's your -- 2 what's your draw? 3 MR. ALEMAYEHU: My draw basically, it's 21 4 and up and strictly dress code and -- 5 MR. JONES: So 21 and up, so a younger crowd? 6 MR. ALEMAYEHU: No younger crowd. 7 MR. JONES: No younger crowd? 8 MR. ALEMAYEHU: No younger crowd. 9 MR. JONES: So 21 -- 10 MR. ALEMAYEHU: And up. 11 MR. JONES: Twenty-one and up? 12 MR. ALEMAYEHU: Yes. 13 MR. JONES: Okay. So no younger crowd. No 14 one under 21 is admitted? 15 MR. ALEMAYEHU: No. 16 MR. JONES: No one under 21 will be allowed 17 into Club Illusions? 18 MR. ALEMAYEHU: That depends on different 19 events. 20 MR. JONES: Oh, okay. So it's possible? 21 MR. ALEMAYEHU: It's possible in events. But 22 normally, no, we're have a lot of occasion -- the only</p>
211	<p>1 number of either square footage or number of spaces? 2 It's just an indeterminate amount? 3 MR. ALEMAYEHU: We've been in business for so 4 many years -- record shows. Basically what we do is we 5 just, you know, we go out -- we might going to have to 6 park 200 cars a day. We might going to park, you know, 7 65 cars. 8 MR. JONES: Okay. So you're saying you're 9 going to operate your establishment similar to how you 10 operate Bar 7? 11 MR. ALEMAYEHU: Yes, sir. 12 MR. JONES: All right. What's your business 13 model for Bar 7? 14 MR. ALEMAYEHU: Bar 7 basically an upscale 15 lounge, young professionals who come and enjoy 16 themselves, food, clean drink, decent. 17 MR. JONES: How -- I guess you're saying 18 you're operating a decent establishment. I probably -- 19 if I bring up most of the licensees in the District of 20 Columbia, they'll probably say the similar thing. I'm 21 trying to understand what -- well, what makes your 22 establishment unique? What makes it different? What</p>	213	<p>1 problem that we have with Bar 7 is space. We don't 2 have enough space. That's the only thing that draw me 3 to go forwards and look at other places. 4 MR. JONES: Oh, you're saying you have a very 5 successful business model at Bar 7? 6 MR. ALEMAYEHU: Yes. 7 MR. JONES: It's only limited by the number 8 of patrons that you can get into that location? 9 MR. ALEMAYEHU: Yes, sir. 10 MR. JONES: Which drew you to trying to find 11 a larger location? 12 MR. ALEMAYEHU: Yes, sir. 13 MR. JONES: And thus, we're here with the 14 discussion about Club Illusions? 15 MR. ALEMAYEHU: Exactly. 16 MR. JONES: Okay. Do you have -- this 17 question has been answered. I think it's fair to ask 18 it in the sense of -- have you had any dialogue with 19 the owners and operators of Stadium? 20 MR. ALEMAYEHU: Yes. 21 MR. JONES: What challenges have they faced 22 in their operations that you would help to -- hope to</p>

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214	<p>1 mitigate in the operation of your establishment? 2 MR. ALEMAYEHU: Well, Stadium Club is a 3 gentleman's club. And what I'm trying to open is not. 4 I can't compare my business to their business -- to 5 them, see. 6 MR. JONES: No? 7 MR. ALEMAYEHU: I can't compare it, yes. 8 MR. JONES: Okay. Have they had any parking 9 issues that you're aware of? Did you discuss with 10 their ownership how they handle parking? 11 MR. ALEMAYEHU: They have their own ups and 12 downs on the parking issues. 13 MR. JONES: What does that mean? 14 MR. ALEMAYEHU: Maybe one night they would 15 have a problem, I would say. But other than that, I 16 don't think they have any problems on the parking 17 besides Saturdays. 18 MR. JONES: Have you ever done any parking 19 working for them? 20 MR. ALEMAYEHU: Yes. 21 MR. JONES: You have? 22 MR. ALEMAYEHU: Yes.</p>
216	<p>1 MR. ALEMAYEHU: Well, the biggest challenge 2 that they have was employees parking. As you know, the 3 Stadium Club is a big club -- big night club. I mean, 4 it's a lot of employees, you know, more than what the 5 regular venues has. So on a given night, they would 6 have 60 employees. They park, which would -- those 7 cars will be taken to offsite parking, which would be 8 behind the Stadium Club. 9 MR. JONES: Okay. So that's like the -- that 10 was one of the biggest problems that you had were 16 11 cars -- 12 MR. ALEMAYEHU: Sixty cars. The employees 13 would be -- 14 MR. JONES: Sixty cars used by employees? 15 MR. ALEMAYEHU: Employees which would be -- 16 you know, they come out -- they come in the same time. 17 They leave in the same time. 18 MR. JONES: Okay. 19 MR. ALEMAYEHU: That was a challenge. But 20 customer-wise, I think that there is no problem. It's 21 enough parking -- 22 MR. JONES: Okay.</p>
215	<p>1 MR. JONES: Okay. So you've handled their -- 2 you've handled valet services for the Stadium -- 3 MR. ALEMAYEHU: Yes. 4 MR. JONES: -- Club? What challenges -- as 5 the valet operator, did you have any challenges with 6 how you facilitated parking at the Stadium Club? 7 MR. ALEMAYEHU: There's always challenge in 8 your parking with clubs with limited spaces but so far, 9 parking issues at the Stadium is always being handled 10 in a matter that it doesn't spill over, you know, going 11 out someplace else. 12 MR. JONES: Right. So how? Give me the -- 13 I'm not into the parking business. So help me 14 understand the mechanics. Because I'm going to assume 15 -- and it may be a broad assumption -- that however you 16 handle those challenges at the Stadium Club, you're 17 going to bring those challenges and handle them in 18 similar fashion with how you handle Club Illusions. 19 So I'm trying to understand, what did you do 20 as the valet operator for Stadium when they had 21 challenges? What were those challenges and how did you 22 mitigate?</p>
217	<p>1 MR. ALEMAYEHU: -- in the same vicinity. And 2 even across the street there's two parking facilities. 3 MR. JONES: All right. And do you feel like 4 that would be a problem at your 1200-patron-capacity 5 establishment? 6 MR. ALEMAYEHU: That would not be a problem. 7 MR. JONES: It wouldn't be a problem. How 8 many employees would you have at your establishment? 9 MR. ALEMAYEHU: I'm planning to have at 10 least, you know, between 80 to 100 people. 11 MR. JONES: Eighty to a hundred? 12 MR. ALEMAYEHU: Yes. 13 MR. JONES: And where would you have them 14 park? 15 MR. ALEMAYEHU: They would have to park at 16 Hecht's Warehouse. 17 MR. JONES: They'd have to park at the 18 Hecht's Warehouse and take the shuttle? 19 MR. ALEMAYEHU: Yes. They should take the 20 shuttles. 21 MR. JONES: Okay. Thank you, Madam Chair. 22 CHAIRPERSON MILLER: Okay. Thank you. Any</p>

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218	<p>1 other Board questions? Okay. Any redirect just based 2 on the Board questions? No? 3 MR. MPRAS: No, ma'am. 4 CHAIRPERSON MILLER: Okay. Okay. Not 5 hearing any more. Thank you very much. 6 MR. ALEMAYEHU: Thank you, ma'am. 7 MR. PADOU: Madam Chair, I actually have two 8 questions on recross. 9 CHAIRPERSON MILLER: Oh, I'm sorry. I didn't 10 see. Okay. 11 MR. PADOU: That's okay. I had a feeling. 12 CHAIRPERSON MILLER: One more minute. Yeah. 13 MR. PADOU: In response to a Board question, 14 you testified that you're going to have a number of 15 your valet guys wearing vests stationed at the 16 intersections to help people get to and from the 17 parking lots at McDonald's and Days Inn; is that right? 18 MR. ALEMAYEHU: Yes, sir. 19 MR. PADOU: How many people? 20 MR. ALEMAYEHU: It would be four people. 21 MR. PADOU: Okay. So one for each corner? 22 MR. ALEMAYEHU: Yes.</p>	220	<p>1 is that right? 2 MR. ALEMAYEHU: I didn't understand the 3 question. 4 MR. PADOU: Board Member Jones -- 5 MR. ALEMAYEHU: Yes. 6 MR. PADOU: -- asked you if you have any 7 contracts or obligations for which you used the Hecht's 8 Warehouse, McDonald's, and Days Inn. And you answered, 9 "No;" is that correct? 10 MR. ALEMAYEHU: I'm kind of confused. The 11 question is kind of -- I don't understand the question. 12 MR. PADOU: Well, I'll just re-ask the 13 question then. Do you -- for your valet parking 14 business it was -- what I heard you say was that you 15 were not using Hecht's, McDonald's or Days Inn to park 16 cars as part of your valet parking business. That was 17 the response to a direct question from Board Member 18 Jones. Did I hear it right? 19 MR. ALEMAYEHU: As I said, we use some of the 20 spaces for different uses. 21 MR. PADOU: Okay. Because that's what 22 confused me. Because I thought I heard some other</p>
219	<p>1 MR. PADOU: And that'll be their job is 2 helping people navigate that intersection? 3 MR. ALEMAYEHU: Yes, sir. 4 MR. PADOU: But this plan was not in your 5 parking plan, is it? 6 MR. ALEMAYEHU: No, no. 7 MR. PADOU: Isn't it true you just made it up 8 here on the stand? 9 MR. ALEMAYEHU: No, sir. 10 MR. MPRAS: Objection, badgering a witness. 11 CHAIRPERSON MILLER: It's already asked and 12 answered. Go ahead. 13 MR. PADOU: Well, if it's not something you 14 just made up, then why didn't you put it in the parking 15 plan? 16 MR. ALEMAYEHU: That was a traffic plan, not 17 the parking plan. 18 MR. PADOU: I see. In response to Board 19 Member Jones's question, you said that you have no 20 contracts or obligations that -- in which you use the 21 parking at any of these places that we're talking 22 about, Days Inn, McDonald's, and the Hecht's Warehouse;</p>	221	<p>1 testimony -- correct me if I'm wrong -- that last 2 Thursday you used 80 spots at the Hecht's Warehouse; is 3 that right? 4 MR. ALEMAYEHU: Yes. 5 MR. PADOU: And that for some establishment 6 that begins with the -- with the letter "B" -- I don't 7 remember which one it is -- you have an arrangement 8 with them that you have -- that you parked 45 cars at 9 the Hecht's Warehouse there; is that correct? 10 MR. ALEMAYEHU: Yes. That's the monthly 11 basis we have -- 12 MR. PADOU: Okay. 13 MR. ALEMAYEHU: -- a contract with 80 -- 45 14 cars. 15 MR. PADOU: Okay. 16 MR. ALEMAYEHU: But last Thursday we park 80 17 cars. 18 MR. PADOU: So the answer is that you are 19 using -- 20 MR. ALEMAYEHU: Yes. 21 MR. PADOU: -- Hecht's, McDonald's, and Days 22 Inn, as part of your other business?</p>

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222	<p>1 MR. ALEMAYEHU: Days Inn, yes, we have 25 2 monthly customers right now. 3 MR. PADOU: Thank you. I have no further 4 questions. 5 CHAIRPERSON MILLER: Yes. Do you have a 6 redirect? 7 MR. MPRAS: Just one. Mr. Alemayehu, do you 8 have -- the spaces you -- the spaces that you do park 9 other cars in right now, do you have any contracts -- 10 long-term contracts for the -- for the other -- let me 11 -- let me make this question simple. 12 For the nightclubs that you do park cars for, 13 do you have long-term contracts with them or contracts 14 of any type in the proposed club venue area? 15 MR. PADOU: Objection. Madam Chair, we've 16 gone way too far down the road violating the best 17 evidence rule. We've got all this testimony about 18 contracts that aren't in evidence -- in evidence. The 19 best evidence rule says you can't testify about 20 documents that aren't in evidence. We've got all this 21 testimony about all these contracts that we haven't 22 seen. It's just not proper and I object.</p>	224	<p>1 MR. ALEMAYEHU: Thank you, ma'am. 2 CHAIRPERSON MILLER: Mr. Mpras, do you have 3 one more witness? 4 MR. MPRAS: Yes, sir. I'm sorry, Madam, 5 excuse me. 6 CHAIRPERSON MILLER: And now, it's getting 7 late. I think that our plan may be that you'll finish 8 your case and then we could take a break -- people -- 9 to get something to eat if they want. And then -- 10 MR. MPRAS: I'll just -- 11 CHAIRPERSON MILLER: -- and then we can 12 discuss how long that'll be -- how short or long. 13 MR. MPRAS: Yes, ma'am. 14 CHAIRPERSON MILLER: And then -- and I assume 15 the protestants would prefer to finish today. And -- 16 because it's hard to come back. I don't know when 17 there's space. That's -- let's just take an informal - 18 - is that going to work? Okay. 19 MS. MANNING: I don't have to eat. I don't 20 have to eat. 21 CHAIRPERSON MILLER: You don't but other 22 people do. So we may take -- it'll be very brief then.</p>
223	<p>1 CHAIRPERSON MILLER: Well, I agree with you 2 about the best evidence. I mean, I -- you know, 3 however you want to qualify it -- that that would be 4 the best evidence. And we don't have that evidence put 5 in and that's a big deal that it's not in and all these 6 questions are somewhat peripheral. But it's been -- 7 MR. MPRAS: Is this going to respond -- 8 CHAIRPERSON MILLER: -- asked. There's -- 9 all these questions have been asked. And if he has a 10 question on redirect that goes to a question that was 11 asked, I'm going to allow it. 12 MR. MPRAS: Thank you. So once again, do you 13 have -- do you have any contracts -- long-term 14 contracts with any of the nightclubs to park in the 15 spaces at Days Inn, McDonald's, Hecht Company? 16 MR. ALEMAYEHU: I don't. 17 MR. MPRAS: Is it -- so actually you can -- 18 you can stop parking other vehicles there at any time? 19 MR. ALEMAYEHU: Yes. 20 MR. MPRAS: Thank you. 21 CHAIRPERSON MILLER: Okay. I think we're 22 done with this witness. Thank you very much, sir.</p>	225	<p>1 It'll be a brief -- okay. 2 MR. MPRAS: So you'd like me to call Mr. Marx 3 now? 4 CHAIRPERSON MILLER: I think you should 5 finish your case. And then -- so we can start then 6 with the protestants. 7 MR. MPRAS: He's outside. He's just -- 8 CHAIRPERSON MILLER: We need to swear you -- 9 swear you in, sir. Swear to tell the truth, the whole 10 truth, nothing but the truth? 11 MR. MARX: I do. 12 CHAIRPERSON MILLER: Okay. Good. Thank you. 13 MR. MPRAS: Please state your name for the 14 record. 15 MR. MARX: Peter Marx. 16 MR. MPRAS: And Mr. Marx, are you the 17 landlord for 2101 New York Avenue, N.E., Washington, 18 DC? 19 MR. MARX: To be more specific, I'm -- the 20 family owns the building and I'm the authorized agent 21 for my family. 22 MR. MPRAS: Sir, could you tell us how long</p>

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226	<p>1 you've had the building? 2 MR. MARX: I think that building since 1999. 3 MR. MPRAS: And to your knowledge, when was 4 that building built? 5 MR. MARX: 1956 according to DC tax records. 6 MR. MPRAS: Thank you very much. Mr. Marx, 7 you're familiar with -- you're familiar with the area 8 in question, correct? 9 MR. MARX: Very much. 10 MR. MPRAS: I want to show you some 11 photographs of some of the (inaudible). Do you -- do 12 you recognize this photograph? 13 MR. MARX: Yes. 14 MR. MPRAS: Can you tell me how you recognize 15 that photograph? 16 CHAIRPERSON MILLER: Remember to talk into 17 the mike, please. Remember to talk into the microphone 18 so you're picked up by the court reporter. 19 MR. MPRAS: Ma'am, I don't see anybody here. 20 May I hand them directly to you? 21 CHAIRPERSON MILLER: Yeah. But did you hear 22 what I said?</p>	228	<p>1 MR. MPRAS: Could you tell us what the -- I'd 2 like to offer this photo as applicant's Exhibit 3. 3 CHAIRPERSON MILLER: But do ask -- well, let 4 me ask. When did you take a picture? 5 MR. MARX: Within the last two weeks. The 6 week before last. 7 CHAIRPERSON MILLER: And did you take them 8 for the purpose of this hearing? 9 MR. MARX: I took it for the purpose of this 10 hearing. 11 CHAIRPERSON MILLER: Okay. And could you 12 identify where it is? 13 MR. MARX: I haven't yet. That wasn't asked 14 yet. 15 MR. MPRAS: We're getting there. I just 16 wanted to get it into evidence. 17 CHAIRPERSON MILLER: Well, okay. I just 18 wanted to establish what it is before I rule. 19 MR. MARX: It's one of the buildings -- one 20 of the properties that are adjacent to ours in -- on 21 New York Avenue -- 22 CHAIRPERSON MILLER: Oh, okay.</p>
227	<p>1 MR. MPRAS: Yes, ma'am. 2 CHAIRPERSON MILLER: Okay. 3 MR. MPRAS: Speak into the microphone. 4 CHAIRPERSON MILLER: Thank you. Okay. 5 MR. MARX: I do recognize the property, yes. 6 MR. MPRAS: Sir, could you please -- do you 7 recognize this photo? 8 MR. MARX: I do. 9 MR. MPRAS: And could you tell us where this 10 -- do you -- do you have any knowledge of where this 11 photo came from? 12 MR. MARX: I took this picture. 13 MR. MPRAS: Okay. 14 CHAIRPERSON MILLER: Could you -- 15 MR. MPRAS: I would like to admit this photo 16 as -- 17 CHAIRPERSON MILLER: What did you -- what did 18 you ask him? 19 MR. MPRAS: Okay. I asked him if he knew 20 where the photo came from and he said, "I took this 21 picture." 22 CHAIRPERSON MILLER: Okay.</p>	229	<p>1 MR. MARX: -- our New York Avenue site. 2 CHAIRPERSON MILLER: There -- do the 3 protestants have a copy of the picture? 4 MS. MANNING: Yes. 5 MR. COLLINS: Yes, we do. 6 CHAIRPERSON MILLER: Do you have any 7 objection to it being admitted into evidence? 8 MR. COLLINS: It is what it is. 9 MS. MANNING: It is -- it -- 10 MR. COLLINS: It's a picture of a building. 11 MS. MANNING: It's a picture of a building 12 that -- that's not the front of the building. That -- 13 CHAIRPERSON MILLER: Okay. Okay. Thank you. 14 MR. COLLINS: It's not the building that's 15 the subject of this case. 16 MS. MANNING: It's not the building. It's -- 17 right. 18 CHAIRPERSON MILLER: Okay. I understand. 19 You're -- okay. They don't have an objection. Then I 20 will admit it. Whatever it is. 21 MR. MPRAS: Well, Mr. Marx, could you tell us 22 what that is a picture of?</p>

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230	<p>1 MR. MARX: It's a picture of one of the 2 buildings on the Schaeffer site adjacent to ours. 3 MR. MPRAS: And have you -- when you took 4 this picture, did you -- 5 MS. MANNING: Are you serious? 6 MR. MPRAS: -- obviously you physically 7 inspected the -- you were close to the property. Did 8 you -- is the property vacant at this time? 9 MR. MPRAS: It is -- it is vacant. 10 MR. MPRAS: Okay. Thank you. 11 CHAIRPERSON MILLER: Do you want to know the 12 relevance? 13 MR. COLLINS: Madam Chair, can you explain 14 what -- why -- we're here for an application for his 15 client and -- 16 CHAIRPERSON MILLER: Okay. 17 MR. COLLINS: -- he's talking about a 18 building next door. 19 CHAIRPERSON MILLER: That's a very good point 20 because it is 7:45. So let's be sure that it's 21 relevant to this application. So what is the point of 22 this building?</p>	232	<p>1 CHAIRPERSON MILLER: I don't understand. 2 They're claiming development? What do you mean? 3 MR. MPRAS: They're claiming a planned 4 development site when -- 5 CHAIRPERSON MILLER: You can tell by this 6 that there is or is not a planned development for the 7 site? 8 MR. MPRAS: That they're -- this would go to 9 show there's currently nothing -- there's currently 10 nothing in progress and what the -- what state of the 11 properties are. 12 MR. PADOU: Madam Chair, I'm not sure how 13 that's relevant. You should -- 14 CHAIRPERSON MILLER: Okay. Let's let the 15 Schaeffer people respond to this. This sounds like a 16 Schaeffer issue, correct? 17 MR. COLLINS: Yes, it does. 18 CHAIRPERSON MILLER: Yeah. 19 MR. COLLINS: We've identified in our protest 20 that this site, this 14 1/2 acre site is currently in 21 the -- in the approval process for development of a 22 shopping center. So what he's showing is vacant</p>
231	<p>1 MR. MPRAS: Ma'am, I have several photos I'd 2 like to move it into evidence, all taken by Mr. Marx 3 (inaudible). And the point is that there's -- part of 4 the protest was that this -- there was a claim that 5 this establishment would be bad for proposed 6 development and this would be the proposed development 7 site, all these properties pictured. 8 CHAIRPERSON MILLER: Wait. The pictures are 9 going to show what, what's adjacent to the site? 10 MR. MPRAS: No. These pictures are all part 11 of the plan of the proposed development site as stated 12 in the protestant's protest. 13 CHAIRPERSON MILLER: Your proposed site? 14 MR. MPRAS: The Schaeffers. 15 CHAIRPERSON MILLER: The Schaeffers. 16 MR. MPRAS: The Schaeffers proposed business. 17 CHAIRPERSON MILLER: You're showing pictures 18 of the Schaeffers site? 19 MR. MPRAS: Correct. 20 CHAIRPERSON MILLER: For what purpose? 21 MR. MPRAS: Getting them with a -- they're 22 claiming a development when there's none.</p>	233	<p>1 buildings that are -- 2 CHAIRPERSON MILLER: Right. 3 MR. COLLINS: -- about to be demolished to 4 allow for development of a shopping center. If he 5 wants to do that, it seems to be a waste of everyone's 6 time. But if that's what he wants to do, we're fine 7 with that. 8 MR. MARX: Am I allowed to speak or I need to 9 be asked questions? 10 MR. PADOU: But I do still object. That be - 11 - 12 CHAIRPERSON MILLER: No, I agree. 13 MR. PADOU: It might be a Schaeffer issue but 14 it's my time. It's 7:45. This isn't relevant to 15 peace, order, quiet, pedestrian or traffic safety, or 16 parking. It's not relevant to any of the issues that 17 this Board is -- 18 CHAIRPERSON MILLER: Okay. I haven't really 19 heard how it's relevant either. I don't want to -- 20 MR. MARX: All right. It is -- Am I -- do I 21 have to be asked a question to speak or is this -- I 22 don't know to press --</p>

