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

_________________________
IN THE MATTER OF:

Nicholas Hospitality, Inc.
t/a Mama 'San/Harlot
2001 11th Street, N.W.
Retailer CT - ANC 1B
License No. 114205
Case #21-CIT-00234

(Failed to Comply with the Mayor's Orders)

_________________________
Wednesday
December 8, 2021

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member
ALSO PRESENT:
SARAH FASHBAUGH, DC ABRA Staff
ANTOINE WILLIAMS, DC OAG
AK - MR. ALIREZA KALANTAR, Applicant
DB - MR. DAVID BAILEY, Applicant
TP - INVESTIGATOR TAVRIL PROUT, DC ABRA
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CHAIRPERSON ANDERSON: We're into the record. Good morning, everyone. As Chairperson, of the Alcoholic Board, from the District of Columbia and, in accordance with D.C. Official Code, Section 2576, of the Opens Meetings Act, I'm welcoming you to the regular scheduled meeting of the Alcoholic Beverage Control Board. This meeting is being conducted, pursuant to guidance made available, by the District of Columbia's Office of Open Government, regarding electronic meetings held, by public bodies, during the public emergency. Pursuant to this guidance, notice of today's meeting was provided 48 hours, in advance of meeting, on ABRA's Website and on the District's Central Meeting Calendar. The Notice includes the time, date, agenda and the call in or login information, for public participation. This electronic meeting is being hosted, by a WebEx account, provided by the District of Columbia Government. Please address any questions, or complaints, to the OOG, at opengovoffice@dc.gov.
My name is Donovan Anderson and I'm Chairman of the Board. I would like to introduce the other Members of the ABC Board, who are also participating, electronically, pursuant to Mayor's Order 2021-119. Please respond, when I announce your name. Mr. James Short.

MEMBER SHORT: (No audible response.)

CHAIRPERSON ANDERSON: You're on mute, Mr. Short. Mr. Short?

MEMBER SHORT: Mr. James Short, present.

CHAIRPERSON ANDERSON: Thank you. Mr. Bobby Cato?

MEMBER CATO: Bobby Cato, present.

CHAIRPERSON ANDERSON: Good morning, Mr. Cato. Ms. Rafi Crockett?

MEMBER CROCKETT: Rafi Crockett, present.

CHAIRPERSON ANDERSON: Good morning, Ms. Crockett. Ms. Jeni Hansen, present.

MEMBER HANSEN: Jeni Hansen, present.

CHAIRPERSON ANDERSON: Good morning, Ms. Hansen. Mr. Edward Grandis?

MEMBER GRANDIS: Edward Grandis, present.
CHAIRPERSON ANDERSON: Good morning, Mr. Grandis. The Board has six Members, in attendance, for the conduct of business, today, and that constitutes a quorum.

Before we get underway with today's hearing calendar, I need to make a few instructions very clear, so that the conduct of these hearings is understood, by everyone.

There are three cases on this morning's calendar. Once your case is -- once your case is called, I will take a moment for IT Specialist to elevate the rights, for each party, to enable their camera and microphone.

Then, and only then, will you have the ability to enable your equipment. If your case has not been heard, you will remain mute and your camera will be disabled.

At the conclusion of each case, the parties will have the option to leave. If the party chooses to stay, all cameras and microphones, for the concluding case, will be disabled.

Should you have any questions, or require technical assistance, during the hearing, please submit them, using the question and answer
Our first order of business, today, is Case, it's a show cause hearing, and that's Case Number 21-CIT-00234. Good morning, Ms. Fashbaugh, can you, please, elevate the rights of the Government and the, the, the, the witnesses and the, the, the parties for this case?

MS. FASHBAUGH: Good morning, Chairperson, please stand by. David Bailey, your rights have been elevated. Alireza Kalantar, your rights have been elevated.

Antoine Williams, your rights have been elevated. And, Tavril Prout, your rights have been elevated. That is all, Mr. Chair.

CHAIRPERSON ANDERSON: Thank you.

MR. KALANTAR: Good morning, this is Alireza Kalantar.

CHAIRPERSON ANDERSON: Hold on, one minute, please. All right, good morning, everyone. This is a show cause hearing, this morning, so let's start with the Government.

Mr. Williams, can you, please, spell and state your name, for the record, please?

MR. WILLIAMS: Good morning, Mr. Chairperson. My name is Antoine Williams,

CHAIRPERSON ANDERSON: Thank you. Mr. --

MR. KALANTAR: Hello?

CHAIRPERSON ANDERSON: -- Kalantar, can you, please, spell and state your name, for the record, please?

(Simultaneous speaking.)

MR. KALANTAR: Good morning, Mr. Chair. My name is Alireza Kalantar, A-L-I-R-E-Z--

(Off the record comments.)


(Simultaneous speaking.)

CHAIRPERSON ANDERSON: And, what's your relationship to this establishment, sir?

MR. KALANTAR: I'm the Managing Partner.

CHAIRPERSON ANDERSON: Good morning.

MR. BAILEY: Hello?

CHAIRPERSON ANDERSON: Mr. Bailey, can you, please, spell and state your name, for the
record, please?

MR. BAILEY:  (No audible response.)

CHAIRPERSON ANDERSON:  Mr. Bailey?

MR. BAILEY:  (No audible response.)

CHAIRPERSON ANDERSON:  Mr. Bailey, can you, please, spell and state your name, for the record, please?

MR. BAILEY:  I cannot hear a thing.

(Pause.)

CHAIRPERSON ANDERSON:  While we're waiting, for Mr. Bailey, Mr. Kalantar, who is Mr. Bailey, sir?

MR. KALANTAR:  Mr. Bailey is our representative.  He's representing us, for the ABRA.

CHAIRPERSON ANDERSON:  All right, so he is here, so he will speak for you, this morning, is that correct?

MR. KALANTAR:  Sure.  I'm assuming he's having some technical difficulties, but I'm here, if you, all, have any questions.

CHAIRPERSON ANDERSON:  No, I -- I know that, but I just want to make sure -- Mr. Bailey, are you there, please?

MR. BAILEY:  (No audible response.)
CHAIRPERSON ANDERSON: Ms. -- Mr. Bailey, I don't know, why you can't hear. He said he can't hear, so -- but, if he can't hear that's on his end. I don't know, why he cannot hear.

(Pause.)

CHAIRPERSON ANDERSON: So --

(Pause.)

CHAIRPERSON ANDERSON: Can you hear, Mr. Bailey?

MR. BAILEY: Barely, can you hear me?

CHAIRPERSON ANDERSON: I can hear you, sir. It's your connection, sir, it's not from our system, it's --

MR. BAILEY: Okay, I --

CHAIRPERSON ANDERSON: -- from yours.

MR. BAILEY: -- I, I didn't know, I was just, I was trying to figure this thing out.

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: All right, Mr. Bailey, do you have a camera, sir?

MR. BAILEY: Yes. Hold on, give me one second.

(Pause.)

CHAIRPERSON ANDERSON: Mr. Bailey, can
you, please, spell and state your record, your
name, for the record, please?

MR. BAILEY: My name is David Bailey.

First name David, common spelling, D-A-V-I-D,
last name Bailey, B-A-I-L-E-Y.

CHAIRPERSON ANDERSON: Thank you and,
what is your role, today, sir?

MR. BAILEY: I am the representing
agent, for Nicholas Hospitality.

CHAIRPERSON ANDERSON: All right,
thank you. Mr. Bailey, Mr. Kalantar did, did
confirm your representation, but in the future,
we would ask that, you provide an appearance
representation to the Agency, sir, because if --

MR. BAILEY: All right.

CHAIRPERSON ANDERSON: -- if, if you
don't provide that that -- I need you to, in the
future, provide -- to make an appearance, in the
case, by, by filling out the proper
documentation, to provide to the Agency, so we'll
have that information, sir.

MR. BAILEY: I do apologize, Mr.
Anderson, but I was under the impression that I
was already listed, as their Agent, and I did
send that over to, to Ms. Jenkins, stating that I
was listed on there, as their Agent, from the beginning, since they open -- before they even opened.

CHAIRPERSON ANDERSON: All right.

But, as I said, before, but, Mr. Kalantar, he has, he has verified your relationship, but I'm, moving forward, we always need to have documentation, in our records, to make sure that we're speaking to the proper participant, especially, since you're not an attorney.

If you were an attorney, then, if you state that you represent someone and, if you didn't, then I can report you to the Bar, but because, you're not an attorney, we just have to make sure that we have paperwork in our record that supports the position, sir, okay?

MR. BAILEY: I understand, sir.

CHAIRPERSON ANDERSON: All right. All right, Mr. Williams, are there any, are there any preliminary, I'm sorry, preliminary matters, in this case?

MR. WILLIAMS: No, Mr. Chairperson.

CHAIRPERSON ANDERSON: All right, are the parties ready to move forward with this show cause hearing?
MR. WILLIAMS: The District is ready, yes.

CHAIRPERSON ANDERSON: All right. Mr. Bailey -- Mr. Bailey, sir, are you presenting -- so you're presenting the case, to represent the, the establishment, in this matter, is that correct?

MR. BAILEY: Yes, sir.

CHAIRPERSON ANDERSON: All right, thank you. All right, Mr. Williams, you wish to make a -- so each side will have an opportunity to make an opening statement.

So the Government will make an opening statement, then the Licensee can make an opening statement, at this time, or the Licensee can wait, until they present their case, to the -- until they present their case.

So the Government will present its case. They'll call a witness, have the witness testify, the Licensee will have an opportunity to cross-examine that witness and the Board will have an opportunity to ask questions of the, of the, the, the witness.

Once the Government has rested, then the Licensee can call its witnesses and testify,
then the Government will cross-examine, the Board
will have, will have, might have questions for
the witnesses, then we'll have closing arguments.

The Government will have closing
arguments and then, the, the Agency, I'm sorry,
the Board will, will make a decision on, whether
or not, there is any liability on their part.
Before moving forward, is there any questions, by
anyone?

MR. WILLIAMS: Nothing, from the
Government.

CHAIRPERSON ANDERSON: Thank you, Mr.
Williams. Mr. Bailey?

MR. BAILEY: No.

CHAIRPERSON ANDERSON: All right,
thank you. All right, does the Government wish
to make a, an opening statement?

MR. WILLIAMS: Yes, Mr. Chairperson.

CHAIRPERSON ANDERSON: Go ahead, sir.

MR. WILLIAMS: Today the -- good
afternoon -- good morning, Mr. Chairperson,
Members of the Board. Today, the District will
show that, on March 25th, 2021, at approximately
11:57 p.m., ABRA Investigator Tavril Prout
visited Nicholas Hospitality, trade name Mama
'San/Harlot, located at 2001 11th Street, Northwest, Washington, D.C., to conduct a regulatory inspection.

He entered the establishment, identified himself, as an ABRA Investigator, then proceeded to observe violation of ABRA's 10th Emergency Order, effective January 13th, 2021.

Specifically, Investigator Prout observed employees not wearing face masks, patrons not wearing face masks, while standing, in the establishment, patrons consuming alcohol, while standing, and patrons not maintaining social distancing. That concludes my opening statement, Mr. Chairperson.

CHAIRPERSON ANDERSON: All right, thank you. Mr. Bailey, do you wish to call -- I'm sorry, do you wish to make an opening statement, at this juncture, or do you want to defer, until you present the case?

MR. BAILEY: Okay, can you hear -- can you hear me, sir?