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234	<p>1 CHAIRPERSON MILLER: If you can answer better 2 than your attorney as to how it's relevant, I'll -- 3 MR. MARX: I doubt that I'm more eloquent 4 than he might be but what -- no -- we have -- we have 5 compassion for the residential neighborhood and the 6 need to make sure that there's proper parking for the 7 facility and all the other things that concerned - 8 noise and whatever. But what we keep being pounded 9 with from the Schaeffer side is that they have this 10 wonderful development that we've interfered with their 11 parking. We're interfering with their -- the trash 12 might blow over -- that we are -- we are making their 13 development a problem. 14 And the fact is their development is at this 15 moment a bunch of blighted, vacant buildings. And a -- 16 with no lease, with no financing on a project, they're 17 hindering the ability of an adjacent proprietor to run 18 a business based on a pie in the sky -- again, no 19 financing, no leases, no development. 20 CHAIRPERSON MILLER: Okay. I don't -- 21 MR. ALBERTI: This is not relevant to the 22 question.</p>	236	<p>1 object the introduction of the photos if that's all 2 we're going to do. But if we're going to have a half- 3 hour of testimony -- 4 CHAIRPERSON MILLER: I -- 5 MR. PADOU: -- about this witness's 6 speculations about another developer's development 7 projects, I'm going to object. 8 CHAIRPERSON MILLER: Okay. So we're 9 admitting the pictures so that we can move on 10 hopefully. I just basically said that we're not going 11 -- we're also not going to hear about impacts on this 12 property right now because that's not what the argument 13 is. 14 MS. MANNING: Where are the photos of the -- 15 we have no photos of your property. 16 CHAIRPERSON MILLER: I think we are going to 17 move on -- move on. It's -- 18 MR. ALBERTI: Are these all the same packages 19 or (inaudible) one each. I got it. One each. 20 CHAIRPERSON MILLER: Can we be as brief as 21 possible about these documents given that I feel that 22 they're really irrelevant? I understand that the point</p>
235	<p>1 CHAIRPERSON MILLER: Yeah. I don't really -- 2 again, it's really time. I mean, I haven't seen these 3 pictures. If they're pictures of what's next to the 4 property now and they have no objection, we can take 5 them into evidence. But I don't want to hear a lot of 6 testimony about this state of their property because I 7 understand that their arguments go to the future 8 development, not to disturbing whatever's in this 9 property now. Am I correct, Mr. Collins? 10 MR. COLLINS: That is correct. 11 CHAIRPERSON MILLER: Okay. 12 MR. MPRAS: Well, we'll curb that testimony 13 if there's no objection to the admission of the photos. 14 CHAIRPERSON MILLER: Okay. Well, show him 15 the photos. It's -- have you seen the photos? 16 MS. MANNING: No. 17 MR. CHANDLER: I haven't. 18 CHAIRPERSON MILLER: Okay. Just to make sure 19 that they're an accurate depiction of what's there. 20 MR. ALBERTI: It's irrelevant. 21 CHAIRPERSON MILLER: Right. 22 MR. PADOU: Madam Chair, I'm not going to</p>	237	<p>1 is to show what's there now, correct? That's what 2 these are? 3 MR. MPRAS: Pardon? Yes. 4 CHAIRPERSON MILLER: And so if your witness 5 can maybe just summarize or something, you know, if -- 6 what these are, then we'll know for the record. 7 MR. MPRAS: Mr. Marx, the photographs you 8 took have been admitted into evidence. Would you 9 please go to -- quickly go through them one by one and 10 just summarize them there? And I'll hold them up so 11 everybody can see. 12 MR. MARX: This one here is an adjacent 13 building to our site. 14 CHAIRPERSON MILLER: Does it have a number? 15 Because this one here is not going to translate well in 16 the record. Is it Exhibit 3A or -- 17 MR. MPRAS: That would be -- that would be -- 18 3A or 4. That's Exhibit 4. 19 CHAIRPERSON MILLER: Exhibit 4. Each of -- 20 each one of them individual? 21 MR. ALBERTI: Can I ask a real quick 22 question? I have five pictures. Are all five of these</p>

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238	<p>1 pictures structures that are on properties owned by the 2 Schaeffers? 3 MR. MARX: Yes, yes. 4 MR. ALBERTI: Okay. Could we admit these as 5 a package? Is there -- is there any objection to that? 6 MR. MPRAS: No, no objection. 7 MR. COLLINS: I thought that only would -- 8 MS. MANNING: We would -- I thought we agreed 9 to the -- 10 MR. COLLINS: We just did. Yeah. 11 MR. ALBERTI: I'm just saying, I mean, can we 12 just get that as -- 13 MR. MPRAS: If you'd like to just designate 14 them as Exhibit 3, that's fine. 15 CHAIRPERSON MILLER: We'll just do 3A, B, C. 16 MR. MPRAS: Three. 17 CHAIRPERSON MILLER: They'll be one thing. 18 And just so for the record when we know 3B, we'll know 19 it's the red building or whatever. 20 MR. ALBERTI: Okay. 21 CHAIRPERSON MILLER: I only got three. Go 22 ahead.</p>	240	<p>1 CHAIRPERSON MILLER: Oh, thank you. 2 MS. MANNING: Because this is 3A. Let's keep 3 it going. And this is 3B because this is the way you 4 gave them out. 5 MR. MARX: Got it. Okay. Moving on to 3C? 6 MR. MPRAS: 3B. 7 MS. MANNING: That's 3B. 8 CHAIRPERSON MILLER: 3B. Okay. 9 MR. MARX: Sorry. Moving on to 3B, this is - 10 - this is behind and also adjacent to our property and 11 this is the current state of this property. 12 CHAIRPERSON MILLER: The current what? 13 MR. MARX: It's the current state with the 14 trash and all open -- 15 CHAIRPERSON MILLER: Current state. Okay, 16 okay. That's fine. Next. 17 MR. MARX: I'm also on New York Avenue at 18 Montana. This is -- I don't know which this is. 19 MS. MANNING: That's 3D. 20 MR. MARX: 3D. 21 CHAIRPERSON MILLER: 3D. Okay. Current 22 state of New York Avenue.</p>
239	<p>1 MR. ALBERTI: Okay. We have one. There you 2 go. 3 CHAIRPERSON MILLER: Obviously people are 4 getting a little testy because it's late. 5 MR. MARX: Yeah, sure. Okay. Let me start 6 with the one that is directly adjacent on New York 7 Avenue. It's the one with the red roof, if that helps 8 everybody find it. This would be -- 9 MR. MPRAS: 3A. 10 MR. MARX: -- recently closed Skylark Lounge 11 strip joint, directly next door to us, the one that's 12 boarded up with the red roof. This one is just behind 13 it and also adjacent to us. This is -- 14 CHAIRPERSON MILLER: Wait. Let's -- what 15 number is this? Start out loud. What? 16 MR. MPRAS: I'm sorry. That was the -- that 17 was the -- 18 CHAIRPERSON MILLER: Three what? 19 MS. MANNING: That's 3 -- this is 3C. 20 MR. MARX: Can this be 3A? 21 CHAIRPERSON MILLER: 3C? 22 MS. MANNING: Yes.</p>	241	<p>1 MR. MARX: I'm sorry? 2 CHAIRPERSON MILLER: It's supposed to depict 3 the current state of New York Avenue? Is that what you 4 said? 5 MR. MARX: Right. Starting from -- this is 6 on the corner of Montana at New York. 7 CHAIRPERSON MILLER: Okay. 8 MS. MANNING: It's the old Mobile gas 9 station. 10 MR. MARX: Or Hess. 11 MS. MANNING: Hess, Mobile, one of them. 12 MR. MARX: Yeah. Then moving down New York 13 Avenue -- or up New York Avenue towards our property 14 from Montana, this is -- excuse me. Which is this? 15 MR. MPRAS: E. 16 MS. MANNING: You're 3E. 17 MR. MARX: E? There we go, E. 18 MS. MANNING: You know your alphabet? 19 MR. MARX: Okay. I think we've done A or -- 20 CHAIRPERSON MILLER: What is it now? Oh, 21 the -- 22 MR. MARX: A was the one with the -- just the</p>

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242	<p>1 big, red, brick building, broken glass. This -- 2 MS. MANNING: Yes. 3 MR. MARX: F? Montana Avenue. 4 CHAIRPERSON MILLER: What is 3F? 5 MR. MARX: Montana Avenue behind us. 6 CHAIRPERSON MILLER: Okay. 7 MR. MPRAS: Mr. Marx, who are the current 8 owners of these properties to your knowledge? 9 MR. MARX: One of the nine Schaeffer 10 entities. 11 MR. MPRAS: And Mr. Marx, to your knowledge 12 is there any -- is there -- is there any actual work 13 scheduled to be done on the properties? 14 MR. PADOU: Objection. Calls for 15 speculation. There's been no foundation laid -- 16 CHAIRPERSON MILLER: Okay. 17 MR. PADOU: -- that Mr. Marx knows what's 18 going on with other people's property. 19 CHAIRPERSON MILLER: Excuse me. Wait a 20 second. Mr. Padou, you have to (inaudible) but I'm not 21 going to let you do this. Okay? 22 MR. PADOU: Do what?</p>
244	<p>1 do you have any knowledge of any development on the 2 Schaeffers property that pictures you -- from the 3 photos depicted? 4 MR. MARX: I'm told that there is a Walmart 5 coming and that they're hoping that there becomes a 6 lease and they're hoping that they get financing. But 7 past that, I understand maybe they're going to be -- 8 according to Mr. Schaeffer, they're going to knock 9 buildings down soon. I think that's what I know. But 10 I -- but I know that there's -- I've been told about 11 them that there's no lease, no financing, no 12 development yet. It's a hope. 13 MR. MPRAS: Now, Mr. Marx, do you intend on 14 leasing additional properties to Mr. Alemayehu for 15 parking? 16 MR. MARX: We certainly have made that 17 available to him if he wishes. 18 MR. MPRAS: Sir, are those properties 19 depicted here in Mr. -- the parking plan? (Inaudible)? 20 MR. MARX: Okay. 21 MR. MPRAS: What is -- 22 MR. MARX: The address -- the address is</p>
243	<p>1 CHAIRPERSON MILLER: Because Mr. Collins is 2 the representative of Schaeffer properties. So I'm not 3 let you jump up or anybody else jump on -- this is -- 4 this is his client. So I have to make these rules 5 right now. I'm sorry. I can't be meddling in at this 6 hour. 7 MR. PADOU: Okay. Well, I'll just note my 8 objection to the rule for the record. 9 CHAIRPERSON MILLER: Okay. All right. 10 MR. PADOU: You know, I'm a party here. 11 CHAIRPERSON MILLER: I noted. 12 MR. PADOU: It's my -- okay. Thank you. 13 CHAIRPERSON MILLER: Okay. 14 MR. COLLINS: There is no -- there's no 15 foundation for this. There's no testimony that -- in 16 the case whether he would be in any way knowledgeable 17 about -- 18 CHAIRPERSON MILLER: I -- 19 MR. COLLINS: -- the development project of 20 another entity on another property. 21 CHAIRPERSON MILLER: Objection sustained. 22 MR. MPRAS: Let me rephrase that. Mr. Marx,</p>
245	<p>1 wrong. 2 MR. MPRAS: Yeah, and what is the address of 3 the -- of the property where you plan on leasing the 4 parking spaces? 5 MR. MARX: It's 2001 -- this would be 2001. 6 At least that's what the city calls it. 7 MR. MPRAS: Okay. And is that adjacent to 8 the proposed venue? 9 MR. MARX: It is. 10 MR. MPRAS: Thank you very much. 11 MR. ALBERTI: Can I -- can we show just for 12 quick service, which one was 2001? 13 MR. ALBERTI: Thank you. Thank you. 14 MR. COLLINS: Can you show us as well? 15 MR. MPRAS: All this is 2001. 16 MR. COLLINS: That's 2001? Okay. Where is 17 that 2001 show up on here? 18 MR. MPRAS: It's -- it was typo -- 19 MR. COLLINS: But choose which one -- 20 MR. MARX: No. There's -- can I -- may I 21 interject there? The city sometimes calls it one 22 address and sometimes the city calls it another. But</p>

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246	<p>1 we call it -- as a family we called it 2001. But they 2 -- the city sometimes calls it something else. 3 CHAIRPERSON MILLER: What? 4 MR. MARX: Sometimes 2021, sometimes -- and 5 there's a third number. And it often gets confused and 6 water bills get messed up. And we get the Schaeffers 7 and they get ours. And so 8 CHAIRPERSON MILLER: Okay. 9 MR. MARX: But it happened to be -- 2001 is 10 what it says on the Fire Department. 11 MR. MPRAS: Okay. Mr. Marx, I've got no 12 further questions. 13 MR. MARX: Thank you. 14 CHAIRPERSON MILLER: No, no, no, no. 15 MR. MARX: Oh, I'm sorry. 16 CHAIRPERSON MILLER: You are entitled to 17 cross- examine him. 18 MR. MARX: Okay. 19 MS. MANNING: Can you tell -- where are the 20 pictures to the properties at your -- the applicant? I 21 know that you brought all these pictures of the 22 triangle but there's no pictures here of your actual</p>	248	<p>1 consider it in use. But since we get finished with 2 this, hopefully he can operate. 3 MS. MANNING: So the property has been vacant 4 for a year and a half, two years? 5 MR. MARX: Well, actually it -- 6 MS. MANNING: Because there's no -- there is 7 nobody -- 8 MR. MARX: If you -- if you want me to answer 9 the question -- 10 MS. MANNING: Is this -- 11 MR. MPRAS: Objection. She has to give him a 12 chance to answer the questions. 13 MR. MARX: If you want me to answer the 14 question, this answer is -- 15 MS. MANNING: I am (inaudible) -- 16 MR. MARX: -- there is a license agreement in 17 place -- 18 MS. MANNING: He's not answering. 19 MR. MARX: -- to operate on all three of the 20 properties there currently. 21 MS. MANNING: Why did your family buy -- 22 decide to go into agreement with the new --</p>
247	<p>1 property here for us to see. 2 MR. MPRAS: Objection, use my questions. 3 CHAIRPERSON MILLER: Okay. Yes. 4 MR. MARX: I didn't know I was supposed to 5 bring them. I would have. I have them in my phone if 6 you'd like to see them. 7 CHAIRPERSON MILLER: Hey, sustained. 8 MS. MANNING: The reason -- 9 CHAIRPERSON MILLER: What? He -- they can 10 put on whatever evidence they choose or not. So -- 11 MS. MANNING: How long has your property been 12 vacant? 13 MR. MARX: That property? Once last summer - 14 - the summer -- not the one we just came off but the 15 one before. 16 MS. MANNING: So a year or two years? 17 MR. MARX: Well, it's actually not vacant 18 now. We have an operating and license agreement for 19 parking there at this moment. And we have a lease -- a 20 lease with this gentleman here. And we've had it for 21 probably -- I can't remember -- about a year -- or ten 22 months, a year. And so it's really -- you know, we</p>	249	<p>1 MR. MPRAS: Objection. 2 CHAIRPERSON MILLER: Sustained. We're 3 looking for peace, order, quiet and the facts, not the 4 motivation of his contracts. So go ahead. 5 MS. MANNING: Peace, order and quiet. 6 CHAIRPERSON MILLER: Peace, order and quiet. 7 That's what we're here for. 8 MS. MANNING: Where is the -- your property 9 was currently fined for trash by DCRA. 10 MR. MPRAS: Objection, stating facts not in 11 evidence. 12 CHAIRPERSON MILLER: With what -- say what? 13 MR. MPRAS: Objection, facts not in evidence. 14 MS. MANNING: It goes to peace, order and 15 quiet. Order is part of the -- part of the trash. 16 CHAIRPERSON MILLER: What's the relevance of 17 their being fined? 18 MS. MANNING: Because of the -- they haven't 19 been keeping the property up. And -- but if he hasn't 20 kept -- if the owners of the property have not been 21 keeping it up, what makes sense that the new -- the 22 tenant will? He's saying that they're occupying it but</p>

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250	<p>1 it hasn't been cleaned. 2 CHAIRPERSON MILLER: So that's sustained. 3 We're talking about the future use of the property. 4 MS. MANNING: Well, that's current. That is 5 current. I'll come back to this. 6 CHAIRPERSON MILLER: Go ahead. Do you have a 7 question? 8 MR. COLLINS: Questions? I just need some 9 clarification. The applicant referred to the parking 10 mistakes -- the mistakes on the parking plan. But then 11 we just got another clarification on that. But I just 12 need to know when you refer to 2001, it's the building 13 to the west of the proposed club location, plus, the 14 space behind the proposed club location; is that 15 correct? That's where the parking is for the 110 16 spaces? 17 MR. MARX: I don't -- I've not said anything 18 about 110 spaces. 19 MR. COLLINS: Well, okay. 20 MR. MARX: I can tell you that the -- I know 21 how many spaces gets laid out. You -- I was out there 22 so --</p>	252	<p>1 MS. MANNING: He did. 2 CHAIRPERSON MILLER: He's trying to get a 3 verification. 4 MR. COLLINS: Well, how do I get -- how do I 5 cross-examine him? 6 CHAIRPERSON MILLER: It's not -- it's -- the 7 witness needs to clarify if he can. Maybe he can't 8 because you had a different witness on before that was 9 talking about parking. I don't know. But I'm going to 10 allow Mr. Collins to try to get a clarification on the 11 parking. 12 MR. COLLINS: Okay. The parking plan -- 13 MR. JONES: Just real -- 14 MR. COLLINS: -- that the attorney -- 15 CHAIRPERSON MILLER: Wait. Mr. Jones has a 16 comment. 17 MR. JONES: Okay, ma'am. Just a -- just a 18 point of order. Did you instruct the witness to not 19 speak until the question has been asked in its entirety 20 and to not challenge the question, just answer the 21 question? 22 CHAIRPERSON MILLER: You heard Mr. Jones?</p>
251	<p>1 MR. COLLINS: You just -- you were just 2 having a discussion about -- with your attorney about 3 the spaces -- 4 MR. MARX: He's not my attorney. 5 MR. COLLINS: -- this attorney over here -- 6 MR. MARX: Okay. 7 MR. COLLINS: -- about the spaces. And then 8 we asked you to explain it. And your attorney came 9 over and showed that what you said was 2000 -- 10 MR. MARX: Mr. Collins, that is not my 11 attorney. 12 MR. COLLINS: Hang on a second. 13 MR. MARX: No, no. You wait a minute. Don't 14 misinterpret. He's not my attorney. 15 MR. MPRAS: Objection. He's misquoting the 16 witness. 17 MR. COLLINS: You said there's 2001. 18 CHAIRPERSON MILLER: Okay. Well, let's wait. 19 Hold on. What? 20 MR. MPRAS: He's misquoting the witness. 21 See, he only stated that he's leasing that property. 22 He did not mention anything about parking.</p>	253	<p>1 MR. MARX: I'm glad to. 2 CHAIRPERSON MILLER: Okay. And I don't under 3 -- you know, you're saying he's not your attorney. 4 He's -- we can refer to him as Mr. Mpras then, Mr. 5 Collins -- okay -- to avoid -- 6 MR. COLLINS: The parking plan that Mr. Mpras 7 showed you that -- wherein you made a clarification to 8 indicate that the site is not 2021 but is known by your 9 family as 2001, that's the building to the west of the 10 club that -- the site for the proposed club; is that 11 correct? 12 MR. MARX: I'd want to be careful not to 13 misidentify east and west so I will tell you it's 14 between the Schaeffer -- 15 MR. COLLINS: Okay. North is up. 16 MR. MARX: -- strip club and the -- and the 17 site that this gentleman is renting. 18 MR. COLLINS: Okay. 19 MR. MARX: I can point to it so that there's 20 no misunderstanding. Though it's closest to your 21 middle finger. 22 MR. COLLINS: Well, I'll point to it.</p>

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<p style="text-align: right;">254</p> <p>1 MR. MARX: That's it. 2 MR. COLLINS: This? This is? 3 MR. MARX: Right. 4 MR. COLLINS: Okay. Now, in the plan that 5 you were shown -- I just need clarification whether you 6 agree with the depiction on the plan that you were 7 shown. It shows a correction in a purple or pink magic 8 marker that the parking area kind of goes around the 9 back of the building that's to be the club. That's 10 what it showed. Is it -- 11 MR. MARX: Yes. 12 MR. COLLINS: Do you agree? 13 MR. MARX: So the 2001 or 2021 as it is -- 14 may be noted -- has parking in the front. It has 15 parking on the side to -- closest to the strip club and 16 then it has parking down the back. It goes out the 17 back. And then, in addition to that -- to 2101, the 18 subject property has a very large parking lot where 19 your pen is -- almost there, right. 20 MR. COLLINS: Yes. 21 MR. MARX: Yes, sir. 22 MR. COLLINS: And so the 110 spaces that you</p>	<p style="text-align: right;">256</p> <p>1 MR. COLLINS: Okay. Thank you. 2 MR. PADOU: I have one question, Your Honor - 3 - or one area. Good evening, Mr. Marx. It's been a 4 long day, hasn't it? 5 MR. MARX: Yes. 6 MR. PADOU: You've mentioned the strip club 7 that's just a couple parcels down from your property a 8 couple times called the Schaeffer strip club, the 9 Skylark. That's not operating right now, right? 10 MR. MARX: Correct. 11 MR. PADOU: When it was operating, did you 12 have to install chain-link fences around your building 13 to prevent vandalism from customers at that place? 14 MR. MARX: No, sir. 15 MR. PADOU: Did you -- were -- isn't it true 16 that your buildings were vandalized by customers at 17 Skylark? 18 MR. MARX: In the -- in the five or six years 19 that I've operated it, I don't know of Skylark Lounge 20 customers -- we had their ladies come over and visit. 21 But they didn't do vandalism. 22 MR. PADOU: Well, Mr. Marx, be careful when</p>
<p style="text-align: right;">255</p> <p>1 have offered to these two -- the applicant, where are 2 those spaces? I just want to clarify where those 3 spaces are. 4 MR. MARX: You're not going to have me 5 clarify it. I'm going to tell the property it is. I 6 don't know the counts. I can tell you where the 7 property is. I don't know how many spaces -- 8 MR. COLLINS: Oh, you don't -- okay. 9 MR. MARX: -- that is. 10 MR. COLLINS: So I -- 11 MR. MARX: And that would include the 12 building itself, which is an open garage. 13 MR. COLLINS: Okay. You testified about the 14 -- these photos showing the existing condition. Are 15 you -- do you have any knowledge of the entitlement 16 process for the development next door that you were 17 talking about with these photos? 18 MR. MARX: Are you talking about financing? 19 MR. COLLINS: No. I'm talking about the 20 entitlement process. 21 MR. MARX: I don't know what stage it's at, 22 no.</p>	<p style="text-align: right;">257</p> <p>1 you say you had the ladies come over and visit. I 2 don't want -- 3 MR. MARX: Why should I be careful about 4 that? 5 MR. PADOU: -- I don't want you to 6 incriminate yourself. 7 MR. MARX: Oh, I'm okay with that. 8 MR. PADOU: All right. So you never -- you 9 never -- 10 MR. NOPHLIN: I'm sorry, I didn't hear that 11 comment. 12 MR. MARX: I'm sorry? 13 CHAIRPERSON MILLER: He didn't want him to 14 incriminate himself. 15 MR. PADOU: So you don't want -- so you never 16 had vandalism or problems -- 17 MR. MPRAS: Objection, asked and answered. 18 MR. PADOU: Well, let me make sure that we're 19 not hang -- hung up on the word, "Vandalism." You 20 didn't have problems with the customers of Skylark? 21 MR. MARX: No. Actually we had problems with 22 the naked lady fliers flowing over our way. But</p>

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<p style="text-align: right;">258</p> <p>1 customers -- I don't know about customers. I don't 2 know that. 3 MR. PADOU: Okay. That's -- there we go. 4 See, there's a problem. All right. Not the customers. 5 MR. MARX: I'm the manager. I'm the sole 6 manager of that property. So if anybody would know 7 about it in my family, anybody in the landlord 8 relationship -- 9 MR. PADOU: Okay. 10 MR. MARX: -- I would be the one. 11 MR. PADOU: So let me rephrase it then. 12 Isn't it true that you had problems arising from the 13 operation of this club near your properties, customers, 14 trash, whatever? 15 MR. MARX: I acknowledge the trash. I don't 16 -- I don't know about other -- 17 MR. PADOU: And no other problems? 18 MR. MARX: Of the -- of the guests at the 19 club? No. 20 MR. PADOU: No, no. Just from the operation, 21 traffic, noise, anything? 22 MR. MARX: None that come to mind, no.</p>	<p style="text-align: right;">260</p> <p>1 buildings? 2 MR. MARX: On this -- we own some of the 3 buildings in the neighborhood but on this particular 4 block, we own three. 5 MR. ALBERTI: Okay. And they are -- 6 MR. MARX: And one of them is the one that 7 mine -- I don't know if yours is, but mine's pink, 8 which is -- we refer to it as 2001 but I think there 9 are a couple of other addresses -- and the bigger 10 building, which is the subject property -- 11 MR. ALBERTI: Okay. 12 MR. MARX: -- and then the one then closest 13 to Bladensburg Road and Montana, again, on the other 14 side of the subject. 15 MR. ALBERTI: Okay. So you own the subject 16 property, the one directly to the west and the one 17 directly to the east; is that correct? 18 MR. MARX: Yes, sir. 19 MR. ALBERTI: Okay. Thank you. 20 MR. MARX: Okay. 21 CHAIRPERSON MILLER: Mr. Nophlin? 22 MR. NOPHLIN: One quick question. I may be</p>
<p style="text-align: right;">259</p> <p>1 MR. PADOU: Okay. No further questions. 2 CHAIRPERSON MILLER: Yes, sir. 3 MR. CHANDLER: I just want to ask one just 4 because I really do. What about parking on the 5 properties from people that went to the Skylark Club? 6 MR. MARX: We didn't have a problem with it. 7 I think that they were -- there must have been adequate 8 parking there. 9 MR. CHANDLER: They never parked there? 10 MR. MARX: I won't say never but I'm there 11 every other day. I can't tell you that we ever had to 12 call the Schaeffers and ask them to have something 13 taken away. And we would -- we would have asked. 14 MR. CHANDLER: And you would have. Okay. 15 Thank you. 16 CHAIRPERSON MILLER: Board questions? 17 MR. ALBERTI: Yeah, just for clarification 18 from -- Exhibit 13, can someone hand Mr. Marx a real 19 quick copy of that? My question's real quick. Mr. 20 Marx, do you own any other building -- you already said 21 that you own the building adjacent to the proposed site 22 of the -- of the new license. Do you own any other</p>	<p style="text-align: right;">261</p> <p>1 out of order here but how far is the Department of 2 Education Transportation Office near your warehouse? 3 Is that near you or is that closed now? 4 MR. MARX: You mean the bus -- where the bus 5 -- the buses are kept up on -- the one on Adams Place 6 or the one on New York Avenue? 7 MR. NOPHLIN: I'm not sure. That's why I 8 asked. 9 MR. MARX: Well, there are two. One of them 10 as a very big site. If you go -- and as the crow 11 flies, it's not far, if you're talking about the one on 12 Adams Place. It's, like, I'm guessing, a five to 13 seven-acre site up on there on high, at the end of that 14 street. You can actually, you know, see straight 15 across over McDonald's and the other building over 16 there. So that one's relatively close. 17 The other one is where -- it is not -- it is 18 not so close but it's more towards the city on New York 19 Avenue. 20 MR. NOPHLIN: That's -- 21 MR. MARX: There's a three-acre site there 22 where they're parking buses if that's the one you're</p>

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<p style="text-align: right;">262</p> <p>1 referring to. 2 MR. NOPHLIN: And is there a warehouse or is 3 this bus services there on Adams? 4 MR. MARX: I'm sorry, could you say again? 5 MR. NOPHLIN: Is it a warehouse or is it a 6 bus service? 7 MR. MARX: I can speak very clearly on the 8 one on Adams Place because we own three buildings 9 adjacent to that. That's a huge facility with a five- 10 story red, brick -- you know, it's a big facility. I 11 thought the one on New York Avenue was just mostly a 12 parking lot -- a three-acre parking lot, which is 13 actually being sold now, I'm told. 14 MR. NOPHLIN: Okay. Thank you. Thank you. 15 CHAIRPERSON MILLER: I -- yeah, Mr. Jones. 16 Go ahead. 17 MR. JONES: Thank you, Madam Chair. Just for 18 clarification purposes -- so you said you have -- you 19 have a lease currently with the applicant? 20 MR. MARX: We have a -- yes. And it's 21 subject to your approval. But in addition to that, we 22 have a -- because this is taking much longer than we</p>	<p style="text-align: right;">264</p> <p>1 MR. MARX: It makes them -- it obligates him 2 to maintain the place, you know, keep it secure. And 3 as far as the term of it, I'm just going to frankly be 4 only guessing at this point, but it probably is a year. 5 MR. JONES: Okay. 6 MR. MARX: But, like, I didn't know I needed 7 to know that so it could be longer. 8 MR. JONES: That's fine. 9 MR. MARX: Yes. 10 MR. JONES: Is it a -- is it a ratified 11 contract? 12 MR. MARX: It's a license agreement and it is 13 ratified. 14 MR. JONES: It is ratified? Okay. 15 MR. MARX: Yes, sir. Yes. 16 MR. JONES: And it's for what space? Is it 17 for the subject space or all three spaces? 18 MR. MARX: All three. 19 MR. JONES: All three spaces? 20 MR. MARX: Yeah. 21 MR. JONES: So the subject location is 22 currently unoccupied, i.e., there's no operating</p>
<p style="text-align: right;">263</p> <p>1 thought and we wanted to make the most of the property 2 and make sure that it's being cared for, we have a 3 license agreement for a parking operation for the time 4 being. 5 MR. JONES: Okay. And is that with this? 6 MR. MARX: It happens to be. 7 MR. JONES: With the -- okay. 8 MR. MARX: Yes. He's done -- oh, you didn't 9 ask me. 10 MR. JONES: And what's the name of the 11 company? 12 MR. MARX: Tag-B Valet. 13 MR. JONES: Tag-B Valet? 14 MR. MARX: Yeah, the meaning -- 15 MR. JONES: Okay. 16 MR. MARX: The agreement may be some entity 17 name I don't remember but it's something like Tag-B, 18 LLC or Tag-B Valet. 19 MR. JONES: Okay. What are the terms of that 20 agreement? I don't -- I don't need to know money. I'm 21 just trying to figure out duration and what does it 22 give them rights to do?</p>	<p style="text-align: right;">265</p> <p>1 business in that location right now? 2 MR. MARX: Correct. 3 MR. JONES: Is that fair -- that's fair to 4 say? 5 MR. MARX: Well, in the building? 6 MR. JONES: Correct. In the building. 7 MR. MARX: Just for parking. 8 MR. JONES: Just -- right. 9 MR. MARX: Yes. 10 MR. JONES: In the building itself -- the 11 building itself -- the subject building is not 12 currently in operation? You're not selling alcohol out 13 of it? You're not doing dancing? You're not doing yoga 14 classes? 15 MR. MARX: Right. 16 MR. JONES: It's not in operation, right? 17 MR. MARX: Just for parking. 18 MR. JONES: Just for purposes of parking -- 19 MR. MARX: Just for parking. 20 MR. JONES: -- on the outside of the 21 establishment, correct? 22 MR. MARX: For now. If he needs the inside,</p>

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267	<p>1 MR. JONES: One for all three. Is that 2 building -- the 2021 building, is that in operation 3 right now, the building itself -- 4 MR. MARX: I'm going to -- 5 MR. JONES: -- from the standpoint of -- I 6 know how you keep referring to as they could use it for 7 parking if they want to. 8 MR. MARX: Right. 9 MR. JONES: But is that it? Are they 10 operating a yoga class -- 11 MR. MARX: Right. No, no. 12 MR. JONES: -- a yoga studio, dance -- 13 MR. MARX: All three buildings -- I can save 14 you -- if we're going to down to 2115 -- all three 15 buildings are under one license agreement and they have 16 the opportunity to park and the obligation to maintain 17 it. And they could use the inside if there's, like, an 18 overflow. We would allow that. 19 MR. JONES: Okay. For all three locations? 20 MR. MARX: All three buildings. All of them 21 have overhead doors that trucks and cars can drive 22 into.</p>	269	<p>1 MR. MARX: No. 2 MR. JONES: Just to the one? 3 MR. MARX: Correct. 4 MR. JONES: Okay. Each -- 5 MR. MARX: You're just -- 6 MR. JONES: Go ahead. 7 MR. MARX: I could -- you're going to -- 8 you're going to get to go through this all again next 9 week with the fellow who's at 2115. So all the 10 parties, I think, will get to do this again. There's 11 another lease or another tenant for 2115. That's the 12 one closest to the alley and the Colonel -- Kentucky 13 Fried Chicken. 14 MR. JONES: Got you. So in your mind -- have 15 you ever been -- have you ever had discussions with the 16 applicant about potentially using both buildings for 17 the purposes of this club -- 18 MR. MARX: For parking. 19 MR. JONES: -- for both buildings being the 20 ones that were -- are available, i.e., the 2115 or the 21 other one that you said we'll have fun with next week - 22 - obviously it couldn't be considered -- but the two</p>

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271	<p>1 MR. JONES: Okay. 2 MR. MARX: That's been offered at this point 3 and discussed. 4 MR. JONES: All right. And you said that 5 it's the lease arrangement -- is contingent upon Board 6 approval? 7 MR. MARX: Yes. He has the opportunity to -- 8 yes, right. 9 MR. JONES: Okay. Are there any other 10 contingencies associated with that lease? 11 MR. MARX: None that I can think of. 12 MR. JONES: None that you can think of. And 13 how long is that -- so, for example, if this drags on 14 for another year and a half, is this still -- you're 15 going to -- you're going to have them maintain the same 16 current relationship that you have with them for 17 another year and a half or is there a termination 18 associated with that lease -- that contingency in that 19 lease? 20 MR. MARX: You're asking how long we'll be 21 patient for? Is that -- is that what you're asking? 22 MR. JONES: Yeah, pretty much.</p>	273	<p>1 there's better use for the property with the offer. 2 And -- 3 MR. JONES: Okay. 4 MR. MARX: -- he's kept the other properties 5 very clean. And so we thought this was the perfect 6 solution. 7 MR. JONES: Okay. So you have a relationship 8 with this applicant outside of this particular business 9 arrangement? 10 MR. MARX: In the parking operation, yes. 11 MR. JONES: In the parking operation. 12 MR. MARX: In -- all in the same 13 neighborhood. 14 MR. JONES: In the -- in the same 15 neighborhood? 16 MR. MARX: Yes, just a couple of blocks away. 17 MR. JONES: And he's -- I'm assuming he's 18 parking cars under his company at your property that 19 you own. 20 MR. MARX: He has been for seven or eight 21 months until now. 22 MR. JONES: Oh, okay. So it's a relatively</p>

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275	<p>1 to it and I think that they're discussing how much the 2 teachers would pay and whatever. 3 MR. PADOU: Okay. 4 MR. MARX: But I just handed it over to him 5 and gave him the license to operate. It's not 6 exclusively for the teachers. It has some other uses. 7 MR. PADOU: So I want to make sure I have it 8 kind of right though. The teachers -- that's the 9 neighbor -- from the school came to you and said, 10 "Parking is so difficult. Can you help us?" 11 MR. MARX: Mr. Enrique Watson (ph) called us 12 and said they don't like where they're parking. "Your 13 site's empty directly next to us. Could you let us 14 park? Then we're directly at our door." We said, "We 15 will figure the applicant would be willing to take this 16 on and if he chooses to, he will." 17 MR. PADOU: And Mr. Watson is somebody at the 18 school? 19 MR. MARX: Yeah. 20 MR. PADOU: No further questions. 21 CHAIRPERSON MILLER: Could you say -- I 22 didn't quite get who was next to them -- next to the</p>	277	<p>1 originally that they would want, you know -- I would be 2 careful because -- 3 CHAIRPERSON MILLER: No, don't -- I -- 4 MR. MARX: Don't quote me but my guess is -- 5 I think they called and said, "Jeez, we've got 64 -- 6 CHAIRPERSON MILLER: Okay. 7 MR. MARX: -- we'd they like to use it during 8 the day from" -- and then we said -- 9 CHAIRPERSON MILLER: So my question is, does 10 that mean if the club opens and operates, they would 11 use your parking and the teachers would have to go back 12 to across the street? 13 MR. MARX: Well, you know, again, I'm a -- 14 I'm a landlord but my common sense would say that the 15 teachers will be there during the day. And it would be 16 his choice. It's his property. 17 CHAIRPERSON MILLER: I see. 18 MR. MARX: He leases it. So if he chose to 19 let them -- 20 CHAIRPERSON MILLER: I see. 21 MR. MARX: -- park there, that'd be great. 22 It could be a nice thing to do. I don't think there's</p>

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<p style="text-align: right;">278</p> <p>1 going to be much conflict between teachers' hours --</p> <p>2 CHAIRPERSON MILLER: Okay.</p> <p>3 MR. MARX: -- and at dinner, you know,</p> <p>4 whenever these people are open.</p> <p>5 CHAIRPERSON MILLER: Right. I hear you.</p> <p>6 Okay.</p> <p>7 MR. MARX: It'd be my guess.</p> <p>8 CHAIRPERSON MILLER: Okay.</p> <p>9 MR. MARX: And I think it's \$2 a day or</p> <p>10 something.</p> <p>11 CHAIRPERSON MILLER: Thank you.</p> <p>12 MR. MARX: I think it's a service too.</p> <p>13 CHAIRPERSON MILLER: Is there any -- does</p> <p>14 anybody feel the need to ask a follow-up question?</p> <p>15 Okay. Thank you. Thank you.</p> <p>16 MR. MARX: Thanks.</p> <p>17 CHAIRPERSON MILLER: What is -- okay. So I</p> <p>18 indicated -- I indicated before we'd probably take a</p> <p>19 break in-between. And I just want to get a feel from</p> <p>20 the parties, you know, how brief or how long. Do you</p> <p>21 want enough time in order to go get something to eat or</p> <p>22 do you want very short amount of time because you want</p>	<p style="text-align: right;">280</p> <p>1 and we'll see you in 20 minutes.</p> <p>2 (WHEREUPON, at 8:19 p.m., the hearing was</p> <p>3 adjourned until 8:45 p.m.)</p> <p>4 CHAIRPERSON MILLER: Okay. Let's go. We're</p> <p>5 back on the record. And we're now going to hear the</p> <p>6 protestants' case. And Mr. Collins, are you going</p> <p>7 first? The Schaeffer group going first?</p> <p>8 MR. COLLINS: Yes.</p> <p>9 CHAIRPERSON MILLER: Okay.</p> <p>10 MR. COLLINS: That's correct.</p> <p>11 CHAIRPERSON MILLER: And you have a witness</p> <p>12 on the stand right now?</p> <p>13 MR. COLLINS: I do.</p> <p>14 CHAIRPERSON MILLER: Correct? And sir, I'll</p> <p>15 swear you in. Will you raise your right hand? Do you</p> <p>16 swear to tell the truth, the whole truth, nothing but</p> <p>17 the truth?</p> <p>18 MR. WALKER: I do.</p> <p>19 CHAIRPERSON MILLER: Okay. Thank you.</p> <p>20 MR. COLLINS: Could you please identify</p> <p>21 yourself for the record by name?</p> <p>22 MR. WALKER: My name is Rick Walker.</p>
<p style="text-align: right;">279</p> <p>1 to get home?</p> <p>2 MR. PADOU: We vote for -- my party votes for</p> <p>3 as short as possible.</p> <p>4 CHAIRPERSON MILLER: And the Board votes for?</p> <p>5 Okay. All right. The Board votes for 20 minutes.</p> <p>6 Okay.</p> <p>7 MR. ALBERTI: Ms. Chairman, before we</p> <p>8 adjourn, can Mr. Jones get a summary of the time? I</p> <p>9 think that might be helpful.</p> <p>10 MR. JONES: I certainly can. So the Licensee</p> <p>11 has 59 minutes remaining.</p> <p>12 CHAIRPERSON MILLER: Left?</p> <p>13 MR. MPRAS: Remaining?</p> <p>14 CHAIRPERSON MILLER: Okay.</p> <p>15 MR. JONES: And the protestant group has 32</p> <p>16 minutes remaining.</p> <p>17 MR. COLLINS: We get charged for our cross.</p> <p>18 MR. MPRAS: Your cross.</p> <p>19 CHAIRPERSON MILLER: Really?</p> <p>20 MS. MANNING: We get charged for that.</p> <p>21 CHAIRPERSON MILLER: Well, we'll see how it</p> <p>22 goes. All right. All right. We'll see how it goes</p>	<p style="text-align: right;">281</p> <p>1 MR. COLLINS: And Mr. Walker, what is your</p> <p>2 relationship to the properties owned by the nine</p> <p>3 separate property owners in the same square as the</p> <p>4 proposed club?</p> <p>5 MR. WALKER: I'm the developer of the</p> <p>6 project.</p> <p>7 MR. COLLINS: And are you familiar with the</p> <p>8 letter submitted on May 29 -- or dated May 29th that</p> <p>9 was submitted on the Holland & Knight stationery that</p> <p>10 filed the protest of this application?</p> <p>11 MR. WALKER: Yes, sir.</p> <p>12 MR. COLLINS: There are two exhibits shown at</p> <p>13 the back. They're exhibits -- identified as Exhibit B1</p> <p>14 and B2. And they depict site plans of the -- of the</p> <p>15 square and the proposed development; is that correct?</p> <p>16 MR. WALKER: Yes, sir. That's correct.</p> <p>17 MR. COLLINS: Do the -- do the boards on the</p> <p>18 easel to your left -- or is that a -- the same as what</p> <p>19 is shown on this exhibit?</p> <p>20 MR. WALKER: Yes, sir.</p> <p>21 MR. COLLINS: Okay. Could you please</p> <p>22 describe what's shown on these exhibits?</p>

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283	<p>1 MR. WALKER: Yes. 2 MR. COLLINS: -- Bladensburg and Montana? 3 MR. WALKER: This is New York. This is 4 Montana. This is Bladensburg. 5 MR. COLLINS: So that north is roughly to the 6 upper left on that plan? 7 MR. WALKER: Be like this. Right. And this 8 particular plan is -- been approved by the DC Office of 9 Planning. We have large tract review approval of 10 development. The site has been fully engineered. We 11 have actually received our first building permit on the 12 project. The Walmart lease is pleading negotiations 13 currently and doing a similar project in Baltimore -- 14 in Baltimore with Walmart a well. 15 The Burlington signed for 65,000 square feet. 16 We have 50,000 square feet of letters of intent signed 17 for our negotiation with small stores. We have 18 approximately 150,000 square feet additional for some 19 tenants. I personally have done about 11 (inaudible) 20 space, development people, project at the Rhode Island 21 Avenue (inaudible) this development and we work very, 22 very closely with the community in regards to the whole</p>	285	<p>1 CHAIRPERSON MILLER: Can I ask a question, 2 Mr. Collins -- or I thought that in your papers you 3 also are going to address the impact of the -- 4 MR. COLLINS: Of the development fund? 5 CHAIRPERSON MILLER: -- with the nightclub on 6 the hill there. 7 MR. COLLINS: On this proposal, yes. 8 CHAIRPERSON MILLER: Is that correct? 9 MR. COLLINS: That's exactly it. 10 CHAIRPERSON MILLER: Okay. So I believe it 11 is quite relevant. 12 MR. COLLINS: Thank you. Please proceed. 13 MR. WALKER: All right. The project, as is 14 required, was introduced to the Office of Planning and 15 various governmental agencies, Department of 16 Transportation. Again, there's a whole litany of folks 17 that you need to present to. This was presented to 18 them. This has also been reviewed in some detail with 19 the mayor at the deputy mayor's office. 20 And as I said, we've spent time with the 21 Department of Social Services for this particular 22 project -- provide some thousand jobs to the immediate</p>

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287	<p>1 free lot right here. And I have the retail tenants 2 that will be occupying it. In most instances Walmart 3 will be open 24 hours. The -- we would expect 4 Burlington on weekends working -- operating until at 5 least midnight. Again, we're extremely concerned. 6 We will see that these particular people -- 7 I've provided a very nice driveway which will now 8 access directly from Bladensburg Road through to the 9 New York Avenue. So people don't even have to come 10 down -- they don't even have to go to the club. They 11 can just come right over here and have a parking space. 12 I had a similar experience. We owned a shopping center 13 in -- actually it was in Michigan, where we had a 14 bowling alley. 15 MR. MPRAS: Objection. Ma'am, he's going 16 into a narrative now. I mean, he's not asking -- 17 answering any specific question. He's talking about a 18 bowling alley in Michigan. 19 MR. COLLINS: He's making a point. 20 CHAIRPERSON MILLER: Overruled. Go on. 21 MR. COLLINS: Please proceed. 22 CHAIRPERSON MILLER: Yeah.</p>	289	<p>1 whole site is master-planned, not only for commercial 2 purposes, but for residential. We have -- as part of 3 our presentation to the Office of Planning, we proposed 4 that ultimately with this particular client -- Mr. 5 Jones, can you see? I'm sorry. And I -- 6 MR. JONES: I'm fine. Continue. 7 MR. WALKER: This particular -- it's 8 immediate corner of New York Avenue and Montana, which 9 is approximately four acres set aside for high rise 10 development. We're allowed up to 13 stories, 11 approximately 400 additional units. That would bring 12 the total value of this property -- to the development 13 to approximately \$250 million. 14 MR. COLLINS: Can you point out on this site 15 plan the location of the proposed nightclub? 16 MR. WALKER: It's -- well, it's right here. 17 MR. COLLINS: Okay. Is that that building 18 just up here? 19 MR. WALKER: Yes. 20 MR. COLLINS: And so -- and the proximity of 21 the parking spaces on your lot -- 22 MR. WALKER: Let's look at this. This is a</p>

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290	<p>1 much better illustration. This is the lower level. 2 This is the drive-thru. As you come down Bladensburg 3 Road, you can turn right. This does not exist. And 4 we've provided a drive-thru, which will come down the 5 hill and then provide access to the parking in front of 6 the -- 7 MR. COLLINS: Burlington -- 8 MR. WALKER: -- Burlington Coat facility and 9 then continue on. And then of course there's access 10 back. Well, this lot is anticipated to be primarily 11 the Walmart lot, although there's a cut-through here. 12 So people will be able to come -- there's actually 13 seven access points. We're very -- one of the issues 14 with the area is the high traffic. We got 100,000 cars 15 a day moving around. 16 So essentially -- and that's the good thing. 17 The bad thing is how to get in and out. Well, we have 18 seven access points. This was a good amount of time 19 that we spent in designing this. As you come up 20 Montana, you have an initial entry. At the -- this 21 (inaudible) then you have another entry to the lower 22 level, which is the parking deck. And then, as you</p>	292	<p>1 CHAIRPERSON MILLER: Okay. 2 COURT REPORTER: (Inaudible) -- 3 MR. WALKER: It's -- I need to move my mike? 4 No? 5 COURT REPORTER: Oh, no. This one here is 6 connected to -- 7 MR. COLLINS: So if I was to tell you that 8 there was going to be a charge for parking for the club 9 at these spaces -- at these locations that the 10 applicant is proposing -- and I think you testified 11 earlier that your lot -- you would not be charging for 12 parking on your lot? 13 MR. WALKER: No. We will not be charging. 14 We will not be checking people when they pull in. I 15 mean, it's part of a shopping center. You don't card 16 everybody that comes into the door. 17 MR. COLLINS: So given though -- and one way 18 -- it's one-way eastbound on New York Avenue? 19 MR. WALKER: Yes, sir. There's no left-hand 20 turn there. 21 MR. COLLINS: So that you -- one would have 22 to - - driving to the club would have to pass your</p>
291	<p>1 come up further, you have a second access off of 2 Montana to the Walmart lot. 3 This is an approved traffic light. Then we 4 have -- we've provided separate access to the trucks 5 because we're very concerned about traffic. And then 6 we've provided a right-hand turn which comes down and 7 then accesses to the Burlington lot here. And then the 8 trucks continue on and -- well, traffic continues on 9 but right- hand turn only. Because again, traffic is 10 so -- you've driven on New York Avenue. 11 The traffic is so congested on there. Then, 12 you know, we're really encourage traffic movements off 13 of New York to go -- primarily access the center off of 14 Montana or Bladensburg. 15 MR. COLLINS: Can I ask you another set of 16 questions? You've seen the parking plan that was 17 produced by the applicant. And in your minds, I -- oh, 18 actually the parking plan is right -- 19 MR. WALKER: Right here? 20 MR. COLLINS: -- is right there. 21 COURT REPORTER: Just move the mike. Yeah. 22 So --</p>	293	<p>1 shopping center before passing by the club? 2 MR. WALKER: Yes, absolutely. 3 MR. COLLINS: And passing by your free 4 parking before passing -- until -- before getting to 5 the paid parking for the club? 6 MR. WALKER: Yes. 7 MR. COLLINS: Okay. Would you care to give 8 your personal view as to what you think a reasonable 9 person might do or where they might park? 10 MR. WALKER: Yeah, I'd save the 20 bucks. 11 I'd park in my lot. 12 MR. COLLINS: Okay. And so you're concerned 13 about parking in your lot. Had -- are they what -- 14 they -- and specifically, I'm referring to the 15 appropriate standards in Section 400 of the regulations 16 -- 400(a) of the regulations. 17 MR. WALKER: Well, I mean, as I understand 18 the regulations -- and understand I've been doing this 19 for 30 years and we've developed a significant number 20 of projects -- we always have to come forward to the 21 community and explain what it is we're doing, why we're 22 doing and how -- you know, and we're held to very, very</p>