CHAIRPERSON ANDERSON: Yes, sir. Let me ask you a question --

MR. BAILEY: Okay --

CHAIRPERSON ANDERSON: -- Mr. Bailey.
I, I it appears that you are in a vehicle, are you in a stationary position, sir?

(Simultaneous speaking.)

(Telephonic interference.)

MR. BAILEY: Yes I'm, I'm stationary, sir. I'm, I'm parked.

CHAIRPERSON ANDERSON: All right, just want to make sure that you're, you're in a stationary position. All right, yes, like I said, do you want to make an opening statement, at this juncture, or do you want -- do you wish to, to defer, until you present the case?

MR. BAILEY: I just want to defer, until I represent the case.

CHAIRPERSON ANDERSON: All right. All right, thank you. Mr. Williams, do you have, do you have a witness, you wish to call?

MR. WILLIAMS: Yes, we have one witness, today, Mr. Chairperson that is ABRA Investigator, Tavril Prout.

CHAIRPERSON ANDERSON: Mr. Prout, I, I thought I saw Mr. Prout. Ms. Fashbaugh, have you elevated the record of Mr. Prout, I don't see him?

MS. FASHBAUGH: Yes. Mr. Prout is
having some technical issues, but he is unmuted, now, so he should be able to speak.

CHAIRPERSON ANDERSON: All right. Mr. Prout?

INVESTIGATOR PROUT: Good morning, Mr. Chairperson. This ABRA Investigator Tavril Prout.

CHAIRPERSON ANDERSON: All right. Can you -- can you raise your right hand, please? And I, I can't see you, but -- all right, can you raise your right hand, please? Since I can't see you, Mr. Prout, you need to tell me that your hand is raised, sir.

INVESTIGATOR PROUT: (No audible response.)

CHAIRPERSON ANDERSON: Mr. Prout?

INVESTIGATOR PROUT: All right, sir. Yes, sir, my right hand is raised, at this time, Mr. Chairperson.

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

INVESTIGATOR PROUT: Yes, sir, I do.

CHAIRPERSON ANDERSON: Okay, let me ask you, just, just a question, what's going on
with your video? I prefer, if -- I prefer, especially, since you're the ABRA Investigator that I can -- is it something that can be solved, immediately, for, if we take a couple of minutes, or, or, or, or, or, or what?

INVESTIGATOR PROUT: So I am logged onto WebEx, at this current time. The issue that I'm having is, when I log onto the actual application, itself, the only video that I'm able to see is myself, when I logged in and, when I log -- when I logged on, previously.

When I log on, from accessing the, from the Web component, I'm only able to see you, all, but I'm not able to see the video of myself, at this time.

(Telephonic interference.)

CHAIRPERSON ANDERSON: Look, I saw you, earlier, when you were logged on, so I saw you, online. So whatever you had, before, I, I saw you. Because you're on my screen. So do you -- can you log back off and log back on, because I, I saw you, initially?

(Telephonic interference.)

INVESTIGATOR PROUT: Okay, perfect.

So what I will do, is I will log back out, at
this current time, Mr. Chairperson, and I will
log back in.

CHAIRPERSON ANDERSON: Thank you, sir.

INVESTIGATOR PROUT: Thank you, sir.

(Pause.)

CHAIRPERSON ANDERSON: And that, I prefer to see folks, when they're testifying,
especially, this is an ABRA, this is a
Government's witness and an ABRA employee, and
there should be no -- technology should not
prevent our, our, the, the employee from showing
his, or her video, so.

MS. FASHBAUGH: I elevated Tavril Prout.

CHAIRPERSON ANDERSON: Thank you. Mr. Prout, can you hear us, sir?

INVESTIGATOR PROUT: Yes, sir, I am
able to hear you, however, I'm not able to see
anyone's video, at this current time, but --

CHAIRPERSON ANDERSON: Well, we can --

INVESTIGATOR PROUT: -- Okay --

CHAIRPERSON ANDERSON: -- see you,
sir, so that's all that matters that we can see.
So -- okay, you raise your right hand, please,
again. Do you swear, or affirm, to tell the
truth and nothing, but the truth?

(Simultaneous speaking.)

INVESTIGATOR PROUT: I do, Mr. Chairperson.

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

DIRECT EXAMINATION

MR. WILLIAMS: All right. Thank you, Mr. Chairperson. All right, Mr. Prout, please, spell -- say your first name and, please, spell it, for the record.

INVESTIGATOR PROUT: Yes. My name is Investigator Tavril Prout, T-A-V-R-I-L, last name Prout, P-R-O-U-T.

BY MR. WILLIAMS:

Q Okay. Where do you work, currently?
A I, currently, work for the District of Columbia Alcoholic Beverage Regulation Administration, commonly referred to, as ABRA.

Q And, what is your position, there?
A I am an Alcohol Investigator, for the Organization.

Q How long have you been in this position?
A I've been working for the Agency, for
And, can you give a brief description of your duties, as an ABRA Investigator?

Yes, my role, as an ABRA Investigator, is to regulatory inspections and investigations, on behalf of the Agency.

Okay. And, what sort of training or certification have you had, to conduct these investigations?

I possess a Bachelor's of Science, from the University of Maryland, in Criminal Justice. I, also, possess, approximately, five to seven years of experience in public safety, juvenile corrections, and crime scene.

All right. And, could you briefly describe, what's the process for conducting an ABRA regulatory inspection, as well as, the investigative reports?

Yes. So once, as an ABRA Investigator, we go into the establishment to conduct a regulatory inspection and, in the event that we observe ABRA violations, then an ABRA Investigative Report is constructed and submitted to the Board.

Okay.
MR. WILLIAMS: At this time, Mr.
Chairperson, I would like to share District's
Exhibit A.

CHAIRPERSON ANDERSON: Ms., Ms.
Fashbaugh, can you give Mr. Williams the ability,
please, to share his screen?

(Whereupon, the above-referred to
document was marked as District
Exhibit No. A for identification.)

CHAIRPERSON ANDERSON: I think, Mr.,
Mr. Prout is saying that he can't see, so I'm not
quite sure, how we're going to do this part,
because, I think, he had stated earlier that,
he's unable to see us.

MR. WILLIAMS: Let's see, if he can
see the exhibit, here?

CHAIRPERSON ANDERSON: All right.

MR. WILLIAMS: All right.

INVESTIGATOR PROUT: Yes, I --

MR. WILLIAMS: Mr. Prout, what is --

INVESTIGATOR PROUT: -- I can.

(Simultaneous speaking.)

(Telephonic interference.)

CHAIRPERSON ANDERSON: Okay, good. Go
ahead, Mr. Williams.
MR. WILLIAMS: See -- okay, great.

Okay, I'm going to scroll through this document, Mr. Prout, and then, I'm going to ask you a series of questions.

(Pause.)

MR. WILLIAMS: Okay. All right, Mr. Prout, we'll go back to the top, do you recognize this document?

INVESTIGATOR PROUT: Yes, sir.

BY MR. WILLIAMS:

Q And, what is this document?

A This is the Investigative Report that was constructed, in lieu of the ABRA violations that were observed, on March 25th, of 2021, at the establishment, known as Mama 'San/Harlot.

Q Okay. And, could you -- what time did you arrive, at the establishment, on March 25th, 2021?

A The approximately time of arrival was 11:57 p.m.

Q Okay. And, could you, please, describe, for the Board, what you saw, upon entering the establishment?

A Yes. So when I entered into the establishment, I would make contact with the,
with a male doorman. I identified myself, as an ABRA Investigator, and then, proceeded into the establishment, after I notified him that I was there, to conduct a regulatory inspection.

Upon entering into the establishment, I saw, approximately, seven African American females, at the backside of the establishment, taking a picture.

I, also, saw two males standing up, consuming alcohol with, without masks, as well as, the seven females that were standing, taking a picture together, were not wearing masks.

I had made contact with a male employee of the establishment, when I made contact with him he, also, did not have his mask on, as well as.

As patrons were exiting the establishment and leaving their tables, they were not properly masked, as well. So those were the series of ABRA violations that were observed.

And, which were, patrons not properly socially distancing, with the seven females standing together, without face masks on, taking photographs.

Two gentlemen standing up, drinking
alcohol, and they did not have masks on. There were -- there was a female patron that was standing up, without a mask on, taking a selfie. And there was an African American gentleman, with a greyish blazer on that was exiting the establishment, without a mask on, as well.

Q Okay. Now, I want you to look at your screen, again, I want to show you some of the pictures that are in your report. Did you take these pictures?

A Yes, sir.

Q Okay. And, can you describe for us, I'll show you, firstly, here, Exhibit labeled No. 3, in your report, what do you see here?

A Those are the five African American females that were standing, posing for a picture, without having masks on, at that current time.

Q Okay. I'm going to go down to the, the next picture here, Exhibit 4. These gentlemen, were they patrons, or employees?

A They were patrons, I believe, the one on the left-hand side is the party promoter, but they were standing, consuming alcohol.

Q Okay. I'm going to go back up,
briefly, here, to Exhibit No. 2, you have here.

This gentleman, was he an employee, or a patron?

A He is an employee of the

establishment. He is -- he's, normally, the ABC

Manager, on-duty. However, after speaking with

him, he notified me that his ABC Manager's

license had expired.

So the doorman, which was identified,

as Mr. Ainslee Grant, was the ABC Manager, on-
duty, and I made contact with him, in order to

complete the regulatory inspection.

Q Okay. And, I'm going to just show one

more photo, here, this would be, from your

report, the Exhibit No. 5. This female, was she

an employee, or a patron?

A She's a patron and she was standing

up, taking a selfie of herself, without a mask

on.

Q Okay. And, is it customary for you to

take pictures and attach them to your

investigative reports?

A Yes. I do, for my investigations, in

order to substantiate the ABRA violations that I

observe, while conducting regulatory inspections,
in the District of Columbia, for ABRA.
Q     Okay. And, how did you know these violations were actual violations, at the time that you entered the establishment, on March 25th, 2021?

A     They were in lieu of the Mayor's Executive Order that had went into place, in lieu of the COVID-19 pandemic.

Q     Okay. And then, here, in your report, you have listed investigative history, where does this come from?

A     That is an internal -- we reference an ABRA internal document and, in which, each ABRA establishment has an investigative history, basically, notating the ABRA violations, in reference to the date and what the nature of the violation is.

And then, it is documented what the outcome of the investigation may be, whether it results in a monetary citation, warning, and/or if the case was dismissed, by the Board.

Q     Okay. And, can you see clear, on the screen, to read the investigative history, here, at No. 1 and No. 2?

A     Yes. The Investigative History, dated October 10, 2020, Case Number 20-CIT-00516 failed
to comply with Mayor's Order and Board's
Emergency Rulemaking.

Provided music above the
conversational level, failed to comply with
social distancing, tables were not six feet
apart, which was labeled a primary. The citation
number attached to this was Citation No. 5023 and
was, also -- and a warning.

The second investigation was on July
12th, 2020, and referenced the Case No. 20-CMP-
00084, failure to comply with the Board's
Emergency Rulemaking, after-hours, which is
considered a primary ABRA offense, the Board
requesting a warning, and the citation
accompanying that ABRA violation is Citation No.
5605.

Q Okay. Thank you very much.

MR. WILLIAMS: Your -- your -- Mr.
Chairperson, I request that this Exhibit be
entered into the record.

CHAIRPERSON ANDERSON: Thank you, Mr.
Williams, and I will move it into evidence.
It's, it's part of our records, but that's why
it'll -- it's, it's automatically a part of, of
the evidence, but I'll move it into, into the
record, thank you.