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294	<p>1 high standards. 2 When I read something like this that says 3 that you'll not interfere with the peace, order and 4 quiet in a relevant area and considering elements such 5 as noise, rowdiness, loitering, litter and criminal 6 activity and I see that's exactly what's going to 7 happen here. I'm going to have people loitering on my 8 lot. I've got issues where in the evening and when 9 folks leave their lot, I -- they don't have to control 10 them once they come onto my property. 11 And I haven't seen a plan that indicates that 12 -- are they going to have police over there to regulate 13 it? Because we certainly cannot police this entire lot. 14 And Chris, you talked about, you know, in this area 15 here -- no. I mean, people can come on -- you know, if 16 I've got a policeman over here to watch this, what's to 17 prevent somebody from coming over here? It's a much 18 simpler walk than to go and try to pay \$20 up here. I 19 mean, this -- as I said, we're extremely concerned. 20 MR. COLLINS: Have you -- have you asked your 21 traffic engineer to take a look at this issue? 22 MR. WALKER: Yes, sir.</p>	296	<p>1 block because they have confidence in what we set out 2 to do. 3 I now understand that there are three 4 establishments that are within 1200 feet of this 5 location and proposing two additional establishments 6 there. Why is it that when I'm developing \$250 million 7 worth of projects that there is -- somebody is allowed 8 -- it really upsets me -- somebody's allowed to put two 9 additional establishments immediately contiguous that 10 we know have inadequate parking, that have some 1200 11 occupants who can visit them, and yet, they've said 12 they're going to bus people? Again, I'd save the \$20. 13 MR. COLLINS: I -- you've talked about the 14 proximity, the -- did you ask your civil engineer to 15 take a look at this issue? And I'm showing you a plan 16 that's -- the title is Wiles Mensch Corporation on the 17 lower right. And some of these are highlighted. And I 18 ask if you can identify what this shows? 19 MR. WALKER: Yes. This shows the proximity 20 of the other clubs that are operating in the area to 21 the facility. Again, it's my understanding of DC 22 ordinances that there is a limit of 1200 feet. All of</p>
295	<p>1 MR. COLLINS: And who's that person? 2 MR. WALKER: She's here. Wells & Associates, 3 Jami Milanovich. 4 MR. COLLINS: Thank you. In terms of the 5 other criteria -- I'm showing you on -- this is 25 DC 6 Code Section 314(a)(4) -- do you have a concern about 7 that -- the overcrowding? 8 MR. WALKER: Absolutely. Yeah, this is not 9 our best -- 10 MR. COLLINS: No, it's not. 11 MR. WALKER: Well, yeah. Not the best copy. 12 MR. COLLINS: No, I could -- I could read it 13 to you, what that says and ask for your -- 14 MR. WALKER: "Create or contribute to the 15 over" -- oh, absolutely. It's interesting because I 16 had shown an exhibit that (inaudible) looked at that -- 17 it was our understanding that you can only have a 18 certain number of these establishments in Ward 5. And 19 understand, we've been -- we did the first major 20 project in Ward 5 12 years ago. And nobody would do 21 Ward 5 (inaudible) Ward 5. And we were asked by the 22 community to come back and work on this particular</p>	297	<p>1 these particular establishments are within that 1200 2 feet. 3 MR. COLLINS: And how was that measured? 4 MR. WALKER: That's measured from the corner 5 of the lot to the corner of the lot, which is the 6 appropriate -- from the provisions of the -- of the DC 7 ordinances that I've read -- corner lot to corner lot. 8 It's not center of building -- not center of building. 9 And again, we're held to these sort of standard. When 10 somebody tells me I've got a -- in a distance to a 11 church, I'd be better be corner lot to corner lot 12 because otherwise, I'm not going to be held -- I'll be 13 held accountable. 14 MR. COLLINS: And are the distances between 15 the proposed club and the DC Star and Stadium Club -- 16 what is -- what is showing on there? 17 MR. WALKER: Well, the one is the -- I think 18 it's the -- 19 MR. COLLINS: The one that's highlighted. 20 MR. WALKER: Yeah, the one -- yeah, that's 21 1031 feet. 22 MR. COLLINS: Okay.</p>

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<p style="text-align: right;">298</p> <p>1 MR. WALKER: And then we have a second one 2 that's 403 feet. And then there's not a third 3 highlighted but I guess that -- yeah, that's the same - 4 - the same corner. 5 MR. COLLINS: Yeah. 6 MR. WALKER: Actually one is the same corner. 7 MR. COLLINS: So based on all this, do you 8 believe -- well, I don't believe your -- but would you 9 please take a look at Section 400.1(a) and let me know 10 whether -- how -- what your position is with regard to 11 this developer? 12 MR. WALKER: Well, again, this is the 13 provision that you and I (inaudible) interfere with 14 peace, order and quiet and relevant activity issues 15 relating to noise, rowdiness, loitering and so on. As 16 I said we don't regulate our parking lots in the sense 17 that we don't provide cards at the entries. This is 18 really a -- what this will be is a comparison shopping 19 center in terms of the types of business. It's family 20 oriented. 21 It'll be seven or eight small restaurants, 22 somewhat larger restaurant facilities. Most of our</p>	<p style="text-align: right;">300</p> <p>1 creating three -- there are three facilities that are 2 within the -- within the distance of 1200 feet of this 3 particular location. 4 MR. COLLINS: Right. 5 MR. WALKER: That would seem to me that 6 that's an overconcentration. 7 MR. COLLINS: Thank you. No more questions. 8 CHAIRPERSON MILLER: Yes? 9 MR. MPRAS: Now, Mr. Walker, you said that 10 the large tract application's been approved; is that 11 correct? 12 MR. WALKER: Yes, sir. Not one, but two 13 (inaudible). 14 BOARD MEMBER: Can't hear you. 15 MR. WALKER: I'm sorry. 16 CHAIRPERSON MILLER: Yeah. 17 MR. WALKER: I said, "Yes, twice." 18 CHAIRPERSON MILLER: it's been approved two 19 times? 20 MR. WALKER: Huh? 21 CHAIRPERSON MILLER: It's been approved two 22 times?</p>
<p style="text-align: right;">299</p> <p>1 uses will be soft goods. A lot of -- there's three 2 children's stores -- going to be part of this 3 development (inaudible). And again, so this type of 4 activity -- and I can just imagine some individual 5 coming out of Burlington Coat with their three children 6 in hand at 11:00 at night because she works the late 7 shift and runs into somebody who's parked over there 8 who's half in the bag and is a little upset because he 9 got thrown out of the club. And I'm thinking, "Where 10 am I?" 11 I mean, these sort of things -- it really 12 concerns me. 13 MR. COLLINS: Is it also your position, Mr. 14 Walker, that this -- the granting of this license would 15 either create or contribute to an overconcentration of 16 licensed establishments, which is likely to adversely 17 affect the area? 18 MR. MPRAS: Objection, leading. 19 MR. COLLINS: I'm asking a question. 20 MR. WALKER: I mean, I believe I had 21 mentioned that early. Because when you showed me this 22 map, I mean, this clearly demonstrates that we're</p>	<p style="text-align: right;">301</p> <p>1 MR. WALKER: Yes. 2 CHAIRPERSON MILLER: Is that what you said? 3 MR. WALKER: (Inaudible) -- 4 MR. MPRAS: Mr. Walker, in the past six 5 months, was your -- excuse me -- within the past six 6 months was your contract at any time with the 7 Schaeffers terminated? 8 MR. WALKER: My contract, was it terminated? 9 No, it wasn't terminated. My contract with the 10 Schaeffers went -- essentially we were out of contract 11 for a period of time. We had an agreement to put it 12 back into place and it is back. 13 MR. MPRAS: And during that time did you go 14 to other individuals -- I'm sorry. Excuse me. Sir, is 15 -- have you secured any kind of financing for this 16 project - - the full financing for this project? 17 MR. WALKER: We're presently in the 18 (inaudible) securing financing for development. 19 MR. MPRAS: So, sir, it's safe to say that 20 you have presently not secured it? 21 MR. WALKER: No. It's safe to say that we're 22 in the process, sir. Really the way that (inaudible)</p>

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302	<p>1 first, then obtain your major approvals (inaudible) and 2 we're in the process of getting that (inaudible). 3 MR. MPRAS: All right, sir. But my question 4 to you was presently have you secured financing at this 5 time? 6 MR. WALKER: No. 7 MR. MPRAS: Do you have secured financing? 8 Thank you then. So sir, there's no assurance this 9 project will be built? 10 MR. WALKER: Nothing other than the fact that 11 I've done 11,000,000 square feet of comparable projects 12 in similar situations, which were not as far along in 13 terms of the (inaudible). 14 MR. MPRAS: Okay. Now, sir, you stated that 15 you currently only have one lease; is that correct? 16 MR. WALKER: I said that I currently have a 17 65,000 square foot major tenant lease signed with 18 Burlington Coat, that we're concluding the lease with 19 Walmart. And then I have LOIs, which if you're 20 familiar with LOIs, sir, it's letters of intent, for 21 50,000 square feet (inaudible). 22 MR. MPRAS: I understand that, sir. And if</p>	304	<p>1 MR. WALKER: It would -- it would certainly 2 be one my concerns. But it would also be a concern 3 that you'll find that when the parking lot in use by 4 those particular individuals, then it'd create issues 5 with my customers. And I would have trash issues in 6 the morning and policing issues that really, frankly 7 should not be my obligation. And unfortunately, the 8 way that this particular project is designed by your 9 client, it will be totally insufficient parking 10 (inaudible). 11 MR. MPRAS: Now, sir, is it correct that Mr. 12 Schaeffer is -- or the Schaeffers or their 13 corresponding group of nine entities have filed this 14 protest at your request? 15 MR. WALKER: Pardon me? 16 MR. MPRAS: Is it correct that the 17 protestants, what we refer to as the Schaeffers -- 18 MR. WALKER: Uh-huh. 19 MR. MPRAS: -- filed -- have filed this 20 protest at your request? 21 MR. WALKER: I believe the Schaeffers have 22 filed the protest on their behalf. It's their concern</p>
303	<p>1 it's my understanding -- your LOI is binding or non- 2 binding? 3 MR. WALKER: My LOIs are never binding. 4 MR. MPRAS: And then thank you. Now, the 5 lease that you said was with Burlington -- is that 6 correct? 7 MR. WALKER: That's correct. 8 MR. MPRAS: Now, sir, is there any 9 contingencies on this lease? 10 MR. WALKER: No. 11 MR. MPRAS: So if this project isn't built, 12 then they still have to pay rent? 13 MR. WALKER: It'd certain be contingency 14 (inaudible) -- 15 MR. MPRAS: So there are contingencies? 16 MR. WALKER: That wouldn't be a -- yes, it 17 would be a contingency. 18 MR. MPRAS: Thank you. (Inaudible) you spoke 19 a lot parking. And would those -- that be your primary 20 concern about this parking lot being used by other 21 entities, unauthorized individuals, people that are not 22 shopping in your --</p>	305	<p>1 as well. 2 MR. MPRAS: Yes, sir. My question was, did 3 they -- did you request that they file a protest? 4 MR. WALKER: We did discuss the fact that 5 this will have a very impact on the economic value of 6 the property and that we would be filing applications 7 in protest. Yes. 8 MR. MPRAS: My question was, did you ask them 9 to file the protest? Did you request it simply? 10 MR. WALKER: We have discussed and we decided 11 mutually to protest this application. 12 MR. MPRAS: Ma'am, I'd like a more responsive 13 answer, please. 14 CHAIRPERSON MILLER: I think that was 15 responsive. 16 MR. COLLINS: It's been asked and answered. 17 CHAIRPERSON MILLER: He said it was mutual. 18 MR. WALKER: I don't know what (inaudible) we 19 talked about it. We're unhappy with it. We filed a 20 protest. What else would you like me to say, sir? 21 CHAIRPERSON MILLER: Okay. You're not -- you 22 can't ask him questions. Go ahead, Mr. Mpras. Do you</p>

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306	<p>1 have any more questions? 2 MR. MPRAS: Yes, ma'am. 3 COURT REPORTER: Sorry. Is the -- is the 4 recorder on, the recorder beside you -- the handheld? 5 MR. WALKER: This one? Is it on? 6 MR. MPRAS: So am I to think that the protest 7 concerns are shared according to you or shared by you 8 and the Schaeffers? 9 MR. WALKER: Yes. I would say that is 10 correct. Their concerns may be different in terms of 11 the economic impact to the value of their property if, 12 in fact, that project doesn't proceed. But certainly 13 we have comparable concerns. 14 MR. MPRAS: Let me -- so, I mean, a main -- 15 as you just stated, a main concern is the economic, you 16 know, value and viability of this project. 17 MR. WALKER: No. What I stated very clearly 18 was that I was concerned about the parking, the issue 19 with policing, the issue with rowdiness, and the impact 20 upon the -- the essential opportunity for me to be able 21 to lease this project successfully and provide the 1000 22 jobs to the community that in fact we even indicated to</p>	308	<p>1 other projects for Walmart -- is currently completed. 2 We have letters of intent. And your comment was 3 letters of intent are not valid. And in fact, the way 4 that you proceed with these particular types of 5 projects is that you sign letters of intent. Our 6 experience is approximately 90 percent of all letters 7 of intent were signed -- again, we've done some 11 8 million square feet of comparable project -- do in fact 9 go to fruit. 10 So I am extremely comfortable with this 11 project as did my Home Depot development in Rhode 12 Island project over at Metro, will be comparably 13 successful and in fact, will be completed. And in 14 fact, the pictures that you're about to show in terms 15 of the facilities currently there on the site, those 16 are being removed and the demolition will be proceeding 17 within approximately 60 days. 18 MR. MPRAS: No further questions. Thank you. 19 CHAIRPERSON MILLER: Thank you. 20 MR. COLLINS: Redirect. Is there anything 21 unusual about the sequence that you talked about 22 concerning getting letters of intent, signing leases,</p>
307	<p>1 the community we will be providing. 2 MR. MPRAS: Ma'am, I'd like to approach and 3 show Exhibit 3D to the witness. 4 MR. ALBERTI: For what purpose? 5 CHAIRPERSON MILLER: Yeah. 6 MR. MPRAS: So to confirm with the -- one of 7 the concerns of the protestants is rubbish. They have 8 -- 9 CHAIRPERSON MILLER: No. 10 MR. MPRAS: -- rubbish all over their 11 property line. 12 CHAIRPERSON MILLER: No. The concern -- 13 MR. ALBERTI: No, no. 14 CHAIRPERSON MILLER: I'm sorry, the concern 15 is for future, not -- I told you those would be -- 16 would be admitted for limited purposes. 17 MR. MPRAS: So, sir, one last question. 18 Aside from the Burlington lease, which we've already 19 discussed, there are no other actual leases in place at 20 this time; is that correct? 21 CHAIRPERSON MILLER: Yes. I indicated to 22 you, sir, the Walmart lease -- and we've done three</p>	309	<p>1 getting entitlements before you get your financing? 2 MR. WALKER: No. I mean -- 3 MR. COLLINS: Do you get your financing 4 first? 5 MR. WALKER: Well, you know, if I could get 6 it small bills and put it in my trunk, maybe. It 7 doesn't work that way. No. We -- and again, we've 8 developed some major projects throughout the mid- 9 Atlantic and in other communities. You identify the 10 property. You then go to your retailers and say, "This 11 is an opportunity." In our particular case, we're what 12 we call tenant driven. Most retailers come to us and 13 ask us or communities come to us and ask us to go to a 14 particular area. 15 Then you proceed to the city. And -- but 16 first you talk to the community to make sure that what 17 you're talking about is in sync with the community's 18 concept of what their interest is in this particular 19 project. Then you go to the community, to the powers 20 that be, the political apparatus, and you discuss when 21 it's appropriate for the site. And then you go and you 22 talk to, as I said, various agencies that would be</p>

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310	<p>1 involved, such as the Department of Employment 2 Services, etc. 3 Then at that point in time, you proceed with 4 your site design. Then you begin your process of major 5 tenant leases, submitting for letters of intent. In 6 our particular instance, for example, we're talking 7 with Dress Barn as one of our LOIs, which would be 8 their first neighborhood center. I've done 17 Dress 9 Barn stores. All right. So when I go to her and she 10 says, "I'm signing an LOI," I sure am extremely 11 comfortable that she's going to proceed with my vote. 12 MR. COLLINS: Thank you. No further 13 questions. 14 CHAIRPERSON MILLER: Okay. Wait a minute. 15 We'll do Board questions and then we go back to you. 16 Are there Board questions? Yeah, Mr. Jones. 17 MR. WALKER: I'm sorry. I'm sorry. 18 CHAIRPERSON MILLER: There's your -- 19 MR. WALKER: You're hiding around the corner. 20 MR. JONES: Oh, no worries. You're going to 21 -- you're going to stand? 22 MR. WALKER: Yeah, no. I see you. I</p>	312	<p>1 MR. JONES: Okay. 2 MR. WALKER: Yeah. 3 MR. JONES: '14? 4 MR. WALKER: We start -- yeah, we start in 5 May of '13. It's a 14-month construction process and 6 then it's two months for them to picture their store. 7 We believe that based upon the current level of letters 8 of intent and the interest that we have and our 9 experience in other projects, we will open this project 10 100 percent occupied. 11 MR. JONES: Okay. So 12/14 -- December '14 12 is when you expect Walmart to be up and operational? 13 That's the earliest -- that's the projected safe range? 14 MR. WALKER: I would say so, yes 15 MR. JONES: Maybe a few months here, a few 16 months there, but if all goes according to plan -- 17 MR. WALKER: Absolutely. Yeah. 18 MR. JONES: -- December 14th? Okay. And -- 19 MR. WALKER: When we did -- I can mention we 20 did that Home Depot project. From start to finish we 21 did that in 22 months. 22 MR. JONES: The Home Depot project is located</p>
311	<p>1 couldn't see you. Okay. 2 MR. JONES: Can you see me? 3 MR. WALKER: Yeah. 4 MR. JONES: I know I'm tiny. 5 MR. WALKER: No, you're hiding. 6 MR. JONES: Just real quick, the -- what's 7 the projected time frame for when you, as the developer 8 of the project -- am I characterizing that appropriate? 9 MR. WALKER: That's correct. Absolutely. 10 MR. JONES: As the developer of the project, 11 when would you -- when would the earliest be that you 12 would anticipate Walmart would be up and operational? 13 MR. WALKER: We would start construction in 14 May/June of this coming summer. We would anticipate 15 being open for business by Christmas of -- it would be 16 '15. Construction time's approximately -- 17 MR. JONES: Christmas of what? 18 MR. WALKER: Christmas of next year, '15. 19 Construction time, they start -- 20 MR. COLLINS: '14? 21 MS. MANNING: '14. 22 MR. WALKER: '14, I'm sorry. If we start --</p>	313	<p>1 where? 2 MR. WALKER: Right at the Rhode Island Avenue 3 Metro in Ward 5. 4 MR. JONES: Ward 5 where exactly again? 5 MR. WALKER: At the Rhode Island Avenue 6 Metro. It's -- 7 MR. JONES: The Rhode Island Avenue Metro? 8 MR. WALKER: It's adjoining TJ Maxx -- 9 MR. JONES: Yeah, I got you. 10 MR. WALKER: -- and Home Depot. We did that 11 development in 22 months. 12 MR. JONES: Okay. Is that 901 Rhode Island? 13 MR. COLLINS: I'm sorry. 14 MR. JONES: Yes. Yeah, I'm very familiar 15 with the store. 16 MR. WALKER: Oh, you shop there. 17 MR. JONES: Are there any -- to your 18 knowledge, are there any nightclub establishments near 19 that location, near the Home Depot location? 20 MR. WALKER: There wasn't when we did the 21 development. I don't believe that there are any. 22 Well, there's certainly nothing that's sitting next</p>

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314	<p>1 door where you can pay -- you know, park on my lot for 2 free. 3 MR. JONES: Okay. 4 MR. WALKER: I mean, no. 5 MR. JONES: Are you concerned with your -- as 6 it relates to this Walmart project, this development 7 effort here -- are you concerned about any of the 8 existing nightclub establish -- or ABRA-licensed 9 establishments -- 10 MR. WALKER: No. We were aware -- 11 MR. JONES: -- in that area, within the 1200 12 radius. 13 MR. WALKER: No. We were aware of the 14 presence of those clubs as it relates to this 15 particular project. I mean, they're there. But they're 16 far enough away at 1200 feet. And they're currently 17 dealing with the parking issues. In our instance, 18 we're offering essentially free parking lot. I mean, 19 not offering but I'm essentially providing a free 20 parking lot and immediately contiguous. These other 21 facilities were 1200 feet away. And so -- and they 22 have presumably established patterns with the providing</p>	316	<p>1 MR. WALKER: Yes. 2 MR. NOPHLIN: -- concern. Do you see a 3 relationship that you could develop between the 4 proposed Licensee and your development? Is there any 5 way you could work out some kind of agreement? 6 MR. WALKER: No. 7 MR. NOPHLIN: Thank you. 8 CHAIRPERSON MILLER: I just have one -- well, 9 one or two questions. You have a residential component 10 of your development; is that correct? 11 MR. WALKER: We are -- yeah, as part of my -- 12 the large tract review -- we were talking earlier about 13 the large tract review -- the Office of Planning has 14 designated this entire parcel as medium rise -- and 15 this is under the comprehensive plan -- as medium rise, 16 up to 13-story high, both residential and commercial. 17 And what we are planning -- this particular four acres, 18 which sits right here, you notice this is all single -- 19 these are two-story. 20 This is two-story, this is two-story. This 21 is single-story. And so the way -- and if you review 22 our large tract review, which is on the Office of</p>
315	<p>1 parking services for those particular establishments. 2 I can't imagine them -- I would hope anyway 3 that they wouldn't start using my lot for those clubs. 4 But, you know, but -- 5 MR. JONES: But I'm sorry, just to be more 6 concise with you, you're -- you do not have -- as a 7 developer, you do not have a concern about the existing 8 licensed establishments operating within the 1200 foot 9 -- 10 MR. WALKER: No. 11 MR. JONES: Okay. Got it. Thank you. Thank 12 you very much, Madam. 13 CHAIRPERSON MILLER: Yes, Mr. Nophlin. 14 MR. NOPHLIN: Yes. Based on your background 15 -- 16 MR. WALKER: I'm sorry. 17 MR. NOPHLIN: I'm sorry. I know you wouldn't 18 get (inaudible) -- 19 MR. WALKER: They're going to -- they're 20 going to lock my car in at 11:00. 21 MR. NOPHLIN: I'm going to piggyback on Board 22 Member Jones's --</p>	317	<p>1 Planning, I would encourage you to go look at that. 2 There's parks there. There's all kinds of neat things 3 that we are doing with this. But this is -- and there 4 are actually preliminary concept plans that were 5 presented to the community to show that this area could 6 be developed for approximately 400 units of 7 residential. 8 And we're anticipating that will be anywhere 9 from -- and my agreements with my major tenants allow 10 me to start that process in five years. 11 CHAIRPERSON MILLER: So my question is, are 12 you targeting or anticipating a certain type of 13 residents, such as families or professionals or young 14 professionals? 15 MR. WALKER: Well, we're -- yeah, we're 16 anticipating that this -- I mean, this is a -- is a 17 family neighborhood. This is not -- I mean, folks live 18 there. And then we're anticipating -- this is exactly 19 what we're doing. And we have a similar development in 20 Baltimore. We're doing 72 units as part of the 21 project. 22 Again, we're looking for middle -- lower-to-</p>