(Whereupon, the above-referred to
document was received into evidence as
District Exhibit No. A.)

MR. WILLIAMS: Okay. Your Honor, at
this point, you, Mr. Chairman, I have no further
questions for the witness.

CHAIRPERSON ANDERSON: All right,
thank you. Mr. Bailey, do you have any questions
for the witness, sir?

MR. BAILEY: Yes I do. Can I --

CHAIRPERSON ANDERSON: Yes, we --

MR. BAILEY: -- can I be heard? I'm
sorry.

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: Yes, we can
hear you, sir.

CROSS-EXAMINATION

MR. BAILEY: Okay. Investigator
Prout.

INVESTIGATOR PROUT: Yes, sir, Mr.
Bailey.

MR. BAILEY: Okay. I'm, I'm sorry, I,
I had to, kind of, move in, a little close, Mr.
Chairman, just so I can hear, correctly, is that
okay?

CHAIRPERSON ANDERSON: You can --

that's fine, sir.

MR. BAILEY: Okay, thank you.

Investigator Prout, I'm first going to address
the history of, of what you just spoke about,
regarding the history of the establishment. Are
you -- were present, during any of those warning
citations?

INVESTIGATOR PROUT: No, sir.

BY MR. BAILEY:

Q So you have no knowledge of those,
exactly, what --

A No, sir.

Q -- what occurred and why, and why the
warning was given?

(Simultaneous speaking.)

INVESTIGATOR PROUT: No, sir.

MR. BAILEY: Okay. Upon, upon entry,
when you first met with the doorman, outside, did
you ask to speak to the ABC Manager, or owner, or
did you just --

INVESTIGATOR PROUT: No, I --

MR. BAILEY: -- identify yourself?

(Simultaneous speaking.)
INVESTIGATOR PROUT: I identified myself and I stated that I was entering into the establishment to conduct a regulatory and inspection.

BY MR. BAILEY:

Q Oh, so okay, when, when, when -- after you entered the establishment, how, how long would you say that these patrons had been standing up that were -- that were standing up, in the back -- well, I'll first address the patron that was standing -- the, the patron that was taking a picture, in the back, how long were they standing up?

A So upon me entering into the establishment, I saw the patrons standing towards the back and, so I then made, made contact with the gentleman, which is in Exhibit No. 2, in which, my back was towards those patrons.

So I'm not sure, exactly, the exact amount of time that was -- that the patrons were standing in the back floor -- that photo, without masks on.

Q Because from, from where you're, where you're talking about, the picture was taken and where the, where you met the employee, these
patrons would've been standing, at the front of the establishment, closer to the exit door?

    A No that's a negative. They're towards the back of the establishment, where there are stairs that lead up --

    Q Okay.

    A -- to the -- that lead up to the ceiling of the establishment, so no, they were not near the front door, they were towards the rear of the establishment.

    Q And then -- so, so it was -- but, you don't know how long they had been standing up, upon exiting their, their table, there?

    A No. However, what I did observe, upon entering, entering the establishment, were five patrons, standing up, for a photo, not properly socially distancing, without masks on.

    Q Okay, so those patrons that were taking the photo, these were the ones that was standing to the back, by the stairs, correctly?

    A Yes. Yes, sir.

    Q Okay and, and, and you do not know how long they had been standing up?

    A No, sir, being, as I enter into the establishment, upon entrance of the
establishment, I saw those five patrons taking a photograph, without their masks on and not properly socially distancing.

Q    Investigator Prout, I'm asking you a particular question. Are you aware of how long they had been standing up?

A    Once again, I saw the patrons entering into the establishment, to conduct my regulatory inspection. Upon entering into the establishment, I saw those five patrons standing, together, without their masks on, taking a photograph.

Q    I'm trying to get a, just a simple answer here, it's yes, or no, do you know if they were standing up for seven seconds, had they been standing up there for ten minutes?

A    So you just stated yes and then you, and then you added --

CHAIRPERSON ANDERSON: Mr. Prout --

INVESTIGATOR PROUT: -- Yes --

CHAIRPERSON ANDERSON: -- Mr. Prout, he asked you yes, or no, it's -- if you -- he asked you yes, or no, so answer the question, if you can, sir. That's -- simple, as that, yes, or --
INVESTIGATOR PROUT: I'm not --

CHAIRPERSON ANDERSON: -- no?

INVESTIGATOR PROUT: I'm not aware of

the exact amount of time that those patrons were

standing there.

CHAIRPERSON ANDERSON: Thank you, sir.

Go ahead, Mr. Bailey.

MR. BAILEY: Okay, and so you're also

not -- the, the two gentlemen that you say, were

consuming alcoholic beverages, how did you
determine, if those were alcoholic beverages?

INVESTIGATOR PROUT: They -- so those

were mixed, mixed drinks, from the table, in

which those, those cups were picked up from,

there, there was alcohol standing on, sitting on

those actual tables. And then --

MR. BAILEY: So you determine that's

--

INVESTIGATOR PROUT: -- also --

MR. BAILEY: -- that that what was in

that cup was alcohol, because there was a bottle

on their table?

(Simultaneous speaking.)

INVESTIGATOR PROUT: That. And then,

also, that, while conducting my regulatory
inspection, the gentleman, who was identified, as
the promoter, had a $500-dollar bill and he was,
he was disputing the charges, with one of the
actual hosts, trying to ascertain, why his bill
was $500?

And he felt, as though, a portion of
his bill should've been comped, by the
establishment, since he had hosted the event, at
the establishment that evening.

BY MR. BAILEY:

Q So you determined, it was alcohol, in
the cup, because he had a $500-dollar, because he
had a $500-dollar tab?

A Yes, sir, which I -- which, which
listed alcoholic beverages on it.

Q So that determined that he had alcohol
in his cup, at that time, because he had a bill
for alcohol?

A Yes, sir.

Q And how long -- I see that the, the
photo that was taken of the two gentlemen, they
were at a table, where, where it appears that
they had just stood up. How long had they been
standing there, upon your entry, do you know?

A They were standing there, for
approximately one, to two minutes, while I was
conducting my regulatory inspection.

Q Okay. Investigator Prout, is there
any standing operating procedure that allows, you
know, how long an establishment has to address a
patron that's not following the, the Mayor's
Executive Order?

A No. However, patrons should be
notified that they should be seated, right, while
consuming. So those patrons were standing up and
they were consuming.

I didn't witness anybody from the
establishment go over to them, while conducting
my regulatory inspection, to notify them that
they should be seated, while consuming their
beverages.

Q Okay, so is there a time limit, like,
is there, there's a -- does the establishment
have 30 seconds to get to a patron that that's
that's standing up and not and not wearing their
mask, is it two minutes, or is there not anything
place for that?

A So there is not a -- there is not a
specific time limit, however, while conducting my
regulatory inspection, I didn't see anybody, from
the establishment, notify those patrons that they
should be seated, while consuming their alcoholic
beverages.

Q Okay. So also, while, while
conducting your regulatory inspection, did you
observe any of the signs that were posted, at
each table, and the signs posted on the wall,
upon entry, all the signs that had the, you know,
Executive Order, as well as, you must be seated,
unless consuming alcoholic beverages, did you see
that, too, or did you not observe these signs?

A No, I didn't observe any signs.

Q You didn't observe any signs. So are
you, are you saying that they weren't, they were
not present, or you just did not observe them?

A I just stated that I did not observe
those signs, sir.

Q Okay. So there, there, there is no
standing operating procedures, for how long an
establishment can address a patron, and there,
there are also no, you don't know how long these
patrons had actually been standing up?

A I stated that the two gentlemen were
standing, anywhere, from one to two minutes,
like, while I conducted my regulatory inspection.
I didn't see anybody, from the establishment, to make contact with those gentlemen, to notify them that they should be seated, while consuming their alcoholic beverages.

Q Okay. And, at the time of your entry, were the lights on, or off?

A The lights were on.

Q And, would you say, the establishment was closing up, at the time, telling patrons that they had to exit the establishment?

A No, I did not hear anybody -- I didn't hear anybody, from the establishment, notifying patrons that they needed to leave.

Q Okay and, and what, what were the hours that the establishment was supposed to close that evening?

A The establishment should have been wrapping up, at around 12:00 a.m.

Q And you entered, at what time, again?

A 11:57 p.m.

Q And the -- and you said -- and -- okay, and you say the lights were on, so that would assume -- could you assume, by the lights being on that the establishment was closing, at
that time, having, having patrons leave out?

   A    I'm not able to assume, at this time, however, I know that I arrived, at the establishment, at 11:57 p.m., and I, I know that that, in reference to the Mayor's Executive Order that establishment should've been closing around 12:00 a.m.

   Q    Okay, so 11:57 p.m. that is around 12:00 a.m., would you -- could you stay that?

   A    That is in close proximity, yes.

   Q    Okay, and lights, normally, being turned on, in an establishment, and the music being off that would, normally, indicate that the establishment is closing up, correct?

   A    Not always.

   Q    Well, would you say that, someone closing out their bill -- since you, you stated that this was the promoter for the event and they had given him his bill, would that indicate that that was the end of the night?

   A    Not necessarily. He could've been leaving for that evening.

   Q    And you -- approximately, how many patrons were, were inside the establishment?

   A    I would say it was about 30-plus
patrons, in the establishment, when I arrived.

Q Okay, but I also, I also heard in the statement that you'd indicated that that you observed patrons exiting the establishment, without a mask on?

A Yes, sir.

Q Okay. Now, when you, when you addressed the, the staff member, who you say that you normally -- that's, normally, the ABC Manager on-duty, and he indicated to you that he was not the ABC Manager on-duty that his ABC Manager's license had, has expired, did he tell you that he was working, at that time?

A He did go and grab the -- he, he grabbed the, the Certificate of Occupancy, for me, when I asked for it, and he grabbed the ABRA license for the establishment, when I asked for it, as well.

Q Okay. But my question to you is a simple yes, or no, did he ever indicate to you that he was working, at the time of your arrival?

A He stated that he was working, but he was not the ABC Manager on-duty that evening and that Mr. Grant was the ABC Manager on-duty that evening, because his license had expired.
But he did grab the regulatory, the
ABRA license and he did grab the CFO license,
from behind the actual bar area, for me.

Q Okay. And, and prior to you entering
the establishment, did you -- I -- because, you
know, I, I know you, you're aware of the layout
of the establishment.

There are, like, very large windows,
along the sides, did you observe inside the
establishment, before entering, at any time?

A I was monitoring U Street, so I was
driving down U Street, heading towards 9th and U
Street and I saw pictures being taken and patrons
standing up, without masks on.

In which, allowed me to -- which,
triggered me to go into the establishment, to
conduct a regulatory inspection, to ascertain
exactly what was going on and to, and to provide
notice of the ABRA violations, in which, I was --
in which, I had viewed.

Q Okay. So you say you were driving by,
and approximately what was your speed going,
going by the establishment, sir?

A I was at the stop light.

Q You were at the stop light?
A       Yes, sir.

Q       So my, my next question to you, upon
you entering, you met Mr. Grant, at the door, at
any time, did you indicate to him, before
entering the establishment that you were there to
write them up, for failure to comply with the
Mayor's Executive Order?

A       No. I was there to conduct a
regulatory inspection, in which, provides me
jurisdiction, in order to draft up the
observations.

Q       And the, the, the Manager, who you
said that was, that was sitting down, with, with
a -- at -- the pictures you took of the staff
member that was sitting down, did you, did you
observe that he had a beverage, food, or anything
at --

A       No.

Q       -- at that time?

(Simultaneous speaking.)

INVESTIGATOR PROUT: No, sir, which is
why he should've had his mask on.

BY MR. BAILEY:

Q       All right. But he was sitting down,
at the table, as if he was, he was waiting on
something, what did you, observe, you know, observe that?

A  I can't assume he was waiting on something, but he was seated, he was sitting down, there was no food, or no beverages, in front of him, without an actual mask on.

MR. BAILEY:  Sorry. All right that, that's all the questions I have, for the Investigator, sir.

CHAIRPERSON ANDERSON:  Thank you, Mr. Bailey. Any questions, by the Board Members?

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

CHAIRPERSON ANDERSON:  Go ahead, Mr. Short.

MEMBER SHORT:  Thank you, very much. Investigator Prout, thank you for an excellent report and, thank you, for your testimony, quite compelling. Upon your visit, on Mama 'San/Harlot, you observed, how many violations?

INVESTIGATOR PROUT:  Approximately, three, sir.

MEMBER SHORT:  Can you state, for the record, what they were?

INVESTIGATOR PROUT:  They were patrons
that were not, properly, socially distancing. There were establishment employees that did not have on their masks and there were patrons that were standing, consuming alcoholic beverages.

And, there were patrons exiting the establishment, without their mask on, so actually, four violations, sir, in, in total.

MEMBER SHORT: Thank you. And, were these violations in violation of the Mayor's Order, at that time?

INVESTIGATOR PROUT: Yes, sir.

MEMBER SHORT: Can you state, for the record, what your, what your -- why the Mayor and the City had put these regulations in place?

INVESTIGATOR PROUT: Yes. The Mayor's Executive Order was put into place in, in order to slow down the spread of the COVID-19 virus and the result of the COVID-19 pan, pandemic.

So the goal was to slow down the rate of the spread of the COVID-19 virus, amongst D.C. residents and patrons, who entered and exited out of the District, in order to maintain public health and public safety, at large.

MEMBER SHORT: So in your opinion, as a professional investigator, for ABRA, were these
violations a health hazard to the District of Columbia?

INVESTIGATOR PROUT: Yes, sir.

MEMBER SHORT: I thank -- again, I thank you, very much, for your, your testimony. And my last question is, what is, normally, the penalty for not -- the normal penalty, for people, who violate the Mayor's Order, during the pandemic?

INVESTIGATOR PROUT: So initially, it would be a warning, and then, upon the, upon the second violation of the Mayor's Executive Order will result in a $1,000 citation. A third offense will result in $2,000, a fourth offense will result in $3,000, and then, a fifth offense would result in $5,000 and/or the ABRA license being taken away from the establishment, by the Board.

MEMBER SHORT: How many violations of the Mayor's Order, did this establishment have, on the record?

MEMBER SHORT: There were two prior violations of the Mayor's Executive Order, prior to this current observation of this, of, of the violations of the Mayor's Executive Order that
were observed, on March 25th, 2021.

    MEMBER SHORT: Thank you, again, for excellent testimony and I, as a Board Member, appreciate your excellent testimony and your excellent report. Thank you. That's all I have, Mr. Chair.

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

    (No audible response.)

    CHAIRPERSON ANDERSON: Mr. Prout, I have a question. I have a couple of questions for you. What time was the establishment supposed to close, on, on March 25th, 2021?

    INVESTIGATOR PROUT: They should've been closing around 12:00 a.m., sir.

    CHAIRPERSON ANDERSON: So what time, do you know -- how long were you -- you said you arrived, by 11:57 p.m., so how long did you stay in the establishment?

    INVESTIGATOR PROUT: I believe, I exited the establishment, Mr. Chairperson, give me one minute. The Court's indulgence, please?

    (Pause.)

    INVESTIGATOR PROUT: I exited the
establishment at 12:36 a.m., on March 26, 2021, sir.

CHAIRPERSON ANDERSON: So between 11:57 p.m. and 12:36 a.m., when you was there, was it apparent to you that they were closing, or was it apparent to you that they were still operating?

INVESTIGATOR PROUT: It was apparent that they -- that they were wrapping up, however, they were -- there was still alcohol being consumed, there were patrons that were still seated and consuming alcohol, when I did enter into the establishment.

And there were patrons that were that were standing up and that were taking pictures. But, it did seem, as though, they were, kind of, wrapping up.

However, there was still alcohol consumption and patrons seated, so there were some that were in the process of leaving, but there were still patrons in the establishment that were still seated and consuming alcoholic beverages, upon arrival and taking establishment, at 11:57 a.m.

CHAIRPERSON ANDERSON: Now, you're
talking about the five females, who were posing
for pictures, towards the back.

I mean, did it, did it appear that
these were participants, who were leaving and
they're just taking a final picture, before they
leave, or, or were they there, still enjoying,
enjoying the festivities? I mean, what was your
view of what was going on?

INVESTIGATOR PROUT: So my view was
that they were still there. So they were taking
multiple -- like, it wasn't just they took that
d picture and then they were exiting out, they were
taking multiple pictures.

So there were patrons that were that
were leaving out of that that first photo that
was taken and then, they -- and then, there were,
like, more patrons that were -- so in that photo
shot, there were five patrons and then, and then
two patrons would leave, then it would be three.

Then, four more patrons may, may get
into the shot, now it's like six, or -- so there
were like, like, it was, almost, like an actual
photo shoot versus, like, one final photo and
then we're leaving the establishment for that
night.
CHAIRPERSON ANDERSON: Now, you said that people left the, the picture, did they leave the picture, to exit the establishment, or did they leave the picture to, to go back to their table and sit down, or from your -- you said you were there, you were there, for over half-an-hour, so I'm just talking about, like, these other people, what happened?

INVESTIGATOR PROUT: So there were patrons that would leave out of the photo and then, they would stand, by where the, the photographer was standing, to watch the photo being, being taken, so it would be that. So it would be patrons hopping in and, and out of the photo, but the patrons were not leaving the establishments they -- the establishment, they were standing around, watching photos being taken of different patrons, with the actual party that --

CHAIRPERSON ANDERSON: That --

INVESTIGATOR PROUT: -- was there.

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: I'm sorry, go -- so what is it that -- what, specifically, what was this establishment charged with?
INVESTIGATOR PROUT: They were charged with violation -- so for patrons not properly socially distancing, they were charged with patrons standing and consuming alcoholic beverages, as well as, employees of the establishment not, not wearing face masks, as well.

CHAIRPERSON ANDERSON: Now, so in these particular Mayor's Order, regarding social distancing, was there any provision being made in they, in the Mayor's Order, for people in a party, or, or is that, if we were in -- if we were in the same party, based on a provision, do we have to be socially distant, or can we be together? I'm just asking, what did the, what did the order state, at that time?

INVESTIGATOR PROUT: So as the party arrives, together. However, it was unclear, at that time, whether or not, that party was together, because they were coming from different tables.

CHAIRPERSON ANDERSON: Okay. Now, you had -- you, also, stated that, there were two patrons, who were standing, standing up and consuming alcohol, so the two patrons that you
showed a picture, who were standing up and consuming alcohol, did they stand up, to finish their liquor, to leave, or were they just standing up consuming alcohol, what, what, what were they doing?

INVESTIGATOR PROUT: No, they were standing, consuming alcohol. Because, what the order stated, at that time that, patrons should only be served, by the establishment, when seated.

So the patrons were standing, consuming alcohol, having all -- having a conversation and consuming alcoholic beverages, while having their actual conversation.

CHAIRPERSON ANDERSON: Yes, but were they standing, at a table, or where were they standing, in the establishment, consuming alcohol?

INVESTIGATOR PROUT: They were standing -- they were standing in front of a, an actual table.

CHAIRPERSON ANDERSON: There is -- so do you know, whether or not, this was their table? I mean, or -- I, I, I'm, I'm trying to find out, because you saw them, or you were there
for, for a period of time.

INVESTIGATOR PROUT: Mhm.

CHAIRPERSON ANDERSON: So they were at a table, so did they just stand -- and you said, you were there, for a half-an-hour, so were they standing there, just stretching their legs, or, for a minute, or were they just standing there, the entire time, consuming?

INVESTIGATOR PROUT: When I walked into the establishment, they were standing. While conducting my regulatory inspection, they were still standing. At no point, did I see them sit down.

CHAIRPERSON ANDERSON: All right. All right, I have no other questions. Any other questions, by any of the Board Members?

(No audible response.)

CHAIRPERSON ANDERSON: All right, Mr. Bailey, any questions of the, of -- any questions, of the witness, based on the questions that the Board asked? There has -- it has to be based on the questions that the Board asked, sir.

RECROSS-EXAMINATION

MR. BAILEY: Well, the, the only question I have is following your question, Mr.
Chairman, where he stated that, that the
gentlemen, upon his arrival, were standing up
and, was he aware, if they were exiting the
establishment, or not.

I'm going back to what Mr. Prout
stated, earlier, he stated that, one of the
gentlemen was disputing his bill, which would
indicate that he was paying his bill, at the
time, and was getting ready to, to leave out,
because that wasn't, you know, the answer that
that I received, you know, was the same
answer that you got, was yes, or --

CHAIRPERSON ANDERSON:  All right --

MR. BAILEY:  -- no?

CHAIRPERSON ANDERSON:  -- do you have
any other questions, sir?

(Simultaneous speaking.)

(No audible response.)

CHAIRPERSON ANDERSON:  Are you asking
him --

MR. BAILEY:  I --

CHAIRPERSON ANDERSON:  -- a question,
or are you --

MR. BAILEY:  Yes, I might as well --

so I, I'm, I'm asking -- so it's determined that
the gentlemen that were standing at that
table, which you say that were disputing the,
the, one of them was disputing a $500 tab, was he
now exiting -- was he waiting to pay his bill, or
was he just standing there, consuming his
alcoholic beverage?

(Simultaneous speaking.)

INVESTIGATOR PROUT: No, he was
consuming his alcoholic beverage. That -- that
junction and the promoter was still there, after
I left the establishment, at 12:36 a.m., because
they had to finish counting money.

Because, he was waiting for his
portion of the money, from the proceeds that was
received, from the even that was hosted at the
establishment. So when I left the establishment,
at 12:36 a.m., that gentleman was still there.

BY MR. BAILEY:

Q    And so -- and you were worried, he was
waiting on his money, how?

A    Because that's what -- because, he was
saying that, the bill could be taken, from out of
his cut, of what he made, from the event, on the
night in question.

Q    So was he waiting on them to correct
his bill, or was he waiting to get paid? I, I'm, I'm --

A       He was waiting to get paid.

Q        -- getting, kind of, a mixed --

A        He was getting -- he, he was waiting
to get paid.

(Simultaneous speaking.)

MR. BAILEY: So my question to you is, how do you know, he was waiting to get paid?

INVESTIGATOR PROUT: Because, it's -- that's what he stated, Mr. Bailey.

MR. BAILEY: Okay. I -- I have no further questions, Your -- Chairman.

CHAIRPERSON ANDERSON: Thank you, Mr. Bailey. Mr. Williams, any questions -- any, any follow-up?

MR. WILLIAMS: I have no further questions, Mr. Chairman.

CHAIRPERSON ANDERSON: All right, thank you. Mr. Prout, thank you for your -- thank you for your testimony. All right, Mr. Williams, do you have another witness?

MR. WILLIAMS: No, I have no other witness, our, our case is closed.

CHAIRPERSON ANDERSON: All right,
thank you. Mr. Bailey, do you need to tell me --
do you have a witness, you wish to call, you --
you want to make an opening statement and, do you
have a witness you wish to call, sir?