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318	<p>1 middle income folks that would be interested in living 2 in the -- this is a remarkable area in terms of its -- 3 in terms of where it's -- I mean, it just -- there's so 4 much going on. And it's going to continue going on. 5 That's why we want to be part of it and that's why 6 we're so upset about that happening here. 7 CHAIRPERSON MILLER: How many units are you 8 going to have? How many units are you going to have 9 here, residential? 10 MR. WALKER: Probably about 400. 11 CHAIRPERSON MILLER: And are you concerned 12 that some residents may not want to move there because 13 of the club? 14 MR. WALKER: That's a concern. If the club 15 were to be there, would you want to live next to a 16 club? 17 CHAIRPERSON MILLER: You can't ask me 18 questions. 19 MR. WALKER: I'm sorry. That's a bad 20 question to ask you. I apologize. 21 CHAIRPERSON MILLER: I just wanted to know if 22 that was one of your concerns.</p>	320	<p>1 residential -- 2 MR. WALKER: Well, yeah, no. Currently, that 3 would be the only residential component. 4 CHAIRPERSON MILLER: Only. 5 MR. WALKER: Ultimately -- and again -- and 6 these are long debts of 15-year lease. The Walmart 7 lease is 20 years. Depending upon if Walmart would 8 continue to extend its lease and remain in place, then 9 at that particular point in time, we wouldn't be able 10 to develop. However, our agreement -- we have a 99-year 11 ground lease on this. We're here long term. We'll be 12 here for a long time, unfortunately longer than I'm 13 going to be here. 14 But it's a situation where as this retail 15 were to be reconfigured and redeveloped -- and this 16 will be happening all over Washington, DC over the next 17 50 years. Properties that are essentially under- 18 utilized are going to be -- continue to be redeveloped 19 because they're not making any more dirt in Washington. 20 That's what -- and that's why -- I mean, this whole 21 project was designed with that in mind, just to take 22 advantage of the current circumstance but also -- the</p>
319	<p>1 MR. WALKER: Well, I mean, honestly, we 2 haven't even looked that far ahead. I mean, right now, 3 my focus is on developing this particular project and 4 ensuring that this is economically successful. Because 5 if this isn't successful, that'll never happen. 6 CHAIRPERSON MILLER: Oh, that's a part too, 7 of Phase 2 or something? 8 MR. WALKER: I mean, in order -- if for some 9 reason we were to find that -- for whatever 10 circumstances that this project was not successful -- I 11 described to you my experience -- personal experience 12 with another development. And then we -- the 13 residential components are uncertain. You -- 14 CHAIRPERSON MILLER: No, you can finish your 15 answer. He was just waiting. 16 MR. WALKER: Okay. Then this would be 17 certainly questionable because if you didn't have a 18 successful shopping center, then how would you have a 19 successful multi -- 20 CHAIRPERSON MILLER: But I just want to be 21 clear because you're -- that corner piece, that -- is 22 that the only residential component or there's another</p>	321	<p>1 system with the Office of Planning's plan, which is -- 2 you know, currently provides for high-rise all the way 3 -- oh, what is the development down Noma development? 4 When I did Rhode Island, Noma was a bunch of 5 single-story warehouses. You look at it today. It's 6 all high-rise. I mean, it's astounding what is 7 happening in Northeast. 8 CHAIRPERSON MILLER: Okay. Thank you. 9 MR. WALKER: I'm sorry. Yeah. 10 CHAIRPERSON MILLER: Any other questions? 11 MR. JONES: Yes, just real quick. And I 12 don't know why I didn't think of this. Fundamentally, 13 if that club license is approved and that -- a club 14 goes there, would you pull out of this project? 15 MR. WALKER: No. 16 MR. JONES: Okay. Thank you. 17 CHAIRPERSON MILLER: Okay. Any other 18 questions? Any redirect and -- 19 MR. MPRAS: Yes, ma'am. I have a couple 20 questions. 21 CHAIRPERSON MILLER: You have a follow up. 22 MR. MPRAS: Yes, sir. Mr. Walker, you went</p>

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322	<p>1 through all the time frames and everything. I'm just 2 curious, did this project to date proceed as you had 3 planned? 4 MR. WALKER: This project to date? No, it 5 has not. This project originally was anticipated to 6 have included a Lowe's store on the lower level. 7 Lowe's, unfortunately, withdrew -- essentially 8 terminated their entire expansion program throughout 9 the United States. There are no Lowe's stores that are 10 being developed. We not only had that situation here, 11 but I had -- I have a similar project in Newark and a 12 similar project in Baltimore. 13 We worked very closely with Walmart and are 14 working with Lowe's and -- I'm sorry -- the city and 15 we're able to locate Burlington Coat. Burlington has 16 just been bought out by Bain Capital. They're doing a 17 complete renovation to this -- they're one of the 18 largest children's shops in the country now at 65,000 19 feet and are an excellent draw for the small 20 (inaudible) facilities that we're proposing. 21 MR. MPRAS: More direct, so as far as your 22 time frame, has this -- has this project followed your</p>	324	<p>1 already gave your testimony. 2 MR. WALKER: I -- it's very lonely out there, 3 I want you to know. 4 CHAIRPERSON MILLER: Yeah, yeah. 5 MR. WALKER: And all you get to eat is 6 peanuts. It's really -- six floor, peanuts. 7 MR. ALBERTI: I didn't even know about those. 8 MR. WALKER: You didn't know about that? 9 MR. JONES: I know, right? I know. 10 MR. WALKER: Hot peanuts and it's a bucket -- 11 it's a great deal. (Inaudible) a dollar and a quarter. 12 MR. COLLINS: You're going to be sworn first. 13 MS. MILANOVICH: Okay. 14 CHAIRPERSON MILLER: All right, Mike. Yes. 15 Do you guys have a question before he starts? 16 MR. JONES: Just a -- just a point of 17 clarification or point of order or whatever you want to 18 call it -- point of something. Protestants, you only 19 have 11 minutes left. Licensee, you have 49 -- or 20 applicant, you have 49 minutes left. So just -- 21 MR. COLLINS: We'll be very quick. 22 MS. MILANOVICH: Okay.</p>
323	<p>1 anticipated time frame? 2 MR. WALKER: As I just said, I believe, that 3 this project was delayed because the situation with 4 Lowe's. We have put it back on track with the 5 Burlington and that the time scheduled, which I 6 provided, is the current time schedule. 7 MR. MPRAS: Thank you. 8 MR. WALKER: You're welcome. 9 CHAIRPERSON MILLER: Thank you. 10 MR. WALKER: Thank you. 11 MR. COLLINS: My next witness is Jami 12 Milanovich. 13 MR. WALKER: Thank you very much. 14 CHAIRPERSON MILLER: Thank you very much. 15 MR. JONES: Thank you for your time. 16 MR. COLLINS: I would like to offer Ms. 17 Milanovich as an expert witness. 18 MR. WALKER: Can I stay or can I go? 19 CHAIRPERSON MILLER: You can stay. 20 MR. JONES: You can stay. 21 MR. WALKER: I'm good now? 22 CHAIRPERSON MILLER: You're good now you</p>	325	<p>1 CHAIRPERSON MILLER: I -- Mr. Jones, I don't 2 feel that I noted that they didn't use their five 3 minutes for opening statements. So I think they could 4 have five more minutes if need be. 5 MR. JONES: Your call. 6 CHAIRPERSON MILLER: Okay. 7 MR. JONES: That takes you to 16. 8 CHAIRPERSON MILLER: Yeah. 9 MR. COLLINS: Appreciate it. 10 CHAIRPERSON MILLER: All right. Now, I'm 11 ready to do it. 12 MR. JONES: And -- but just for 13 clarification. 14 CHAIRPERSON MILLER: Uh-huh. Yeah. 15 MR. JONES: It goes to both sides, correct? 16 CHAIRPERSON MILLER: Correct. Do you swear 17 to tell the truth, the whole truth, nothing but the 18 truth? 19 MS. MILANOVICH: I do. 20 MR. COLLINS: And Ms. Milanovich, what is 21 your profession? 22 MS. MILANOVICH: I am a traffic engineer.</p>

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<p style="text-align: right;">326</p> <p>1 MR. COLLINS: And how long have you been a 2 traffic engineer? 3 MS. MILANOVICH: I've been practicing for 17 4 years. I've spent the last nine and a half practicing 5 in the District of Columbia. 6 MR. COLLINS: How many projects have you 7 handled before DDOT and other DC agencies involving 8 traffic and transportation issues? 9 MS. MILANOVICH: I would estimate hundreds -- 10 MR. COLLINS: Hundreds? 11 MS. MILANOVICH: -- over the last 9 1/2 12 years. 13 MR. COLLINS: How many times have you 14 qualified as an expert witness in proceedings in the 15 District of Columbia? 16 MS. MILANOVICH: I would -- I would probably 17 guess somewhere around 40 to 50. 18 MR. COLLINS: Forty? I would offer Ms. 19 Milanovich as an expert in traffic and transportation 20 in the District of Columbia. 21 CHAIRPERSON MILLER: Do you have any 22 objection, Mr. Mpras?</p>	<p style="text-align: right;">328</p> <p>1 garden. What is the parking requirement for a public 2 hall of that size? 3 MS. MILANOVICH: One space per every ten 4 seats. 5 MR. COLLINS: So for 616 seats, that would be 6 -- 7 MS. MILANOVICH: That would be a total of 62 8 onsite parking spaces. 9 MR. COLLINS: Sixty-two. And they're 10 required to be located where? 11 MS. MILANOVICH: On the property. 12 MR. COLLINS: On the property. And in this 13 case, the property is the site itself -- what's known 14 in the city as 2101 New York Avenue? 15 MS. MILANOVICH: Correct. 16 MR. COLLINS: I'm handing you some 17 information from the Office of Tax and Revenue website 18 identifying the property and ask if that's your 19 understanding of the lot? 20 MS. MILANOVICH: Yes, that is my 21 understanding. 22 MR. COLLINS: And the lot is -- is the lot</p>
<p style="text-align: right;">327</p> <p>1 MR. MPRAS: No objection. 2 CHAIRPERSON MILLER: Okay. Then -- 3 MR. COLLINS: Ms. Milanovich, do you -- 4 CHAIRPERSON MILLER: -- I'll recognize you as 5 an expert in traffic engineering -- 6 MR. COLLINS: Thank you. 7 CHAIRPERSON MILLER: -- traffic planning? 8 MR. COLLINS: Traffic and transportation 9 engineering. 10 CHAIRPERSON MILLER: Traffic and 11 transportation engineering. 12 MR. COLLINS: Ms. Milanovich, the applicants 13 propose to use a 14,500 square foot building as a 14 restaurant and club with entertainment and dancing and 15 cover charge. Could you tell us what the 16 classification of zoning purposes of that type of use 17 is? 18 MS. MILANOVICH: I believe that would be a 19 public hall. 20 MR. COLLINS: Public hall. The applicant 21 proposes 556 seats as shown on the application -- 556 22 seats for the club, plus, 60 seats for the summer</p>	<p style="text-align: right;">329</p> <p>1 size shown there? 2 MS. MILANOVICH: Yes, it is 22,824 square 3 feet. 4 MR. COLLINS: And so that lot on this site 5 plan here -- that lot includes what? Does it include 6 the building with the "X" marked on it -- so I'm 7 showing the applicants now -- the "X" and the building 8 next door or just this lot and the area behind it? 9 MS. MILANOVICH: I believe it's just that lot 10 and the area behind it. 11 MR. COLLINS: Area behind it. And so the -- 12 if the building is 14,000 square feet and the lot is 13 22,800 square feet, that leaves approximately how much 14 square feet of open space on the lot? 15 MS. MILANOVICH: Roughly 8000 square feet. 16 MR. COLLINS: And so you've seen that the 17 applicant -- the requirement's for 62 spaces. Can you 18 kind of give a ballpark idea? About 8000 square feet, 19 how many parking spaces could you fit in the parking 20 square feet? 21 MS. MILANOVICH: Sure. If you look at the 22 size of the parking spaces required per the municipal</p>

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<p style="text-align: right;">330</p> <p>1 regulations, they're required to be 19 feet long by 9 2 feet wide. Drive aisles need to be 20 feet wide to 3 accommodate two-way traffic. Using those dimensions, 4 I'd estimate it based on my calculations that you could 5 fit approximately 31 spaces max on that site. 6 MR. COLLINS: Thirty-one. And the total 7 occupancy of the club that's proposed by the applicant 8 is stated to be 1271 spaces, plus, 60 for the summer 9 garden, which totals 1331 people. 10 MS. MILANOVICH: Right. 11 MR. COLLINS: Is it likely that the demand 12 for parking would be higher than those 62 onsite -- or 13 the 62 required spaces? 14 MS. MILANOVICH: I think it would be 15 significantly higher, yes. 16 MR. COLLINS: And is there convenient access 17 to Metrorail? 18 MS. MILANOVICH: No, not in that particular 19 area. The nearest Metro station is a mile as the crow 20 flies. It would be a longer walking distance. That's 21 the Rhode Island Avenue Metro station. The New York 22 Avenue Metro station is 1 3/4 mile as the crow flies.</p>	<p style="text-align: right;">332</p> <p>1 occupancy for a public hall? Would they have to get a 2 zoning variance? 3 MS. MILANOVICH: Yes. If they can't provide 4 the required 62 spaces onsite, it would require a 5 parking variance from the Board of Zoning Adjustment. 6 MR. COLLINS: Okay. And they're proposing 7 spaces around the area. There was testimony when you 8 were out of the room -- and I hope this is okay -- but 9 there was no discussion about this. They mentioned 10 they do not have a lease for these 20 spaces here. But 11 going around, I guess, counterclockwise, there are 65 12 spaces shown on the Days Inn, which is diagonally 13 across the intersection. 14 MS. MILANOVICH: Uh-huh. 15 MR. COLLINS: Assuming that they could get a 16 lease for 65 spaces from there, it's obvious that 17 someone would have to cross both Bladensburg and New 18 York -- 19 MS. MILANOVICH: Uh-huh. 20 MR. COLLINS: -- to get to the site. 21 MS. MILANOVICH: That's correct. 22 MR. COLLINS: The city classifies</p>
<p style="text-align: right;">331</p> <p>1 MR. COLLINS: Okay. And what about Metrobus? 2 Is it likely people coming to this club and coming late 3 in the evening -- late would be taking the Metrobus? 4 MS. MILANOVICH: Metrobus service in that 5 particular area is pretty limited. There is a bus stop 6 on Bladensburg Road, near the intersection with New 7 York Avenue. My understanding is that that service is 8 primarily a bus route that only operates when school is 9 in session. The other nearest Metro station, I 10 believe, is at the intersection of New York Avenue and 11 16th Street. 12 MR. COLLINS: Okay. All right. Thank you. 13 Referring to the applicant's parking plan again, the 14 location of these spaces and going around -- I'll hold 15 this back so that you can -- you can see it. I know 16 the applicant has their own copy. It's their plan. 17 But kind of going clockwise around, starting with -- 18 you mentioned already that this site does not have 19 sufficient space. 20 The site of the club does not have sufficient 21 space to handle their parking on site. What would be 22 their options for -- in order to get a certificate of</p>	<p style="text-align: right;">333</p> <p>1 intersections by -- in order of magnitude by danger and 2 things. 3 MS. MILANOVICH: Right. 4 MR. COLLINS: And you -- what do you know 5 about this intersection, Bladensburg and New York? 6 MS. MILANOVICH: DDOT had conducted a New 7 York Avenue corner study. I believe the date of the 8 study is 2005. And in that study they rank 9 intersections along New York Avenue. And they listed 10 the New York Avenue- Bladensburg Road intersection as 11 the most dangerous -- highest frequency of crashes in 12 the city. 13 MR. COLLINS: So that's No. 1? 14 MS. MILANOVICH: No. 1. That's correct. 15 MR. NOPHLIN: Speak a little louder, please? 16 MR. COLLINS: Thank you. 17 CHAIRPERSON MILLER: Could you say that -- 18 MR. NOPHLIN: Can't hear you. 19 CHAIRPERSON MILLER: -- more loudly? Mr. 20 Nophlin couldn't hear that. 21 MS. MILANOVICH: I'm sorry. In DDOT's 2005 22 New York Avenue Corridor Study, they ranked the</p>

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334	<p>1 intersections along New York Avenue in terms of the 2 number of accidents. And the New York Avenue- 3 Bladensburg Road intersection is listed as the highest 4 in the entire city. 5 MR. COLLINS: Okay. So in terms of -- again, 6 going around, there's 65 spaces. If they assumed they 7 would able -- be able to get parking here, they would 8 have to cross over the most dangerous intersection in 9 the city to get to that site? 10 MS. MILANOVICH: That's correct. 11 MR. COLLINS: These 88 spaces for the 12 McDonald's, do you know anything about the availability 13 of those spaces? 14 MS. MILANOVICH: We actually have had a 15 response from McDonald's and they have indicated to us 16 that they do lease those 88 spaces from the adjacent 17 gas station. But they've also indicated that they do 18 not sublease those spaces to others. 19 MR. COLLINS: I'm showing you an email and 20 ask that that's -- is that what you're referring to? 21 MS. MILANOVICH: Yes. That is correct. 22 MR. COLLINS: And that's from -- this speaks</p>	336	<p>1 MR. COLLINS: Okay. 2 CHAIRPERSON MILLER: I haven't really been 3 doing that. And I -- 4 MR. COLLINS: We can -- 5 CHAIRPERSON MILLER: -- can ask if Mr. Mpras 6 objected to any. So do you want to do that now? 7 MR. COLLINS: Sure. We could do it now or -- 8 CHAIRPERSON MILLER: I mean -- 9 MR. COLLINS: -- we could -- I could -- 10 however you want to do it. I'm happy to -- 11 CHAIRPERSON MILLER: Okay. 12 MR. COLLINS: I just assume that -- 13 CHAIRPERSON MILLER: Let's do it now. I 14 think the first one I have -- but I could be mistaken - 15 - might be the Ward 5 Heartbeat article. 16 MR. COLLINS: Uh-huh. 17 CHAIRPERSON MILLER: Do you know what exhibit 18 that would be -- what number? 19 MR. COLLINS: I think the pictures were 3 20 from Mr. Mpras. Was that the last one? 21 MR. ALBERTI: Well, we'd have protesting an 22 applicant (inaudible).</p>
335	<p>1 for itself. Well, continuing around -- let's see. 2 We've talked about -- there's also -- just say this -- 3 the 68 spaces was said to be an error and that there 4 are no 68 spaces for that purpose. Thank you. Did I 5 hand you -- 6 CHAIRPERSON MILLER: You did give me one copy 7 of a -- of an email -- 8 MR. COLLINS: Sorry. I meant to hand you 9 more. 10 CHAIRPERSON MILLER: -- regarding McDonald's. 11 Oh, okay. Thank you. 12 MR. COLLINS: Then -- 13 CHAIRPERSON MILLER: Yes. I move here -- are 14 you -- Mr. Collins, are you waiting to move all of 15 these into evidence or you're going to? 16 MR. COLLINS: Oh, yes. Yes. That's what I'm 17 -- 18 CHAIRPERSON MILLER: You intended to? 19 MR. COLLINS: Yes. I intended it -- as I 20 hand them to you to move them all as evidence. 21 CHAIRPERSON MILLER: Okay. They're not 22 identified with any numbers or anything.</p>	337	<p>1 MR. COLLINS: Okay. Well, these will be -- 2 that would be -- 3 CHAIRPERSON MILLER: Do you have any -- is 4 this your first exhibit? 5 MR. COLLINS: Yes. 6 CHAIRPERSON MILLER: Okay. 7 MR. ALBERTI: Are you -- are you admitting 8 those? 9 CHAIRPERSON MILLER: Okay. 10 MR. COLLINS: These are already in the 11 record. 12 CHAIRPERSON MILLER: Right. 13 MR. COLLINS: And these are attached to the 14 applicant -- our protest from when we originally filed 15 the application -- 16 MR. ALBERTI: Okay. 17 MR. COLLINS: -- I mean, the -- filed the 18 protest. 19 MR. ALBERTI: Okay. 20 CHAIRPERSON MILLER: Okay. So Exhibit No. 1 21 -- protestant's Exhibit No. 1 would be the copy of Ward 22 5 Heartbeat?</p>

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338	<p>1 MR. COLLINS: Right. The plaque would be 2 Exhibit 2. 3 CHAIRPERSON MILLER: Right. The map of the 4 distances between -- yes. 5 MR. COLLINS: The map. Okay. 6 CHAIRPERSON MILLER: Okay. But No. 3 is 7 what? 8 MR. COLLINS: No. 3 would be the OTR 9 information -- Office of Tax and Revenue information. 10 And then No. 4 -- 11 CHAIRPERSON MILLER: Would you identify the 12 OTR information more? 13 MR. COLLINS: Sorry? 14 CHAIRPERSON MILLER: Could you identify the - 15 - which is the OTR information? 16 MR. COLLINS: The document that indicates the 17 value of the property -- 18 CHAIRPERSON MILLER: Right. 19 MR. COLLINS: The lots and squares. Can't 20 keep up myself. 21 CHAIRPERSON MILLER: Okay. 22 MR. COLLINS: It's the District of Columbia</p>	340	<p>1 MR. COLLINS: That's why -- it was in the 2 bottom of my stack. I apologize. I didn't mean to 3 give it to you. But that's -- 4 CHAIRPERSON MILLER: Okay. Right. 5 MR. COLLINS: -- I think that's already in 6 the record or -- 7 CHAIRPERSON MILLER: Okay. 8 MR. COLLINS: -- it's dated. It was to you. 9 It wasn't to me. 10 CHAIRPERSON MILLER: Got it. 11 MR. COLLINS: Something I had but I -- 12 CHAIRPERSON MILLER: Okay. 13 MR. COLLINS: -- brought copies. 14 CHAIRPERSON MILLER: So now -- okay. 15 MR. COLLINS: Right. So -- 16 CHAIRPERSON MILLER: Wait a second. Now, are 17 there any objections to any of these documents? 18 MR. MPRAS: We can go through them one by 19 one. Did you -- have you numbered them yet, ma'am? 20 CHAIRPERSON MILLER: Uh-huh. Yes. 21 MR. MPRAS: Okay. I believe the first one 22 was a news article, Ward 5 Beat [sic].</p>
339	<p>1 property details. 2 CHAIRPERSON MILLER: Yeah. 3 MR. COLLINS: All right. I think I skipped 4 over the -- well, the Jami Milanovich's -- her expert 5 testimony -- her -- 6 CHAIRPERSON MILLER: That's -- we don't need 7 that as an exhibit though. 8 MR. COLLINS: Okay. 9 CHAIRPERSON MILLER: Then you submitted that 10 for me determined whether -- 11 MR. COLLINS: All right. 12 CHAIRPERSON MILLER: -- you can be an expert, 13 right? Okay. 14 MR. COLLINS: Okay. And then the next would 15 be the McDonald's email. 16 CHAIRPERSON MILLER: I think I also have a 17 letter from Mr. McDuffy (ph). Do you -- 18 MR. COLLINS: Hang on a second. I'm sorry. 19 That may have been a -- that may have been in the 20 bottom of my stack. 21 CHAIRPERSON MILLER: Oh, you thought that 22 that was already in the record?</p>	341	<p>1 CHAIRPERSON MILLER: A news article, Ward 5 2 Heartbeat. Okay. 3 MR. MPRAS: Ma'am, we have no objection to 4 Exhibit 1 or Exhibit 3, but we do object to Exhibit 2 5 and 4. 6 CHAIRPERSON MILLER: Okay. Let's start with 7 2. Which one is 2 again? 8 MR. MPRAS: The map of distances and the 9 email. I'm sorry, 2 and 4. We don't object to 1 and 3, 10 but we do to 2 and 4. 11 CHAIRPERSON MILLER: Tell me what 2 is again. 12 MR. MPRAS: Two and four, it's -- you know, 13 we object because there hasn't been -- this is lack of 14 foundation as to their -- to their authenticity. 15 CHAIRPERSON MILLER: Oh, okay. Take one a 16 time. No. 2, is this the map that you're talking about? 17 MR. MPRAS: Yes. 18 CHAIRPERSON MILLER: Okay. Mr. Collins, can 19 you address the map, please? 20 MR. COLLINS: Sure. These -- this is from 21 Wiles Mensch Corporation, the civil engineers for the 22 development project next door. And Mr. Walker asked</p>