MR. BAILEY: I would --

(Telephonic interference.)

MR. BAILEY: -- owner, Mr. --

CHAIRPERSON ANDERSON: So which --

MR. BAILEY: -- Kalantar.

CHAIRPERSON ANDERSON: -- are you --
I'm sorry, tell me what you're doing, sir.

(Simultaneous speaking.)

MR. BAILEY: Trying to call the owner,
Mr. Kalantar.

CHAIRPERSON ANDERSON: Are you going
to make an opening statement, or are you just
going to call the owner?

MR. BAILEY: I'm just going to call
the owner.

CHAIRPERSON ANDERSON: All right. Mr.
Kalantar, can you -- can you raise your right
hand, sir? Can you please, state and spell your
name, for the record?

MR. KALANTAR: Good morning, my name
is Alireza Kalantar.
CHAIRPERSON ANDERSON: Spell your name, sir, please.


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

DIRECT EXAMINATION

MR. BAILEY: Mr. Kalantar, I'm first going to address the issue of the, the history that is listed into the establishment, about the Mayor's Executive Order.

     The first one is the first warning, where it was stated that you were operating after-hours, can you tell me what, what happened with, with that warning, what exactly happened that day?

MR. KALANTAR: Yes, sir. We had neighbors, above us, another establishment, called Live at You, and they had a party and they, I guess, closed early and threw out, about 18, 19 people outside that proceeded to come to the area that we have in front of the restaurant and were continuing to drink.

     So I contacted you, to call ABRA to ask them to come in and assist us, because they
were getting rowdy and they were trying to attack our establishment.

BY MR. BAILEY:

Q    Okay and then, and then, what, what was the follow, after that?

A    The follow after that is, not only did the ABRA Inspector didn't help us, he proceeded to tell me, because they were sitting outside, in our chairs, even though, we're the ones that called them, they wrote us up, for a warning.

Q    Okay, the second one is the other warning, about the, the social distancing and the, and the music being played, inside, can you tell me, what happened that evening, with the warning?

A    Which one is the, the date, the warning --

Q    I cannot see the actual report, but it --

A    Yes, it --

Q    -- just the refresher, the one with the two team of investigators came in.

(Simultaneous speaking.)

MR. KALANTAR: Right, and they were saying that, somebody had made a noise complaint
and they came in and we didn't have a DJ, we were playing normal music.

And, while we are actually trying to communicate with them, there were people standing up, so we were running back to tell them to sit down, so forth and so on.

BY MR. BAILEY:

Q And could -- during that time, did they -- I was -- during that time, did they, did they observe, after these people were instructed that the -- did they still continued on to, to do so?

A Correct, because you went to ask these ladies to sit down, when these other two ladies stand up, without a mask, so I'm running back to them, and then, you're running back to them, it, it, it was, it was just a nightmare.

This whole process was a nightmare, because you can't really control people standing up, without going to ask them, please, to sit back down.

And that was one of the reasons that we had so many bad reviews, on Yelp, saying that these guys are harassing us, they ask you to sit down, all the time. They ask you to wear your
mask, all the time, it's all over Yelp.

Q       Okay. And, Mr. Kalantar, can you, briefly, just explain any issues that you have had, occurring inside the establishment, because you have addressed patrons not following the Order?

A       Yes, I've had people pull a knife on me, I called the 911, because I asked them to pull, to, to put their mask on. I had people not trying to not pay a $550 check, because they said that we harassed them, with the whole mask issue, we called the police and that's how we got paid.

We had a $1,100 check that was -- they were running out, saying that they weren't going to pay, because the waitress harassed them with the mask issue.

I mean, short of hand to hand combat, we had to try to explain to people that these are the Mayor's orders and this is what's required of us and that's what we're doing, in order to stay in business.

Q       So, Mr. Kalantar, did you try to get officers to, kind of, assist you, in this?

A       Yes, there was no -- there was no MPD available, during this time. We have had an, the
police detail, since the day we opened, we always had police detail.

After Corona Virus, it -- that was removed, until further notice. And, as soon as it came back, we got the, the MPD back into the establishment.

Even though, the Volunteer Agreement asked for two nights, per week, for one officer, I have four nights, a week, two officers, every weekend.

Q    Okay, Mr. Kalantar, what efforts, other than, you know -- okay, let me ask you, this, upon entry into your establishment, does, does your staff member that's outside, do they inform your, your patrons of the rules and regulations that they have to follow?

A    At that point, you had to pass the gentleman, at the front, and it's Mr. Ainslee Grant, you had to register. As a matter of fact, he asked this gentleman, the Inspector, to register and he pulled out his badge and said, I don't need to register, I'm an ABRA Inspector, I'm here to write you up.

Then, you had all the signs, at the door, you had the signs in the bathrooms, you had
the signs at the exit, as you're coming out, from
the second door, you had signs on every table and
you had to explain to every person, as they would
walk in, what the rules and regulations were.

And it was quite easy, because there
was no DJs allowed, so there was no loud music.
We went by every rule that was given to us. And
it's, it's really a surprise, to me, the way that
this whole inspection turned out, because it was
not a normal inspection.

Q: Okay. At the time that the
Investigator arrived, were you closing up that
evening?

A: They were closing up. I had already
left. I'm in the middle of a custody battle, so
for months and months, I have to go early, in the
morning, to either, for the deposition and so
forth and so on, so Ainslee Grant was the
Manager, on-duty.

I, also, have Ramon Ramirez, who was
a license holder. On the videos that I submitted
to you guys, you see that Mr. Ramirez, also,
wearing a mask, approaching the Inspector,
explaining to him and then, going back to the
tables, asking people to sit back down.
And, as he's doing so other people are standing up. Because we are closing, everybody's leaving. Now, call me crazy, but when you see all the lights up, in a restaurant, and you see that there's absolutely no music playing that, kind of, gives it away that the place is closed and people are just waiting to exit.

And, this inspection came in, at the moment, where everybody's now running around telling people to sit down, as they're trying to exit, it's, it's impossible to control 25 people, unless you have 25 bouncers, all at the same time.

So as soon as somebody stands up, you tell them to sit back down, because there is no rules. How long are they supposed to stand up, when you tell them, you have to exit, they want to exit.

When they want to take a picture, if it's a birthday, of six people that came in, together, family members. On that picture you even see, like, there's one, or two that are wearing a mask.

It, it, it was a bad situation, for everyone. I don't think that, anybody, during
this, this pandemic got rich, we were just trying
to keep the lights on and save the furniture, the
best we could, every single day.

And, short of getting stabbed, or
getting into a physical fight, we did everything
we could, trying to stay in business.

Q So the, the Investigator reported
that, stated that that you're -- you had a staff
member that was sitting at the table that did not
have a mask on.

A Right.

Q Could you -- can you tell me, what was
going on, with him?

A Yes that's Brad Evans, he was,
basically, the Opening Manager and he was waiting
for his food, because that's when he's going
home.

Brad has his right leg amputated, as
you already know, and has trouble walking and,
and standing. He was just waiting for her food,
for his shift food and, to assist with closing,
and then going home.

When the Inspector waked in and asked
him to go and get the, the, the license, he just
wanted to assist, he was not the Manager on-duty,
like he already explained to the Inspector.

The Inspector happens to, I guess, know Brad, from before, and the same way that he happens to know, probably, the people that were there that he’s saying that they were promoters, because I do not pay promoters the night of, so those statements are completely wrong and just made up.

Q Okay. Mr. Kalantar, what steps have you taken, to assure that you are in compliance with the Mayor's Executive Order?

(Telephonic interference.)

MR. KALANTAR: We took registrations of every person that waked in. We took temperature of everybody that walked in and walked out. My whole entire staff is vaccinated. We were, also, encouraging people to vaccinate.

When Mr. Shawn Townsend was working with the Mayor and trying to push D.C. population to, to, to vaccinate, we were one of the first one that got part of the program, trying to open the doors for people to come and get vaccinated.

Never tried to profit from any of that. I have complied with everything that they were asked of me. Reality is, I have 39
employees, during pandemic, none of us put our
hands out, trying to get free money.

We, we put our sleeves up and we tried
to create jobs, feed people and try to, somehow,
have a little normal life in, in, in this
madness.

And, how many of the business cards,
of ABRA investigators, do you want to see? I
have, probably, what, five inspections, per week,
and nobody ever had any problems with us.

This investigation was just crazy.
The -- I've never had, in 30 years in business,
any investigator come into the business saying,
I'm here to write you up.

BY MR. BAILEY:

Q    And you've got that statement, from
who that, that --

A    My --

Q    -- the Investigator --

(Simultaneous speaking.)

INVESTIGATOR PROUT: My ABC License
Manager, Mr. Ainslee Grant, who I had worked
with, for 28 years, who I trust, who is a current
license holder. The Investigator was very
combative.
First of all, he did not look like an investigator, when he walked in there. My, my Manager said, I've never seen an investigator roll in, at 11:57 p.m., wearing a $2,000 coat and $1,000 sneakers and telling me, I'm, I'm here to write you up. So it was just hostile, from the moment that this gentleman walked in.

BY MR. BAILEY:

Q So is there anything further that you wanted, you want to explain, about that evening, as --

A Anything else that I want to explain, yes. We go by the book, every day, seven days a week. We don't cut corners, we don't break any laws, we don't do after-hours.

It, it just, sometimes, very frustrating to do everything we can and still being for a hearing for something that, I don't think anybody, humanly, could, could have controlled.

Unless I have 25 security, there's no way to have 25 patrons sit down, all, at the same time, within 30 seconds. You witness it, two people get up, you go to talk to them, two other people get up. We were closing. People are
going home. I provided --

Q  Mr. Kalantar --

A  -- those videos -- yes?

(Simultaneous speaking.)

MR. BAILEY: Do you also offer, like, masks, to patrons that --

INVESTIGATOR PROUT: Every single --

MR. BAILEY: -- that do not --

INVESTIGATOR PROUT: Every single person, as they would walk in, they would get a complimentary mask. If they would leave the place and come back, they would still get a mask. I have all the receipts, to prove, how many masks I have purchased, throughout the pandemic.

(Simultaneous speaking.)

MR. BAILEY: That -- that is -- that is all, for this witness, Mr. Chairman.

CHAIRPERSON ANDERSON: Thank you. Mr. Williams, you have no questions for the witness?

CROSS-EXAMINATION

MR. WILLIAMS: Yes, I do, Mr. Chairperson. All right, good morning, Mr. Kalantar. Let me ask you --

INVESTIGATOR PROUT: Good morning, sir.
MR. WILLIAMS: Let me ask you questions, here. How long have you been the owner of Mama 'San/Harlot?

(Simultaneous speaking.)

INVESTIGATOR PROUT: We opened in November, of 2019, right before the pandemic, so from the beginning.

BY MR. WILLIAMS:

Q Okay, and so you have been the owner, the managing owner, throughout the pandemic, beginning, basically, in March, 2020?

A Yes, sir.

Q Okay. And so throughout that time then, there had been a variety of emergency orders, issued by the Mayor, as well as, ABRA, correct?

A Yes. Yes, sir.

Q Okay. And, how did you stay aware of those orders?

A By getting the Emails, directly from the, the Mayor's office, or through my agent and the, in three different occasions, ABRA inspectors came in, to actually hand out pamphlets.

Q Okay. And so did you read these
orders?

A Yes, sir.

Q Okay, great. So does the Mayor's Order state a time limit, on standing?

A No, sir.

Q Because, the Mayor's Order, specifically, and I'm going to give you a section, which you don't have available to you, but Title 23 DCMR, Chapter 8104, states events and activities should be prohibited and require patrons to stand, are you aware of that?

A I don't have the document, in front of me, but if you have it to show me, then I can definitely confirm, or, or, or deny.

Q Right. The Mayor's Order, as well as, the ABRA's Orders, they don't have time limits, they just basically state, you can't stand, correct?

A You can stand, or dance, because you have to remember, the, the, these orders were coming and going, every few weeks, something --

Q Right.

A -- was added, correct? So originally, the, the first order that came in, did not state that we were supposed to close, at 10 o'clock, so
like, it was just going through progress,
progress of, okay this is what the science says,
this is what we're allowed to do, this is what we
are not allowed to do. And, as soon as they
would communicate with that, with us, we would
just go by it.

(Simultaneous speaking.)
MR. WILLIAMS: Right. So essentially,
the pandemic has been going on, for almost going
into two years, at this juncture.

INVESTIGATOR PROUT: Yes, sir.

BY MR. WILLIAMS:
Q You -- this particular ABRA
Investigator, arrived on March 25th, 2021, is
that correct?
A Correct. Yes, sir.
Q Your last citation was October 10th,
2020, for failing to socially distance, correct?
A You mean, the warning, or a citation?
Q You got a citation. You received the
warning, July, 2020, you received the citation,
for lack of social distancing, in October, of
2020, correct?
A Okay.
Q So therefore, you would be on notice,
as far as, the rules and regulations that ABRA is
imposing, during this time period, correct?

A Correct.

Q So -- so with that awareness, then
your responsibility to retain your license, is to
follow those regulations, is that correct?

A Yes, absolutely.

Q And, you saw the Investigative Report
that I displayed, on my screen, correct?

A Correct.

Q There were, approximately, five
different pictures, in that Report. As the ABRA
Investigator discussed, he was in the
establishment, for about 30 minutes.

My question to you, is this, did you
notice, in those pictures, movement of people?
And I can put them up, if you would like, as far
as, people moving, like they were leaving, or
were those people stationary?

A No they were, they were leaving. We
--

Q Well --

A -- close and, and, and evacuate the
place, every night. If you want to put it up, I
can --
Q We're not --
A -- explain to you, exactly, what that is.

(Simultaneous speaking.)

MR. WILLIAMS: Mr. Chairperson, could I share my screen, please?

CHAIRPERSON ANDERSON: Ms. Fashbaugh, can you give Mr. Williams the ability to share his screen, his screen, please? I'm not sure, if it's been taken away from you, are you --

MS. FASHBAUGH: This has been accomplished.

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: All right, go ahead, sir.

MR. WILLIAMS: Thank you.

CHAIRPERSON ANDERSON: Thank you.

(Pause.)

MR. WILLIAMS: Well, my -- I'm going to have to document a little problem, here, give me a second.

(Pause.)

MR. WILLIAMS: Okay, can you see my screen, Mr. Kalantar?

MR. KALANTAR: Yes, sir.
BY MR. WILLIAMS:

Q Okay. So let's, let's go here. Let's say -- excuse me. The Investigator arrived, at 12:57 a.m. However, the Investigator was able to take five different pictures, during that time.

This gentleman, here, which you say, was not on duty, fine. However, this group, standing, taking pictures.

A Yes?

Q Moving on --

A I -- I'm sorry, can you, can you scroll back up, please, on that picture?

Q Yes, sure.

A Of the group standing up take, taking a picture, together.

Q Yes.

A Correct me, if I'm wrong, but there's one lady, wearing, on the far right, a mask, under her chin, and the other one is wearing a mask, correct?

Q (No audible response.)

A And the Investigator said, there's no way to determine, if these folks came together, or they were, mysteriously, coming from all different tables, to come together to take a
picture, does not even sound right.

Q    Well, two things, the entire party is
not wearing a mask, No. 1. The Mayor's Order
simply states, patrons shouldn't be allowed to
stand, period. That's the key to this issue.
And, while this group photo is going on,
Investigator Prout was able to take the picture,
while the picture was being taken, so is it
reasonable to say that, these folks just weren't
standing here, for a few seconds?

A    No, sir, it's not reasonable, because
I also submitted the video, showing that my staff
is running to, towards these folks, from
everybody, saying sit down, put on a mask, put on
a mask.

You don't have noise on those videos,
but you can, clearly, read body language, when
the gentleman from the bar is running outside
telling people put on your mask, put on your
mask, what does that mean?

Short of, like I said, hand to hand
combat, we tried every which way to comply, but
people are standing up, you have 30 seconds to
run to them and tell them put on your mask. I
mean, realistically, it's almost impossible.
Q Well, Mr., Mr. Kalantar, does it take 30 seconds to take a picture?
A Yes.
Q Okay. Well, in that time frame, these ladies had to congregate, correct?
A Yes.
Q They had to get together, correct?
A Right.
Q By the time they all got together and our investigator is going around the room, they were still -- he was still able to capture a picture of them, in their pose, is that correct?
A He took pictures, as he walked in, snap, snap, snap, snap, snap, he's on my camera. He's on my video that I gave to Mr. Bailey, to submit to you guys.
Q Did Mr. Bailey submit this video, to the Board?
A Mr. Bailey?
MR. BAILEY: I sent that video back --
CHAIRPERSON ANDERSON: No I, I --
MR. BAILEY: -- back --
CHAIRPERSON ANDERSON: -- I, I'm --
MR. BAILEY: -- when --
CHAIRPERSON ANDERSON: -- I'm, I'm --
MR. BAILEY: -- okay.

CHAIRPERSON ANDERSON: -- I'm sorry, you, you can't ask -- you cannot ask a question, you can't answer the question, so this is cross -- this is cross-examine -- this is --

MR. WILLIAMS: Okay.

CHAIRPERSON ANDERSON: -- cross-examination, so -- all right.

(Simultaneous speaking.)

MR. WILLIAMS: No problem, Your Honor. I mean, Mr. Chair. Okay, these gentlemen were pictured, this young lady is pictured, all these pictures he was able to take, in the time frame that he was there.

INVESTIGATOR PROUT: Right.

BY MR. WILLIAMS:

Q Correct?

A Like I said, I do have the video of this Inspector walking in, snapping, snapping, snapping and taking a video of the whole place. Took the video, showed it to my Manager, inside and outside, saying I'm here to write you up.

Q Is that -- that person has not testified, today, is that correct?

A No.
Q          Okay. An ABRA Investigator, if they
show their badge, are they authorized to come in
your building?

A          They have to introduce themselves and,
also, bring business cards, like all these other
people do, which, at the, at the entrance, he
refused to do so, and he was told that we were
closed.

Because, he walks in, passes the front
door, as they're telling him, we are closed, as
he's telling him, if you are joining a group, you
still have to register, by Mayor's Order, and the
Investigator's telling him uh-huh, I'm the
Investigator, I'm here to write you up.

Q          The time, at the time --

A          Not, I'm here to investigate.

(Simultaneous speaking.)

MR. WILLIAMS: The time is 11:57 p.m.,
correct?

INVESTIGATOR PROUT: Correct.

BY MR. WILLIAMS:

Q          Your -- so your establishment didn't
close, until Midnight, correct?

A          Correct.

Q          Therefore, the ABRA Investigator has
the right to come into the establishment, when
the establishment is open, correct?

A One hundred -- 100 percent, yes.

Q Correct. And, the date on this, once
again, is March 25th, 2021. At this point,
you've --

A Right.

Q -- been dealing with COVID issues and
regulations, for over a year, correct?

INVESTIGATOR PROUT: Right.

MR. WILLIAMS: I have --

INVESTIGATOR PROUT: But --

(Simultaneous speaking.)

MR. WILLIAMS: -- no further

questions, Mr. Chairman.

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

MEMBER SHORT: Yes, Mr. Chair, I have

a question.

CHAIRPERSON ANDERSON: Oh, hold on.

No, no, no, no, no, no, no I can't go back there,
I can't -- no. I'm sorry, this was the end of
it, because this, this was Mr. Williams' re-cross
of the witness, so if I open it back up, then I
have to open it back up, for everyone, I'm sorry.
I'm sorry, Mr. -- I'm sorry, Mr. Short.

MEMBER SHORT: I am, too, Mr. Chair.

CHAIRPERSON ANDERSON: Mr. -- all right. Okay, I'm sorry. The Board has not asked this witness, as yet, is that correct?

MEMBER SHORT: That's correct.

CHAIRPERSON ANDERSON: So I know that Mr. Williams -- okay, I apologize. Go ahead, Mr. Short. I, I had forgotten, where we were, go ahead, Mr. Short.

MEMBER SHORT: Thank you, so very, very much. Mr. Kalantar, forgive me, if I'm not pronouncing your name, correctly.

MR. KALANTAR: No problem.

MEMBER SHORT: What time, were you supposed to be closed, on March 25th, 2021?

MR. KALANTAR: Midnight, every night.

MEMBER SHORT: What time did the Investigator take those pictures, inside of your establishment?

MR. KALANTAR: 11:57 p.m.

MEMBER SHORT: What time were you supposed to be closed?

MR. KALANTAR: Midnight.

MEMBER SHORT: Excuse me?
MR. KALANTAR: Midnight.

MEMBER SHORT: Midnight, 12, 12:00 a.m., Midnight?

MR. KALANTAR: Correct, sir.

MEMBER SHORT: He was there, for 30 minutes, people were still in there, taking pictures, is that correct?

MR. KALANTAR: No that is not correct, sir.

MEMBER SHORT: But, what time is your last call for alcohol service?

MR. KALANTAR: 11:45 p.m.

MEMBER SHORT: So at 11:45 p.m., no drinks should be on the table and people should be leaving, correct?

MR. KALANTAR: No alcoholic drinks, yes, sir.

MEMBER SHORT: And the door should be locked, at 12:00 a.m., Midnight, correct?

MR. KALANTAR: Correct.

MEMBER SHORT: So apparently, someone was in violation, if the Investigator was there, until 12:30 a.m., and people were still inside and you weren't closed, is that --

MR. KALANTAR: It's --
MEMBER SHORT: -- correct?

(Simultaneous speaking.)

MR. KALANTAR: Not exactly, sir, because the Investigator was there, telling my staff members, you need to go talk to them, you need to go talk to them, you need to go talk to them, and they were, all, trying to cooperate, with the Investigator, at that point, who is not realizing that, this whole process is slowing down the process of closing up tabs and asking people to leave.

If you look at our history, we have always complied with all the rules and regulations. The couple of times that investigators showed up, to check, because somebody called, for loud music and so forth and so on, they have realized that we are in compliance with every rules that were given to us.

We don't break any rules, sir. That's -- that's my frustration. We try, every which way, to cooperate with all of the rules of the City.

We try, every which way, to take measures to, like I, like I, like I told you,
this is the testimony, sir. The, the, the Voluntary Agreement says, states that, I needed to have one police officer, two nights, a week.

I have two police officers, four nights, a week. I've had people, if you look at Yelp, complaining about the fact that we, basically, killed their buzz, by taking their drinks away, 15 minutes, before closing.