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342	<p>1 them to plot out in accordance with the -- with the 2 method by which this Board measures distances because 3 we had gotten the document from the investigative 4 report, which showed a method of measuring which is not 5 consistent with what the Board provides. 6 And this shows in the upper right-hand corner 7 -- it says, "Information shown provided by a DC GIS CAD 8 file." So this is the same basis -- the same 9 information that's used by -- in the ABRA report. The 10 only difference is that it measures from property line 11 to property line instead from the center of one 12 property to the center of another property. 13 CHAIRPERSON MILLER: And who did this? 14 MR. COLLINS: Sorry? 15 CHAIRPERSON MILLER: Who prepared this? 16 MR. COLLINS: This is prepared by Ryan 17 Brannan of Wiles Mensch Corporation. 18 CHAIRPERSON MILLER: And what kind of 19 corporation are they? 20 MR. COLLINS: They're civil engineers. 21 CHAIRPERSON MILLER: Civil engineers. Okay. 22 All right. Then I'll overrule that objection and admit</p>	344	<p>1 authentic than the other McDonald's that we admitted 2 that didn't have any letterhead or anything. This does 3 say exactly who it's from and it identifies McDonald's. 4 So you can challenge the weight to give it but I'm 5 going to admit it into evidence. And it's certainly 6 relevant, given the fact that we would be evaluating 7 the McDonald's correspondence that the applicant 8 submitted. 9 Okay. So let's proceed. 10 MR. COLLINS: Thank you. Do you have any 11 other observations on your -- on this application? 12 MS. MILANOVICH: Yeah. We've reviewed the 13 proposed plans for the nightclub. We identified a 14 number of concerns related to parking and traffic. Our 15 concerns are classified into three categories; one, an 16 insufficient parking plan; two, the lack of an adequate 17 plan to handle the shuttle buses; and three, the lack 18 of any information regarding loading or deliveries to 19 the site. 20 With regard to parking, the applicant has 21 provided no plan to show how the required parking would 22 be accommodated onsite. They maintain that 110 parking</p>
343	<p>1 this. And No. 4 is which? 2 MR. MPRAS: The email. 3 CHAIRPERSON MILLER: The email. Okay. And 4 now, what's the basis for the objection? 5 MR. MPRAS: The same grounds. 6 CHAIRPERSON MILLER: Authenticity? 7 MR. MPRAS: The source. 8 MR. COLLINS: Source is from -- well, this is 9 -- it speaks for itself. I wrote an email to John 10 Eichberger, who is the area construction manager for 11 McDonald's -- Baltimore/Washington region, asking him 12 whether McDonald's leases out to others or otherwise 13 makes available to others any portion of the parking 14 lot. 15 MR. MPRAS: And this was done from a 16 franchisee, as was testified previously. 17 CHAIRPERSON MILLER: What? 18 MR. MPRAS: And the permission received was 19 from this franchisee, not from McDonald's Corporate, as 20 was -- as was -- 21 CHAIRPERSON MILLER: Okay. I'm going to 22 overrule the objection. I think it's way more</p>	345	<p>1 spaces could be accommodated onsite. Just to put that 2 into perspective, if you look at the car -- you can see 3 the cars on this aerial stacked on New York Avenue. If 4 you look at these three lanes, this stretch right here 5 of New York Avenue, there are actually 77 cars in that 6 swath. 7 If you take into account some gaps that are 8 between vehicles, you could actually fit 93 cars in 9 this entire stretch here. And that's obviously a 10 significantly larger area than where they're showing 11 110 spaces could be accommodated. Additionally as I 12 indicate earlier, the availability of the spaces that 13 they have shown adjacent to the site is questionable. 14 The applicant has also indicated plans to 15 operate a shuttle bus between the premises and 16 approximately 1400 parking spaces at an offsite 17 location. However, the applicant has not provided any 18 information regarding the frequency of the shuttle bus, 19 how often it would be running, the path that the 20 shuttle bus would take, or the location or availability 21 of those offsite parking spaces. 22 The plans for the nightclub do show a</p>

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346	<p>1 circular driveway in front of the -- in front of the 2 club with two curb cuts on New York Avenue. According 3 to DDOT's design and engineering manual, a new curb cut 4 or driveway shall not be permitted from any property 5 with alley access unless the applicant provides 6 documentation that the alley access is not possible due 7 to topography or if it's in conflict with the 8 comprehensive plan. 9 And you can see the alley on the aerial. 10 There is in fact an alley that -- it gets cut off here 11 a little bit but it does provide access to the 12 property. There's been no evidence that the applicant 13 has evaluated that as a potential alternative and 14 there's been no evidence that that option has -- that 15 the circular driveway on New York Avenue has been 16 vetted through DDOT and whether DDOT would consider the 17 circular driveway on New York Avenue an appropriate 18 alternative to the alley considering they do have alley 19 access. 20 Additionally, DDOT's stated policy is that no 21 curb cuts shall be granted on an arterial roadway such 22 as New York Avenue. Based on our extensive experience</p>	348	<p>1 And then, thirdly, we have not seen any 2 information as to how the delivery activities and the 3 loading for the site would occur. The DCMR does 4 require an onsite loading berth. And we've not see how 5 that would happen, whether it is feasible that trucks 6 could get in and out of the site and actually do their 7 loading activities on the site and not on the adjacent 8 roadways. 9 So in summary, we believe the applicant has 10 overstated the availability of off-street, offsite 11 parking in the immediate vicinity of the subject site. 12 Additionally, we have concerns regarding the 13 feasibility of the applicant's plans to create a 14 shuttle to and from the premises, and have questions 15 regarding the impact of loading activities and 16 deliveries to the site. 17 We believe that these issues could have a 18 significant impact on the adjacent streets, as well as 19 on the adjacent shopping center that is currently 20 undergoing -- going through the permitting process. 21 The parking that's provided at the adjacent shopping 22 center will provide an attractive, easy, convenient</p>
347	<p>1 with DDOT, DDOT request an extensive evaluation of 2 other options before they would even consider granting 3 curb cuts on an arterial road such as New York Avenue. 4 And finally, with regard to the curb cut, 5 there is an existing median on New York -- I'm sorry, 6 median break on New York Avenue immediately in front of 7 where the circular driveway would be. That would allow 8 cars using the circular driveway or shuttle buses using 9 that circular driveway to make a left in off of New 10 York Avenue into the site or to make a left out onto 11 New York Avenue. 12 Given the significant volume of traffic on 13 New York Avenue -- it carries 57,000-67,000 vehicles 14 per day in that area -- we think this is potentially a 15 very significant operational and safety concern with 16 regard to the lefts being made in and out of there. So 17 given the uncertainty as to DDOT's approval of the 18 proposed curb cuts on New York Avenue, we're concerned 19 that the shuttle bus operation will actually take place 20 on the adjacent streets, contributing to operational 21 issues, adding to the traffic congestion, and also 22 posing a safety concern on the adjacent streets.</p>	349	<p>1 alternative without a proper parking plan in place. 2 And that would have a significant impact on the 3 operation of the shopping center. 4 MR. COLLINS: Do you think that this has -- 5 your conclusion with regard to the compliance of this 6 project with 23 DCMR Section 400.1(c) we spoke of 7 earlier? Do you have an opinion on that as an expert? 8 MS. MILANOVICH: Yeah, I'm -- 400.1(c) speaks 9 to the flow of traffic will be of such pattern and 10 volume to neither increase the likelihood of vehicular 11 accidents nor put pedestrians at unreasonable risk of 12 harm from vehicles. I don't think that they have met 13 the burden of proof in that particular statement. I 14 think that there are significant safety concerns and 15 operational concerns. 16 MR. COLLINS: Thank you. No further 17 questions. 18 CHAIRPERSON MILLER: Okay. Mr. Mprass? 19 MR. MPRAS: Yes, ma'am. Thank you. Ms. 20 Milanovich, have you gone -- have you done any onsite 21 observations as to -- so the traffic and the conditions 22 in the proposed club venue?</p>

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350	<p>1 MS. MILANOVICH: I've done -- I've done 2 traffic studies immediately adjacent to that site. And 3 I've made many observations for that surrounding area. 4 MR. MPRAS: No, ma'am. I mean, for the 5 purpose of your testimony today, have you gone down to 6 the area of 2101 -- 7 MS. MILANOVICH: I did not visit the site, 8 no. 9 MR. MPRAS: Thank you. At all? 10 MS. MILANOVICH: No. 11 MR. MPRAS: Did you visit it? Now, ma'am, 12 what is your authority for citing -- you said there was 13 one space for every ten seats on this property. What 14 is -- what is the authority for that? 15 MS. MILANOVICH: It's in the DCMR, Chapter 16 21, I believe. 17 MR. MPRAS: Be -- 18 MS. MILANOVICH: There's a schedule of 19 parking requirements for various uses. 20 MR. MPRAS: Would that be from 1101? Is that 21 it? 22 MS. MILANOVICH: Yeah.</p>
352	<p>1 MS. MILANOVICH: No, I referenced that study 2 for one particular instance. 3 MR. MPRAS: Okay. 4 MS. MILANOVICH: I didn't base my testimony 5 on that study otherwise. 6 MR. MPRAS: Since you've already told us you 7 did not go down to -- for the -- for the purposes of 8 the testimony today, you did not go down -- you did -- 9 on site, could you tell us what sources you used in 10 informing your report? 11 MS. MILANOVICH: Well, again, I've conducted 12 a number of studies in that area. 13 MR. MPRAS: Uh-huh. How many? 14 MS. MILANOVICH: At least two recently. 15 MR. MPRAS: And recently would be -- a 16 general time frame would be fine. 17 MS. MILANOVICH: Within the last couple of 18 years. 19 MR. MPRAS: Okay. 20 MS. MILANOVICH: Two to three years. 21 CHAIRPERSON MILLER: Two or three years? 22 MS. MILANOVICH: Two or three years. I'm</p>
351	<p>1 MR. MPRAS: 2101 of the DC Code. Now, ma'am, 2 are you aware that 2101.1 states, "On or after May 3 12th, 1958, all buildings or structures shall be 4 provided with parking spaces as specified in the 5 following table?" 6 MS. MILANOVICH: Yes. 7 MR. MPRAS: Okay. Now, if this building was 8 constructed prior to 1958, this would not apply, would 9 it? 10 MS. MILANOVICH: I can't answer that. I've 11 never had that situation. 12 MR. NOPHLIN: Can't hear. Don't forget about 13 me. Can't hear. 14 MS. MILANOVICH: Oh, I'm sorry. I don't know 15 the answer to that question. 16 MR. MPRAS: And do you know when this 17 building was built? 18 MS. MILANOVICH: I do not. 19 MR. MPRAS: Now, so you base -- you base -- 20 I'm sorry. Excuse me. So you based your report on 21 previous reports on the 2005 DDOT study that you 22 mentioned?</p>
353	<p>1 sorry. 2 CHAIRPERSON MILLER: Okay. 3 MS. MILANOVICH: You know, I've reviewed the 4 plans. And it's -- my testimony was based on that 5 information. 6 MR. MPRAS: Ma'am, based on your testimony, 7 would it surprise you to know that this establishment 8 has received a zoning certification that the use of the 9 property located at 2101 New York Avenue, NE, for the 10 purposes of operating a restaurant/club? 11 MS. MILANOVICH: If you -- if that's the 12 case, that's the case. 13 MR. MPRAS: At this time, ma'am, I'd like to 14 offer into evidence zoning certification issued by the 15 DC government. 16 MR. COLLINS: Can I see a copy of that, 17 please? 18 MR. MPRAS: Ma'am, under the rules of federal 19 evidence, the District follows Rule 902. This is -- 20 excuse me -- this is a domestic public document, not 21 undersealed, but bearing the signature of a public 22 officer and is admissible.</p>

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354	<p>1 CHAIRPERSON MILLER: I'm sorry, could you say 2 that again? 3 MR. MPRAS: Yes, ma'am. Under Rule 902 of 4 the Federal Rules of Evidence, this is a domestic 5 public document, not undersealed, but bearing a 6 signature of a public officer and is admissible. 7 CHAIRPERSON MILLER: Okay. 8 MR. COLLINS: Madam Chair, I'm -- 9 CHAIRPERSON MILLER: Well, we're not -- we're 10 not necessarily -- we're not necessarily bound by the 11 Federal Rules of Evidence. 12 MR. MPRAS: No, ma'am. 13 CHAIRPERSON MILLER: But if we're guided by 14 the rules of evidence -- 15 MR. MPRAS: yeah, go ahead. 16 CHAIRPERSON MILLER: So -- but -- so your 17 proffering that this is the official document signed by 18 the zoning administrator? 19 MR. MPRAS: Correct. 20 CHAIRPERSON MILLER: And you're offering it 21 for what purpose? 22 MR. MPRAS: For evidence that this</p>	356	<p>1 nothing in there that says it complies with the loading 2 requirement. 3 MR. MPRAS: Ma'am, these are -- 4 MR. COLLINS: I think it's just -- it's a 5 total misread of the way that the regulations -- that 6 Mr. Mpras is asking this Board to accept that since the 7 building was built at some point, either before or 8 after 1958, the parking requirements of the zoning 9 regulations don't apply. That's just - that's not how 10 the regulations work. 11 MR. MPRAS: And actually that is a viable 12 argument for the -- should it come before the zoning 13 board, which is -- 14 CHAIRPERSON MILLER: Well, no. The argument 15 there though is for what purpose is this document being 16 submitted? And it -- if it's for the purpose that this 17 property is zoned restaurant/club, which is in a 18 permitted use in the C-M-1 District, which is what this 19 indicates, that that purpose -- I don't have a problem 20 with it. It doesn't specifically that your building or 21 proposed building is in accordance with zoning -- of 22 the zoning requirements, correct?</p>
355	<p>1 establishment is properly zoned for the -- for the 2 restaurant/nightclub. 3 CHAIRPERSON MILLER: You're saying that this 4 property is zoned for a nightclub? 5 MR. MPRAS: It's a zoning certification of 6 the use of the property for the purpose of a nightclub 7 -- is proper. 8 CHAIRPERSON MILLER: Is what? 9 MR. MPRAS: Is proper. 10 CHAIRPERSON MILLER: Mr. Collins? 11 MR. COLLINS: Sorry. Well, that's what it 12 says but what it doesn't say is that -- the zoning 13 regulations, Madam Chair, as you well know -- the 14 zoning regulations govern a number of things. They 15 govern use. They govern -- plus, all the other physical 16 features, height, setbacks, FAR, a lot of occupancy, 17 parking and loading. So the use -- sure, the use is a 18 permitted use. 19 But does it comply with the parking 20 requirements? That -- there's nothing in there that 21 says it complies with the parking requirements. Does 22 it comply with the loading requirements? There's</p>	357	<p>1 MR. MPRAS: Actually, ma'am, just for the 2 contents stated therein. 3 CHAIRPERSON MILLER: Okay. 4 MR. PADOU: Madam Chair? 5 CHAIRPERSON MILLER: Yeah. 6 MR. PADOU: Before you rule on the document, 7 we do object. With all due respect, this Board is not 8 guided by the Federal Rules of Evidence. In the 9 District of Columbia, we have a unique common law-based 10 rule of evidence found in Gray's Evidence. This is a 11 hearsay document. It's not sealed, which is generally 12 what the DC courts require of a document. It's hearsay 13 according to bear out the truth of what it states. We 14 object. 15 MR. COLLINS: I'd also just like to point out 16 for what it's worth the last sentence on here, 17 "Certificate of the proposed use upon the indicated at 18 this date does not imply further approval of building 19 plans and/or certificates of occupancy." 20 CHAIRPERSON MILLER: Right. 21 MR. ALBERTI: Uh-huh. 22 CHAIRPERSON MILLER: Good. It's very limited</p>

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358	<p>1 purpose here. 2 MR. ALBERTI: Madam Chair, can I just say 3 that this -- it's -- all this document really does is 4 validate what we already have in evidence, that this is 5 -- 6 CHAIRPERSON MILLER: And the investigative 7 report. 8 MR. ALBERTI: -- in a C-M-1 zone and this 9 Board can take administrative note of what's allowed in 10 the C- M-1 zone, which I believe -- and I've have to 11 check -- but I believe in a C-M-1 zone, this type of 12 use is permitted. And that's all this does. 13 CHAIRPERSON MILLER: Correct. 14 MR. COLLINS: Thank you. 15 CHAIRPERSON MILLER: Okay. So -- but I don't 16 -- you still want to admit it? 17 MR. MPRAS: Yes, ma'am. 18 CHAIRPERSON MILLER: Okay. so that's -- it's 19 admitted for that limited purpose. Okay. What -- it's 20 -- do you -- are you keeping track of your exhibit 21 log? 22 MR. MPRAS: That would be No. 4, ma'am.</p>	360	<p>1 MR. MPRAS: -- Days Inn. 2 CHAIRPERSON MILLER: What? 3 MR. MPRAS: Days Inn. 4 CHAIRPERSON MILLER: The Days Inn. Okay. 5 They were in together. Okay. Thank you. So where 6 were we? Mr. Mpras, you're cross-examining? 7 MR. MPRAS: Yes, ma'am. 8 CHAIRPERSON MILLER: Okay. 9 COURT REPORTER: It's 10:00 right now. How 10 long do you think we have left? 11 CHAIRPERSON MILLER: Many people have to 12 leave by 10:30. So -- 13 COURT REPORTER: I need to leave by 10:30 as 14 well. 15 CHAIRPERSON MILLER: Okay. Let's -- believe 16 we can do that. 17 MR. MPRAS: Yes, ma'am. 18 CHAIRPERSON MILLER: Is this the -- is this 19 the last witness? 20 MR. COLLINS: Yes, it is. 21 CHAIRPERSON MILLER: Okay. 22 MR. COLLINS: Of my presentation.</p>
359	<p>1 CHAIRPERSON MILLER: Okay. Mr. Mpras, could 2 you mind us -- I'm sorry -- what Exhibits 1, 2 and 3 3 were? I didn't -- 4 MR. MPRAS: Yes, ma'am. Let me dig through 5 it. Three were the photos. They were, I believe, A 6 through E or F. 7 MS. MANNING: F. 8 CHAIRPERSON MILLER: Photos of the Schaeffer 9 properties? 10 MR. MPRAS: Yes. 11 CHAIRPERSON MILLER: Okay. That was 3 and 12 they were admitted. There was no objection that I 13 recall. Okay. You got the photos? You don't have the 14 photos? Okay. 15 MR. ALBERTI: Oh, that stack of photos? 16 MR. MPRAS: And then 1 and 2 were the letters 17 from the McDonald's and the Days Inn. 18 CHAIRPERSON MILLER: Oh, the McDonald's 19 letter and the billing for parking the TJ [sic], 20 whatever that was. 21 MR. MPRAS: It was Days -- 22 MS. MANNING: Days Inn.</p>	361	<p>1 CHAIRPERSON MILLER: Of your -- oh, do the 2 protestants have another witness? 3 MR. PADOU: Madam Chair, we have three 4 witnesses outside. One, Michael Kiefer is a real 5 estate agent who will be testifying about the impact on 6 real estate value. I can get him up and down in five 7 minutes. 8 CHAIRPERSON MILLER: Okay. Good. 9 MR. PADOU: The other two residents are -- 10 I'm sorry, the other two witnesses are both residents 11 of the nearby Arboretum neighborhood. One of them is a 12 shared witness between me and Mr. Chandler. And I 13 think I can get her up and down in less than five 14 minutes. 15 CHAIRPERSON MILLER: Okay. Let's try to do 16 this. Okay? 17 MR. PADOU: All right. 18 CHAIRPERSON MILLER: All right. Do you have 19 any more cross? 20 MR. MPRAS: No, ma'am. 21 CHAIRPERSON MILLER: No? You're finished? 22 MR. COLLINS: Thank you.</p>

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362	<p>1 MR. ALBERTI: Can I ask a real quick 2 question? 3 CHAIRPERSON MILLER: Okay. Real quick. 4 Yeah, yeah. 5 MR. ALBERTI: Ms. Milanovich, you talked 6 about the DDOT requirements -- 7 MS. MILANOVICH: Uh-huh. 8 MR. ALBERTI: -- for crowds and all that 9 other sorts of thing. I'm just going to make a 10 statement here real quick. The Board cannot issue a 11 license until all of the approvals are made and until 12 they have a CFO. So my question is, do you have any 13 idea where -- of where the applicant and DDOT are in 14 that process of approval for the request and have the 15 requests been made and do you have any knowledge of 16 that? 17 MS. MILANOVICH: I don't and that's our 18 concern is that there has been no evidence that -- 19 MR. ALBERTI: Okay. I understand. So you 20 don't have knowledge of that, correct? 21 MS. MILANOVICH: That's correct. 22 MR. ALBERTI: Thank you. That's all.</p>	364	<p>1 was? 2 CHAIRPERSON MILLER: What? Go ahead, Mr. 3 Jones. Do you know? 4 MR. JONES: Yes, I do. 5 CHAIRPERSON MILLER: Okay. He'll answer your 6 question specifically. 7 MR. JONES: Licensee has 42 minutes 8 remaining. The protestants have five minutes remaining. 9 MR. MPRAS: Thank you. 10 CHAIRPERSON MILLER: I don't understand. 11 MS. MANNING: I don't understand. 12 CHAIRPERSON MILLER: Okay. Let's just -- 13 MS. MANNING: They have 42 minutes? 14 MR. JONES: You want to see the tracking 15 sheet? 16 MS. MANNING: Sure. But 42 minutes? 17 CHAIRPERSON MILLER: Let -- why don't want we 18 -- I don't want to lose time though here very -- 19 MR. MPRAS: Ma'am? 20 MR. JONES: I can explain where the issue 21 comes in but I don't need to. So right now we have 5 22 minutes and the licensee has 42.</p>
363	<p>1 CHAIRPERSON MILLER: Okay. All right. Any 2 other questions? 3 MR. MPRAS: No, ma'am. 4 MR. COLLINS: No. 5 CHAIRPERSON MILLER: All right. Thank you 6 very much. 7 MR. COLLINS: Thank you. 8 CHAIRPERSON MILLER: Do we have another 9 witness coming in? Okay. 10 MR. MPRAS: Madam -- I'm sorry, Madam 11 Chairman? May I -- may I inquire? 12 CHAIRPERSON MILLER: Oh, yes, we do. Sorry. 13 Yes. 14 MR. MPRAS: Madam Chairman, may I inquire as 15 to our remaining time? 16 CHAIRPERSON MILLER: You have plenty of time. 17 I think you -- sorry. Mr. Jones is keeping track of 18 it. I -- 19 MR. JONES: Twenty minutes. 20 CHAIRPERSON MILLER: The question is the time 21 before the court reporter has to (inaudible) going. 22 MR. MPRAS: And the time for both parties</p>	365	<p>1 CHAIRPERSON MILLER: Okay. We'll -- well, 2 there may be a little bit of leeway but -- yeah. 3 MR. JONES: You can come look at it. I'll 4 take the chair over and look at it. 5 MS. MANNING: Did you take off my minutes? 6 That's five minutes, right? No. 7 MR. JONES: Fine. 8 CHAIRPERSON MILLER: Okay. Let's go then. 9 MR. JONES: You can see. I can't make up the 10 time. 11 MR. MPRAS: Ma'am, I'd like to object to this 12 witness. The rule on witnesses was invoked and this 13 witness was in during testimony. 14 CHAIRPERSON MILLER: Could you -- as you just 15 said, I don't know what the witness is going to testify 16 to and what -- 17 MR. ALBERTI: He was. 18 MR. MPRAS: He should not have been in here 19 at all. 20 MR. COLLINS: Madam Chair? 21 CHAIRPERSON MILLER: Well, if he's -- if the 22 witness is going to testify something that has nothing</p>

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<p>1 to do with what we -- was heard, it might make a 2 difference. What's the story with that? Go ahead. 3 MR. COLLINS: I don't know what the story is 4 but, Madam Chair, I plan to seat this witness as an 5 expert witness. The rule on witnesses doesn't apply to 6 expert witnesses. They're allowed to stay in the court 7 room. 8 CHAIRPERSON MILLER: Really? What rule is 9 that? 10 MR. COLLINS: The rule on witnesses. 11 CHAIRPERSON MILLER: I know. Where is that 12 written that -- okay. But that's what you know? Do 13 you -- do you know what rule -- 14 PARTICIPANT: I don't know it. 15 MR. COLLINS: That -- Madam, that's what I 16 knew was -- 17 MR. MPRAS: Mr. Padou stated we're not 18 following the -- we're not following those rules. So, 19 I mean, the witnesses were excluded. Our witnesses sat 20 outside until they were called in for -- 21 CHAIRPERSON MILLER: But we -- no, we said 22 parties could stay here because we knew that the</p>	<p>1 We -- this is the first time I've heard that. So that 2 doesn't make sense. What is your witness an expert in? 3 MR. COLLINS: Real estate, Madam Chair. He 4 is a real estate agent, who -- 5 CHAIRPERSON MILLER: Okay. 6 MR. COLLINS: -- lives and practices in the 7 area around the proposed establishment. 8 CHAIRPERSON MILLER: Okay. 9 MR. MPRAS: Ma'am, again, I -- 10 CHAIRPERSON MILLER: Unless you -- unless you 11 know otherwise that what he's saying is not true about 12 the rule on witnesses, that makes sense, and I don't 13 think that this witness would have been influenced by 14 something that was said if we're going to hear an 15 expert on real estate. 16 MR. MPRAS: For the -- I understand that, 17 ma'am. But for the record I just raised my objection. 18 CHAIRPERSON MILLER: Okay. 19 MR. ALBERTI: Do we have sufficient -- 20 CHAIRPERSON MILLER: Yeah. 21 MR. ALBERTI: Do we have sufficient time to 22 call for this witness? That's my concern.</p>
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<p>1 corporate parties could be here. 2 MR. MPRAS: The parties had been -- our other 3 -- 4 CHAIRPERSON MILLER: This is the first I 5 heard about -- I'm totally not familiar with that -- 6 with experts but that makes sense. 7 MR. COLLINS: It's -- 8 CHAIRPERSON MILLER: What's -- 9 MR. COLLINS: Because expert witnesses are 10 not fact witnesses. They're opinion witnesses. 11 CHAIRPERSON MILLER: What is -- 12 MR. COLLINS: In Superior Court, which is 13 where I do most of my practicing, an expert witness is 14 allowed to be in the court room because very often, the 15 expert witness is asked for his opinion about the 16 testimony of the other witnesses. 17 MR. MPRAS: Madam, which is not the case 18 here. 19 MR. COLLINS: So I don't -- pardon me? 20 MR. MPRAS: Which is not the case here. 21 MR. COLLINS: Well, the -- 22 CHAIRPERSON MILLER: No. That -- I -- no.</p>	<p>1 MR. COLLINS: I think I can get it done in 2 under five minutes, sir. 3 CHAIRPERSON MILLER: Do you have -- do you 4 have a resume or anything for this witness? 5 MR. COLLINS: I -- not written down. I -- 6 CHAIRPERSON MILLER: Okay. 7 MR. COLLINS: -- can walk you through it. 8 MR. KIEFER: I mean, I have it posted online 9 if you'd like. 10 MR. COLLINS: Well, that won't count. 11 CHAIRPERSON MILLER: Well, that's -- are you 12 going to -- 13 MR. KIEFER: Yeah. 14 CHAIRPERSON MILLER: -- try to qualify the 15 witness though as an expert? 16 MR. COLLINS: Well, I'm going to try and I'm 17 going to do it in a very abbreviated way. And you're 18 going to rule and that's what's -- 19 CHAIRPERSON MILLER: Okay. 20 MR. COLLINS: -- going to happen. 21 CHAIRPERSON MILLER: Why don't you -- let me 22 swear you in.</p>

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370	<p>1 MR. KIEFER: I'm sorry, again? 2 CHAIRPERSON MILLER: Or swear you in. 3 MR. KIEFER: Okay. Go ahead. 4 CHAIRPERSON MILLER: Do you swear to tell the 5 truth, the whole truth, nothing but the truth? Raise 6 your hand. 7 MR. KIEFER: Yes. 8 CHAIRPERSON MILLER: Okay. 9 MR. COLLINS: All right. As you can tell, 10 we're very -- we're under a lot of time pressure here. 11 MR. KIEFER: Uh-huh. 12 MR. COLLINS: So could you state your name 13 and spell it for the record? 14 MR. KIEFER: My name is Michael Kiefer, M-I- 15 C-H- A-E-L, Kiefer, K-I-E-F-E-R. 16 MR. COLLINS: What do you do for a living, 17 Mr. Kiefer? 18 MR. KIEFER: I do real estate sales, 19 marketing and development. 20 MR. COLLINS: And in your capacity as a real 21 estate agent, do you testify in court? 22 MR. KIEFER: Yes, I testify in court.</p>
371	<p>1 MR. COLLINS: About how often do you testify 2 about real estate matters? 3 MR. KIEFER: About real estate matters 4 probably on a monthly basis at DC Superior Court. 5 MR. COLLINS: Based on the witness's 6 professions as a real estate agent and his experiencing 7 testifying at least once a month in Superior Court, I'd 8 like to seat him as an expert witness on real estate. 9 CHAIRPERSON MILLER: Let me just ask you, how 10 long have you been in real estate? 11 MR. KIEFER: I've been in real estate since 12 2005. 13 CHAIRPERSON MILLER: And is it commercial or 14 residential or what? 15 MR. KIEFER: Predominantly residential. 16 CHAIRPERSON MILLER: And you testified on a 17 monthly basis for how many years? 18 MR. KIEFER: I've been in and out of the DC 19 Superior Court testifying on tax classification issues, 20 part real estate -- just real property tax 21 classification matters. 22 CHAIRPERSON MILLER: Is that your -- that's</p>
372	<p>1 your area -- 2 MR. KIEFER: Here in DC. 3 CHAIRPERSON MILLER: -- of expertise, real 4 property tax? 5 MR. KIEFER: It's become my specialty over 6 the last, you know, five years that I've been in real 7 estate. It's just -- it's something I've focused on 8 with, you know, estates and tax sales. So I've sort of 9 defaulted towards that area. 10 CHAIRPERSON MILLER: Okay. Mr. Mpras, do you 11 have any questions? 12 MR. MPRAS: Yes, ma'am. 13 CHAIRPERSON MILLER: Regarding -- 14 MR. MPRAS: Yes, ma'am. 15 CHAIRPERSON MILLER: Okay. 16 MR. MPRAS: Have you -- have you been 17 certified by the court as an expert? 18 MR. KIEFER: No, I've not been certified. 19 MR. MPRAS: Okay. Now, have you had any -- 20 would -- could you please tell us your formal training? 21 MR. KIEFER: My formal training? 22 MR. MPRAS: Uh-huh.</p>
373	<p>1 MR. KIEFER: I'm a licensed real estate agent 2 in DC, Maryland and Virginia. And I have a -- my 3 college degree is in environmental sciences. 4 MR. MPRAS: Ma'am, I object. He's never been 5 certified as an expert by any DC court and he just 6 doesn't have the -- excuse me -- the required 7 experience -- he's -- as far as to be qualified as an 8 expert. 9 CHAIRPERSON MILLER: I -- could I get a 10 clarification? Did you say you testified at the 11 Superior Court on a monthly basis but you're not 12 certified as an expert in real estate? 13 MR. KIEFER: No, I'm not. What I end up 14 testifying on are in matters that concern real property 15 tax issues on vacant, abandoned properties for estates 16 that are encumbered by tax liens. So I work with the 17 courts explaining the matters and alleviating the 18 situations for estates. So it's -- 19 CHAIRPERSON MILLER: Okay. Have you ever 20 been certified as an expert in real estate? 21 MR. KIEFER: No, I have not been certified. 22 CHAIRPERSON MILLER: Okay. Okay. I'd say no</p>

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374	<p>1 then. We don't even have you resume at this point. So 2 if you were in the court room, then I would suggest 3 perhaps -- it's 10:06 -- perhaps we hear the -- is the 4 other witness here? 5 MR. COLLINS: Yeah, they're just outside, 6 Your Honor. 7 CHAIRPERSON MILLER: Okay. I'm sorry. I 8 don't think that -- 9 MR. COLLINS: I'm just having trouble hearing 10 you, Your Honor. 11 CHAIRPERSON MILLER: Okay. I said that -- 12 you don't have to call me, "Your Honor" -- that -- 13 MR. COLLINS: I'm -- 14 MR. KIEFER: Yeah. You got the week -- the 15 day job next -- 16 CHAIRPERSON MILLER: -- I don't see the basis 17 for -- I don't think the basis has been met for 18 qualifying this witness as an expert who's never been 19 qualified as an expert before in real estate. And we 20 don't have a resume or anything like that. And based 21 on the limited testimony, I would deny that. 22 MR. KIEFER: Yeah. I mean, I could very</p>
375	<p>1 quickly provide one. I just -- I didn't know that I 2 needed to, you know, have that available. 3 CHAIRPERSON MILLER: Okay. That's the 4 judgment that we've made. 5 MR. MPRAS: Yeah, sorry. 6 CHAIRPERSON MILLER: So do you have another 7 witness you want to -- 8 MR. COLLINS: Yeah, we'll get Maisie Hughes 9 out. Yeah. 10 MR. ALBERTI: Mr. Mpras, could you ask you, 11 can you just be careful with the mike? 12 MR. MPRAS: Oh (inaudible) sorry about that. 13 It was too much -- it was too much. 14 MR. ALBERTI: I lose enough hearing in the 15 clubs. I don't need to lose it here. 16 MR. MPRAS: Yeah, I'll turn it off. 17 CHAIRPERSON MILLER: Would you raise your 18 right hand, please? Do you swear to tell the truth, 19 the whole truth, nothing but the truth? 20 PARTICIPANT: Yes. 21 CHAIRPERSON MILLER: Okay. 22 MR. PADOU: Would you state your name for the</p>
376	<p>1 record, please? 2 MS. HUGHES: Maisie Elizabeth Hughes. 3 MR. PADOU: Where do you live, Ms. Hughes? 4 MS. HUGHES: 2221 S Street in NE Washington, 5 DC. 6 MR. PADOU: And that's the Arboretum 7 neighborhood? 8 MS. HUGHES: It is. 9 MR. PADOU: And that's nearby the proposed 10 establishment? 11 MS. HUGHES: Yes. 12 MR. PADOU: How long have you lived there? 13 MS. HUGHES: I have lived there since 14 September of last year. 15 MR. PADOU: And since you've lived there -- 16 so only about a year, right -- 17 MS. HUGHES: Yes. 18 MR. PADOU: -- have you been bothered by the 19 operation of other clubs in the area, for example, 20 noise? 21 MS. HUGHES: Yes. With respect to noise, I 22 happen to sleep on the top floor of my house. And one</p>
377	<p>1 day I was awake by the -- it wasn't even really, like, 2 a sound but it was the feeling of the bass of music. 3 So of course I was wondering where the music was coming 4 from. And it was literally shaking, like, my house. 5 And I thought maybe one of my neighbors were having a 6 party. So I got up, got out of bed, because I couldn't 7 sleep anyway. And I kind of get grumpy when I can't 8 sleep. 9 So I hopped into my car and I started to sort 10 of follow the sound. And I ended up exiting my street, 11 turning right onto Bladensburg Avenue, going under the 12 bridge and then an immediate left. And I found myself 13 in front of the Stadium Club. And I was surprised to 14 see that there were a lot of people out that night. 15 And the music was very loud. So I found the source of 16 that noise. 17 MR. PADOU: We're under a lot of time 18 pressure. So I'm going to move this really quickly if I 19 can. 20 MS. HUGHES: Sure. 21 MR. PADOU: The Stadium Club is further away 22 from your house than the proposed establishment? Is</p>

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378	<p>1 that --</p> <p>2 MS. HUGHES: It is -- it is further away from</p> <p>3 my house than the proposed establishment.</p> <p>4 MR. PADOU: To your knowledge, do people from</p> <p>5 Stadium and DC Star and the other clubs that are</p> <p>6 already operating park in your neighborhood?</p> <p>7 MS. HUGHES: Yes.</p> <p>8 MR. PADOU: And what are the ramifications,</p> <p>9 say, at closing time?</p> <p>10 MS. HUGHES: Well, you have litter. You</p> <p>11 have, you know, general parking conflicts. You noise</p> <p>12 from people actually -- who are not part of your</p> <p>13 neighborhood, that sort of thing.</p> <p>14 MR. PADOU: Does it ever lead to people</p> <p>15 carrying the party into your neighborhood or door</p> <p>16 slamming noises and fights and stuff like that?</p> <p>17 MS. HUGHES: Yes.</p> <p>18 MR. PADOU: I have no further questions, Your</p> <p>19 Honor -- I mean, Madam Chair. It is late.</p> <p>20 CHAIRPERSON MILLER: Okay. Cross-</p> <p>21 examination?</p> <p>22 MR. MPRAS: I'm sorry?</p>	380	<p>1 residents from my neighborhood.</p> <p>2 MR. MPRAS: I understand, ma'am, but how do</p> <p>3 you know they were from the clubs?</p> <p>4 MS. HUGHES: Observation.</p> <p>5 MR. MPRAS: Did you observe them leaving the</p> <p>6 clubs?</p> <p>7 MS. HUGHES: Well, no, I didn't observe them</p> <p>8 leaving the club.</p> <p>9 MR. MPRAS: So you can't be 100 percent</p> <p>10 certain where they came from?</p> <p>11 MS. HUGHES: I can't be 100 percent certain</p> <p>12 but I can be reasonably certain.</p> <p>13 MR. MPRAS: And was that the only instance</p> <p>14 where you were bothered by noise with that vibration</p> <p>15 you're talking about?</p> <p>16 MS. HUGHES: Was that the only instance --</p> <p>17 MR. MPRAS: Uh-huh.</p> <p>18 MS. HUGHES: -- of me being disturbed by</p> <p>19 vibration from the bass from music? Yes.</p> <p>20 MR. MPRAS: Okay.</p> <p>21 MS. HUGHES: Vibrations in particular, yes.</p> <p>22 MR. MPRAS: I understand. Okay. Thank you</p>
379	<p>1 CHAIRPERSON MILLER: I said, "Cross-</p> <p>2 examination?"</p> <p>3 MR. MPRAS: Yes, ma'am. Ms. Hughes?</p> <p>4 MS. HUGHES: Yes.</p> <p>5 MR. MPRAS: -- you said that patrons from the</p> <p>6 -- what is it, the Stadium Club -- parked in your</p> <p>7 neighborhood?</p> <p>8 MS. HUGHES: No, I didn't say that. I don't</p> <p>9 believe I said that.</p> <p>10 MR. MPRAS: Oh, okay. Could you -- could you</p> <p>11 please tell me what you said regarding club patrons</p> <p>12 parking in your neighborhood?</p> <p>13 MS. HUGHES: I believe I was asked do -- have</p> <p>14 I ever had experience with other club people parking in</p> <p>15 my neighborhood. I believe I responded, "Yes."</p> <p>16 MR. MPRAS: Okay. Great. Do you know from</p> <p>17 which clubs --</p> <p>18 MS. HUGHES: No.</p> <p>19 MR. MPRAS: You do not. Okay. How do you</p> <p>20 know they were patrons from the clubs?</p> <p>21 MS. HUGHES: I -- because I know that they</p> <p>22 were not patrons from my -- I mean, they were not</p>	381	<p>1 very much.</p> <p>2 CHAIRPERSON MILLER: Board question? Mr.</p> <p>3 Jones?</p> <p>4 MR. JONES: Thank you, Madam Chair. Just</p> <p>5 really quick. Sorry, I'm over here. My apologies,</p> <p>6 miss. I'm just small.</p> <p>7 MS. HUGHES: That's okay.</p> <p>8 MR. JONES: The question I have for you is</p> <p>9 related to the parking --</p> <p>10 MS. HUGHES: Yes.</p> <p>11 MR. JONES: -- again. And you -- in response</p> <p>12 to Mr. Padou's question about issues or people coming</p> <p>13 out of the clubs at closing time --</p> <p>14 MS. HUGHES: Yes.</p> <p>15 MR. JONES: -- and coming to get their cars -</p> <p>16 -</p> <p>17 MS. HUGHES: Yes.</p> <p>18 MR. JONES: -- you seemed to indicate an</p> <p>19 affirmative response to, "Yes, there are issues with</p> <p>20 people that leave at closing time and come get their</p> <p>21 cars. And I have issues with them talking, slamming</p> <p>22 doors, etc." Did I hear that correctly or am I</p>

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<p style="text-align: right;">382</p> <p>1 mischaracterizing?</p> <p>2 MS. HUGHES: I believe you did, yes.</p> <p>3 MR. JONES: That's correct?</p> <p>4 MS. HUGHES: Yes.</p> <p>5 MR. JONES: Okay. Roughly -- and I know it's</p> <p>6 hard to put a firm bogey on this at this point but</p> <p>7 roughly what time of night is this that you're having</p> <p>8 this experience where people are -- appear to be loud</p> <p>9 in your neighborhood that aren't --</p> <p>10 MS. HUGHES: It's usually early morning</p> <p>11 before 5:00.</p> <p>12 MR. JONES: Early morning before 5:00. Okay.</p> <p>13 MS. HUGHES: Yes.</p> <p>14 MR. JONES: So early morning before 5:00.</p> <p>15 Let's -- we'll just state -- characterize that as 2:00,</p> <p>16 3:00 and 4:00?</p> <p>17 MS. HUGHES: It is.</p> <p>18 MR. JONES: Okay.</p> <p>19 MS. HUGHES: Because I naturally wake up</p> <p>20 around 4:30. So these would be times that -- where it</p> <p>21 would be waking me up or disturbing me. And that would</p> <p>22 be before 4:30 in the morning.</p>	<p style="text-align: right;">384</p> <p>1 several times since I've lived there that I've been</p> <p>2 disturbed by it.</p> <p>3 MR. JONES: Okay. So it's more frequent than</p> <p>4 you would like? And you could -- that's it?</p> <p>5 MS. HUGHES: I would not like to be disturbed</p> <p>6 by people who do not live in my neighborhood at all</p> <p>7 ever --</p> <p>8 MR. JONES: Okay.</p> <p>9 MS. HUGHES: -- for any reason.</p> <p>10 MR. JONES: So is that -- is that to say you</p> <p>11 would be generally opposed to night --</p> <p>12 MS. HUGHES: To noise and being awakened in</p> <p>13 the middle of the night? Yes.</p> <p>14 MR. JONES: Would you be opposed to</p> <p>15 nightclubs at all --</p> <p>16 MS. HUGHES: No.</p> <p>17 MR. JONES: -- being in your neighborhood?</p> <p>18 MS. HUGHES: I would be opposed to nightclubs</p> <p>19 that disrespect my neighborhood by waking me up in the</p> <p>20 middle of the night though. Yes.</p> <p>21 MR. JONES: Okay. These patrons that are --</p> <p>22 these patrons that appear to be coming from the clubs,</p>
<p style="text-align: right;">383</p> <p>1 MR. JONES: Okay. And is it -- in your</p> <p>2 experience -- I don't know the nature of your house. I</p> <p>3 don't really need to get into that.</p> <p>4 MS. HUGHES: Uh-huh.</p> <p>5 MR. JONES: But in terms of what you</p> <p>6 experience on a volume basis, is it every night? Is it</p> <p>7 --</p> <p>8 MS. HUGHES: No.</p> <p>9 MR. JONES: Okay. What days are it</p> <p>10 generally?</p> <p>11 MS. HUGHES: Like, usually a Thursday or a</p> <p>12 Friday or a Saturday night.</p> <p>13 MR. JONES: Thursday, Friday, Saturday</p> <p>14 nights?</p> <p>15 MS. HUGHES: Yes.</p> <p>16 MR. JONES: Okay. And is it one or two cars,</p> <p>17 two or three people or is it a number larger than that</p> <p>18 or is there any way you could characterize?</p> <p>19 MS. HUGHES: I mean, I don't think that it is</p> <p>20 as frequent as, you know, like, five or six people a</p> <p>21 night but -- and then I couldn't say that it was every</p> <p>22 night. But I can say that definitely there have been</p>	<p style="text-align: right;">385</p> <p>1 going to their cars in your neighborhood --</p> <p>2 MS. HUGHES: Yes, sir.</p> <p>3 MR. JONES: -- you have no clear basis to</p> <p>4 know from what club they are coming?</p> <p>5 MS. HUGHES: I have not done a survey of who</p> <p>6 comes from what clubs, no.</p> <p>7 MR. JONES: Okay. But you do clearly</p> <p>8 remember driving and going to the Stadium that night</p> <p>9 when you were awakened by the bass?</p> <p>10 MS. HUGHES: Yes, sir.</p> <p>11 MR. JONES: Okay. The location of the</p> <p>12 Stadium to your house, as it relates to the location of</p> <p>13 the proposed Club Illusions location or spot --</p> <p>14 MS. HUGHES: Yeah.</p> <p>15 MR. JONES: -- is there any way that you can</p> <p>16 provide me some type of delta?</p> <p>17 MS. HUGHES: So Club Illusions -- my house is</p> <p>18 off of -- off of Bladensburg Road and Montana, where</p> <p>19 the new Walmart is being built. Club Illusions is part</p> <p>20 of that development called the Point at the Arboretum.</p> <p>21 MR. JONES: Yes, ma'am.</p> <p>22 MS. HUGHES: That's because it's technically</p>