We had killed their buzz, because we kept telling them to sit down. We had killed their buzz, because we are Nazi, telling them to sit down, when they get up, for a second, to take a selfie. We tried every which way to obey the law --

MEMBER SHORT: Mr. Kalantar --
MR. KALANTAR: -- and we paid the --
MEMBER SHORT: Mr. Kalantar --
MR. KALANTAR: -- price for it.
(Simultaneous speaking.)
MEMBER SHORT: Mr. Kalantar?
INVESTIGATOR PROUT: Yes?
MEMBER SHORT: Your last call is 11:45 p.m., for what reason?
MR. KALANTAR: It's to clear the place.
MEMBER SHORT: Was the place cleared, at 11:45 p.m.?

MR. KALANTAR: There's a last call and actual people leaving, it's, it's, it's two different things. The last call is, we're not serving you, anymore, right?

But you still have to get people to pay their checks, to leave, and, and at that point, we're talking about, like the gentleman said, 20 or 30 people.

Again, on the videos, you see that people are wearing masks, exiting the place. You see people getting up to take a picture, my staff running to them, going like this.

On the picture, you see that the Inspector walks in and he goes snap, snap, snap, snap, snap, video, goes to Brad Evans, saying, what the hell is going on in here?

MEMBER SHORT: Mr. Kalantar, Mr. Kalantar, do you think, maybe, if your, your last call was at 11:30 p.m., it might help you, a little?

MR. KALANTAR: Sir, during COVID, we were at --

MEMBER SHORT: I -- no --
MR. KALANTAR: -- 25 percent --

MEMBER SHORT: -- Mr., Mr. Kalantar, can you answer this question, yes, or no, do you think a, a, a closing time, or a last call, prior to 11:45 p.m., would help your business?

(Simultaneous speaking.)

INVESTIGATOR PROUT: Hindsight is 20/20, at this point, yes.

MEMBER SHORT: That's all I have, Mr. Chair, no further questions.

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

MEMBER GRANDIS: Yes, Mr. Chairman.

CHAIRPERSON ANDERSON: Go ahead, Mr. Grandis.

MEMBER GRANDIS: Mr. Kalantar, I want to thank you, for being here today and your testimony.

MR. KALANTAR: Sure.

MEMBER GRANDIS: Does your establishment have a security plan, filed with the Agency?

MR. KALANTAR: A security plan?

MEMBER GRANDIS: Yes.
MR. KALANTAR: Yes, sir.

MEMBER GRANDIS: You do have a security plan?

MR. KALANTAR: Yes, sir. And it was submitted, before we actually --

MEMBER GRANDIS: Filed with the Agency?

MR. KALANTAR: -- obtained our -- I'm sorry, sir?

(Simultaneous speaking.)

MEMBER GRANDIS: I'm listening.

MR. KALANTAR: I, I couldn't, I couldn't hear your --

MEMBER GRANDIS: No.

MR. KALANTAR: -- question, sir.

(Simultaneous speaking.)

MEMBER GRANDIS: No, I -- you answered the question, you said you have a security plan. Does your security plan include having security guards on, on duty, during your business hours, or are they just certain nights?

MR. KALANTAR: Yes, sir. We're a restaurant, so we always had one security inside and one security outside, because we were operating at 25 percent capacity, which allowed
us to have, up to 50 people.

MEMBER GRANDIS: Okay. Looking at the Investigator's Report, it, it says that, your establishment is a CT, which, which is defined, as a tavern, not a CR, which is defined, as a restaurant.

So what I'm understanding you're saying is that, you have a menu and restaurant food service, but you are --

MR. KALANTAR: Yes --

MEMBER GRANDIS: -- a CT?

MR. KALANTAR: Right.

MEMBER GRANDIS: But you are a CT, okay.

MR. KALANTAR: Yes, sir.

MEMBER GRANDIS: You -- you, also, stated that, your concern for yourself and the staff that, when you try to tell your patrons, regarding these Mayor's Orders that they -- that you've been threatened, with a knife?

MR. KALANTAR: Actually, no. The -- the incident with the knife was, when the gentleman came in and entered the, the, the premises and I asked him, if he had a reservation?
Because, if you remember, back then, 
by Mayor's Order, you can only come in, if you 
have the reservation. He refused to register. 
He refused to wear a mask and he pulled a knife 
on me.

At that point, I looked at him and I 
told him, look, you're on three cameras, don't be 
stupid, please, don't do this. My ABC Manager, 
at that time, Ramon Ramirez, he was standing, at 
the door, with one of those poles, trying to see, 
for identification, this thing goes down, because 
it was a big knife, this big, and this guy is 
like, what are you going to do, now?

I'm calling 911, I'm talking to 911, 
as we are on camera, as this guy is approaching 
me, coming towards me, using all kind of 
profanity, I'm like describing this gentleman.

By the time the police arrive and, and 
surrounded the place, this was, this guy was 
already gone. But, we had many incidents, like 
that.

We had another incident, when this 
gentleman came in, he was part of a party, but at 
that time, we could not have more than six 
people, at a time.
He was the seventh person. I refused to let him in, he broke the glass and he tried to cut me on my face. At that point, 911 was called, again, and tried to intervene, to help me out and they came and disbursed the crowd.

These rules and regulations, I understand, was to protect and save lives, but it didn't always plan out like that. I called 911, at least, 20 times, during this period, always trying to ask for help.

So all I was saying is, there's only so much we can do, because we're not armed. We don't have badges. We are just trying to implement the rules that have been communicated to us, with whatever resources we have.

And, again, you have the capacity of 50 people. I want you to understand, we have 50 people. We're serving brunch food, lunch, Happy Hour food, and dinner. And then, by Midnight, you're done, you're gone.

You have 150 percent cost, at this point, because there's no bar tender allowed, everything has to be served, at the table. So imagine, for eight tables, you're going to have to have eight staff members.
The cost is 150 percent, your income is 25 percent, because you have 25 percent capacity. The cost of food is astronomy, because you were paying $39, a box, of chicken wing, now you're paying $240 for it.

Steak is no longer affordable. Eggs are six times the price, lamb chops are four times the price, the list just goes on and on. And, again, we are just trying to save the business.

I, unfortunately, happen to open three or four months, before this whole pandemic happened. I did the best I could to, to, to stay in business, with the most safest environment that I could provide, for my staff and my, my, my patrons. What, what, what's happening --

MEMBER GRANDIS: Mr. Kalantar --

MR. KALANTAR: -- today is completely unfair.

(Simultaneous speaking.)

MEMBER GRANDIS: Thank you. I, also, think I heard you testify that, other than this, these knife incidents that, there are other patrons, when your staff, or yourself, try to tell them, they need to stay seated, or if they
walk around, they, they need a mask.

That they were, also, were belligerent
and, and I guess, somewhat, threatening that they
did not want to follow those rules?

MR. KALANTAR: Yes. We called --

MEMBER GRANDIS: Okay --

(Simultaneous speaking.)

MR. KALANTAR: -- 911, at least, 20
times.

MEMBER GRANDIS: Okay. Are you aware
that, there are hundreds of other establishment
in this city, where we have not heard about this
kind of belligerent behavior?

We have heard that, of course, you
know, restaurants and, and taverns, have been put
in a position that they don't wish to be in, in
having to explain these rules.

But I, I, I must tell you, I, I, I'm
somewhat concerned with the security that is
provided at your, at your establishment, because,
quite frankly, I've not heard, from other
licensees, of this type of violence, within,
within their establishments.

So I, I'm, I'm concerned for you and
the safety of your staff and I hope that you take
the steps that you need, to ensure that your patrons and customers know, when they enter that there is security there that's going to protect them, as well as, you and your staff.

And I want to thank you. And we know it's been a difficult period, but, you know, we also have a lot of pay -- we also have a lot of people, who come in, from other jurisdictions, on a nightly basis, because, you know, we are a very small jurisdiction and all, and always tend to be later than some other jurisdictions.

I mean, you know this, I can say it -- I can see that you're aware of this. And, therefore, sometimes, our, our, our situation with health rules, have to take into consideration that other jurisdictions have not taken the steps to prevent infections, as this city has done.

So yes, it is a tough situation and we, we are sorry that you've had these confrontations, but, at the same time, we except our licensees to comply to these orders. Thank you.

MR. KALANTAR: Thank you.

CHAIRPERSON ANDERSON: Thank you, Mr.
Grandis. Is there any other questions, from any of the Board Members?

(No audible response.)

CHAIRPERSON ANDERSON: Mr. Williams, any questions, of the witness, based on the questions that were asked, by the Board?

MR. WILLIAMS: No, Mr. Chairperson.

CHAIRPERSON ANDERSON: Mr. Bailey, any concluding questions, of the witness, based on the questions, any follow-up, any re-cross, I'm sorry, redirect, any redirect?

MR. BAILEY: Yes.

CHAIRPERSON ANDERSON: Go ahead, sir.

REDIRECT EXAMINATION

MR. BAILEY: Yes, Mr. Chairman, just a few, quick questions. Mr. Kalantar, you stated that, well, the question was asked, about how long the investigator was inside, the -- although, the investigator was inside for that long, were your patrons still inside, at the time that he was leaving?

MR. KALANTAR: No, we were in the process of closing. And, once the staff tried to accommodate Inspector, the best of their abilities, they proceeded to ask everybody to
leave, close checks, and proceed with the, the
closing process, and the presence of the
Investigator, demanding X, Y, and Z, was not very
helpful.

BY MR. BAILEY:

Q     All right. Okay. I, also, heard, you
know, the person, about you having issues, within
your establishment, would you say, it's common,
you know, you've been, you've been in business,
for, for quite some time, would you say, it's
common that, you know, you deal with patrons that
become belligerent, not only, just because,
they're upset, but because, they have, also,
 alcohol inside of them?

A     It could be a combination of things.

It could be --

Q     Okay.

A     -- the fact that, sometimes, you might
not hear about it. If I wasn't in front of you,
today, to express the frustration that we have to
endure, you probably wouldn't hear about me,
probably, getting possibly stabbed.

Or, the establishment down the street,
from me, where somebody walked in with a machete
and split the table in half. Or, the
establishment two blocks down from me, Ben's Chili Bowl, where people tried to pull a gun on them, when they tried to ask them for a mask.

We're resilient. We try to do the best we can and, and unfortunately, you might not hear about it, on a daily basis, because we don't run to you, complaining, all the time that, hey, this, this is, this is happening.

But, U Street is not, as safe, as it used to be, after the pandemic, and that's just a fact. Because, I hear it, from my neighbors. I hear it, from all the other establishments.

Did you hear about somebody going into Brook Lane, pulling out a machete and splitting the table in half, you probably haven't, but I have.

Or, Ben's Chili Bowl, it was a burger joint, why would you go harass a burger joint, because it's U Street. Like you said, people are coming from other jurisdictions.

Do you see all these bikers, every weekend, popping wheelies, blocking the street, the shootings that we hear? I mean, maybe, you haven't heard about it, because you haven't heard about it, but it's happening.
U Street is not as safe, as it once used to be. And we're doing the best we can. And all I'm saying is, unless you have 50 bouncers, standing above 50 patrons, to smack them upside the head, every time they stand up for later than, longer than 30 seconds.

It's impossible, impossible, to go by these rules, because these rules look great on paper, but then, somebody has to apply them, and we do the best we can, every single day. And all we get for it --

Q     Okay.

A     -- is, you should do better.

(Simultaneous speaking.)

MR. BAILEY:  And, I also, heard they were questioning one of the, one of the Board Members were questioning about your, your hours closing.

INVESTIGATOR PROUT:  Yes.

BY MR. BAILEY:

Q     Now, during -- have, have you -- I mean, has, has it been, you know, an, an issue with, you know, really, people closing out checks, prior, you know, prior to this, 11:45 p.m., being, being your last call?
A: No, sir, we don't have any problems.