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386	<p>1 in the boundaries of the neighborhood called the 2 Arboretum. 3 MR. JONES: Okay. 4 MS. HUGHES: Club -- the Stadium Club is not 5 in my neighborhood. 6 MR. JONES: Okay. 7 MS. HUGHES: And I heard music from it. It's 8 under a -- it's across New York Avenue and under a 9 viaduct and then you turn left. So it's considerably 10 further away. 11 MR. JONES: This being the Stadium Club? 12 MS. HUGHES: Yes, sir. 13 MR. JONES: Correct? Okay. So you're saying 14 the Club Illusions location is technically in your 15 neighborhood? 16 MS. HUGHES: It is literally in the Arboretum 17 neighborhood. Yes, sir. 18 MR. JONES: Okay. Thank you. I appreciate 19 that. 20 MS. HUGHES: You're quite welcome. 21 CHAIRPERSON MILLER: Okay. Any other Board 22 questions?</p>	388	<p>1 CHAIRPERSON MILLER: Okay. Any other 2 questions based on Board questions? 3 MR. PADOU: Not from us, Madam Chair. 4 CHAIRPERSON MILLER: Okay. 5 MR. MPRAS: I do. Ms. Hughes, you just 6 testified that you would not be opposed to a club in 7 the area so long as it didn't disrespect your quiet 8 enjoyment of your home, so on and so forth? 9 MS. HUGHES: Yes. It's, like, for example, 10 if the club had adequate parking for the amount of 11 people it expects to draw in from the suburbs into my 12 neighborhood, unlike the club that I'm opposing here 13 today. 14 MR. MPRAS: The -- and then you also don't 15 have any -- excuse me -- so let's -- if this side were 16 to be soundproofed so you couldn't hear the noise, that 17 would be something that you would factor into your 18 consideration? 19 MS. HUGHES: If it were soundproofed and it 20 provided enough parking so that the people wouldn't be 21 parking in my neighborhood and littering in my 22 neighborhood or being drunk in my neighborhood or</p>
387	<p>1 MR. JONES: Thank you. 2 MR. ALBERTI: Oh, okay. Just real quick. 3 MS. HUGHES: Yeah, I'm sorry. 4 MR. ALBERTI: Ms. Hughes, just quick 5 questions, point of reference. How long of a walk is 6 it from where your house -- your neighborhood to -- no, 7 not to the Stadium -- to this proposed club? 8 MS. HUGHES: It's across -- it's literally 9 across the street. It's not exact -- it's not on 10 Bladensburg but there's a triangle. So I guess if I 11 couldn't walk through whatever parking lot would be 12 there upon, you know, their redevelopment, let's say, I 13 would have to walk across Bladensburg and then to New 14 York and then turn left. So -- 15 MR. ALBERTI: And how long? 16 MS. HUGHES: It should be less than -- it 17 should be less than ten minutes. 18 MR. ALBERTI: Okay. Thank you. 19 MS. HUGHES: I don't see why it should take 20 me longer than that. 21 MR. ALBERTI: Thank you. 22 MS. HUGHES: You're welcome.</p>	389	<p>1 acting out in my neighborhood -- 2 MR. MPRAS: Well, thank you. And we -- 3 MS. HUGHES: -- which this does not do. 4 MR. MPRAS: And, no, the thing is that's what 5 -- thank you for your answer. 6 MS. HUGHES: You're welcome. 7 MR. MPRAS: And, you know, we hope to 8 address your concerns. 9 CHAIRPERSON MILLER: Okay. Are we done here? 10 MR. PADOU: I'm done. I think Mr. Chandler 11 has one left. 12 MR. CHANDLER: I have one witness, you know. 13 CHAIRPERSON MILLER: You do? 14 MR. CHANDLER: He -- she has a -- 15 MR. MPRAS: Ma'am, I need -- I'd like to 16 object as to time. 17 CHAIRPERSON MILLER: No, that's not really 18 fair. They still have a little time left. 19 MR. CHANDLER: It'll be real brief -- 20 CHAIRPERSON MILLER: Is it real quick? 21 MR. CHANDLER: -- since she stayed here all 22 day.</p>

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390	1 MS. HUGHES: I'm dismissed, right? 2 CHAIRPERSON MILLER: Yeah, go ahead. 3 MR. ALBERTI: Okay. Ms. Hughes, step down. 4 Ms. Miller? 5 CHAIRPERSON MILLER: Yeah, we're finished 6 with you. 7 MS. HUGHES: Thank you very much. 8 CHAIRPERSON MILLER: Thank you very much. 9 Okay. Thank you for waiting so long. Would you raise 10 your right hand? I'll swear you in. Do you swear to 11 tell the truth, the whole truth, nothing but the truth? 12 MS. GREEN: I do. 13 CHAIRPERSON MILLER: Okay. Thank you. 14 MR. CHANDLER: Oh, excuse me. I'm new to 15 this but -- 16 CHAIRPERSON MILLER: Okay. 17 MR. CHANDLER: -- I'm going to be brief. Can 18 you state your name and -- 19 CHAIRPERSON MILLER: And you know your time 20 is really limited? 21 MR. CHANDLER: I know because we want to make 22 it fast.	392	1 MR. NOPHLIN: Quiet. 2 MS. MANNING: Quiet. 3 CHAIRPERSON MILLER: Quiet. 4 MR. CHANDLER: Quiet -- please -- 5 MS. MANNING: Peace, order and quiet. 6 MS. GREEN: Quiet. Okay. 7 CHAIRPERSON MILLER: The standards that we're 8 -- 9 MS. MANNING: The standards on the -- 10 CHAIRPERSON MILLER: -- considering here. 11 MR. CHANDLER: Yes. 12 MS. GREEN: Peace, order and quiet. So many 13 changes I've seen over the years. I am also a past 14 president, eight years in the neighborhood. But I do 15 walk in the neighborhood early in the morning every 16 day. I have some very big concerns because a few years 17 ago we had Club Levels that was sited at Montana and 18 Bladensburg Road. And they came to us -- came to our 19 organization and told us what benefits they bring to 20 our community, what help they can give us. 21 We had music coming from there late at night 22 because sound travels better at night. We had parking
391	1 MS. GREEN: Yeah, okay. 2 MR. CHANDLER: Can you state your name and 3 your -- how you lived in the Arboretum neighborhood, if 4 you don't mind? 5 MS. GREEN: My name's Cynthia Anne Green. 6 And I have lived in the Garden Apartments of Parkway 7 Plaza for 30 plus years. 8 MR. CHANDLER: Okay. So you've could offer a 9 little bit longer view on how clubs -- 10 MR. MPRAS: Objection. 11 MR. CHANDLER: -- affected the -- can you 12 offer a longer view on how clubs have affected our 13 neighborhood? 14 MS. GREEN: Yes. 15 MR. CHANDLER: Would you please speak on 16 peace, order and parking and -- 17 MR. MPRAS: There's not a question there. 18 MS. GREEN: Parking? 19 MR. CHANDLER: I said can she -- well, can 20 you please speak on peace, order, parking and -- I 21 can't think of the third -- 22 CHAIRPERSON MILLER: Quiet.	393	1 that spilled over in our neighborhood. In the mornings 2 I would see trash. I was picking up the trash from the 3 cars. They'd clean out their cars. They would -- 4 there would be bottles and liquor and cups. And one 5 incident that really upset me was that there was crime 6 scene tape that had fallen off the trees that one young 7 person had been stabbed across on our side of the 8 street in front of -- in front of one of the retail 9 buildings that Mr. Schaeffer had. 10 And it was very upsetting because I saw the 11 Kleenex with blood and all of that. And I was 12 concerned about our children seeing that when they 13 would come out from those blocks that were closest to 14 that site. So I was very concerned about that. And 15 I'm on the Citizens Advisory Board for 5D. And I 16 brought up those issues with the commander at that 17 time. And he -- you know, they explained what the 18 crime had been, etc., etc. 19 They were also -- we were -- they were also 20 very concerned that because of Club Levels being there 21 that it was attracting for criminal element of stealing 22 cars, breaking into the cars that were parked. They

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394	<p>1 knew the difference between the resident cars and the 2 cars that were coming there to the club. And they were 3 on the lookout for a gang that was coming into our 4 neighborhood, spotting these vehicles. 5 Recently, when I went -- last month, when I 6 was at the Citizens Advisory Board, our commander did 7 tell us that we've had an increase of car theft. We 8 have an increase in car break-ins and prostitution is 9 on the increase over in our neighborhood. We've also - 10 - which has been disturbing to us -- we've had two 11 recent incidents of purse snatching at the Exxon gas 12 station, which is across from the KFC and New York and 13 Bladensburg Road. 14 So these are some incidences that have 15 occurred. And of course with the -- with the increased 16 level of visitors in the neighborhood, our concern with 17 the spillover is that they will come into our 18 neighborhood, compete with our parking with the -- the 19 police park there at T Street and 24th Street. And 20 that's the closest section that people would be coming 21 in to park. And park -- and we park there but we have 22 the limo drivers from Kane Limousine Service that park</p>	396	<p>1 CHAIRPERSON MILLER: Thank you very much. 2 Okay. Thank you very much. 3 MS. GREEN: Okay. 4 CHAIRPERSON MILLER: Is there any cross for 5 this witness? 6 MR. MPRAS: Yes, ma'am. Ma'am, do you -- 7 everything you've mentioned, just the noise, trash, 8 litter, the purse snatching, now, do you -- 9 MS. GREEN: The break-ins and cars theft -- 10 car thefts. 11 MR. MPRAS: Now, do you -- how can you 12 attribute all these to the clubs in the area? 13 MS. GREEN: Well, like I said, Club Levels 14 was right across the street from us. And these things 15 did occur because we had visitors that were parking 16 over into the first -- the first and second block. And 17 they were visitors and they were be picked out - they 18 were being -- what do you call it -- zeroed in on 19 because this group that was doing all of this -- this 20 gang that was coming into our neighborhood, they were - 21 - they knew who the residents were. 22 They knew those cars but they -- but they</p>
395	<p>1 there so they can go to work at night. 2 So we would be having all of this competition 3 going on. That's been a concern of the tenants at our 4 -- at our building. 5 CHAIRPERSON MILLER: Are they -- 6 MS. GREEN: So -- 7 CHAIRPERSON MILLER: They out of time? 8 MR. JONES: Yes. 9 MS. GREEN: We would also have -- 10 CHAIRPERSON MILLER: Okay. 11 MS. GREEN: -- the noise problem of people 12 coming. We hear -- sometimes we hear the police guys 13 come back to their cars in the night shift and you hear 14 a little noise with them. And of course, with 15 youngsters walking up and down the street going back to 16 the houses, we hear them often -- sometimes. But 17 that's -- you know, that's what our concern about the 18 parking overflow -- 19 CHAIRPERSON MILLER: Right. 20 MS. GREEN: -- and that the drawing of the 21 criminal element into -- picking on the cars and stuff, 22 of people who don't even normally live there.</p>	397	<p>1 were picking on the ones that were coming in that were 2 going to the clubs. 3 MR. MPRAS: So, ma'am, your -- are you 4 telling us that there was a gang that was targeting 5 people that were patrons of a nightclub? 6 MS. GREEN: Yes. 7 MR. MPRAS: Okay. Thank you. 8 MS. GREEN: Yes.; 9 MR. MPRAS: But you were -- haven't made an 10 -- but you haven't made any testimony as to the actions 11 of the nightclub patrons themselves. 12 MS. GREEN: At the night -- oh, okay. Well, 13 this is what I was saying. As far as the litter was 14 concerned, that I could tell the difference between 15 each day -- I walk six days a week in my neighborhood 16 cleaning up. Okay. And I could tell after the weekend 17 there was -- on Saturday morning, after the Friday 18 night, they clean out their cars. There were 19 prophylactics. There was spit up sometimes. There was 20 going to the bathroom sometimes. I would find these 21 things. 22 And it's just upsetting to me because I knew</p>

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<p>1 there were children in that -- in that block. And I 2 just said, "You know, why is this happening?" But, you 3 know -- 4 MR. MPRAS: So, ma'am, these are things you 5 observed the following day during your walks? 6 MS. GREEN: Yes. Uh-huh. 7 MR. MPRAS: Okay. But you never saw anything 8 transpiring at the time it actually happened? 9 MS. GREEN: No. 10 MR. MPRAS: Thank you. Yeah, ma'am, thank 11 you very much. 12 MS. GREEN: Yeah, like I said, other than 13 that stabbing thing that happened there -- I saw the 14 crime scene tape and the blood and the -- 15 MR. MPRAS: Did you see the -- 16 MS. GREEN: -- we call it the -- 17 MR. MPRAS: Did you see the actual stabbing 18 yourself? 19 MS. GREEN: No. Unh-unh. 20 MR. MPRAS: Thank you very much, ma'am. 21 MR. CHANDLER: I just want to ask one -- 22 CHAIRPERSON MILLER: One?</p>	<p>1 behind us. So it's, like, a well-kept secret until 2 people discover it. I mean, I've walked past cars of 3 people who were asleep from drunken -- they've had too 4 much to drink so they decide to sleep in our 5 neighborhood -- don't even live in our neighborhood. 6 But, you know, I'm just saying it so it's a 7 well-kept secret. And the people discover it. They 8 make use of it. We also have a recreation center and 9 it's very dark down there at night. So -- 10 CHAIRPERSON MILLER: Okay. 11 MS. GREEN: -- you know, you're welcoming 12 that people are making use of that. I'm assuming the 13 neighbors have told us at our -- at our neighborhood 14 meetings that all these cars -- 15 CHAIRPERSON MILLER: Excuse me. 16 MS. GREEN: -- sometimes cars are appearing 17 out of nowhere and spending the night. 18 CHAIRPERSON MILLER: Okay. Thank you. All 19 right. It's 10:28. 20 MS. GREEN: Okay. All right. 21 CHAIRPERSON MILLER: Thank you very much. 22 It's time for a closing. I know the court reporter has</p>
399	401
<p>1 MR. CHANDLER: -- quick question. 2 CHAIRPERSON MILLER: One redirect? 3 MR. CHANDLER: One. We -- the reason those 4 activities -- 5 CHAIRPERSON MILLER: Go. 6 MR. CHANDLER: -- has it come to your 7 attention that those activities stand out because we 8 have very little traffic -- 9 MR. MPRAS: Objection, leading. 10 CHAIRPERSON MILLER: You are leading. 11 MR. CHANDLER: We have -- 12 MR. MPRAS: Leading. 13 MR. CHANDLER: Where do -- has it come to 14 your attention that those activities stand out as we 15 have very little traffic in our area at night normally? 16 MS. GREEN: Yeah. 17 MR. CHANDLER: Because we normally have a 18 quiet neighborhood? 19 MS. GREEN: The -- yeah, because our 20 neighborhood's very isolated -- very isolated because 21 the police precinct is in front -- I know -- in front 22 of the Parkway Plaza Apartments and the Arboretum is</p>	<p>1 to leave pretty soon. I don't know if you all want to 2 do closings or not -- or you want to waive like the 3 openings. You've got a minute now, I think. I mean, 4 my court reporter has to go soon. 5 But do you all want to make a quick closing 6 or no? 7 MR. MPRAS: Quick. 8 CHAIRPERSON MILLER: Quick? Okay. Quick. 9 Who's making it for the protestant? 10 MR. PADOU: I waive closing. 11 CHAIRPERSON MILLER: You waive closing. 12 Okay. 13 MR. COLLINS: Okay. We'll do one. 14 CHAIRPERSON MILLER: Okay. Mr. Collins is -- 15 MR. COLLINS: I'll close when you get done. 16 CHAIRPERSON MILLER: -- going to make a quick 17 on. You're going to make a quick one. Okay. Go. Mr. 18 Mpras, you're first. I've got to urge you to start 19 pretty soon because of our court -- 20 MR. MPRAS: I'm sorry? 21 CHAIRPERSON MILLER: Just -- it's 10:29. He 22 said he wanted to leave at 10:30.</p>

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402	<p>1 MR. MPRAS: Okay.</p> <p>2 CHAIRPERSON MILLER: So -- just so you know</p> <p>3 (inaudible).</p> <p>4 MR. MPRAS: Yes, ma'am.</p> <p>5 CHAIRPERSON MILLER: Okay.</p> <p>6 MR. MPRAS: Okay. Simply, in closing, the</p> <p>7 applicant -- the applicant here has clearly shown that</p> <p>8 this establishment is appropriate for this section of</p> <p>9 the District for where it's to be located. I mean, no</p> <p>10 evidence has been -- has been offered as to the</p> <p>11 diminishing of real property values. The -- no</p> <p>12 evidence has been offered that this establishment will</p> <p>13 affect the peace, order and quiet of the neighborhood.</p> <p>14 And the residential and parking needs and</p> <p>15 pedestrian safety have been addressed by the applicant</p> <p>16 -- and properly addressed. The -- now, the parking</p> <p>17 report by the -- by the expert brought in -- and I</p> <p>18 guess -- by Ms. Milanovich is not -- is not based on</p> <p>19 any -- on any real time or current observation. It's</p> <p>20 based on reports that reference back to 2005 and, she</p> <p>21 said, at least two years old. So it's no testament to</p> <p>22 the current state of the intersection or the</p>	404	<p>1 Exhibit 3 of the Schaeffers current properties, I mean,</p> <p>2 evidently in derelict condition and disuse.</p> <p>3 The Schaeffers want to buy vacant properties,</p> <p>4 not viable business enterprises, as evident in the</p> <p>5 photos before the Board. Thank you.</p> <p>6 CHAIRPERSON MILLER: Thank you. Okay. Mr.</p> <p>7 Collins?</p> <p>8 MR. COLLINS: Very simply, Madam Chair,</p> <p>9 members of the Board, the applicant has a burden of</p> <p>10 proof. The applicant did not meet their burden of</p> <p>11 proof. We showed through credible evidence and</p> <p>12 testimony that the proposed nightclub will have -- it</p> <p>13 will interfere with the peace, order and quiet, that</p> <p>14 the proposed nightclub will have an adverse impact upon</p> <p>15 vehicular and pedestrian safety, and that the proposed</p> <p>16 nightclub will add to the overconcentration of similar,</p> <p>17 large establishments in the neighborhood. Thank you.</p> <p>18 CHAIRPERSON MILLER: Thank you very much.</p> <p>19 Okay. I'm going to close the record then at this time.</p> <p>20 And I'm going to ask the parties if they want to file</p> <p>21 Proposed Findings of Fact and Conclusions of Law.</p> <p>22 MR. PADOU: We do, Madam Chair.</p>
403	<p>1 neighborhood.</p> <p>2 Now, as far as any required parking, per the</p> <p>3 zoning regulations -- this building was built in 1956,</p> <p>4 as testified to by the landlord, Mr. Marx. And it is</p> <p>5 grandfathered in and excluded from any legislation past</p> <p>6 1958. So that is again something to be determined at a</p> <p>7 later time by the zoning board.</p> <p>8 CHAIRPERSON MILLER: Uh-huh.</p> <p>9 MR. MPRAS: Now, the Schaeffers protested on</p> <p>10 a number of topics; peace, order, quiet; parking, so on</p> <p>11 and so forth. But the thing is the Schaeffers have a</p> <p>12 tangible and distinct economic motivation to inhibit</p> <p>13 the commercial use of neighboring property --</p> <p>14 neighboring properties which will necessarily improve</p> <p>15 the economic prospects of those neighboring properties.</p> <p>16 Now, the Schaeffers can create artificial</p> <p>17 impediments to commerce of the neighboring properties.</p> <p>18 They artificially reduce the value of those properties</p> <p>19 until they are able to acquire them as they've done to</p> <p>20 this 15 acres of properties, which they're now seeking</p> <p>21 to develop. I mean, this is amply demonstrated by the</p> <p>22 photographs submitted to the Board as applicant's</p>	405	<p>1 CHAIRPERSON MILLER: You -- who does? You</p> <p>2 do. The applicant does?</p> <p>3 MR. MPRAS: I'm sorry? Yes, ma'am. We</p> <p>4 reserve the file as well.</p> <p>5 MR. CHANDLER: So do I.</p> <p>6 MR. COLLINS: Yes.</p> <p>7 CHAIRPERSON MILLER: And the protestants do</p> <p>8 as well? Okay. So I believe that the transcript is</p> <p>9 probably going to be ready in about two weeks or so.</p> <p>10 And then you'll have 30 days to file your Proposed</p> <p>11 Findings and Conclusions of Law. And then once the</p> <p>12 Board gets those, the Board will issue a decision</p> <p>13 within 90 days.</p> <p>14 MR. MPRAS: Thank you.</p> <p>15 CHAIRPERSON MILLER: Thank you all for your</p> <p>16 patience and I know it was a long day. I --</p> <p>17 MR. ALBERTI: Can I make a personal request?</p> <p>18 If you decide not to do your Findings of Fact and</p> <p>19 Conclusions of Law, you notify us so that we don't</p> <p>20 delay consider -- our consideration?</p> <p>21 MR. PADOU: We -- if we decide that, we will</p> <p>22 notify the Board promptly.</p>

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<p style="text-align: right;">406</p> <p>1 MR. ALBERTI: Thank you. 2 CHAIRPERSON MILLER: Okay. 3 MR. MPRAS: Mr. Alberti, in reference to your 4 request, may I also request that once the transcript is 5 available, the Board set a deadline? 6 CHAIRPERSON MILLER: The Board does. 7 MR. ALBERTI: She did -- 30 days. Thirty 8 days from (inaudible) yes. 9 CHAIRPERSON MILLER: Thirty days. 10 MR. MPRAS: Excuse me. 11 MR. ALBERTI: Yeah. 12 MR. MPRAS: It's been a long day. 13 MR. ALBERTI: I know it's late. 14 CHAIRPERSON MILLER: So -- okay. Thank you 15 all very much. 16 MR. PADOU: Thank you for your consideration, 17 Madam Chair. 18 CHAIRPERSON MILLER: I'm going to read the 19 Open Meetings Act but you don't have to hang around for 20 it. 21 MR. CHANDLER: Excuse me? 22 CHAIRPERSON MILLER: Yes?</p>	<p style="text-align: right;">408</p> <p>1 for the reasons cited in Section 405(b)(13) of the Open 2 Meetings Amendment Act of 2010. 3 Is there a second? 4 MR. NOPHLIN: Second. 5 CHAIRPERSON MILLER: I'll now take a roll 6 call vote on the motion before us now that it's been 7 seconded by Mr. Nophlin. Mr. Nophlin? 8 MR. NOPHLIN: I agree. 9 CHAIRPERSON MILLER: Mr. Brooks? 10 MR. BROOKS: I agree. 11 CHAIRPERSON MILLER: Mr. Alberti? 12 MR. ALBERTI: I agree. 13 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 14 Jones? 15 MR. JONES: I agree. 16 CHAIRPERSON MILLER: The motion passes by a 17 vote of 5-0-0. I hereby give notice that the ABC Board 18 will hold a closed meeting in the ABC Board conference 19 room after the Proposed Findings of Facts and 20 Conclusions of Law have been filed with the Board. And 21 we'll issue a decision on this case within 90 days of 22 receipt of those Findings of Facts and Conclusions of</p>
<p style="text-align: right;">407</p> <p>1 MR. CHANDLER: I made one error and maybe 2 it's too late. 3 CHAIRPERSON MILLER: It may be too late on 4 the record. 5 MR. CHANDLER: I wanted to say -- I wanted to 6 -- if the record's closed, then don't worry about it. 7 MR. JONES: Oh, cool. 8 MR. CHANDLER: It's good? 9 MR. JONES: Don't worry about it. 10 MR. ALBERTI: It's cool. 11 CHAIRPERSON MILLER: I think the court 12 reporter has gone off. Are you off or on? Are we 13 still good? Okay. I've got to read the Open Meetings 14 Act. 15 Okay. As Chairperson of the Alcoholic 16 Beverage Control Board for the District of Columbia and 17 in accordance with Section 405 of the Open Meetings 18 Amendment Act of 2010, I move that the ABC Board hold a 19 closed meeting for the purpose of seeking legal advice 20 from our counsel on Case No. 12-PRO-00054, Club 21 Illusions, per Section 405(b)(4) of the Open Meetings 22 Amendment Act of 2010 and deliberating upon this case</p>	<p style="text-align: right;">409</p> <p>1 Law. 2 So that concludes the afternoon and evening 3 hearings. 4 (WHEREUPON, at 10:33 p.m., the hearing was 5 concluded.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>

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1 CERTIFICATE OF NOTARY PUBLIC

2
3 I, BRADLEY ANGLIN, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing transcript was
6 recorded by me and thereafter reduced to typewriting
7 under my direction; that said transcription is a true
8 record of the testimony given by said parties; that I
9 am neither counsel for, related to, nor employed by any
10 of the parties to the action in which this was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.

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BRADLEY ANGLIN
Notary Public in and for the
District of Columbia

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1 CERTIFICATE OF TRANSCRIPTION

2
3 I, MIRANDA PENNACHI, hereby certify that I am not
4 the Court Reporter who reported the following
5 proceeding and that I have typed the transcript of this
6 proceeding using the Court Reporter's notes and
7 recordings. The foregoing/attached transcript is a
8 true, correct and complete transcription of said
9 proceeding.

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Date MIRANDA PENNACHI
Transcriptionist

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