Once in a blue moon, we get somebody, who's difficult, who uses the system to their advantage.

They don't want to pay, because the server was rude to them, or told them to sit down, or to put the mask on, and then, they want to argue and they want a bunch of things taken off their checks.

And these are the challenges that we deal with, every single day. But, for the most part, everybody knows, ours is a peaceful, classy establishment. We do not break rules, we go by the rules and we're proud of it.

BY MR. BAILEY:

Q: Okay. And my, my last question, Mr. Kalantar, is that, when -- or are they -- they asked you about, because they said the investigator was there, for about 30 or so minutes, during the, the, the pictures that that were, that were indicated, those photos were taken, as, as -- immediately, as he walked in?

A: Correct.

Q: So -- so it, it wasn't 30 minutes, after he had been there that he took those
pictures?

A       No, sir. My understanding is, he
walked in, with a camera, and he started taking a
video. He made his round, went, showed the video
in -- at the table, to Mr. Brad Evans.

And, those pictures are bits and
pieces, of that video turned into picture. He
didn't go around, for 30 minutes, snapping
pictures. That's not what my cameras show and I
provided that camera footage.

MR. BAILEY: That -- that's all, Mr.
Chairman.

CHAIRPERSON ANDERSON: All right,
thank you. Mr. Bailey, do you have another
witness?

MR. BAILEY: No, sir, Mr. Chairman.

CHAIRPERSON ANDERSON: Do you rest,
sir?

MR. BAILEY: Yes, my case rests, sir.

CHAIRPERSON ANDERSON: Are the
parties, parties prepared to close?

(Telephonic interference.)

MR. WILLIAMS: The District's ready to
close.

CHAIRPERSON ANDERSON: If --
MR. BAILEY: All right, guys, I'm ready to do closing argument.

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: If -- so -- so Mr. Bailey, what's your closing --

MR. BAILEY: Yes, sir.

CHAIRPERSON ANDERSON: -- what's your closing, sir, and what is it, you want the Board to do?

MR. BAILEY: Well, I just want to Board to understand that, this establishment has been trying his best, to do the necessary steps. The warnings that were issued, on the license were, in fact, number one, the ABRA I was with, at the time that I, personally, call it and called the ABRA Hotline, to have an investigator come out.

But, because I got a call, from Mr. Kalantar, regarding the patrons, from next door, sitting outside. Now -- now that is, now, in our history, which, I have sent an Email, regarding that, because we were the one that actually called to address the issue.

The -- the other things, with the investigators, the warning being on there,
regarding the social distancing, I was, also, there, at that time, and the investigators actually went -- and part of the reason, why they gave us the warning, was because, they could actually see us telling people they could not move their seat.

And, yet, as you tell them, the person, on the other side, moves their seat. It has been extremely difficult, for establishments to address, address issues, with patrons standing, or walking around, without a mask on.

We've -- the establishment has taken every precaution, as, as, not only putting up signs, saying that you have to wear a mask, but also, once -- because we -- because, the establishment had so many difficult situations, with dealing with explaining to people what the Mayor guidelines were I, personally, printed out and put on each table a, what the Mayor's Executive Order stated.

So that -- because, a lot of patrons, of course, you're wearing a mask, you're trying to talk to them, they can't really hear you. So I, personally, printed out the, the paperwork, so that everybody could read it.
And so that -- then, when -- when they
-- when patrons start to ask, you know, why and
all that, it, it don't, it doesn't say this, or
doesn't say that, we point to the paper.

You know, we try our best. You know,
the establishment tried his best, but you, you
deal with those patrons, who -- I mean, this
period -- the period, in the United States,
period, around the World, there are people that
don't really care about the pandemic.

But, the establishment does not know,
if this person's going to stand up, without a
mask. We don't know, because we can't read their
mind.

We don't know that, this patrons
doesn't care if, you know, about this, this
pandemic that's going on. We go ahead and
address it, as, as it comes in front of us.

It is very difficult, for an
establishment, you know, to address one person,
while ten other people start to stand up, without
a mask on.

It's, you know, try every effort, to,
to make sure these things happen, so that's why
we put the signs up, which I have the, you know,
the staff members, you know, go around telling people.

We tell them, as they come in, we've put every precaution into place, as they come. I, personally, have worked there and tell people that, hey, you have to, you have to do this, you have to do that, you have to do this.

And, of course, you end with somebody, who really doesn't care. They might say, yes, okay, but then, when the time comes, they really don't care.

The establishment has done, you know, so much. They stay -- they stay in constant contact with the community. Not -- and not only do they do that, but we've had the, the beat officers, in that area, periodically, come by, just to check on the establishment to, you know, just to make sure we, if we need any help with anything, because we did not have the MPD reimbursable detail.

So -- and like -- and like Mr. Kalantar stated, short of, you know, putting your hands on somebody, which, I'm pretty sure, the majority of people don't want to do, not only because of safety, not only because of risk, but
because, also, you don't want to get that close
to anyone.

So -- but, the establishment has done
-- has taken every effort, as it becomes
available, to, to make these things happen. They
-- you know, they stated that, you know, that
there is nothing written, as far as, the time
frame of how long a person can be standing, it
says that they cannot stand.

But, how are you to address somebody,
as they stand? Like, I understand, they cannot
stand, but how can I -- how can an establishment
stop somebody, from standing, without a mask,
short of being a mind reader, to know this
person's getting ready to stand up, without a
mask?

This has been a very difficult time,
for everyone, to adjust. Everyone has adjusted,
at every angle, which they, even around the
World, in every angle, everything that's come up
there's something different, they find a
different way to deal with it.

The same thing that this establishment
has tried to do, tried to address everything, as
it presented itself to us. You know, as -- you
know, at first, you know, it was, you know, we were just supposed to put up the signs, about you have to wear a mask.

Then, we come across the fact that people want to argue about what the Mayor's Order says, so we took the next step, print out, print out what the Mayor's Order says, put that on the table, so that people could read it.

So at every step, this establishment has tried to make every effort to, to comply with what's going on, in this World. But, short of being a mind reader, it's impossible to stop someone from standing, from immediately standing up, you know, waking out, walking out from a table, without a mask on, it's impossible.

Because, you're -- we -- we're not mind readers and we cannot tell, what a person is going to do, or what they're thinking about doing.

CHAIRPERSON ANDERSON: Thank you --

MR. BAILEY: -- that is all --

(Simultaneous speaking.)

MR. BAILEY: That -- that's all, Mr. Chairman.

CHAIRPERSON ANDERSON: Mr. Williams.
MR. WILLIAMS: Thank you, Mr. Chairperson. I want to start, by saying that the District sympathizes with all establishments, during this pandemic. Obviously, it's been difficult and everyone is dealing with a variety of things.

However, this incident occurred March 25th, 2021. We're a year into the pandemic. As Mr. Kalantar testified, he has been the owner, throughout this time, and he has been aware of the emergency regulations put out, by ABRA.

As such, he should be able to anticipate what's going to happen, at closing time. The ABRA Investigator, Mr. Prout, came in at 11:57 p.m., the establishment was still open, therefore, he had every right to be there and he observed what he observed.

Reviewing the investigative history, the establishment has failed to comply with the Board's emergency regulations, in July, 2020, which resulted in a warning.

Then, in October, 2020, again, the establishment failed to comply with the Board's emergency regulation and that was for social distancing and received a citation.
In accordance with ABRA Regulation 23, Title 23 DCMR 801.1, following a show cause hearing, the Board may fine the establishment, between $2,000 and $4,000, for a second primary violation, within two years.

The District asks the Board, to review the findings of facts and take actions, in accordance with the ABRA Regulations. Thank you.

CHAIRPERSON ANDERSON: Thank you, Mr. Williams.

(Pause.)

CHAIRPERSON ANDERSON: The record is now closed. Does the -- do the parties wish to file proposed findings of fact and conclusion of law, or waive their right to do so?

MR. WILLIAMS: The District waives, Mr. Chairperson.

CHAIRPERSON ANDERSON: Mr. Bailey?

MR. BAILEY: Waive our rights to do so.

CHAIRPERSON ANDERSON: I'm sorry, do what?

MR. BAILEY: No, no, no we don't, Your Honor. I mean, Mr. Chairman.

CHAIRPERSON ANDERSON: Do you, also --
you're not going -- you, also, waive, too, is that --

MR. BAILEY: Yes.

CHAIRPERSON ANDERSON: -- that's what you're saying, all right --

MR. BAILEY: Yes, sir.

CHAIRPERSON ANDERSON: All right, thank you, sir. All right.

(Simultaneous speaking.)

(Pause.)

CHAIRPERSON ANDERSON: All right, thank you. As Chairperson -- hold on a minute, let me -- please.

(Pause.)

CHAIRPERSON ANDERSON: The Board will issue a decision, within 90 days. Also, let me close the record, officially, in this case.

As Chairperson, of the Alcoholic Beverage Control Board, for the District of Columbia, and in accordance with D.C. Official Code, Section 2574(b), of the Open Meetings Act, I move that, the ABC Board hold a closed meeting, for the purpose of seeking legal advice, from our counsel, on Case No. 21-CIT-00234, Mama 'San/Harlot.
Pursuant to D.C. Official Code, Section 2574(b)(4), of the Open Meetings Act, and deliberating upon Case No. 21-CIT-00234, Mama 'San/Harlot, for the reasons cited in the D.C. Official Code, Section 2574(b)(13), of the Open Meetings Act, is there a second?

MEMBER SHORT: Mr. Short seconds.
MEMBER CATO: Bob Cato seconds. Oh.
(Simultaneous speaking.)
CHAIRPERSON ANDERSON: Mr. Cato seconds the motion. We'll, now, have a roll call vote, on the motion. Mr. Short?
MEMBER SHORT: Mr. Short, I agree.
CHAIRPERSON ANDERSON: Mr. Cato?
MEMBER CATO: Bobby Cato, I agree.
CHAIRPERSON ANDERSON: Ms. Crockett?
MEMBER CROCKETT: Rafi Crockett, I agree.
CHAIRPERSON ANDERSON: Ms. Hansen?
MEMBER HANSEN: Jeni Hansen, I agree.
CHAIRPERSON ANDERSON: Mr. Grandis?
MEMBER GRANDIS: Edward Grandis agrees.
CHAIRPERSON ANDERSON: I'm Mr. Anderson, I agree. As it appears, the motion has
I, hereby, give notice that the ABC Board will recess these proceedings, to hold a closed meeting, in the ABC Board Conference Room, pursuant to Section 2574(b), of the Open Meetings Act.

Again, thank you very much for your presentation, this morning, and we will -- we'll issue a decision, within 90 days. Thank you, very much.

MR. WILLIAMS: Thank you, Mr. Chairperson, have a good day.

CHAIRPERSON ANDERSON: Have a great day, too. All right. We're going to take a ten-minute break, before we call our next witness. I know that we're off schedule, today, because we were supposed to be at lunch.

So what I'm going to do is that, we're just going to -- we're just going to take a ten-minute break. It's 12:27 p.m. and so let's come back on the record at, at 12 -- I -- the, the Board Members, you don't need to sign off, but just, we're going to be off the record, for ten minutes.

And so we'll call our next case, which is a fact, which is a fact finding hearing, so it
-- at 12:37 p.m., so we -- we're off the record, for ten minutes, thank you.

(Whereupon, the hearing in the above-entitled matter was concluded at 12:27 p.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Nicholas Hospitality

Before: ABRA

Date: 12-08-21

Place: Teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter