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2 CHAIRPERSON:

3 DONOVAN ANDERSON, CHAIR

4

5 CHARLES PARSONS, ESQ.,

6 on behalf of The Alibi

7

8 RICHARD BIANCO, ESQ.,

9 On behalf of LLC

10

11 RICHARD TRAVERSO

12 RACHEL TRAVERSO

13

14 MIKE SILVERSTEIN, BOARD MEMBER

15 NICK ALBERTI, BOARD MEMBER

16 RUTHANNE MILLER, BOARD MEMBER

17 JAMES SHORT, BOARD MEMBER

18 MARTHA JENKINS, GENERAL COUNSEL

19 DANETTE WALKER, LEGAL SPECIALIST (ABRA)

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21

22

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

2 CHAIRPERSON ANDERSON: Okay. We are back
3 on the record. Would the parties, the protest
4 hearing case #15-PRO-00096, the Alibi, license
5 #97969, will the parties please approach? Once
6 you approach please state your name for the
7 record. There is a sign-in sheet on the table.
8 Please sign your name in on the sheet, please.

9 MR. PARSONS: Charles Parsons on behalf
10 of the the defense.

11 MR. BIANCO: Richard Bianco on behalf of
12 the applicant. With me, I have two members of
13 the LLC.

14 MR. TRAVERSO: Richard Traverso.

15 MS. TRAVERSO: Rachel Traverso.

16 CHAIRPERSON ANDERSON: This is a -- I
17 have a protest hearing this afternoon and I --
18 yeah the matter this afternoon is on the fitness
19 of this establishment to be located in the area
20 that it is.

21 MR. BIANCO: There are two preliminary
22 matters.

1 CHAIRPERSON ANDERSON: I haven't gotten
2 there yet, sir.

3 MR. BIANCO: Oh, I'm sorry, I thought
4 that's what you were asking.

5 CHAIRPERSON ANDERSON: No I have -- I'm
6 still doing my introduction remarks. So,
7 alright. Then the next matter, are there any
8 preliminary matters?

9 MR. BIANCO: Yes sir.

10 CHAIRPERSON ANDERSON: Yes?

11 MR. BIANCO: We have two preliminary
12 matters. The first is a settlement agreement
13 that was presented last night between the
14 establishment and ANC 6C. The second preliminary
15 matter is --

16 CHAIRPERSON ANDERSON: I'm sorry -- hold
17 -- I'm sorry. Start at the beginning.

18 MR. BIANCO: Yes.

19 CHAIRPERSON ANDERSON: I missed -- what
20 was -- start at the beginning, I'm sorry.

21 MR. BIANCO: No problem. The first
22 preliminary matter that we have is the settlement

1 agreement between the applicant and ANC 6C, which
2 was one of the protestants in this matter. That
3 was presented to the Board for its counsel last
4 night, once we signed it. The other protestant
5 in this matter is the joint property owner, so
6 his protest remains alive, and that brings me to
7 the second preliminary matter. We have a pending
8 motion to dismiss the remaining applicant -- the
9 remaining protestant in the case. That motion
10 has been opposed and at the Board's pleasure
11 we're basically --

12 MR. SILVERSTEIN: Please speak up, Mr.
13 Bianco.

14 MR. BIANCO: Sure.

15 MR. SILVERSTEIN: I apologize.

16 MR. BIANCO: No problem. The second
17 pending matter is a pending motion to dismiss Mr.
18 Parsons' protest, which has been opposed, and we
19 are prepared to proceed with argument on that
20 motion at the Board's pleasure.

21 CHAIRPERSON ANDERSON: What I assume that
22 on the ANC that you would provide us a copy of

1 the settlement agreement for us to approve.

2 MR. BIANCO: Yes, I believe that's
3 already been done.

4 CHAIRPERSON ANDERSON: I don't -- I
5 haven't seen it, so I'm not aware of it, so --
6 but that doesn't necessarily mean that it doesn't
7 exist.

8 MR. BIANCO: I understand.

9 CHAIRPERSON ANDERSON: I'm just saying at
10 the moment I'm not aware of it. But that's fine.
11 So, since there's a settlement agreement between
12 the ANC and the applicant, therefore the ANC is
13 no longer a party to this matter which is fine.

14 MR. BIANCO: That's right.

15 CHAIRPERSON ANDERSON: Alright. Mr.
16 Bianco stated that. I'm fine. We do have -- the
17 Board does have a copy. The agency has a copy of
18 the settlement agreement, a copy of the
19 settlement agreement, so we're fine with it
20 because we do have a copy. One thing, as a new
21 Chair, I noticed that you filed -- When did you
22 file your motion, sir? Mr. Bianco.

1 MR. BIANCO: We filed it Monday
2 afternoon.

3 CHAIRPERSON ANDERSON: Monday?

4 MR. BIANCO: That's correct.

5 CHAIRPERSON ANDERSON: And, just what my
6 concern is because I was asking from a procedural
7 perspective, it's my understanding that Mr.
8 Parsons still has an opportunity to respond to
9 your motion.

10 MR. BIANCO: He has.

11 CHAIRPERSON ANDERSON: And the timeline
12 hasn't expired as yet.

13 MR. BIANCO: He has filed a response.

14 CHAIRPERSON ANDERSON: I have not seen
15 it. I have not seen it, because I had questioned
16 that, because one of the, at least from a
17 procedural perspective, my question was that I
18 was told by legal that his time period to file
19 the response hadn't occurred, and I'm saying,
20 'okay, you file a motion, we are having it here
21 today, and the protestant still had a period to
22 file his response, so how we can have a hearing

1 if I have no, if I have no idea what is going on.
2 I have not seen the response. Your motion was
3 filed. It's very extensive and I've not really
4 gotten an opportunity to get a full -- be fully
5 briefed on the issue from legal, so at this
6 juncture I am not gonna approve it or deny it.
7 What we'll do, is I will take it under
8 advisement. What I will also suggest, that,
9 since I have not seen -- have not seen the
10 response that he has filed, but both parties are
11 aware of the issues that it's raising, so what I
12 will ask that you do in your presentation of your
13 case, you address those issues. The board could
14 decide at the end of the case to grant your
15 motion, but because of the timing I don't -- I
16 can't really rule on that -- it would be unfair
17 to both sides for us to make a ruling since we
18 have not -- and no one from the Board has seen
19 this response.

20 MR. BIANCO: I understand, Mr. Chair, and
21 if I could just address the timing of that very
22 briefly.

1 CHAIRPERSON ANDERSON: Sure.

2 MR. BIANCO: Um, we decided to file our
3 motion to dismiss after we received the
4 protestant's protest information form in which he
5 had identified his witnesses and exhibits and
6 upon review of that document it appeared that
7 based on the statutory standards that he hasn't
8 identified any evidence that would be admissible
9 in this proceeding. So, I think your point is
10 well taken and pretty much how we expected this
11 to go in that the Board would take our motion
12 under advisement, we would make evidentiary
13 objections based on the statutory criteria as we
14 proceed in this particular protest hearing, and
15 at the end of the hearing, following the
16 presentation of any evidence, we expect that the
17 Board could rule on our motion to dismiss or
18 could rule on the case on its merits as has been
19 presented. So, the timing of it was really based
20 on the identification of the evidence by Mr.
21 Parsons and that's why we filed when we filed.

22 CHAIRPERSON ANDERSON: And I appreciate

1 for that explanation, because as I said before
2 I'm a new chair and I've been requesting process
3 and procedures because I really didn't understand
4 the timing and their period to respond and since
5 I hadn't seen the response it was -- I just
6 thought that procedurally it did not fit the
7 right formula.

8 MR. BIANCO: Understood.

9 CHAIRPERSON ANDERSON: Alright. So, the
10 way the case presents itself is that we'll have
11 the applicant will provide an opening statement.
12 Once the applicant provides its opening
13 statement, then the protestant has its
14 opportunity to -- he can either give an opening
15 statement or you can decide not to and when the
16 presentation of your case you could also - you
17 could give an opening statement at that time.
18 It's your choice if you want to do that
19 immediately. Then the Board will call its
20 investigator. He will respond -- I'm sorry -- He
21 will give his investigation, the Board will ask
22 questions. Once the Board asks the questions of

1 the investigators, then the applicant will have
2 an opportunity to ask questions and then the
3 protestant will have an opportunity to ask
4 questions. I know there are a lot of issues to
5 be raised here and there are a lot of issues,
6 some more relevant, so I'm not saying -- I'm not
7 making a prejudgment, some might be relevant,
8 some might not be, but I want us to make sure we
9 stay on point what it is that we're trying to
10 prove. Mr. Parson, are you an attorney?

11 MR. PARSONS: Yes, sir, I am.

12 CHAIRPERSON ANDERSON: Okay, so I'm glad
13 to hear that you're an attorney, that therefore
14 there are expectations that I have of attorneys,
15 and so, because you're an attorney, I'm going to
16 hold you to that standard in the sense that at
17 some point when you make presentations, both
18 attorneys, I will say move on because I get your
19 point.

20 MR. PARSONS: Yes, sir.

21 CHAIRPERSON ANDERSON: So, therefore, we
22 have expect -- I'm an attorney myself so I do

1 have expectations of attorneys and I sought to
2 make sure that this matter moves efficiently so
3 that we get the pertinent information out and so
4 provide the Board with the information so we can
5 make a decision, okay so appreciate that.

6 MR. PARSONS: Yes, sir.

7 CHAIRPERSON ANDERSON: So, I, in my
8 administrator practice the worst hearings I have
9 are when there's -- when I'm dealing with a non-
10 attorney because you have to make sure that you -
11 - that they get their day in court, but for
12 attorneys, yes, I'm going to keep you on your
13 toes and I appreciate that, okay? Alright. So,
14 we can start with the applicant. There are some
15 time limits here and I think -- as attorneys. I
16 think it's like, you have 90 minutes, you have 90
17 minutes, but I don't think that's necessary. I
18 think that we know what our positions are, we
19 will call our witnesses and we need to move this
20 matter on so I don't necessarily think that I
21 need to put specific time limits on either to say
22 'okay, your opening is supposed to be three

1 minutes and you have exceeded it...' so, I just
2 want both attorneys to keep it to the point so,
3 therefore, we move this one. I have another
4 hearing at 4:30. Not to say that I need to be
5 done but you understand that, you know, for the
6 calendar to move on we have another protest
7 hearing at 4:30, so just move on to get the
8 issues to us so we can make a decision.

9 MR. PARSONS: Okay.

10 MR. BIANCO: Before I start with my
11 opening.

12 CHAIRPERSON ANDERSON: Yes?

13 MR. BIANCO: There may be witnesses still
14 in the room so you may want to have -- you may
15 want to excuse them before we get started.

16 CHAIRPERSON ANDERSON: I'm not sure how -
17 - so, we do have that here. Alright, so then who
18 are the witnesses that are in this room? So,
19 then, since the rule on witnesses has been
20 invoked, I would like you to be outside the
21 hearing room and we will contact you. I'm sorry.

22 MR. SILVERSTEIN: There's a place where

1 they can wait and our staff will help them find
2 that. They need not stay in the hallway.

3 CHAIRPERSON ANDERSON: When I said 'out
4 of the room' I assumed that someone would show
5 them where they need to go. I thank you for -- I
6 was not aware that in these proceedings, in this
7 particular -- we have rule on witnesses, so I'm
8 glad to -- I'm learning something new every day.
9 Alright. Yes sir? Thank you, go ahead. I think
10 -- are there -- does anyone recognize anyone in
11 this room who will be a witness? The parties --
12 so, we're fine?

13 MR. PARSONS: I believe that's Mrs.
14 Traverso right there. Is that right?

15 MR. BIANCO: We don't intend on calling
16 her as a witness.

17 CHAIRPERSON ANDERSON: If she's not going
18 to be called as a witness, then she can be here
19 and I would ask that through these proceedings
20 that if you recognize that someone is here who
21 should not be in the room, alert me and I'll make
22 sure that person leaves the room. Okay?

1 Alright.

2 MR. BIANCO: Thank you, Mr. Chair, and
3 members of the Board. Richard Traverso and
4 Rachel Traverso, father and daughter. They're
5 opening a new restaurant together. More
6 specifically, they've actually opened a new
7 restaurant together at 237 Second Street
8 Northwest, and that's the purpose of our protest
9 hearing today. This is a new application, and I
10 stress that because this particular location, as
11 many of the board members may recall, comes with
12 a lot of baggage, and one of the things I want to
13 express very clearly is that Richard Traverso and
14 Rachel Traverso had nothing to do with the
15 problems that existed with the establishment that
16 existed at this location previously. We're here
17 on a protest hearing. There were originally two
18 protestants. We settled with the ANC. We think
19 that fact should be of particular note to the
20 board, the governmental entity charged with
21 oversight of what happens in this neighborhood
22 with regard to ABC licenses, has seen fit, with

1 appropriate contractual protections in place, to
2 find that this particular establishment is
3 appropriate for ABC license. That leaves Mr.
4 Parsons as the only protestant as an adjoining
5 property. I wanted to be very clear on the
6 second point as well. We are here to discuss
7 peace, order, quiet, parking, traffic. That's
8 it. I'm being very clear and deliberate on this
9 point because Mr. Parsons has bent over backwards
10 to try and expand the scope of these proceedings
11 so he can stand in here and say the name "Marty
12 Scahill", so he could say "My Brother's Place" so
13 he could raise all kinds of issues and red
14 herrings about permits, about DCRA, about other
15 issues that are simply not relevant, not
16 appropriate for a protest. There are specific
17 statutory standards, statutory standards for a
18 protest hearing, not a fact finding hearing, but
19 a protest hearing whether or not the licensure of
20 this establishment will adversely impact on the
21 peace, the order, the quiet, the vehicular or
22 pedestrian traffic in this particular

1 neighborhood. The evidence that we are going to
2 put on will clearly establish that it will not
3 adversely impact any of those factors and that's
4 where the Board's inquiry needs to end on this
5 matter today. I anticipate, based on the motions
6 that are pending before the board, that you'll
7 take under advisement at some point that there
8 will be some measure of argument over the scope
9 of the proceedings as we go along, and I urge you
10 to please bear in mind, as you have in the past,
11 that I think properly ruled in the past about
12 what the scope of these proceedings should be.
13 That we're really only dealing with peace, order,
14 quiet, traffic and parking. That's it. Thank
15 you.

16 CHAIRPERSON ANDERSON: Mr. Parsons.

17 MR. PARSONS: May it please the Board. I
18 know that you've heard the term
19 the real party and interest," I will tell you as
20 I look around this room the real party and
21 interest isn't present today. It is quite true
22 that my wife and I have many grievances against

1 MHG and Mr. Scahill, but I don't intend to air
2 those today. My purpose in being here today
3 really is as limited as this. This Board, in
4 great detail on April the 9th of 2014 spelled out
5 violations by the then applicant, Alibi, of 237
6 Second Street. What we have today, purportedly a
7 new applicant, but as you will see from the facts
8 in this case there's nothing new about this
9 applicant at all. In exhibit #16, Ms. Traverso,
10 who was the founding member of HRH Services,
11 filed a -- sent a statement to the ANC saying two
12 things that were entirely false --

13 MR. BIANCO: I'm going to object. I
14 realize it's rare to object but he's going into
15 evidence without any foundation, there hasn't
16 been any testimony, it's not appropriate for an
17 opening statement.

18 CHAIRPERSON ANDERSON: I know we normally
19 don't object to an opening statement, but I'm
20 going to deny it, but I just, Mr. Parson, you are
21 aware of the objection by counsel.

22 MR. PARSONS: I am. And I'm not here to

1 try to poison the well because I think you people
2 can be objective enough to just weigh the
3 evidence but I'm going to suggest to you as a
4 roadmap of where I'm going what this evidence
5 will show, and what I'm saying is that on two --
6 Ms. Traverso has alleged "I had nothing to do
7 with the prior -- the MHG -- I had nothing to do
8 with the business that was going on at 237," and
9 we will show you that that was not true. And
10 secondly, she said that her fiancé Mr. Scahill --
11 this was in February of this year -- was going
12 back to England. He never stopped being at the
13 Alibi. He never stopped daily going to 237
14 because he was the operative operator of that
15 business. And you will see that on August the
16 27th of this year it was Mr. Scahill and Ms.
17 Traverso that went to try to get for the Alibi,
18 at that address, their business permit. His
19 testimony shows his active involvement, so what
20 we have is HRA Services is nothing more than a
21 straw corporation, a ruse or a pretext, for Mr.
22 Scahill to get what this Board said he was not

1 entitled to. That will be our evidence, frankly.

2 CHAIRPERSON ANDERSON: Alright. So, the
3 Board will call its first witness and that is
4 Investigator Mark Brashears. Can you raise your
5 right hand? Do you swear or affirm to tell the
6 truth and nothing but the truth?

7 MR. BRASHEARS: I do, sir.

8 CHAIRPERSON ANDERSON: Please have a seat
9 and please state your name for the record and
10 your position, please.

11 MR. BRASHEARS: My name is Mark
12 Brashears. I am an investigator with the
13 Alcoholic Beverage Regular Administration.

14 CHAIRPERSON ANDERSON: And Mr. Brashears,
15 you are aware of why you're here today?

16 MR. BRASHEARS: I am, sir.

17 CHAIRPERSON ANDERSON: And you're with
18 the Board. What is it that you were able to find
19 regarding this establishment?

20 MR. BRASHEARS: Sir, I was assigned the
21 protest investigation of a Retailer's Class CR
22 New Application for HRH Services trading as The

1 Alibi. The Alibi is located at 237 Second Street
2 Northwest. The new application for the Alibi
3 ABRA #097969 was submitted by the owners Richard
4 and Rachel Traverso. Also provided was a copy of
5 the established business information. On
6 September 14, 2015, the Advisory Neighborhood
7 Commission, ANC 6C, requested -- or represented
8 by Ms. Karen Wirt -- formally protested the new
9 application for the Alibi via letter on the basis
10 of peace, order and quiet. On October 5, 2015,
11 Mr. Charles Parsons and Susan H. Parsons formally
12 protested the new application for the Alibi via
13 a document provided to ABRA protesting the
14 application, and the standing to file the protest
15 was under D.C. Official Code 2560.1 as an
16 abutting property owner. As I stated, the issues
17 brought forth were peace, order and quiet. The
18 Alibi ABC license application was being protested
19 by ANC 6C represented by Mr. Drew Courtney and
20 Mr. Charles Parsons, the adjoining property
21 owner. On Tuesday, December 8, 2015, I reviewed
22 the information provided by the ANC 6C

1 chairperson, Karen Wirt.

2 CHAIRPERSON ANDERSON: Mr. Brashears, I
3 don't mean to cut you, but since the ANC is no
4 longer a party to this case, you can just address
5 the issue that concerns Mr. Parson.

6 MR. BRASHEARS: Understood, sir.

7 CHAIRPERSON ANDERSON: Right, since the
8 ANC is not a party anymore.

9 MR. BRASHEARS: I spoke in person with
10 Ms. Rachel Traverso, the owner of the Alibi, and
11 visited the establishment on December 16, 2015.
12 Ms. Traverso stated that has renovated the
13 establishment and envisioned it as being a
14 British-American pub. Ms. Traverso stated that
15 she would like to operate a sidewalk café and to
16 offer a piano bar on the second floor of the
17 establishment. Ms. Traverso stated that she had
18 been working with members of the ANC and was
19 attempting to complete a settlement agreement.
20 And as you mentioned, sir, those things -- I'm
21 sorry, I'm skipping through my notes -- those
22 things have been taken care of.

1 CHAIRPERSON ANDERSON: That's fine.

2 MR. BRASHEARS: In reference to the
3 protest lodged by the adjoining property owner,
4 the Parsons, she stated that the issue started
5 prior to her assuming ownership of the property.
6 Ms. Traverso stated that the Parsons had filed a
7 \$10,000,000 lawsuit against MHG LLC who
8 previously owned the establishment. According to
9 Ms. Traverso, the Parsons alleged that roof
10 repairs were made and that the damage and that it
11 subsequently damaged his adjoining property. Ms.
12 Traverso stated that there was a lawsuit against
13 the previous owner, the roofing company, and her
14 establishment. Ms. Traverso stated that she had
15 tried to be a good neighbor, but the Parsons had
16 called the Metropolitan Police Department
17 alleging crimes, the Department of Consumer
18 Regulatory Affairs alleging violations, and the
19 Health Department alleging violations. According
20 to Ms. Traverso, there have been no issues found.
21 Ms. Traverso opined that the Parsons are filing
22 the complaints and causing issues in an attempt

1 to obtain the property through the lawsuit. On
2 Friday, December 18, 2015, I spoke with Mr.
3 Bianco, the attorney for the establishment, via
4 telephone concerning the protest issues. Mr.
5 Bianco stated that he failed to see how there
6 could be a protest for peace, order and quiet as
7 the establishment, as he quoted, "is in the
8 middle of nowhere." Mr. Bianco stated that there
9 are no nearby residences and any entertainment
10 that the establishment might offer would be at a
11 time when the nearby businesses and offices were
12 closed. In reference to the protest by the
13 adjoining property owner, Mr. Bianco, opined that
14 it seemed to be a petty vendetta and the
15 complainant was taking the opportunity to raise
16 issues. Mr. Bianco stated that he felt it was
17 important to note that Mr. Parsons would not
18 participate in mediation. Mr. Bianco stated that
19 Mr. Parsons came to the mediation but sat with
20 his arms crossed and would not engage. According
21 to Mr. Bianco, Mr. Parsons stated he would not
22 support The Alibi getting an ABC license under

1 any circumstances. Mr. Bianco stated that he
2 believed that Mr. Parsons had bad issues with
3 the previous establishment and that had carried
4 forward to the new ownership. Mr. Bianco further
5 stated that although Mr. Parsons had sent several
6 D.C. agencies to the Alibi alleging violations,
7 the establishment had not been cited by anyone.
8 On Tuesday, December 22nd, 2015, I interviewed
9 Mr. Parsons via telephone concerning the protest
10 issues. Mr. Parsons stated that he is concerned
11 with Mr. Martin Scahill's involvement in the
12 establishment. He stated that Mr. -- Mr. Parsons
13 stated that Mr. Scahill is the driving force
14 behind The Alibi. Mr. Parsons also stated that
15 Mr. Scahill has criminal charges pending based on
16 behavior directed toward Mr. Parsons. Mr.
17 Parsons also stated that the ABC board was not
18 favorable to allowing Mr. Scahill to have a
19 license in the past, yet he is still involved
20 with the operation of The Alibi. Mr. Parsons
21 stated that throughout a recent public space
22 committee meeting for The Alibi, Mr. Scahill

1 testified, along with Ms. Traverso, on behalf of
2 the establishment. As Mr. Parsons and ANC
3 Commissioner Mr. Courtney both expressed concerns
4 over Mr. Scahill's involvement with the
5 establishment and the past issues with the
6 previous establishment, I conducted several
7 record reviews. A review of ABRA records
8 relevant to My Brother's Place the previous
9 establishment at 237 Second Street Northwest,
10 D.C., disclosed ABRA license #071593 for ARIAS
11 Incorporated, trading as My Brother's Place. All
12 documentation and ABRA records disclosed the
13 owners as Manual Amaya and Nelson Arias; however
14 Investigator Brashears discovered ABRA case
15 #12251001129, date of occurrence February 26,
16 2012. The case involved the sale of alcohol to
17 minors. On February 28th, Mr. Scahill contacted
18 ABRA Investigator Erin Mathieson via telephone
19 and stated that he was the owner of My Brother's
20 Place and asked to set up a meeting. Later that
21 afternoon, Mr. Scahill and Mr. Nelson Arias
22 arrived at ABRA and spoke on behalf of the

1 establishment. A further review of ABRA records
2 relevant to My Place, the establishment submitted
3 an application at 237 Second Street Northwest,
4 Washington D.C., disclosing an ABRA application
5 listing Melles Hospitality Group MHG LLC as the
6 applicant and Mr. Martin Scahill as a member of
7 the LLC. The review also disclosed a summary of
8 shares and percentage of interest listing Mr.
9 Scahill as a member. A further review disclosed
10 a petition and protest of motion for
11 consideration of order of withdrawal submitted by
12 Ms. Traverso on April 8, 2015. The document
13 stated that for the record HRH Services is an
14 entity separate and distinct from MHG having
15 distinct proprietors and management. Mr. Scahill
16 is not a proprietor, manager, officer, contractor
17 or employee of HRH Services. A further review of
18 ABRA documents revealed a driver's license and
19 passport for Mr. Scahill with an address of 708
20 G. Street Southeast, Washington D.C. A public
21 records search revealed that the current address
22 for Ms. Traverso and Mr. Scahill is 708G Street

1 Southeast, Washington D.C. The public records
2 search also listed the address of HRH Services at
3 708 G Street Southeast, Washington D.C. And
4 finally, based on the driver's license photo and
5 the passport photo of Mr. Scahill I was able to
6 identify him at the establishment on Wednesday,
7 December 16, 2015.

8 MR. SILVERSTEIN: I'm sorry, what date,
9 sir?

10 MR. BRASHEARS: Wednesday, December 16th,
11 2015, sir. And that concludes my report.

12 CHAIRPERSON ANDERSON: Do we have any
13 questions by any Board members?

14 MS. MILLER: I just have a quick
15 question.

16 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

17 MS. MILLER: Mr. Brashears, good
18 afternoon. I think that you mentioned some
19 criminal charges pending against Mr. Scahill
20 involving Mr. Parsons. Did you investigate
21 further those criminal charges?

22 MR. BRASHEARS: No ma'am. My

1 understanding was that that was a criminal matter
2 unrelated to the establishment and an alleged
3 assault on Mr. Parsons.

4 MS. MILLER: Okay. So, all you know is
5 what you heard. You didn't research anything to
6 find out anything else independently?

7 MR. BRASHEARS: No ma'am. I was very --
8 I was very clear with Mr. Parsons that I was
9 going to try to keep the scope of the
10 investigation to peace, order and quiet and what
11 was relevant and fitness to basically operate the
12 establishment and that the other matters could be
13 taken up in a civil or criminal court.

14 MS. MILLER: Okay. Thank you.

15 CHAIRPERSON ANDERSON: Mr. Alberti, do
16 you have a question?

17 MR. ALBERTI: Yes. Mr. Brashears, when
18 you were there on December 16, 2015, did you
19 speak to Mr. Scahill?

20 MR. BRASHEARS: Yes, sir.

21 MR. ALBERTI: You did speak to him?

22 MR. BRASHEARS: Yes, sir.

1 MR. ALBERTI: Okay, and what was the
2 extent of your conversation with him?

3 MR. BRASHEARS: As I came up to the
4 establishment, he was out front. I had my badge
5 around my neck. I identified myself. He was
6 originally concerned as to why I was there. I
7 basically told him that I was there to speak with
8 Ms. Traverso and to get information and take
9 photographs for the protest that I was
10 conducting. After that he stepped aside. Ms.
11 Traverso and I spoke, and then periodically I saw
12 him moving about the establishment.

13 MR. ALBERTI: Um -- he was free to move
14 about the establishment without direction from
15 Ms. Traverso?

16 MR. BRASHEARS: Yes, sir.

17 MR. ALBERTI: Okay. Um -- in your search
18 of past records for My Brother's Place, did you
19 happen to review the investigative history for My
20 Brother's Place?

21 MR. BRASHEARS: Yes, sir.

22 MR. ALBERTI: Let me back up a second.

1 When did you -- when did you start your
2 employment with ABRA?

3 MR. BRASHEARS: August of 2013, sir.

4 MR. ALBERTI: Okay. So, you did review
5 the investigative history for My Brother's Place,
6 is that correct?

7 MR. BRASHEARS: Yes, sir, briefly.

8 MR. ALBERTI: Okay. Just to, sort of to
9 refresh your memory can I get the witness a copy?
10 Uh, oh, it's in our Board's records, invest --
11 it's the administrative record.

12 MR. BIANCO: Objection.

13 CHAIRPERSON ANDERSON: Huh? What was
14 your question?

15 MR. PARSONS: He said "may I" oh you want
16 to show it to me?

17 Mr. ALBERTI: No, the witness.

18 MR. PARSONS: Fine. Fine.

19 MR. ALBERTI: Well -- I --

20 CHAIRPERSON ANDERSON: Do you guys have a
21 copy of the document that he's referencing?

22 MR. BIANCO: If it wasn't included in the

1 investigator's report we don't have a copy of it.

2 MS. MILLER: It's not in the --

3 MR. SILVERSTEIN: I don't think it's --

4 CHAIRPERSON ANDERSON: Do you have the --

5 MR. SILVERSTEIN: -- in the reports at
6 all.

7 MR. BIANCO: You're asking if I have an
8 objection. Yes, the investigative history of My
9 Brother's Place is not relevant to these
10 proceedings in any way, shape or form. What
11 we're here to talk about is peace, order, quiet,
12 parking, and traffic, not My Brother's Place, not
13 Martin Scahill, not who owns this establishment,
14 not who's involved with this establishment. That
15 is a separate inquiry under a separate section of
16 the code which the Board has not exercised its
17 discretion to go into. We don't dispute that the
18 Board may, and in fact has, in the past, many,
19 many times involving clients that I've brought
20 before it held fact finding hearings to inquire
21 into who the owner of an establishment is, what
22 their moral character is, what things they may

1 have done in the past, that is not this. This is
2 a protest hearing. It's limited in scope and the
3 scope of whether or not Martin Scahill works
4 there or who their employees are, or who may be
5 affiliated with the establishment, or what their
6 moral character is, is not at issue here.

7 UNKNOWN SPEAKER: I've heard that before.

8 CHAIRPERSON ANDERSON: Um.

9 MS. MILLER: Can I just say? I think
10 that that is the -- gonna be the running
11 objection to the scope of the proceedings.

12 CHAIRPERSON ANDERSON: But, I'm -- I'm
13 gonna. At this juncture, because it's not a part
14 of the record I'm not going to allow it in. If
15 he had testified, but I don't think -- if you're
16 not a question about other -- if there's any --
17 if you can refer to it without referring to this
18 document then you can ask the question but since
19 this document is not in the record.

20 MR. ALBERTI: So, Mr. Chair, I have --
21 I'm sort of hamstrung here.

22 MR. ALBERTI: Mr. Bianco has raised an

1 objection to the scope of this hearing. I need
2 to know your ruling very clearly on what the
3 scope of this hearing is before I proceed.

4 CHAIRPERSON ANDERSON: What I --

5 MR. ALBERTI: Because, because, let me
6 finish, please. Because many of my questions go
7 to fitness of the applicant and they are beyond
8 the scope described by Mr. Bianco's arguments of
9 appropriateness.

10 CHAIRPERSON ANDERSON: Well, the question

11 --

12 MR. ALBERTI: And -- and it has been my
13 position all along that this hearing, although it
14 is a protest hearing, the Board has the right to
15 delve into the issues of fitness and I think that
16 has been borne out in past cases by the courts.
17 And so, I beg you to allow me to go into that
18 area with this witness and the document I have is
19 in our administrative records.

20 CHAIRPERSON ANDERSON: I'm not -- what I
21 basically stated that you can ask the witness, I
22 mean -- if the witness -- there are references to

1 My Brother's Place I think in the report. I
2 don't have a problem. You can ask him
3 specifically to the references that he has made
4 so if you wanted to get it from the testimony,
5 but my ruling is that you're asking us to refer
6 to another document that's not in the, that's not
7 in evidence. That's all I'm saying. I'm not
8 saying you can't ask the questions here. There
9 are references to the establishment in his
10 testimony and in the Board report and that is
11 fine, you can ask whatever questions you can.
12 But I'm just saying, though, that I'm not going
13 to allow you to have another document that's not
14 in the record. I'm not even aware of it. I'm
15 not seeing the document. So, I -- all of us need
16 to be seeing the document that the witness will
17 be asking about.

18 MR. ALBERTI: So --

19 CHAIRPERSON ANDERSON: You can ask the
20 questions but you cannot use this new document
21 that you have. But you can -- we are free to ask
22 him whatever questions you want outside of that.

1 MR. ALBERTI: I will proceed, I believe
2 Mr. Bianco is going to object strenuously to some
3 of my questions, um -- I think that your ruling
4 has hamstrung this Board in its efforts to delve
5 into the fitness issue. If we don't do it here,
6 where do we do it?

7 CHAIRPERSON ANDERSON: You can --

8 MR. ALBERTI: Do we ask Mr. Bianco and
9 his clients to appear at a separate hearing? If
10 that is -- if that is what we intend to do, I'm
11 fine, I won't ask my questions. But I need to
12 know before I proceed.

13 CHAIRPERSON ANDERSON: Alright, let's
14 take a 5-minute break, please.

15 OFF THE RECORD.

16 Are you prepared today to proceed? The
17 Board has some issues with fitness. Are you
18 prepared today to address those issues? You
19 don't have to say yes, or you can --

20 MR. BIANCO: No, no, I understand. Let
21 me say this, and pull back the curtain a little
22 bit and, you know, just be completely open with

1 the Board. Of course we addressed the
2 possibility that this might come up at this
3 hearing and did some preparation for it, but
4 didn't show up here today ready for a whole long
5 fitness hearing, but as we go by the direction of
6 the Board will take, so we're prepared to put on
7 some testimony. But, we're not -- we don't have
8 Mr. Scahill available, I don't know, I couldn't
9 say that we would want him available, but he's
10 not here.

11 CHAIRPERSON ANDERSON: Okay.

12 MR. BIANCO: And based on some of the
13 evidence proffered by Mr. Parsons which I -- my
14 best guess would be for the purpose of showing
15 the closeness of the relationship between Mr.
16 Scahill and this establishment, such as personal
17 bank records that have been provided, I think we
18 would do better with some additional time to
19 present exhibits outside of that in a more
20 [inaudible #134--01:25]

21 CHAIRPERSON ANDERSON: Okay, fine. We're
22 moving forward to the protest hearing on the

1 issues that were stated, the reason for protest
2 hearing. The Board will have a separate hearing
3 on the fitness issue. And so, be advised that
4 whatever documents that we're going to rely on
5 within the Board's records, so -- within the
6 Board's records so if you need to request copies
7 of it, then I guess you should. But, we will
8 address those issues at a later date, but those
9 issues will not be addressed in this hearing
10 today.

11 MR. BIANCO: And so the Board knows,
12 generally speaking I don't have an issue with the
13 Board relying on its own records, it was the
14 subject matter that was my objection and not the
15 reliance on records. I don't have any problem
16 with the Board relying on anything in the license
17 file.

18 CHAIRPERSON ANDERSON: Well, I'm just
19 saying I'm new to this position and I need to
20 know what -- in order for me to educate myself
21 and to make a decision -- I need to know what's
22 out there and so, therefore, if someone asks

1 questions I need to see it in front of me and
2 that's one of the reasons why when I'd asked you
3 earlier about the filing of the motions and Mr.
4 Parson, I mean documents are here in front of me
5 but I'm not seeing -- I was not aware that Mr.
6 Parsons had filed a response until you mentioned
7 to it. You mentioned it to me and I'm looking
8 here and here's a 10-page document and that's not
9 -- I'm not going to run a hearing that way, and
10 that's not the way to run a hearing. And so,
11 therefore, I would expect from the parties that
12 if we need to put rules and regulations in place
13 how documents are disclosed and the timing of it,
14 then we're going to do that because I cannot run
15 a hearing when people are giving me documents
16 that I'm supposed to read and make a decision and
17 I have no idea what's in it. And so, that's just
18 my personal position how we should run these
19 hearings and how the documents are that we're
20 going to rely on. Okay.

21 MR. PARSONS: If I may just insert, the
22 document that I filed today is a, like a midnight

1 document, he served us --

2 CHAIRPERSON ANDERSON: I'm not
3 disagreeing with you, I'm agreeing with you.

4 MR. PARSONS: Okay.

5 CHAIRPERSON ANDERSON: I agree with
6 everything. That's what I'm saying. That's what
7 I'm saying.

8 MR. PARSONS: Yes.

9 CHAIRPERSON ANDERSON: We shouldn't
10 operate this way.

11 MR. PARSONS: I agree.

12 CHAIRPERSON ANDERSON: Where in a sense
13 you're filing a court -- I mean in a court of
14 law, although we're not a court of law, that's
15 unacceptable, because the judge is going to say
16 that "okay, it's not timely, I can't consider
17 it." In my practice, I do administrative
18 hearings and so, therefore, I do that every day
19 and there are timelines when we file motions and
20 how you respond to motions and so, therefore, I'm
21 using the skills that I have for my practice that
22 I've been doing for 25 years and how I practice

1 and I think it's -- I think it's been successful
2 and so, therefore, that's what I'm going to bring
3 here I'm hoping because we are specialists, we're
4 lawyers here, not everyone up here are lawyers,
5 but we are lawyers here and lawyers should know
6 how to operate and should know -- we operate by
7 rules. If there are no rules, people hate
8 lawyers, but if they -- but we operate -- we do
9 have -- we do operate by rules.

10 MR. BIANCO: Yes.

11 CHAIRPERSON ANDERSON: Alright. Okay.

12 MS. MILLER: Mr. Chairman.

13 CHAIRPERSON ANDERSON: Yes ma'am.

14 MS. MILLER: I hate to throw a wrinkle in
15 here but I'm just -- I'm not clear and I would
16 hope the parties would be clear and all of us
17 clear as to how we're proceeding because it's for
18 sure that we're going to have another hearing
19 related to fitness.

20 CHAIRPERSON ANDERSON: Yes.

21 MS. MILLER: In which case Board members
22 will have oth -- may be looking at other

1 documents which the Board, which the parties will
2 have notice of and --

3 CHAIRPERSON ANDERSON: Yes.

4 MS. MILLER: Anyway, but, as far as Mr.
5 Parsons' case it's a protest but it also seems to
6 be addressing questions of fitness and will Mr.
7 Parsons be presenting his arguments related and
8 evidence related to fitness in this case, in this
9 hearing today?

10 CHAIRPERSON ANDERSON: Today or at the?

11 MR. PARSONS: Can I. I kind of wrestled
12 with this before I came down and I finally said,
13 "look, how can HRH Services satisfy its burden of
14 showing peace, quiet and order when they're
15 trying to install somebody in the place who this
16 Board has already found to be unfit, and so, to
17 me, if you -- if peace, order and quiet are the
18 issues and you've already pretty well ruled that
19 Mr. Scahill didn't possess that, how? I mean, I
20 will try to confine the evidence if you order me
21 to, to peace, quiet and order, but the issue is
22 they're trying to install a man who's already,

1 you know, prima facie, unfit.

2 MR. BIANCO: I have a couple of responses
3 if I may, Mr. Chair.

4 CHAIRPERSON ANDERSON: Yes.

5 MR. BIANCO: One, I think that's
6 factually inaccurate. The Board never made any
7 finding of Mr. Scahill's fitness, no hearing was
8 ever held. And Mr. Parsons likes to scream this
9 from the rooftop but it simply didn't happen.
10 Did not happen. So, that's number one. Number
11 two, I think to more directly address Ms.
12 Miller's point about the scope of the
13 proceedings, as I understand it procedurally,
14 we're here today to talk about peace, order,
15 quiet, parking and traffic, and a subsequent
16 hearing, as I understand that the Board wants to
17 hold on fitness, is treated procedurally like a
18 fact finding hearing which Mr. Parsons is not a
19 party to. If he wants to intervene, he would
20 have to file a motion to intervene as he did in
21 the previous application of Melles Hospitality
22 Group when the Board held a fact finding hearing

1 with regard to fitness, Mr. Parsons filed a
2 motion to intervene and that motion to intervene
3 was denied. It's not part of the protest, it's a
4 different issue and if he wants to participate he
5 has the right to file a motion to participate,
6 but he doesn't have participation as a matter of
7 right.

8 CHAIRPERSON ANDERSON: But, I think Mr.
9 Parsons, as part of your presentation, I would
10 give you some leeway.

11 MR. PARSONS: Yes sir.

12 CHAIRPERSON ANDERSON: Knowing that there
13 will be some objection. But you -- you're aware
14 that this is not the main focus of this case.

15 MR. PARSONS: Sure.

16 CHAIRPERSON ANDERSON: I will give you
17 some leeway but not --

18 MR. PARSONS: You don't -- he brought up
19 the criminal charges. You don't want to hear
20 about that. That goes to trial next month.

21 CHAIRPERSON ANDERSON: My issue -- this
22 is my position: Whatever issue that's been

1 raised in Mr. Brashear's report, it's free rein -
2 you can ask any questions as in his report. Mr.
3 Bianco is on notice he has got it, he has read
4 it, so he should be on notice that if there are
5 issues in the report you have the opportunity to
6 question Mr. Brashears about the relevance,
7 whether or not it's important, is it true,
8 factual. So you are -- you have every right to
9 question and ask any docu -- any allegation
10 that's made in the report, if it's part of the
11 record. So, I will give you that leeway in the
12 sense that if you, in the presentation of your
13 case, if you're relying on that document or one
14 of your disclosures, you've disclosed documents,
15 my assumption is, and I would hope that, I have
16 not had objections yet to say whether or not we
17 shouldn't rely on the documents, but I don't have
18 any objections on the documents that you have
19 disclosed, that you have timely disclosed. The
20 parties are free to ask -- ask on the documents
21 because they're here, but there are no surprises.
22 So as long as we move forward from that

1 perspective I have -- we can ask questions about
2 fitness if it's in the report, so my assumption
3 is that both parties should be on board that --
4 going with the Board's records, the Board's
5 recommendations, there are, Mr. Brashears, there
6 are several issues there that both parties should
7 be free to ask because it's a part of the record,
8 okay? I know we were here with you, Mr. Alberti,
9 so --

10 MR. ALBERTI: I have no further
11 questions, thank you.

12 CHAIRPERSON ANDERSON: Mr. Short.

13 MR. SHORT: I'd like to say good
14 afternoon Investigator Brashears.

15 MR. BIANCO: Afternoon, sir.

16 MR. SHORT: Just very briefly, your
17 testimony earlier was that you were at the club
18 earlier last year and that you saw the former
19 owner there that you identified as -- what was
20 his name again?

21 MR. BRASHEARS: Mr. Scahill, sir.

22 MR. SHORT: Mr. Scahill.

1 MR. BRASHEARS: Yes.

2 MR. SHORT: What day of the year was
3 that?

4 MR. BRASHEARS: I believe that was 16 of
5 December, sir.

6 MR. SHORT: You also testified that he
7 was walking around somewhat in free range, he was
8 there, he was not a customer, he was --

9 MR. BRASHEARS: No sir. If I remember
10 correctly there was some issue with the -- the --
11 the basement floor. There was some wood or
12 repairs or something that was being moved from
13 the outside entrance, so he was basically
14 functioning as I saw as some kind of repair or
15 maintenance or.

16 MR. SHORT: Now, Mr. Brashears, you also
17 in your report you have some history there that
18 you've been going to this location for how many
19 years? This 237?

20 MR. BRASHEARS: Oh, we made, as ABRA
21 investigators conducting monitoring, during the
22 monitoring period we made eight visits from 8

1 December through 21 December and no ABRA
2 violations were noted but as of yet the
3 establishment does not have an ABC license.

4 MR. SHORT: Okay. And so do you normally
5 go to establishments that don't have licenses,
6 ABC licenses?

7 MR. BRASHEARS: As part of a protest
8 monitoring, yes sir.

9 MR. SHORT: Okay. All right, that's all
10 I have for Mr. Brashears.

11 MR. ALBERTI: I have no further
12 questions.

13 CHAIRPERSON ANDERSON: Mr. Silverstein.

14 MR. SILVERSTEIN: Mr. Bianco.

15 MR. BIANCO: Yes. You said you'd been
16 with the agency since 2013, is that correct?

17 MR. BRASHEARS: That's correct, sir.

18 MR. BIANCO: Did you ever have occasion
19 to visit the previous establishment at this
20 particular location in the context of your duties
21 as an investigator?

22 MR. BRASHEARS: I did, sir.

1 MR. BIANCO: Okay. And we already heard
2 your testimony that you'd been there as part of
3 the protest hearing, and had the chance to walk
4 through the premises.

5 MR. BRASHEARS: Yes, sir.

6 MR. BIANCO: To see the physical layout
7 of the premises and how it's decorated, and how
8 it functions as a restaurant?

9 MR. BRASHEARS: Yes, sir.

10 MR. BIANCO: Was it open when you went
11 there?

12 MR. BRASHEARS: Yes.

13 MR. BIANCO: Did you see them serving
14 customers food?

15 MR. BRASHEARS: Yes, sir, I did.

16 MR. BIANCO: Okay, and could you explain
17 to the Board what, if any, differences you saw
18 from the previous operation versus the operations
19 you observed during these protest proceedings?

20 MR. BRASHEARS: Well let me clarify my --
21 my previous visits to the establishment were from
22 the outside conducting monitoring for noise and

1 ABRA violations from the outside. Prior to the
2 protest I had never entered the establishment.

3 MR. BIANCO: Uh, how about the other
4 establishments on this street? Are you familiar
5 with their operations?

6 MR. BRASHEARS: I believe the Hamilton
7 and the -- there's an Asian restaurant.

8 MR. BIANCO: Momoyama.

9 MR. BRASHEARS: Yes. Yes, sir.

10 MR. BIANCO: Okay. The operations as you
11 observed them at The Alibi. Were they consistent
12 with the operations of the other establishment as
13 you observed?

14 MR. BRASHEARS: It appeared to be a
15 restaurant serving food and customers. Yes, sir.

16 MR. BIANCO: In the time that you
17 visited, the number of times that you visited the
18 Alibi, did you notice any issues with excessive
19 noise.

20 MR. BRASHEARS: No, sir.

21 MR. BIANCO: Anything else that you would
22 describe as disturbing the peace, order and quiet

1 of the neighborhood?

2 MR. BRASHEARS: No, sir.

3 MR. BIANCO: Anything that would lead you
4 to believe that, if licensed, this establishment
5 would disturb the peace, order and quiet of the
6 neighborhood?

7 MR. BRASHEARS: I really wouldn't want to
8 speculate on that, sir. I can't say what -- what
9 would happen if the establishment were licensed
10 for alcohol drinks were to happen, I would be
11 speculating, but from what I saw, how they're
12 operating as a restaurant, it seemed to be
13 operating above board and properly.

14 MR. BIANCO: Did you ever have occasion
15 to visit The Alibi outside of a standard visit
16 for this protest hearing? Specifically, what I
17 mean, have you ever conducted an investigation
18 because of a complaint at this particular
19 establishment?

20 MR. BRASHEARS: No, sir.

21 MR. BIANCO: Did your investigation
22 reveal any action against the establishment for

1 noise violation?

2 MR. BRASHEARS: No, sir. I queried the
3 ABRA records concerning noise complaints and the
4 noise task force from January 1st, 2015, through
5 December 1st, 2015, and there were no calls.

6 MR. BIANCO: How about for ABRA
7 violations?

8 MR. BRASHEARS: I requested the calls for
9 service from the D.C. Office of Unified
10 Communications for The Alibi, again from 1
11 January 2015, through December 1st, 2015. What I
12 received were a listing for five calls for
13 service to 237 Second Street but none of the
14 calls resulted in an ABRA violation that I could
15 find in ABRA records.

16 MR. BIANCO: Do -- there's three
17 establishments on Second Street Northwest,
18 correct?

19 MR. BRASHEARS: Yes, sir.

20 MR. BIANCO: Okay. Do any of those
21 establishments offer entertainment?

22 MR. BRASHEARS: One moment, sir, let me

1 consult my notes. No, sir. As a matter of fact
2 from what I show from the GIF map of the
3 location, none of the establishments, while three
4 of the establishments hold a Class CR license,
5 none have an entertainment endorsement or summer
6 garden, and one has a sidewalk café.

7 MR. BIANCO: Okay, so Hamiltons doesn't
8 have an entertainment endorsement?

9 MR. BRASHEARS: Hamiltons is a CT, sir.

10 MR. BIANCO: Okay. And Hamiltons is the
11 establishment that is directly adjacent to the
12 applicant on the south side, correct?

13 MR. BRASHEARS: Yes, sir.

14 MR. BIANCO: Okay, and they have an
15 entertainment endorsement?

16 MR. BRASHEARS: No, sir.

17 MR. BIANCO: They don't.

18 MR. BRASHEARS: No, sir, not that I'm
19 aware of.

20 MR. BIANCO: No. It's one of our listed
21 exhibits. I'm gonna show you a document that I
22 will proffer was obtained from the agency -- the

1 agency's records for Hamilton's Bar and Grill and
2 I actually have it if you'd like copies for the
3 Board, if you'd like me to pass them out. I've
4 marked that as Exhibit Applicant #1 and according
5 to that document does Hamiltons have an
6 entertainment endorsement?

7 MR. BRASHEARS: Yes, sir, it does but the
8 date of this document is 5 January 2016. During
9 my investigation I don't recall them having an
10 entertainment endorsement, but it may have been
11 possible.

12 MR. BIANCO: Very well. Okay. I don't
13 have any further -- anything further of this
14 witness. I would move admission of Applicant
15 Exhibit #1 which is from the Board's own records.

16 MS. MILLER: Mr. Chairman, I just had a
17 question about this exhibit. Um, it seems to
18 have something left out in front of the date.

19 MR. BIANCO: Yeah, I'm not sure what was
20 there. That's how Bill Hager, your records
21 specialist, provided it to me.

22 MS. MILLER: Okay, so you didn't black it

1 out.

2 MR. BIANCO: I didn't block anything out.

3 MS. MILLER: Okay, thank you.

4 MR. PARSONS: I have no objections.

5 CHAIRPERSON ANDERSON: So moved. Mr.
6 Parsons, your witness.

7 MR. PARSONS: Thank you. Mr. Brashears,
8 I believe you said that on December the 16th,
9 2015, you went to The Alibi and you observed that
10 it was serving customers at that time, correct?

11 MR. BRASHEARS: Yes, sir. Sorry, yes,
12 sir. Okay.

13 MR. PARSONS: Am I correct that there
14 were customers being served in an area called the
15 patio, or the -- it was a glassed-in extension
16 from the building?

17 MR. BRASHEARS: No, sir. When I arrived,
18 the -- the area that used to protrude from the
19 front of the building onto the sidewalk had been
20 removed. There were tables and chairs out on the
21 sidewalk at that time, but there was no one
22 outside.

1 MR. PARSONS: Okay. Did -- I think you
2 indicated that when you spoke with Ms. Traverso,
3 she said that there never had been any issues
4 found, and I think you said, they'd never been
5 cited by anyone, with words to that effect. Is
6 that correct?

7 MR. BRASHEARS: That's correct, sir.

8 MR. PARSONS: Were you -- did you find --
9 were you aware that as of August the 27th of
10 2015, there was an order pending by DDOT to
11 remove that outside extension over the sidewalk?

12 MR. BRASHEARS: Yes, sir. When I asked
13 about that, Ms. Traverso commented that the
14 structure had to be removed because it was, if I
15 recall, she stated built during a previous time
16 and was no longer up to code and could not be
17 brought up to code, so it had to be demolished.

18 MR. PARSONS: Did she tell you that she'd
19 been under an order as of August 27th to remove
20 it and they didn't remove the structure but
21 continued to serve customers in there until mid
22 December?

1 MR. BRASHEARS: No, I was not made aware
2 of that, sir.

3 MR. PARSONS: Okay, thank you. I have
4 nothing further.

5 CHAIRPERSON ANDERSON: Does any of the
6 Board have any questions specific to the
7 questions that were asked by either parties?
8 Hearing none. Thank you, Mr. Brashears, you may
9 step down. Mr. Bianco, are you ready to call
10 your first witness?

11 MR. BIANCO: Yes.

12 CHAIRPERSON ANDERSON: And who is that,
13 sir?

14 MR. BIANCO: Our first witness is -- I'm
15 going to try to get the pronunciation of his name
16 correct -- A. J. Rehberg.

17 CHAIRPERSON ANDERSON: And I think
18 someone needs to go fetch that witness.

19 MR. BIANCO: I'll go get him, I -- I --
20 yeah.

21 CHAIRPERSON ANDERSON: You can go there.
22 And raise your right hand, please. Do you swear

1 or affirm to state the truth and nothing but the
2 truth?

3 MR. REHBERG: Yes, sir.

4 CHAIRPERSON ANDERSON: Please have a
5 seat.

6 MR. BIANCO: Will you please state your
7 name and spell your last name for the record?

8 MR. REHBERG: Yes, A.J. Rehberg. R-E-H-
9 B-E-R-G.

10 MR. BIANCO: Mr. Rehberg, where do you
11 work?

12 MR. REHBERG: I work at Gage,
13 International.

14 MR. BIANCO: And where is that located?

15 MR. REHBERG: Currently, it's at 20 F
16 Street Northwest. We moved in there the first of
17 the month. Prior to that it was 122 C Street
18 Northwest where we resided for the previous 10
19 years.

20 MR. BIANCO: And what do you do for Gage,
21 International?

22 MR. REHBERG: We're a business consulting

1 firm, business consulting, government affairs.

2 MR. BIANCO: How long have you been
3 working in the neighborhood?

4 MR. REHBERG: I've been there seven
5 years. The business has been there ten, but I've
6 been there seven years.

7 MR. BIANCO: Are you familiar with The
8 Alibi?

9 MR. REHBERG: I am, yep.

10 MR. BIANCO: Have you been there?

11 MR. REHBERG: I have.

12 MR. BIANCO: Have you been there since it
13 opened in January of 2015?

14 MR. REHBERG: I have, yes, multiple
15 times.

16 MR. BIANCO: How often do you go?

17 MR. REHBERG: A couple of times a month.

18 MR. BIANCO: Do you go by yourself?

19 MR. REHBERG: No. Either me and my
20 business partner or clients.

21 MR. BIANCO: Would you please describe
22 the operations of The Alibi as you observe them?

1 MR. REHBERG: I mean, everything seems to
2 be on the up and up. It's a vast improvement
3 from its predecessor.

4 MR. BIANCO: What do you know about the
5 predecessor?

6 MR. REHBERG: I mean, the bar that was
7 there before was more of a dive bar, more of a,
8 you know, college hangout. You know, it's a dive
9 bar. Grimy, grungy, cheap beer. The Alibi, the
10 difference couldn't be more stark.

11 MR. SILVERSTEIN: Say it again, please.

12 MR. REHBERG: Pardon?

13 MR. SILVERSTEIN: What did you say?

14 MR. REHBERG: Oh, the difference between
15 the old bar and the new bar couldn't be more
16 obvious. It's been completely renovated,
17 certainly serves a different clientele, has a
18 different atmosphere, has a different vibe, has
19 been -- I mean, I don't know if the Board has
20 seen images of the improvements, but it's
21 completely different than it was in its former
22 bar.

1 MR. BIANCO: Um, how about the
2 neighborhood? What observations do you have
3 about the neighborhood in which The Alibi is
4 situated?

5 MR. REHBERG: It's kind of an interesting
6 neighborhood in the sense that it's, you know,
7 it's very commercial as far as most of the people
8 that are there during the weekday are either
9 employees of the Department of Labor or work in
10 the two office buildings right there, that some
11 of the office buildings in the surrounding area.
12 You know, on the weekends it's pretty dead down
13 there because there are no residential areas, so
14 it's primarily either people that are -- that are
15 at the office or jurists that might be passing
16 through looking for something to eat while
17 they're down in that area.

18 MR. BIANCO: If the Board were to see fit
19 to grant The Alibi a liquor license, the license
20 to sell alcoholic beverages, do you -- what
21 impact, if any, do you think that it would have
22 on the neighborhood as you have observed?

1 MR. PARSONS: Objection. Calls for an
2 expert opinion. I don't think the qualifications
3 of this witness to be opining on that sort of
4 thing has been established.

5 MR. BIANCO: It certainly does not call
6 for an expert opinion. Um, I've lived in a
7 neighborhood for seven years and I think I'm
8 perfectly qualified to opine about traffic and
9 parking, certainly parking and safety. There's
10 absolutely no reason in the world why it would
11 require some measure of expertise for that and
12 this Board routinely hears testimony from lay
13 witnesses about issues of parking, traffic,
14 peace, order and quiet.

15 MR. PARSONS: Also, I'm just -- let's
16 supplement that, it's speculative, if that's --

17 CHAIRPERSON ANDERSON: We will take it
18 for what it's worth. Go ahead and answer the
19 question.

20 MR. REHBERG: Can you repeat the
21 question?

22 MR. BIANCO: Sure. If the Board were to

1 see fit to grant my client the license to sell
2 alcoholic beverages, what, if any, effect do you
3 think it would have on the character of the
4 neighborhood as you have described it.

5 MR. REHBERG: I think it would have
6 minimal impact in the sense that there's already
7 a bar located right next to it, there's a
8 restaurant Charlie Palmers, which serves alcohol,
9 located around the corner. I think one thing
10 that would be an improvement would just be
11 another option for entertainment and food in the
12 area, you know -- it's kind of interesting
13 because you've got, you know, on one end Charlie
14 Palmers which is an expensive steak house, and
15 the bar that adjoins The Alibi which is not --
16 kind of a more divey bar, and there's nothing
17 really, kind of, in the middle, so as far as, you
18 know, business operations hosting clients having
19 options for other places to eat besides the high
20 end, the low end, and then takeout, would
21 certainly be something that I would like to see
22 in the neighborhood.

1 MR. BIANCO: I don't have any more
2 questions.

3 CHAIRPERSON ANDERSON: Mr. Parsons, and
4 again, you're a lawyer, so you know it's based on
5 the questions that he has asked.

6 MR. PARSONS: Sure. You say that you go
7 over there twice a month. In the time that
8 you've been going over, since, say, January 15th,
9 do you know a gentleman by the name of Martin
10 Scahill?

11 MR. REHBERG: Yep.

12 MR. PARSONS: And, how do you know Martin
13 Scahill?

14 MR. REHBERG: I know him from The Alibi.

15 MR. PARSONS: Yeah. He's there pretty
16 much every time you go?

17 MR. REHBERG: Sometimes. I can't say for
18 certain all of the time, or, frequency, but.

19 MR. PARSONS: Do you, do you have any
20 idea what his role at The Alibi is?

21 MR. BIANCO: Object, as to scope. We've
22 covered this already. You just opened that.

1 CHAIRPERSON ANDERSON: Well, I'm
2 surprised he didn't object when you asked the
3 first question, since Mr. -- that person was not
4 -- was not mentioned, so the objection is
5 sustained.

6 MR. PARSONS: So, do you have, do you
7 know what Mr. Scahill's role in The Alibi is?

8 MR. BIANCO: Objection. Mr. Parsons.

9 MR. PARSONS: You were asked if my client
10 would get a license. In other words, if The
11 Alibi were to get a license, you feel like, I
12 think you testified what your position on that
13 would be, correct?

14 MR. REHBERG: Correct.

15 MR. PARSONS: Do you -- am I correct that
16 Mr. Scahill is part of The Alibi?

17 MR. BIANCO: Objection.

18 MR. PARSONS: He was seen there every
19 time, or most of the time you go.

20 CHAIRPERSON ANDERSON: Mr. Parsons,
21 there's been on direct, remember I asked you to -
22 - you're supposed to ask questions based on --

1 MR. PARSONS: Alright. And so, what he
2 says, if my client were to get a license, do you
3 know who his client is?

4 MR. REHBERG: The Alibi.

5 MR. PARSONS: And do you know what
6 comprises The Alibi?

7 MR. REHBERG: I do not.

8 MR. PARSONS: Is it fair to say that you
9 do know, based on the times that you go there,
10 that Mr. Scahill is in some way affiliated with
11 The Alibi.

12 MR. BIANCO: Objection.

13 MR. PARSONS: Correct?

14 CHAIRPERSON ANDERSON: Sustained.

15 MR. BIANCO: Ojection.

16 CHAIRPERSON ANDERSON: You're not to ask
17 that question.

18 MR. PARSONS: Sorry?

19 CHAIRPERSON ANDERSON: Um -- um -- I'm
20 giving you some leeway, Mr. Parsons, but --

21 MR. PARSONS: You said my client and I --
22 he --

1 CHAIRPERSON ANDERSON: And he stated that
2 the client is The Alibi, and you asked him if he
3 knew who --

4 MR. PARSONS: Comprises The Alibi.

5 CHAIRPERSON ANDERSON: And he says he
6 doesn't know. So, I think that's what -- so, I
7 mean, I think that you've asked the question
8 beyond the scope of his knowledge so I think we
9 can move on from there.

10 MR. PARSONS: Yes, sir.

11 CHAIRPERSON ANDERSON: Do you have any
12 other questions?

13 MR. PARSONS: No, sir.

14 CHAIRPERSON ANDERSON: Does any Board
15 member have any specific questions based on what
16 -- and remember, I'm trying to keep this so long,
17 so, go ahead Mr. Short.

18 MR. SHORT: Good afternoon.

19 MR. REHBERG: Good afternoon.

20 MR. SHORT: You are a frequent visitor to
21 the establishment?

22 MR. REHBERG: Yes.

1 MR. SHORT: And you were there before
2 they changed over, when they did have an alcohol
3 license.

4 MR. REHBERG: Correct.

5 MR. SHORT: And you said it was not such
6 a great place.

7 MR. REHBERG: I used dive bar
8 affectionately. I mean, it's -- it's not a bad
9 thing, but it was a different bar, and it was --
10 it catered to different people, the atmosphere
11 was different.

12 MR. SHORT: Well, people don't normally
13 go to dive bars with their wives or significant
14 others.

15 MR. REHBERG: Correct. Correct, which is
16 why this --

17 MR. SHORT: Why you're using that term.

18 MR. REHBERG: Correct.

19 MR. SHORT: So, now you go to the same
20 establishment and they don't have a liquor
21 license.

22 MR. REHBERG: Correct.

1 MR. SHORT: And everything's wonderful.

2 MR. REHBERG: Um -- now when I go, I go
3 primarily just for lunch. The previous bar you'd
4 go for happy hours or after work.

5 MR. SHORT: Oh, if they were to have
6 alcohol again then you would probably start going
7 back again at happy hour and those times.

8 MR. REHBERG: Oh, absolutely.

9 MR. SHORT: And the atmosphere probably
10 would not be the same would it?

11 MR. REHBERG: Oh, not at all.

12 MR. SHORT: That's all I have. Thank
13 you. Thank you.

14 MR. SHORT: Thank you Mr. Chair.

15 CHAIRPERSON ANDERSON: Alright.

16 MR. ALBERTI: I do -- I have questions.

17 CHAIRPERSON ANDERSON: Sure, sir, go
18 ahead.

19 MR. ALBERTI: I'm sorry, your name is Mr.
20 Rehber?

21 MR. REHBERG: Yes, sir. Rehberg.

22 MR. ALBERTI: Rehberg?

1 MR. REHBERG: Rehberg, with an h, yes.

2 MR. ALBERTI: Okay, thank you. Um -- Mr.
3 Rehberg -- okay, so you say currently you go
4 primarily for lunch. Before, under its previous
5 incarnation, as My Brother's Place, when did you
6 primarily go?

7 MR. REHBERG: Both lunch and happy hour.

8 MR. ALBERTI: Okay. Happy hour. Did you
9 go in the evenings at all?

10 MR. REHBERG: For the happy hour but
11 usually wouldn't stay late.

12 MR. ALBERTI: Okay, how often would you
13 go?

14 MR. REHBERG: Once or twice a week.

15 MR. ALBERTI: Okay, and for how long,
16 over -- how long a period?

17 MR. REHBERG: The hours or?

18 MR. ALBERTI: No.

19 MR. REHBERG: Oh.

20 MR. ALBERTI: I mean, you started working
21 from seven years ago --

22 MR. REHBERG: Seven years since I started

1 working in the neighborhood.

2 MR. ALBERTI: Okay, great. Were you
3 familiar with the management of My Brother's
4 Place or the owners?

5 MR. REHBERG: I -- I knew the previous
6 owner.

7 MR. ALBERTI: And, do you know that
8 person's name?

9 MR. REHBERG: Uh, Nelson.

10 MR. ALBERTI: Okay. Do you - were you
11 familiar with any of the managers there?

12 MR. REHBERG: Um -- I couldn't tell you
13 really who was a manager and who was a bartender,
14 but I mean --

15 MR. ALBERTI: Were you familiar with any
16 of the staff there?

17 MR. REHBERG: Yeah.

18 MR. ALBERTI: Were you familiar with Ms.
19 Traverso.

20 MR. REHBERG: Yep.

21 MR. ALBERTI: Okay. And what was her
22 position there?

1 MR. REHBERG: She was a bartender.

2 MR. ALBERTI: A bartender, okay. Um --
3 did you see -- besides Ms. Traverso, did you see
4 anyone at the current establishment who had
5 worked at the My Brother's Place?

6 MR. REHBERG: I believe so, yeah.

7 MR. ALBERTI: Do you know that person's
8 name, or those persons' names? How many -- how
9 many persons?

10 MR. REHBERG: There was one guy in the
11 kitchen that I believe was a busboy or something,
12 and then Martin.

13 MR. ALBERTI: Okay, and anyone else?

14 MR. REHBERG: No.

15 MR. ALBERTI: Okay. No. Okay.

16 MR. REHBERG: No.

17 MR. ALBERTI: Alright. How well do you
18 know Ms. Traverso?

19 MR. REHBERG: I'd say pretty well. I
20 think she may have been a bartender there for
21 three or four years or -- a couple of years
22 before the changeover, so in that course of time

1 I think you get to know someone at least at that
2 level, especially if they're a good bartender.

3 MR. ALBERTI: Okay. Do you know if she
4 was good friends with any of the other staff at
5 My Brother's Place? That she would talk to you
6 about?

7 MR. REHBERG: No. Not that she'd talk to
8 me about but I think they were all friends.

9 MR. ALBERTI: Thank you. I have no
10 further questions.

11 CHAIRPERSON ANDERSON: Alright, thank
12 you.

13 MR. BIANCO: I have no questions based on
14 Board questions.

15 CHAIRPERSON ANDERSON: You're free to go,
16 sir. Thank you.

17 MR. REHBERG: Thank you.

18 CHAIRPERSON ANDERSON: You're still under
19 oath. Please do not discuss the nature of your
20 testimony with anyone else.

21 MR. REHBERG: Yes, sir.

22 CHAIRPERSON ANDERSON: Thank you. Your

1 next witness, sir.

2 MR. BIANCO: Richard Traverso.

3 CHAIRPERSON ANDERSON: Raise your right
4 hand, please. Do you swear and affirm to tell
5 the truth and nothing but the truth?

6 MR. TRAVERSO: Yes.

7 CHAIRPERSON ANDERSON: Have a seat,
8 please.

9 MR. BIANCO: Could you please state your
10 name and spell your last name for the record?

11 MR. TRAVERSO: Richard Traverso, and
12 that's T-R-A-, V as in Victor, E-R-S-O.

13 MR. BIANCO: Mr. Traverso, what do you do
14 for a living?

15 MR. TRAVERSO: I'm a patent attorney.

16 MR. BIANCO: And how long have you been
17 doing that?

18 MR. TRAVERSO: About 34 years.

19 MR. BIANCO: Where do you work?

20 MR. TRAVERSO: I work at a firm called
21 Millen, White, Zelano and Branigan. They are
22 based in Arlington just across the river at

1 Courthouse.

2 MR. BIANCO: And you do that full time?

3 MR. TRAVERSO: Yes, I do.

4 MR. BIANCO: What clientele do you serve
5 there at your law office?

6 MR. TRAVERSO: Primarily we do a lot of
7 domestic and foreign clients, mostly Fortune 500
8 companies. Our biggest clients are Behr, MERC.
9 Secondary clients are Genentech, Amgen. Those
10 are primarily pharmaceutical companies. We also
11 do work for Activision.

12 MR. BIANCO: How are you connected to the
13 applicant in this case, HRH Services, LLC?

14 MR. TRAVERSO: I'm one of the owners.

15 MR. BIANCO: Who else is an owner?

16 MR. TRAVERSO: My daughter, Rachel
17 Traverso.

18 MR. BIANCO: Is that it?

19 MR. TRAVERSO: That's it.

20 MR. BIANCO: Did anybody else contribute
21 any money to make a corporation?

22 MR. TRAVERSO: No.

1 MR. BIANCO: Is anybody else entitled to
2 any split of the profits from the corporation?

3 MR. TRAVERSO: I can't hear you.

4 MR. BIANCO: Okay. Is any other person
5 entitled to any split of the profits from the
6 corporation?

7 MR. TRAVERSO: No.

8 MR. BIANCO: Any income from the
9 corporation?

10 MR. TRAVERSO: No.

11 MR. BIANCO: Dividends?

12 MR. TRAVERSO: No.

13 MR. BIANCO: Any financial interest
14 whatsoever in the corporate entity?

15 MR. BIANCO: Not at all.

16 MR. BIANCO: How did you become involved
17 -- I'm sorry -- when did you become involved with
18 the applicant. Basically at its inception. It
19 was December of 2014.

20 MR. BIANCO: Other than being one of its
21 members, what job duties do you have for HRH?

22 MR. TRAVERSO: I'm more or less in charge

1 of strategy, our business strategy. I deal with
2 the government, I deal with the litigations.
3 There's been -- the company has been sued by
4 Parsons, Mr. Parsons. So, basically I'm counsel
5 in that case. I also represented the HRH
6 Services in the DDOT hearings, so it's sort of a
7 -- like I said an overall strategy sort of
8 position and also decide on expenditures, you
9 know, I control basically improvements that have
10 gone on at the property and that sort of thing.

11 MR. BIANCO: Since you're employed full
12 time, how much time do you actually spend at the
13 restaurant?

14 MR. TRAVERSO: I don't really -- my
15 duties on the strategy issues and litigations, I
16 can do most of that work at my office, but I do
17 visit the -- The Alibi at least once a week and
18 at least when there's activity going on,
19 renovation, probably more than that.

20 MR. BIANCO: And what do you do when
21 you're there? When you're actually physically
22 there, what do you do?

1 MR. TRAVERSO: Most of the time I
2 basically consult with Rachel because she's --
3 you know -- there throughout the week, and get a
4 status of where things are. If there's been
5 renovations I basically inspect -- you know --
6 what's been done or if there's -- you know -- to
7 be renovations made, I do that, but most of the
8 time I'm visiting the -- it's usually after the
9 restaurant's ceased operating, they've basically
10 shut down for lunch, so it's usually after hours.

11 MR. BIANCO: Who does run the day-to-day
12 operations of the establishment?

13 MR. TRAVERSO: My daughter, Rachel
14 Traverso.

15 MR. BIANCO: Pardon.

16 MR. TRAVERSO: Rachel Traverso, my
17 daughter.

18 MR. BIANCO: Is there anybody else that
19 manages the day-to-day operations of the
20 establishment?

21 MR. TRAVERSO: No. No.

22 MR. BIANCO: How much do you know about

1 what goes on in the day?

2 MR. TRAVERSO: Um -- just day-to-day
3 events. I don't really follow much. Like I
4 said, I just get directly reported from -- you
5 know -- reports from Rachel, but I clearly
6 understand the number of employees, you know when
7 payroll's coming due, that sort of thing. Like I
8 said it's more or less I'm not an on site manager
9 but basically get fed the information from
10 Rachel.

11 MR. BIANCO: And the establishment's
12 presently operating?

13 MR. TRAVERSO: Yes.

14 MR. BIANCO: And how long has it been
15 open?

16 MR. TRAVERSO: Um -- since March of 2015.

17 MR. BIANCO: Can you describe it in your
18 own words?

19 MR. TRAVERSO: The operation? It's like
20 I've heard before, it's styled after a British-
21 American pub. The -- you know, it's sort of that
22 -- the architecture sort of fits. It's a

1 building that's about, almost 100 years old,
2 maybe is 100 years old, I've never really dated
3 it, but it's a brick building, you know. It's
4 clearly old and the interior sort of goes along
5 with that, it fits that, the mouldings are old.
6 They're large, wide mouldings, a lot of woodwork,
7 so it, it has a style.

8 MR. SHORT: Can you please speak up?

9 MR. TRAVERSO: Oh, I'm sorry. And so it
10 is styled kind of like a British pub. Like I
11 said, the interior with the woodworking, the
12 window trim, the floor mouldings, the bar itself,
13 is all styled, more or less, like a British pub.

14 MR. BIANCO: Is it the kind of place that
15 you would bring one of your clients like Behr or
16 Merc?

17 MR. TRAVERSO: Eventually, I hope to, but
18 without the liquor license I feel -- have the
19 sense - I get the sense it's really not complete.
20 So, when we get the liquor license I will -- I
21 will definitely bring clients.

22 MR. BIANCO: And if the Board sees fit to

1 grant you a license how do you anticipate the
2 operations of the establishment changing today.

3 MR. TRAVERSO: The first thing we would
4 naturally expand our hours to happy hour and
5 dinner. And Rachel has plans to expand the
6 dinner menu to other things besides what we're
7 offering for lunch. Um -- and -- other than that
8 I think that's basically the plan. That's what
9 we foresee happening. Like I said just an
10 expansion of our operations. We'll probably hire
11 more -- more staff -- actually bartenders and I
12 think that's what we're looking forward to.

13 MR. BIANCO: Who's in charge of hiring
14 staff?

15 MR. TRAVERSO: Um -- Rachel is in charge
16 of hiring staff. I -- she has to deal with them
17 -- I do not send anybody her way, I don't take
18 resumes or anything else like that.

19 MR. BIANCO: Is there anybody else at The
20 Alibi that has the ability to hire and fire
21 staff?

22 MR. TRAVERSO: No.

1 MR. BIANCO: So it's only Rachel.

2 MR. TRAVERSO: Right.

3 MR. BIANCO: The buck stops with her so
4 to speak.

5 MR. TRAVERSO: Exactly.

6 MR. BIANCO: Okay. Um -- do you know the
7 protestant, Charles Parsons?

8 MR. TRAVERSO: Yes, I do.

9 MR. BIANCO: How do you know him?

10 MR. TRAVERSO: He's -- he has an office
11 in the neighboring building next to the bar.

12 MR. BIANCO: In the year since --
13 approximately a year since HRH began its
14 operations, will you describe your interaction
15 with Mr. Parsons?

16 MR. TRAVERSO: Uh -- basically victim of
17 his harassment. More or less, the lawsuit, he's
18 been sending -- you know -- the gas company to --
19 you know -- check for gas leaks. He's been
20 sending the -- you know -- the ABC to check for
21 the sale of alcohol. I think -- he even sent an
22 investigator when we were having a staff party at

1 one point in time. So, so it's just constant
2 harassment. He's had ABRA come and do
3 inspections. It's just -- like I said, I hear
4 this through Rachel but I know that -- you know -
5 - I've heard it from the staff as well.

6 MR. BIANCO: The first thing you
7 mentioned was a lawsuit.

8 MR. TRAVERSO: Right.

9 MR. BIANCO: Can you briefly describe
10 what that is?

11 MR. TRAVERSO: Well, it is nine
12 defendants in the lawsuit. There's 11 counts
13 that vary from what was mentioned before, the
14 damage to his roof, to criminal activity. What
15 concerns HRH mostly is this alleged conspiracy,
16 with alleged -- this allegation of conspiracy to
17 violate the building code of D.C. That's how HRH
18 is really involved, I assume. These activities
19 occurred before HRH was even formed, so the only
20 --

21 MR. BIANCO: In the context of that
22 lawsuit, did Mr. Parsons do anything to try and

1 prevent you from opening?

2 MR. PARSONS: You know, if they're going
3 to throw it wide open like that, I --

4 CHAIRPERSON ANDERSON: Do you have an
5 objection there?

6 MR. PARSONS: No.

7 CHAIRPERSON ANDERSON: Alright, go ahead.

8 MR. TRAVERSO: Well, I mean the -- the
9 lawsuit itself -- you know -- was a burden -- you
10 know -- timewise and financially. He filed this
11 protest against us. He's --

12 MR. BIANCO: Let me ask a more specific
13 question.

14 MR. TRAVERSO: Okay.

15 MR. BIANCO: Did he file a motion for a
16 temporary restraining order in the context of the
17 lawsuit to try and prevent you from opening?

18 MR. TRAVERSO: Yes, I completely forgot
19 about that, yes, yes.

20 MR. BIANCO: Did that TRO succeed?

21 MR. TRAVERSO: No, it didn't.

22 MR. BIANCO: Okay. Did he try to do that

1 more than once?

2 MR. TRAVERSO: I CHAIRPERSON ANDERSON: 't
3 recall. I don't recall, sorry.

4 MR. BIANCO: Have you been found to have
5 violated any of the construction codes by D.C.?

6 MR. TRAVERSO: No, never.

7 MR. BIANCO: Have you been found in
8 violation of the noise laws?

9 MR. TRAVERSO: No.

10 MR. BIANCO: Found in violation of any of
11 the ABC laws?

12 MR. TRAVERSO: No.

13 MR. BIANCO: To your knowledge, do you
14 have any violations in the time since you've been
15 working.

16 MR. TRAVERSO: None.

17 MR. BIANCO: Now, Mr. Parsons in his cross
18 examination of other witnesses thus far wants to
19 discuss the former enclosed Café on the front of
20 the building, so we're going to talk about that
21 for just one minute, okay? Could you describe
22 the enclosed sidewalk café that was on the front

1 of the building?

2 MR. TRAVERSO: It was an old structure.
3 It was there 34 years. It had basically a three
4 tab roof, windows -- it was a little more -- you
5 know, it sort of blended with the building in a
6 sense, but it was, you know, it was a substantial
7 part of the ground floor, it doubled the seating
8 for the ground floor.

9 MR. BIANCO: Is it still there?

10 MR. TRAVERSO: No, it's gone.

11 MR. BIANCO: Why?

12 MR. TRAVERSO: Well, DDOT -- Mr. Parson
13 more or less objected to the -- had objections
14 and brought issues to DDOT's attention that it
15 was basically obstructing traffic, although
16 really no one walked by that area at all. And
17 DDOT more or less, for reasons that finding
18 noncompliance with concurrent requirements for
19 outdoor cafes more or less told us we had to take
20 it down, and we eventually did.

21 MR. BIANCO: And you didn't build it,
22 correct?

1 MR. TRAVERSO: No.

2 MR. BIANCO: But you had to remove it.

3 MR. TRAVERSO: Right.

4 MR. BIANCO: And have you since been
5 approved for service outside?

6 MR. TRAVERSO: Yes.

7 MR. BIANCO: How do you think your
8 establishment, once expanded with a liquor
9 license, will impact the neighborhood?

10 MR. PARSONS: Objection.

11 CHAIRPERSON ANDERSON: You have a
12 response?

13 MR. BIANCO: I'm not sure what the basis
14 is for the objection.

15 MR. PARSONS: Speculative, self-serving,
16 argumentative.

17 CHAIRPERSON ANDERSON: Overruled. Go
18 ahead, answer the question.

19 MR. TRAVERSO: Uh -- I think we -- you
20 know we have a neighboring establishment,
21 Hamilton's which is a bar and it's open, so the
22 impact, I think, would just be, we would bring in

1 different clientele. I think Hamilton's brings
2 in a younger, you know -- maybe a young crowd,
3 maybe a sport oriented crowd, a lot of fans for
4 Green Bay. You know, we'll just tend to a
5 different client base. We'll have better -- you
6 know -- we try to have better food. I think that
7 in terms of traffic, what I've seen what happens
8 with Hamilton's is most people are walk-ins or
9 they get dropped off and the car gets parked
10 somewhere else in the district. I think we'll
11 probably -- our clients will do the same thing.
12 You know -- basically the restaurant's located --
13 it's not technically a dead end but there's no
14 reason to go down there unless you're going to go
15 to The Alibi or the Hamilton's, it's not going to
16 obstruct the flow of traffic. It's not a short
17 cut through the district. So I think it won't
18 impact traffic, and as far as improving the
19 neighborhood, I think we'll bring something new
20 to the neighborhood. Something of interest to
21 tourists. I mean, we get a lot of -- on Yelp
22 Reviews, we're getting a lot of tourists giving

1 us five star reviews because they're really
2 pleasantly surprised by something that's so close
3 to the Capitol that has these offerings that
4 remind them -- we're pretty, I'm not really a
5 judge of authenticity but they seem to really
6 think we've done an authentic job in terms of
7 replicating a British pub.

8 MR. BIANCO: Thank you Mr. Traverso.

9 CHAIRPERSON ANDERSON: Do you have
10 anything more?

11 MR. BIANCO: No further questions.

12 CHAIRPERSON ANDERSON: Your witness, Mr.
13 Parsons.

14 MR. PARSONS: Mr. Traverso, are you
15 referred to around 237 Second Street as The Money
16 Man?

17 MR. TRAVERSO: I have no idea.

18 MR. PARSONS: I am going to show what I
19 brought as Exhibit #18. It's a document that is
20 a [inaudible #134-49:45]. I ask you to take a
21 look at this, you can see --

22 MR. TRAVERSO: No I can't.

1 MR. PARSONS: Are you married to Lynn
2 Traverso and do you reside at 5289 -- Drive
3 [inaudible #134-49:58]?

4 MR. TRAVERSO: Yes I do.

5 MR. PARSONS: And I am correct that is
6 you wired money to HRH LLC at 237 Second Street
7 in the amount of \$70,000?

8 MR. TRAVERSO: That's what this document
9 says, yes.

10 MR. PARSONS: Do you remember sending
11 \$70,000 to the bar?

12 MR. TRAVERSO: Um -- No I don't.

13 MR. PARSONS: Wow.

14 MR. TRAVERSO: I'm sorry.

15 MR. PARSONS: Let me ask you this. Over
16 the course of 2014, am I correct that your
17 daughter, Rachel, resided at 708 G Street?

18 MR. TRAVERSO: Yes.

19 MR. PARSONS: And she was living there
20 with Mr. Scahill?

21 MR. TRAVERSO: Correct.

22 MR. PARSONS: And you were sending your

1 daughter the help on the operation of the
2 construction of this bar at 237 \$10,000 every two
3 weeks?

4 MR. TRAVERSO: Uh -- that -- the
5 specifics on the amount I'd have to say I don't
6 remember that. I know we helped -- I know we
7 were helping Rachel get started, but I -- as far
8 as the amounts go, I do not know.

9 MR. PARSONS: Okay. Now, you -- well
10 does the sound of \$270,000 from 2014 square with
11 your recollection?

12 MR. TRAVERSO: Yeah, I think that would
13 square with my recollection.

14 MR. PARSONS: Okay, so you gave \$70,000
15 in July of '13, and over the course of 2014 you
16 were sending money to Rachel at 708, \$270,000.

17 MR. TRAVERSO: Yeah, I recollect that as
18 a ballpark sum, I would say, I can't attest to
19 the accuracy of that number.

20 MR. PARSONS: Okay, now. You say that
21 you're acquainted with a lawsuit that I brought
22 against nine defendants, correct?

1 MR. TRAVERSO: Right.

2 MR. PARSONS: Of which you believe you're
3 one, correct?

4 MR. TRAVERSO: No.

5 MR. PARSONS: You're not a defendant?

6 MR. TRAVERSO: I -- I -- well, that's
7 being contested right now --

8 MR. PARSONS: Well, let me ask you this.
9 In that lawsuit did you file an answer as a
10 defendant?

11 MR. TRAVERSO: I filed an answer as a
12 defendant but I was never cited -- because the
13 complaint was so vague and ambiguous it was not
14 clear whether I was identified as the addressee
15 for HRH Services or a separate plaintiff. I
16 should point out that the court records identify
17 me as a non-party witness. But, that's what --
18 so I -- based on the court records, I've taken
19 the position I'm not a defendant.

20 MR. PARSONS: Even though you served an
21 answer?

22 MR. TRAVERSO: I served an answer because

1 I didn't want to be held in default.

2 MR. PARSONS: Have you ever filed a
3 motion to withdraw your answer?

4 MR. TRAVERSO: No.

5 MR. PARSONS: Now, you're serving as
6 counsel for HRH Services and Rachel Traverso,
7 correct?

8 MR. TRAVERSO: Correct.

9 MR. PARSONS: Who are the other
10 defendants in this lawsuit in which you're
11 involved.

12 MR. TRAVERSO: There's Marsha Bisker who
13 is one of the, I guess, she's an owner of the
14 landlord -- the LLC that owns the property --
15 then the LLC that owns the property, the property
16 manager for the Alibi, I mean that's running the
17 property that's The Alibi.

18 MR. PARSONS: That would be Mr. Lautner?

19 MR. TRAVERSO: Mr. Lautner, right. Mr.
20 Scahill, Melles Hospitality Group our
21 predecessor, and also Abraham Melles, another
22 principal of -- I believe he's a principal of

1 Melles. Did I miss somebody? I don't -- I can't
2 remember all of them.

3 MR. PARSONS: You indicated that the
4 complaint had 11 counts, correct?

5 MR. TRAVERSO: I believe so.

6 MR. PARSONS: And you've read the counts,
7 I assume.

8 MR. TRAVERSO: I read them once but not
9 recently.

10 MR. PARSONS: Well, there's allegations
11 of assault against Mr. Scahill in the course of
12 his employment with The Alibi, are there not?

13 MR. TRAVERSO: I don't remember that.
14 Assault? I don't remember that one.

15 MR. PARSONS: Okay. Destruction of
16 private property.

17 MR. TRAVERSO: That -- that is one of the
18 counts yes.

19 MR. PARSONS: One of the counts was "he
20 slashed the tire on my wife's car" correct?

21 MR. TRAVERSO: Right, correct.

22 MR. PARSONS: "And then he slashed the

1 tires on my car", correct?

2 MR. TRAVERSO: I didn't know there was
3 two incidents -- two incidences.

4 MR. PARSONS: You didn't catch that in
5 the complaint?

6 MR. TRAVERSO: No, I've been focusing on
7 events that would have happened after HRH was
8 formed, and all of these events in the complaint
9 were prior to HRH.

10 MR. PARSONS: Well, let me ask you this.
11 I know you're focusing on it but the fact of the
12 matter is that you actually had -- you worked
13 inside the building while the construction was
14 going on, didn't you?

15 MR. TRAVERSO: Worked in? Define worked.

16 MR. PARSONS: Well, in the period -- am I
17 correct that the original Alibi Group signed a
18 lease in September of 2013? You don't recall?

19 MR. TRAVERSO: 2013? I've no --

20 MR. PARSONS: September of 2013.

21 MR. TRAVERSO: I've never -- who's this,
22 the Alibi Group? Who's The Alibi Group?

1 MR. PARSONS: After you forwarded \$70,000
2 to get the operation going --

3 MR. BIANCO: I'm going to interpose an
4 objection at this point as we're now going back
5 to things that occurred in 2013 before the
6 applicant --

7 MR. PARSONS: You opened up the lawsuit.

8 MR. BIANCO: -- even existed and I think
9 we're well beyond what we discussed about what's
10 going on in the lawsuit has absolutely no bearing
11 on the ultimate issues here.

12 MR. PARSONS: If I may be heard on that.

13 CHAIRPERSON ANDERSON: Go ahead, Mr.
14 Parsons, but I guess I'm trying to figure out
15 what's the point you're trying to make?

16 MR. PARSONS: Well, to my way of seeing
17 it the door has been opened to this, and I came
18 down here without the lawsuit or any of these
19 things -- he rambled on and on and on, I didn't
20 come prepared to discuss that, but now that it's
21 open, and they've said that I'm the one that
22 caused the extension to be taken off, that I was

1 calling gas companies, all these allegations, I
2 think it's fair game to go into exactly what the
3 lawsuit is about since they seem to be trying to
4 impute bad motives to me.

5 CHAIRPERSON ANDERSON: Well I mean -- I
6 don't -- I mean, yes, the door's open, you can
7 ask questions. I just think that -- it's just --
8 how far ahead or how far afield you're going to
9 go. Remember, you're trying to convince us and
10 if you're asking a question that you lose me,
11 then the point is not --

12 MR. PARSONS: I'm not trying to lose you.

13 CHAIRPERSON ANDERSON: Right, so -- I
14 think some Board members are saying that so I
15 think you kind of move along in that line of
16 questions, so --

17 MR. PARSONS: I can go with that.

18 CHAIRPERSON ANDERSON: To keep all of us
19 engaged. So, you can ask the questions but I'm
20 just saying please do not go too far afield in
21 this line of questioning.

22 MR. PARSONS: Are you saying that the

1 lawsuit that I brought is a frivolous lawsuit?

2 MR. TRAVERSO: Well, I'll say this. My
3 insurance company refused to provide counsel
4 because basically they are of the opinion that
5 it's a frivolous lawsuit. I'm not --

6 MR. PARSONS: The motions to dismiss my
7 lawsuit that have been denied by the court have
8 they not?

9 MR. TRAVERSO: Right. And the insurance
10 company still denies providing counsel.

11 MR. PARSONS: Oh. Um -- Am I correct,
12 sir, that in June of 2015 that there was a
13 lawsuit brought by Melles Hospitality Group
14 against HRH Services?

15 MR. TRAVERSO: Correct.

16 MR. PARSONS: And, of course, you engaged
17 counsel then, didn't you?

18 MR. TRAVERSO: Right.

19 MR. PARSONS: And in the course of that a
20 lot of financial records were turned over to the
21 defense, correct?

22 MR. TRAVERSO: Um -- correct.

1 MR. PARSONS: Okay. Some of those
2 records showed the bank statements, the joint
3 bank statements of Rachel Traverso and Martin
4 Scahill at 708 G Street, correct?

5 MR. TRAVERSO: Um, I vaguely remember
6 that, yeah.

7 MR. PARSONS: Okay, and the money that
8 was coming out of that bank account was being
9 used to do the restoration at 237 Second Street,
10 correct?

11 MR. TRAVERSO: That was the intent, yeah,
12 that was, you're right.

13 MR. PARSONS: They were paying for the
14 mortar --

15 MR. TRAVERSO: Right.

16 MR. PARSONS: -- for doing the brick
17 party wall.

18 MR. TRAVERSO: Mm hmm.

19 MR. PARSONS: Yes?

20 MR. TRAVERSO: Yes. Well, I mean those
21 details, I don't know, but yes, it was -- the
22 idea -- I think the intent of that -- of those

1 documents was to show investment by Rachel and
2 Martin in the Melles organization, correct.

3 MR. PARSONS: When's the last time you
4 saw Martin Scahill?

5 MR. BIANCO: Objection. It's outside of
6 the scope -- wait while the Board rules on the
7 objection. It's outside of the scope of direct
8 examination and is not relevant.

9 CHAIRPERSON ANDERSON: Sustained.

10 MR. PARSONS: Sorry?

11 CHAIRPERSON ANDERSON: Sustained.

12 MR. PARSONS: Am I correct that during
13 the course of the lawsuit that you had an e-mail
14 exchange with Mr. Scahill about preparing
15 defenses for the lawsuit?

16 MR. BIANCO: I'm going to object. He's
17 now discussed two lawsuits. I would ask that he
18 identify which one he's talking about.

19 MR. PARSONS: I refer to the Parsons
20 lawsuit against Visker et al. You were
21 exchanging e-mails with Mr. Scahill and coaching
22 him on how to answer the lawsuit, correct?

1 MR. TRAVERSO: What was the time -- what
2 time period?

3 MR. PARSONS: In the period --

4 MR. BIANCO: I'm going to object, same
5 objection, beyond the scope of direct and
6 irrelevant.

7 CHAIRPERSON ANDERSON: Sustained.

8 MR. PARSONS: Did you review the lease
9 assignment from Mr. Scahill to HRH Services?

10 MR. TRAVERSO: Sure, yes.

11 MR. PARSONS: And you gave advice on how
12 to draft that lease?

13 MR. TRAVERSO: I made -- I requested
14 modifications.

15 MR. PARSONS: Modifications. Am I
16 correct that the transfer of the lease did not
17 result in money to Mr. Scahill?

18 MR. TRAVERSO: Correct.

19 MR. PARSONS: In other words, Mr. Scahill
20 just willingly signed over a lease to you and
21 Rachel to take over 237 Second Street?

22 MR. TRAVERSO: Well, he was more or less

1 the guarantor that we -- so he -- he was
2 concerned about being liable -- liable for fees -
3 - for rent he couldn't pay.

4 MR. PARSONS: I don't have any further
5 questions, thank you.

6 CHAIRPERSON ANDERSON: Thank you. Do the
7 Board members have any questions? Time is of the
8 essence too. So, does any Board member have any
9 questions? Go ahead, Ms. Miller.

10 MS. MILLER: Okay, I just have a couple
11 of follow-up questions. Um -- so, I know you're
12 an attorney and you made reference to, I believe,
13 representing the Alibi in DDOT hearings?

14 MR. TRAVERSO: Well, it was -- no, not in
15 a hearing, a recent permit application. I was
16 not at the hearing. Yeah.

17 MS. MILLER: Did you appear -- you didn't
18 appear at any hearings on behalf of The Alibi?

19 MR. TRAVERSO: No.

20 MS. MILLER: Were there hearings that
21 somebody else appeared at?

22 MR. TRAVERSO: My understanding is --

1 MS. MILLER: [inaudible #134--1:01:51]

2 MR. TRAVERSO: -- there were DDOT
3 hearings but the, they were the responsibility,
4 according to the lease they were the
5 responsibility of the landlord so -- and, and --
6 so HRH did not take any action with DDOT until
7 after the outdoor patio was torn down. Once the
8 outdoor patio was torn down, then the landlord
9 was basically absolved of any DDOT -- you know --
10 of any obligations to try and get permitting from
11 DDOT. So, now HRH is since pursuing permits.

12 MS. MILLER: So, does HRH -- have you had
13 to appear before hearings representing HRH?

14 MR. PARSONS: I'm sorry -- have you had
15 to appear for a hearing? I'm sorry, I didn't
16 hear you.

17 MS. MILLER: Have you had to appear for a
18 hearing since with HRH, is that the right name?

19 MR. TRAVERSO: No, I haven't appeared --

20 MS. MILLER: HRC?

21 MR. TRAVERSO: No -- no I haven't
22 appeared -- I haven't appeared at any hearings.

1 MS. MILLER: So, has anybody had to
2 appear on behalf of the establishment at any --

3 MR. TRAVERSO: Rachel -- Rachel appeared
4 at the last -- at the DDOT hearing -- and I think
5 it might have been the summer, August.

6 MS. MILLER: So Rachel Traverso --

7 MR. TRAVERSO: Right.

8 MS. MILLER: Appeared on behalf of the
9 establishment?

10 MR. TRAVERSO: The HRH.

11 MS. MILLER: Just Rachel?

12 MR. TRAVERSO: Rachel and then, while I
13 think that leads to the, Martin Scahill was also
14 there because what happened was we didn't have
15 enough time to get an architect to basically put
16 for the plans and Rachel didn't know -- doesn't
17 know construction. So Martin was there to assist
18 in -- in answering questions. That was the
19 intent.

20 MS. MILLER: So, what is exactly Martin's
21 role with respect to the establishment?

22 MR. TRAVERSO: Martin has no role. He's

1 not an employee, he's not a partner. Martin is
2 basically what was a fiancé, I'm not too sure
3 that's the current status anymore, but status
4 fiancé/boyfriend of my daughter.

5 MS. MILLER: So, he was testifying as a
6 fiancé?

7 MR. TRAVERSO: I think he was actually,
8 like I said at that point in time the landlord
9 was also -- it was the responsibility of the
10 landlord. So he was -- I think he might have
11 been -- I'm really -- I didn't authorize him to
12 go there. It might have been on the authority of
13 the landlord, because at the time with all -- it
14 was the responsibility of the landlord. Paul
15 Lautner had health issues and he could not attend
16 the hearing, so I think, even from what -- and
17 this, so it stemmed from Martin I think
18 representing the landlord at DDOT when it was the
19 previous establishment, Melles Hospitality. So,
20 it might have been that he was there not only to
21 help Rachel with the drawings but also to
22 represent the landlord at this DDOT hearing. I

1 was not, I didn't authorize him to do it.

2 MS. MILLER: So he was there on behalf of
3 the landlord and not on behalf of the
4 establishment?

5 MR. TRAVERSO: I didn't authorize him to
6 represent HRH at any time.

7 MS. MILLER: Okay, so.

8 MR. TRAVERSO: Okay.

9 Ms. MILLER: So as another follow-up
10 question, there was testimony about your putting
11 money in a joint bank account held by your
12 daughter and Mr. Scahill that was used for the
13 establishment, is that right? For The Alibi?

14 MR. TRAVERSO: This was -- this was --
15 nah, I think this was a previous organization.

16 MS. MILLER: A previous organization.

17 MR. TRAVERSO: Right.

18 MS. MILLER: Okay, so yeah that's it, the
19 money was for Melles Hospitality?

20 MR. TRAVERSO: Yeah, right, it was -- the
21 intention was to help the Melles Hospitality
22 Group to start the business.

1 MS. MILLER: You contributed money into
2 their bank account to help.

3 MR. TRAVERSO: I basically gave money to
4 my daughter. What she did with it I don't know
5 what she did with it, yeah.

6 MS. MILLER: Okay, do you know what
7 happened when the -- she no longer was part of
8 Melles and became HRC.

9 MR. TRAVERSO: She was never really part
10 of Melles.

11 MS. MILLER: She wasn't [inaudible
12 1:05:43]

13 MR. TRAVERSO: She was never really part
14 of Melles.

15 MS. MILLER: Okay.

16 MR. TRAVERSO: No, she was never a part
17 of Melles.

18 MS. MILLER: Well, why was she giving
19 money to Melles then?

20 MR. TRAVERSO: Love. Love, love, I don't
21 know. She loved the -- she loved the man, so.

22 MS. MILLER: She loved Mr. Scahill?

1 MR. TRAVERSO: Yeah.

2 MS. MILLER: Okay, so that's why you're
3 saying the money went there.

4 MR. TRAVERSO: Yeah, yeah.

5 MS. MILLER: Okay. Thank you.

6 CHAIRPERSON ANDERSON: Alright. I didn't
7 know you had a question. Go ahead.

8 MR. ALBERTI: Mr. Traverso, I'm going to
9 follow up on some of the questions Ms. Miller
10 asked. So, when was the DDOT hearing on -- I
11 assume it was a public space hearing on an
12 application for a sidewalk café. Is that
13 correct?

14 MR. TRAVERSO: That's my understanding,
15 right.

16 MR. ALBERTI: Alright. And does the HRH
17 -- are -- does their lease include the -- do you
18 know how that works? Does the lease include the
19 use of the sidewalk café?

20 MR. TRAVERSO: That's where -- that was
21 why the landlord -- it was the landlord's
22 responsibility, it was the lease -- yeah, yes it

1 does, yes, sorry.

2 MR. ALBERTI: So that begs the question
3 who has the responsibility for applying.

4 MR. TRAVERSO: Okay.

5 MR. ALBERTI: Because they've leased --
6 they leased that property, right?

7 MR. TRAVERSO: Right, they leased it.

8 MR. ALBERTI: And everything that's under
9 control of that property

10 MR. TRAVERSO: Right. All of that.

11 MR. ALBERTI: The public space that's the
12 responsibility of that property as part of their
13 lease, right?

14 MR. TRAVERSO: Correct.

15 MR. ALBERTI: Alright. Thank you.

16 MR. TRAVERSO: Sorry.

17 MR. ALBERTI: So is it fair to say that
18 Mr. Scahill was an advisor to your daughter at
19 that hearing? You just said he was there to
20 provide advice on the construction.

21 MR. TRAVERSO: I -- I -- don't think he -
22 - I wouldn't say he was advising.

1 MR. ALBERTI: Well, what was he doing
2 there, then?

3 MR. TRAVERSO: Like I said, I thought he
4 was represent -- I mean, I would assume he was
5 representing the interests of the landlord,
6 trying to -- you know -- get the -- get the --
7 the plans --

8 MR. ALBERTI: Well if it's not -- look,
9 you -- you know we haven't established that it's
10 the landlord's responsibility to make that
11 application, who made the application for the use
12 of the sidewalk?

13 MR. TRAVERSO: I think -- well it might
14 have been HRH because we had -- it was going to
15 involve expenses so --

16 MR. ALBERTI: So, who was he advising?
17 HRH or the landlord?

18 MR. TRAVERSO: Who was he advising? HRH.
19 I can't really say.

20 MR. ALBERTI: You're a layer.

21 MR. TRAVERSO: I mean, uh -- I'm sorry
22 it's two things, that's two things. I was not at

1 the hearing so I don't know what went on, and the
2 other thing was I didn't authorize him to do it.
3 Sure, he was -- I would say if he was there he
4 had the same interests as HRH, so it clearly it
5 wasn't advising, it was basically assisting.

6 MR. ALBERTI: So, in the past two weeks
7 how much time have you spent at the
8 establishment?

9 MR. TRAVERSO: Uh. Maybe one day because
10 of the holiday and I didn't need to visit.

11 MR. ALBERTI: Okay. In the last two
12 months how much time do you -- are you there
13 every day?

14 MR. TRAVERSO: Probably a total of seven
15 days.

16 MR. ALBERTI: Alright. You said you've
17 worked on the renovation.

18 MR. TRAVERSO: Right.

19 MR. ALBERTI: Alright. And we've heard
20 from our investigator that Mr. Scahill was there
21 apparently dealing with some construction dealing
22 with floors. Have you seen Mr. Scahill there?

1 MR. TRAVERSO: Yes. Yes.

2 MR. ALBERTI: Okay. And, what's his role
3 there?

4 MR. TRAVERSO: His role is, he's -- no
5 defined role. He's basically there as to -- you
6 know -- he's a pair of hands more or less.

7 MR. ALBERTI: Okay.

8 MR. TRAVERSO: And where's, where's --
9 you know -- the restaurant's losing money and
10 he's a pair of hands to help it along. The same
11 way my wife is there as a pair of hands. No, not
12 an employee, just a friend of the -- friend of
13 the company.

14 MR. ALBERTI: So, he's there as a friend
15 of the company, not as a customer then, right?

16 MR. TRAVERSO: Correct, yeah.

17 MR. ALBERTI: Um -- I have no further
18 questions, thank you.

19 MS. MILLER: Can I just ask one follow-up
20 on Mr. Alberti's question?

21 CHAIRPERSON ANDERSON: I'm going to let
22 you ask the question Ms. Miller, but just wanted

1 to make sure that -- to let you know that the
2 more questions the Board asks, then I need to
3 have both people ask questions, and we still have
4 a list of witnesses to go through, but go ahead.

5 MS. MILLER: This is quick. So, is Mr.
6 Scahill paid in any way?

7 MR. TRAVERSO: No.

8 MS. MILLER: Okay, thank you.

9 CHAIRPERSON ANDERSON: Are there any
10 other questions from the Board?

11 MR. BIANCO: I do have a couple of
12 follow-up questions.

13 CHAIRPERSON ANDERSON: Okay, yes, Mr.
14 Bianco.

15 MR. BIANCO: Mr. Parsons asked you some
16 questions about the lease assignment from Melles
17 Hospitality to HRH and you participated in that,
18 correct?

19 MR. TRAVERSO: Right.

20 MR. BIANCO: Who drafted that assignment?

21 MR. TRAVERSO: It was drafted by the
22 landlord's attorney.

1 MR. BIANCO: And HRH had to pay something
2 when that lease was signed.

3 MR. TRAVERSO: More or less paid the back
4 rent that Melles owed to the landlord.

5 MR. BIANCO: And how much was that?

6 MR. TRAVERSO: The neighborhood of
7 \$27,000.

8 MR. BIANCO: And -- nothing further,
9 thank you.

10 MR. PARSONS: May I?

11 CHAIRPERSON ANDERSON: Yes, Mr. Parsons.

12 MR. PARSONS: I take it you paid the
13 \$27,000 to retire the indebtedness?

14 MR. TRAVERSO: Uh, yes.

15 MR. PARSONS: Yeah. Thank you. Nothing
16 further.

17 CHAIRPERSON ANDERSON: Alright, thank you.
18 You're free to go. Your next witness.

19 MR. ALBERTI: I'm sorry. Please, I have
20 a question for Mr. Parsons.

21 CHAIRPERSON ANDERSON: Okay.

22 MR. ALBERTI: Mr. Parsons, you referred

1 to the many documents. Are you going to admit
2 them at this time or later or --

3 MR. PARSONS: I may --

4 MR. ALBERTI: Or not at all?

5 MR. PARSONS: They all --

6 CHAIRPERSON ANDERSON: He hasn't
7 presented his case as yet, so it's still on deck.

8 MR. PARSONS: The only thing is, I may.

9 CHAIRPERSON ANDERSON: Yeah.

10 MR. PARSONS: He was asking questions
11 about what the date of the hearing at DDOT was.
12 I have a copy of the transcript. I have a copy
13 of the application for the outside café. And I
14 have pictures of Mr. and Mrs. -- Mr. Scahill and
15 Ms. Traverso waiting to be heard at the hearing.
16 And I, if it's appropriate, because the questions
17 are coming up I think the transcript is sort of a
18 benign document and I can hand it over.

19 CHAIRPERSON ANDERSON: Are they part of
20 the record?

21 MR. PARSONS: Yes. They're -- all of
22 these --

1 CHAIRPERSON ANDERSON: Are they part of
2 your disclosed?

3 MR. PARSONS: They are, yes, sir. The
4 one that I think that answers most of Mr.
5 Alberti's questions is Exhibit #14.

6 CHAIRPERSON ANDERSON: I don't have a
7 problem if you file the records because I don't,
8 I'm trying to -- and I think -- at some point I
9 will ask that the documents be entered into the
10 record and I will ask for objections to -- if
11 either party has objections at that part.

12 MR. PARSONS: I could say this and I
13 understand that and thank you. As far as the
14 transcript I have no objection to it, it's an
15 agency record. But the other documents I will
16 have specific objections to during admission into
17 evidence.

18 CHAIRPERSON ANDERSON: So, I will ask
19 that -- I will ask that as we, through the
20 presentation of your case, at some point before
21 you close your -- close your case -- move to --

22 MR. PARSONS: Sure --

1 CHAIRPERSON ANDERSON: -- and then I will
2 ask for objections and then we'll rule on them.

3 MR. PARSONS: As it turns out, I'll just
4 move it into evidence now, even pre-presentation,
5 since he's indicated he has no objection, it's an
6 agency record.

7 MR. BIANCO: No objection to the
8 transcript.

9 MR. PARSONS: How about the application
10 which is it?

11 CHAIRPERSON ANDERSON: Do we have his
12 documents? I think this is all one. Let's not
13 do this again. I have your address list but I
14 have --

15 MR. PARSONS: What are your documents.
16 Where is it?

17 CHAIRPERSON ANDERSON: What does it look
18 like? What's on the front page?

19 MR. ALBERTI: Mr. Parsons, have you
20 labeled them as exhibits.

21 [Inaudible #134--1:14:03]

22 CHAIRPERSON ANDERSON: The agency has it.

1 I just want to make sure -- let me see -- I just
2 want to see the front page of your document, so.
3 No, the agency has the documents, I don't
4 necessarily have them. So just as I move forward
5 I just want to make sure that I have

6 MR. BIANCO: I think he had asked to see
7 it.

8 CHAIRPERSON ANDERSON: I just wanted to
9 see what the front page looked like. So, I'm not
10 looking for -- alright. So, I have all your
11 documents in front of me, so when we talk,
12 alright. I don't see the exhibits. I have this,
13 I do have this, but I don't have the exhibits.

14 MR. PARSONS: They were filed with --

15 MR. ALBERTI: We have them here, I'm
16 sure.

17 CHAIRPERSON ANDERSON: The agency has
18 them, I don't have them in front of me and I
19 prefer to move along when I can -- but I do have
20 your front page and I have -- right and I have
21 all of Mr. Bianco's documents. Right. Since you
22 have not presented your cases yet, let's -- let's

1 do it that way in the sense that I would ask that
2 you introduce the different documents and then
3 look as the presentation of your case and so it
4 will make it much easier that way. And by that
5 time they'll find the document so I can have it
6 to look at it and if there are objections then I
7 can look at the documents and rule on them from
8 that perspective.

9 MR. BIANCO: Right.

10 CHAIRPERSON ANDERSON: Alright, so and I
11 forget what the question -- how all of this came
12 about. I think Mr. Alberti had asked a question
13 regarding --

14 MR. BIANCO: Right, I think we were doing
15 some housekeeping on exhibits, yes.

16 CHAIRPERSON ANDERSON: Alright. Alright.
17 So, you can, we'll just put a pin in the
18 documents right now and you can call your next
19 witness.

20 MR. BIANCO: Okay. I call Rachel
21 Traverso.

22 CHAIRPERSON ANDERSON: Raise your right

1 hand, please. Do you swear or affirm to tell the
2 truth and nothing but the truth?

3 MS. TRAVERSO: I do.

4 CHAIRPERSON ANDERSON: You may be seated.

5 MR. BIANCO: Can you state your name for
6 the record and spell your last name?

7 MS. TRAVERSO: Rachel Traverso. T-R-A-V
8 as in Victor, E-R-S-O.

9 MR. BIANCO: How are you connected to the
10 applicant HRH Service?

11 MS. TRAVERSO: I'm one of the owners.

12 MR. BIANCO: And, when did you become
13 involved with HRH Service?

14 MS. TRAVERSO: When I created it in
15 December of 2014.

16 MR. BIANCO: Other than being one of its
17 members, what job duties do you have for HRH?

18 MS. TRAVERSO: Day to day operations.

19 MR. BIANCO: What does that mean?

20 MS. TRAVERSO: Everything from doing a
21 menu, hiring staff, training staff, making
22 orders, I get there between 8:00 and 9:00 and I

1 don't leave until at least 10:00 in the evening
2 Monday through Friday and I'm there weekends
3 paying bills, market research, secure websites,
4 everything, day to day. Doing closeouts,
5 checkouts for the employees.

6 MR. BIANCO: You schedule?

7 MS. TRAVERSO: Scheduling, yep, Mm hmm.

8 MR. BIANCO: Does anyone else have the
9 ability to hire and fire employees?

10 MS. TRAVERSO: No.

11 MR. BIANCO: Access to the bank accounts?

12 MS. TRAVERSO: Nope.

13 MR. BIANCO: When you say you do the
14 menu, what do you mean? Does that mean on a
15 daily basis you come up with a new menu?

16 MS. TRAVERSO: Uh -- we change -- I
17 change the menu about -- I do daily specials, so
18 we do specials and we change them every two to
19 three days, and then I change the menu
20 drastically about every four months to be
21 seasonal. We just added a vegetarian/vegan menu
22 on the complete - it's a huge menu, it's like 20

1 options that we added to the regular menu as well
2 just two days ago, so.

3 MR. BIANCO: How long have you been
4 operating -- how long have you been running the
5 day to day operations?

6 MS. TRAVERSO: Since we opened in March.

7 MR. PARSONS: Of?

8 MS. TRAVERSO: 2015.

9 MR. BIANCO: Can you describe the
10 establishment?

11 MS. TRAVERSO: So, it's a British-
12 American pub. Um -- the idea is that it's
13 approachable, it serves food and products that
14 people are familiar with, it's a comfortable
15 environment. It's supposed to be something that
16 the neighborhood -- you listen to what the
17 neighborhood wants and you respond and provide
18 what the neighborhood is interested in. And
19 that's why we added the vegan/vegetarian menu,
20 actually, because we had a lot of people that are
21 vegetarian that were looking for something, for
22 some options, and there's not much on the street.

1 MR. BIANCO: Now, presently what are you
2 offering to your customers?

3 MS. TRAVERSO: Just lunch.

4 MR. BIANCO: Okay. And that keeps you
5 there until 9:00 or 10:00 at night every day?

6 MS. TRAVERSO: Yep.

7 MR. BIANCO: How is lunch being received
8 by the customers?

9 MS. TRAVERSO: Very, very well. We're
10 getting great reviews. Business is getting more
11 and more regular customers in there. Getting
12 four and five star -- mostly five-star reviews --
13 we've had a couple -- we had one four-star review
14 on Google in the very beginning and now it's all
15 been five stars on everything.

16 MR. BIANCO: Now, I'm sure your dad asked
17 you this before he gave you a whole bunch of
18 money to open a restaurant, could you tell the
19 Board why you're qualified to run a restaurant?

20 MS. TRAVERSO: I graduated from NYU. I
21 immediately went into the restaurant business as
22 bartender and I've been working in the business,

1 front of house, for about nine years. I've
2 worked under people like Todd Gray and Roberta
3 Donna. I've held a manager's license for four
4 years, no violations. I was voted D.C.'s
5 favorite female bartender in 2011. I actually
6 had no direct plans to be in the kitchen but
7 we're only serving food and I could not find
8 anyone that was going to live up to my standards
9 in terms of food quality, so I took over the
10 kitchen and I've been running the kitchen as well
11 as front of house.

12 MR. BIANCO: If your operations are
13 allowed to expand, if you're allowed to have a
14 license to sell and serve alcoholic beverages,
15 how will your -- how are your operations going to
16 change?

17 MS. TRAVERSO: We're going to increase
18 the hours. Obviously, we're going to have happy
19 hour and then we're going to have dinner, so
20 we're going to -- for happy hour we're going to
21 offer food that's more shareable items. We're
22 also going to have food specials. And then for

1 dinner the menu is going to be slightly altered.
2 We're actually working on it now to prepare for
3 the -- to have more entrees instead of
4 sandwiches.

5 MR. BIANCO: And, are you familiar with
6 the other establishments on Second Street?

7 MS. TRAVERSO: Yes.

8 MR. BIANCO: How many are there/

9 MS. TRAVERSO: There's two. Actually
10 there's -- technically there's a café a little
11 bit further down, but there's two right there on
12 that one little corner.

13 MR. BIANCO: Okay. And, could you
14 describe how your establishment differs from the
15 other two?

16 MS. TRAVERSO: So, there's Momoyama,
17 which is sushi -- they only serve sushi. There's
18 about 20 seats inside, it's very tiny. And then
19 there's Hamilton's which is a sports bar and they
20 cater to -- they're a Green Bay Packers bar, they
21 cater to Wisconsin, high school football games.
22 They now -- sorry, university -- and they also

1 cater to like the sports teams on the mall. So
2 they're a bit more rowdy. Their menu is burger
3 centralized. They've got like 12 burgers and
4 maybe three other sandwiches and a couple of
5 salads where we're more focused on the -- they're
6 also a tavern -- we're more focused on being a
7 restaurant. We have higher quality food.
8 Everything we make is from scratch apart from
9 ketchup, mustard, mayonnaise and bread. I mean,
10 everything else we make in house. So, we're much
11 more focused on serving higher end products than
12 Hamilton's.

13 MR. BIANCO: And have you given any
14 thought to the type of alcohol service that
15 you're going to have if you're allowed to have
16 it.

17 MS. TRAVERSO: Yes, so like next door,
18 like I said, they do like shots and tots, so they
19 do cheap beer, salad PVRS, shots and tater tots
20 is the tots part, so we wanna do pretty much
21 almost the opposite. We're doing craft beers.
22 We're going to have things like three star 90

1 minute [inaudible 00:00] IPA and then we're going
2 to have a cocktail list, we're going to at least
3 have 12 cocktails on it. They're all based on
4 classic drinks. We've got, like, an old
5 fashioned with the aged gin instead of bourbon,
6 we've got a vodka sour where I'm going to infuse
7 the vodka with tea, so that's what we're doing.
8 And meanwhile the place right next door they
9 don't even have bitters or muddlers. So, it's a
10 very different business.

11 MR. BIANCO: Okay. And you filed an
12 application for a license in January of 2015, is
13 that correct?

14 MS. TRAVERSO: Correct.

15 MR. BIANCO: Okay. I know this is a
16 large stack of documents that looks daunting but
17 I'm going to go through it quickly, I promise. I
18 brought these for the Board as well. I'm not
19 going to spend a heckuva lot of time on it. Do
20 you recognize that document?

21 MS. TRAVERSO: This is of an ABC license.

22 CHAIRPERSON ANDERSON: I like to feel

1 stuff, I feel better if I have it in my hands.

2 MR. BIANCO: Now, does that application
3 include photographs of the establishment.

4 MS. TRAVERSO: Yes, it does.

5 MR. BIANCO: And did you take those
6 photographs?

7 MS. TRAVERSO: Yes.

8 MR. BIANCO: Okay. And normally I would
9 go through each one and ask you to describe it
10 but for the purpose of being brief I'm not going
11 to do that, but those photographs that are
12 contained with the application they truly and
13 accurately depict the layout of the premises?

14 MS. TRAVERSO: Correct. Mm hmm.

15 MR. BIANCO: And also in that application
16 is there a copy of your menu?

17 MS. TRAVERSO: Yes.

18 MR. BIANCO: Okay, and does that menu
19 contain alcoholic beverages?

20 MS. TRAVERSO: Um -- the first menu I
21 provided doesn't. That was a lunch menu. And
22 the food menu, the second one, is a sample of

1 what I'm looking to do if we have alcohol in
2 terms of happy hour food and drinks.

3 MR. BIANCO: And, does that menu reflect
4 the higher end base that you intend to have in
5 your establishment?

6 MS. TRAVERSO: Yes, it does.

7 MR. BIANCO: I move for admission for
8 applicant #2 which is the application from the
9 Board's records.

10 MR. TRAVERSO: This right here?

11 MR. PARSONS: May I see it?

12 MR. BIANCO: Yes, I gave it to him.

13 MR. PARSONS: No objection.

14 CHAIRPERSON ANDERSON: So moved.

15 MR. BIANCO: Now, you know the
16 protestant, Mr. Parsons, right?

17 MS. TRAVERSO: Yes, I do.

18 MR. BIANCO: Okay, and you've been here
19 for the testimony about the lawsuits and various
20 proceedings that have been going on with Mr.
21 Parson and HRH involved?

22 MS. TRAVERSO: Yes.

1 MR. BIANCO: Okay. So, as a result of
2 any of the proceedings, civil or otherwise, have
3 you been found in violation?

4 MS. TRAVERSO: No.

5 MR. BIANCO: Of construction codes?

6 MS. TRAVERSO: No.

7 MR. BIANCO: ABRA regulations?

8 MS. TRAVERSO: No.

9 MR. BIANCO: Been cited for a violation
10 by MPD?

11 MS. TRAVERSO: Nope.

12 MR. BIANCO: Noise task force?

13 MS. TRAVERSO: No.

14 MR. BIANCO: There was an enclosure on
15 the front of your establishment, we had some
16 testimony about it before.

17 MS. TRAVERSO: Mm hmm.

18 MR. BIANCO: Were you involved in the
19 removal of that particular enclosure?

20 MR. BIANCO: Yes.

21 MR. BIANCO: Would you please describe
22 for the Board how you came to have had to remove

1 that particular enclosure?

2 MS. TRAVERSO: So, there's -- it's a
3 little confusing, because see that's possibly
4 confusing -- but there's a permit -- a business
5 permit that expired on it so it came back up
6 before DDOT, this was way before HRH Services
7 existed, and it didn't comply with current
8 regulations because it had been built 30 years
9 ago so there were attempts way before I got
10 involved in order to bring it into compliance.
11 We were still going through that process by the
12 time HRH Services took over the lease. It was
13 determined that it couldn't be brought into
14 compliance and it needed to come down. Up unto
15 that point the business had permission from DDOT
16 to use the space because it was paying rent on
17 the space to the government, and then, so it had
18 a 21-day reprieve. After the 21 days they issued
19 a stop work order which just meant we that we
20 could not -- no longer use the space, so we
21 discontinued using the space as we continued to
22 get organized to get a building permit to remove

1 it, to get organized how it was going -- the
2 actual -- what we were going to do with the
3 structure, where the trash was going to go,
4 getting the contractors, getting the contracts
5 all set up. And it got taken down in around
6 December. So now it's down and we applied for an
7 unenclosed patio and we have an unenclosed patio
8 up.

9 MR. BIANCO: So, the structure predated
10 HRH's involvement.

11 MS. TRAVERSO: Correct.

12 MR. BIANCO: It's 30 years old.

13 MS. TRAVERSO: Yes.

14 MR. BIANCO: The efforts to bring it into
15 compliance predated HRH's?

16 MS. TRAVERSO: It began before HRH
17 Services got involved, yes.

18 MR. BIANCO: And is it correct that you
19 kept up with those efforts when you HRH took
20 over?

21 MS. TRAVERSO: Yes, correct.

22 MR. BIANCO: And you were present at the

1 August 27, 2015, hearing --

2 MS. TRAVERSO: Yes.

3 MR. BIANCO: -- when that issue was
4 discussed with the public space committee.

5 MS. TRAVERSO: Correct. Mm hmm.

6 MR. BIANCO: How long have you been
7 working in that particular venue?

8 MS. TRAVERSO: I worked there when it was
9 My Brother's Place for about three to four years.
10 Then I left for over a year, came back and was
11 assisting with the rebuilding of it as I was
12 working other places, and then took over
13 ownership in January took out the lease this year
14 and we opened in March.

15 MR. BIANCO: How would you describe the
16 residential character of the neighborhood?

17 MS. TRAVERSO: Pretty much nonexistent.

18 MR. BIANCO: What do you mean when you
19 say that?

20 MS. TRAVERSO: The clientele that we get
21 mostly, and that even next door gets, they're
22 open in the evening as well, is they get people

1 that work in the area. They all walk to the
2 establishment from where they work. We get a lot
3 of tourists. There's several hotels around
4 there. I think the closest residence is called
5 Capitol Plaza I think. It's a lot closer to a
6 couple of other bars and that's over 1000 feet
7 away, and there's another one above Wolfgang
8 Puck's place, I forget what that one's called,
9 but that's over 1000 feet away as well.

10 MR. BIANCO: I'm going to show you the
11 documents that we're going to mark as applicant
12 #3.

13 MR. PARSONS: Has that already been
14 premarked?

15 MR. BIANCO: Yes it's something that was
16 on our list.

17 MR. PARSONS: Okay.

18 MR. BIANCO: I provided you with it.

19 MR. PARSONS: Thank you.

20 MR. BIANCO: Do you recognize that
21 document?

22 MS. TRAVERSO: Yes.

1 MR. BIANCO: And what is that?

2 MS. TRAVERSO: This is a Google map of
3 where the restaurant is located.

4 MR. BIANCO: And...it's working up...

5 CHAIRPERSON ANDERSON: It's working its
6 way, go ahead.

7 MR. BIANCO: Okay, and you circled where
8 the restaurant is on that particular map?

9 MS. TRAVERSO: Correct.

10 MR. BIANCO: Okay. And where is -- on
11 that map can you describe where the nearest
12 residences are?

13 MS. TRAVERSO: The nearest one is Capitol
14 Plaza Apartments.

15 MR. BIANCO: Okay. And that's three or
16 four blocks to the north?

17 MS. TRAVERSO: Yes. Yeah, Northeast,
18 yep.

19 MR. BIANCO: It's marked on the map as
20 Capitol Plaza Apartments?

21 MS. TRAVERSO: Correct, yep.

22 MR. BIANCO: Okay. And to the west where

1 are the nearest residences?

2 MS. TRAVERSO: Newseum Residence.

3 MR. BIANCO: And that's at Sixth and
4 Pennsylvania roughly?

5 MS. TRAVERSO: Yeah, I guess, yeah. It's
6 kinda hard to see exactly. Yeah, I would say,
7 yeah.

8 MR. BIANCO: And that's also, the Newseum
9 Residences are also marked on the map there?

10 MS. TRAVERSO: Correct, yeah.

11 MR. BIANCO: That's on the other side of
12 the 39?.

13 MS. TRAVERSO: Yes, Mm hmm.

14 MR. BIANCO: Move for admission of
15 applicant #3.

16 MR. PARSONS: No objection.

17 CHAIRPERSON ANDERSON: So moved.

18 MR. BIANCO: Once you expand your
19 operations, what impact do you think that will
20 have on the area?

21 MS. TRAVERSO: I think it will actually
22 improve peace, order and quiet that we've been

1 talking about, because it's going to attract the
2 same clientele I attract now, which is a very
3 high, professional, business level of clientele,
4 and the street's pretty desolate and the more of
5 those types of people, those higher end business
6 clientele that we attract to that area the safer
7 it's going to be obviously because there will be
8 higher foot traffic.

9 MR. BIANCO: And the patrons that you
10 have now, how do most of them get to your
11 establishment, if you know?

12 MS. TRAVERSO: Most of them walk from
13 where they work. I've seen a couple of people
14 come in Uber cabs.

15 MR. BIANCO: Ms. Traverso, is there
16 anything else that you would like the Board to
17 know about the operations of your establishment
18 that they should consider in this hearing before
19 we conclude your testimony?

20 MR. PARSONS: I object to the form of
21 that question. It's really not a proper
22 question.

1 CHAIRPERSON ANDERSON: Well, you're
2 right, Mr. Parsons, but again this is an
3 administrative hearing so she can answer.

4 MR. PARSONS: My objection is of record,
5 okay?

6 CHAIRPERSON ANDERSON: Thank you.

7 MS. TRAVERSO: Can you please repeat the
8 question?

9 MR. BIANCO: Yes, I just asked you if
10 there's anything else that you'd like the Board
11 to know about your application before we conclude
12 your testimony.

13 MS. TRAVERSO: Basically the whole
14 neighborhood's been behind me, apart from this
15 one person you see here before you. I've gotten
16 great responses from everyone. I think the
17 establishment has already benefitted the
18 community, and I will just continue to benefit
19 the community if we're allowed to operate with a
20 liquor license and can financially and viably
21 stay open later on in the evening.

22 MR. BIANCO: I don't have any further

1 questions. Thank you.

2 CHAIRPERSON ANDERSON: Your witness, Mr.
3 Parsons.

4 MR. PARSONS: Thank you sir. I'll just
5 show you what's been marked as Exhibit #3 Ms.
6 Traverso, the certificate from --

7 MR. PARSONS: [inaudible 09:41]. Is that
8 the entity that you created on December 8th --

9 MR. SHORT: I can't hear you.

10 MR. PARSONS: I'm sorry. Is that the
11 entity that you created on December the 8th 2014?

12 MS. TRAVERSO: Yes.

13 MR. PARSONS: Looking at your entry, it
14 appears that you made the place of business of
15 HRH Services to be 708 G Street, is that correct?

16 MS. TRAVERSO: Correct.

17 MR. PARSONS: That's where you live?

18 MS. TRAVERSO: It's the only legal
19 residence I had in D.C. at the time.

20 MR. PARSONS: Can you say again?

21 MS. TRAVERSO: It's the only legal
22 residence I had in D.C. at the time.

1 MR. PARSONS: And when did you move to
2 708 G Street?

3 MS. TRAVERSO: Seven years ago, if not
4 more.

5 MR. PARSONS: Okay. So, is it fair to
6 say then that -- and you live there with Mr.
7 Scahill?

8 MS. TRAVERSO: I did at one point, yes.

9 MR. PARSONS: Okay. And I'm going to
10 show you what's been marked as Exhibit #2, the
11 same document but this is from HRH LLC, also at
12 the same address. Can we agree, madam, that that
13 is Mr. Scahill's signature?

14 MS. TRAVERSO: I don't know.

15 MR. PARSONS: You don't know?

16 MS. TRAVERSO: I don't know, no.

17 MR. PARSONS: You don't -- how long have
18 you lived with Mr. Scahill?

19 MS. TRAVERSO: I lived with him maybe
20 five years.

21 MR. PARSONS: Okay, and I think you and
22 he became engaged in November of 2013?

1 MS. TRAVERSO: Yes.

2 MS. TRAVERSO: Are you still engaged?

3 MS. TRAVERSO: No.

4 MR. PARSONS: When did this breakup of
5 the engagement occur?

6 MS. TRAVERSO: I can't recall the exact
7 date.

8 MR. PARSONS: Okay. And are you still
9 living at 708 G Street.

10 MS. TRAVERSO: I am yes.

11 MR. PARSONS: Okay. And Mr. Scahill is
12 still there?

13 MS. TRAVERSO: No.

14 MR. PARSONS: When did Mr. Scahill move
15 out?

16 MS. TRAVERSO: I can't recall an exact
17 date.

18 CHAIRPERSON ANDERSON: Mr. Parsons, can
19 you go back to the table please?

20 MR. PARSONS: Yes, sir.

21 CHAIRPERSON ANDERSON: Thank you.

22 MR. PARSONS: Do you have an idea of how

1 long it's been since he moved out?

2 MS. TRAVERSO: Several months.

3 MR. PARSONS: November?

4 MS. TRAVERSO: I don't know, Mr. Parsons,
5 it was a slow move out, it wasn't a quick move
6 out, so I can't put an exact date on it, no.

7 MR. PARSONS: Who do you reside there
8 with now?

9 MS. TRAVERSO: No one at the moment.

10 MR. PARSONS: Okay. I'm going to show
11 what has been marked as Exhibit #4. It's a
12 multi-page document. Am I correct, madam, that
13 those are drawings that you made for the
14 renovation of 237 Second Street?

15 MS. TRAVERSO: Just these drawings right
16 here?

17 MR. PARSONS: Yes, ma'am.

18 MS. TRAVERSO: Yes, I drew some of these
19 drawings.

20 MR. PARSONS: You did the drawings for
21 the purpose of serving as a plan for how the --

22 MS. TRAVERSO: No, I did the drawings --

1 CHAIRPERSON ANDERSON: Hold on, hold on,
2 allow him to ask the question, and please allow
3 her to answer the questions, okay.

4 MR. BIANCO: At whose request did you do
5 the drawings?

6 MS. TRAVERSO: No one's.

7 MR. PARSONS: You did 'em on your own?

8 MS. TRAVERSO: Mm hmm.

9 MR. PARSONS: Mm hmm yes?

10 MS. TRAVERSO: Yes.

11 MR. PARSONS: And am I correct that it
12 was these drawings that were followed in the
13 period from September of 2013 until whenever the
14 renovation was completed before you did the
15 second phase and did the upstairs?

16 MR. BIANCO: I'm going to object. The
17 renovations that occurred in 2013 a year
18 predating this application are not at issue here
19 today.

20 MR. PARSONS: I respectfully disagree.
21 You did do these drawings?

22 CHAIRPERSON ANDERSON: What's the basis -

1 -

2 MR. BIANCO: Can we have a ruling please?

3 CHAIRPERSON ANDERSON: Well, I'm not
4 quite sure why that's relevant so maybe you can
5 explain, I mean he objected.

6 MR. PARSONS: I guarantee I will tie it
7 all together. If you want me to do it now, I'll
8 do it.

9 CHAIRPERSON ANDERSON: I think you need
10 to, I mean -- you need to tell me why that's
11 relevant to what we're --

12 MR. BIANCO: At least a proffer so I can
13 show --

14 MR. PARSONS: Sure.

15 CHAIRPERSON ANDERSON: Okay, alright.

16 MR. PARSONS: I'm going to show you
17 Exhibit #16. Do you recognize that as an e-mail
18 that you sent to the ANC commissioner for #16?

19 MS. TRAVERSO: Without reading the whole
20 thing, I remember e-mailing her, yes.

21 MR. PARSONS: I want to ask you, madam,
22 did you write -- did you send this Karen Wirt

1 this statement? "I am a new business. I have
2 nothing to do with the previous business. I was
3 not an owner, investor or employee. It is true
4 my ex-fiance was one owner -- one of the owners
5 of the previous business." Did I read your words
6 correctly?

7 MS. TRAVERSO: Yes.

8 MR. PARSONS: The fact of the matter is
9 that you did have quite a bit to do with the
10 business at 237 because you're the one that did
11 the drawings for how it was to be configured,
12 didn't you?

13 MS. TRAVERSO: I was not an investor, an
14 employee or an owner of the previous business.

15 MR. PARSONS: But you did do the
16 drawings, and these are the drawings that were
17 followed for the configuration of the building,
18 correct?

19 MS. TRAVERSO: No.

20 MR. BIANCO: I'm going to object, again,
21 it has nothing to do with what is at issue in
22 this proceeding whether or not she did the

1 drawings in 2013 that were followed. That has
2 nothing to do with it.

3 CHAIRPERSON ANDERSON: I think I see
4 where -- I -- I think I see where he's going but
5 there's probably another way to do it, but I will
6 allow him, but I am giving you some leeway, sir,
7 but --

8 MR. PARSONS: Thank you. This -- Ms.
9 Traverso, I won't argue. You -- these drawings
10 done for 237 Second Street by you were the ones
11 that were followed for the reconfiguration of
12 that building to open The Alibi, were they not?

13 MS. TRAVERSO: No.

14 MR. PARSONS: Did somebody else do
15 drawings?

16 MS. TRAVERSO: Yes.

17 MR. PARSONS: Do you know a gentleman by
18 the name of Christopher Smith?

19 MS. TRAVERSO: Yes.

20 MR. PARSONS: Mr. Smith was an employee
21 and a worker during the renovation of that
22 building wasn't he?

1 MS. TRAVERSO: Yes.

2 MR. PARSONS: Mr. Smith worked at that
3 building from its inception starting in September
4 of 2013 until January 22nd of 2015, correct?

5 MS. TRAVERSO: On an extremely limited
6 basis, he maybe worked about total of 200 hours
7 in that period of time.

8 MR. PARSONS: Tell me this, Ms. Traverso,
9 your mother and your father also worked in the
10 configuration of the building, didn't they?

11 MS. TRAVERSO: They were there
12 occasionally.

13 MR. PARSONS: Doing work.

14 MS. TRAVERSO: They were there
15 occasionally. I don't know what you mean by
16 work, though.

17 MR. PARSONS: Well, there was renovation
18 going on, correct?

19 MS. TRAVERSO: Correct.

20 MR. PARSONS: Construction work.

21 MS. TRAVERSO: Correct.

22 MR. PARSONS: Your parents were helping

1 with the construction.

2 MS. TRAVERSO: It depends on what your
3 term of construction means.

4 MR. PARSONS: You don't understand what
5 I'm asking?

6 MS. TRAVERSO: Well, construction could
7 mean doing plumbing or painting --

8 CHAIRPERSON ANDERSON: Well, Mr. Parsons,
9 the witness states that she doesn't understand,
10 so rather than arguing with her can you either
11 explain to her or move on?

12 MR. PARSONS: What did you observe your
13 father doing in terms of the work being done in
14 the building in that period from September of
15 2013 to the end of 2014?

16 MR. BIANCO: Objection. Relevance.
17 Whether or not Mr. Traverso swung a hammer or
18 used a paintbrush in 2013 is not relevant to
19 these proceedings.

20 CHAIRPERSON ANDERSON: Mr. Parsons, why
21 is is relevant? Why is that relevant?

22 MR. PARSONS: We have here representation

1 by the Traversos that they had nothing to do with
2 the earlier operation and that they are pristine,
3 clean in their application, that they are not the
4 alter ego of the person that was her fiancé. I'm
5 entitled, I believe, to ask questions about that

6 CHAIRPERSON ANDERSON: But one thing, I
7 did rule that we -- well --

8 MR. BIANCO: Other --

9 CHAIRPERSON ANDERSON: Go ahead.

10 MR. BIANCO: Other than the e-mail that
11 Mr. Parsons presented, I don't know where we have
12 any representations that Rachel and Rich had
13 absolutely nothing to do with the application of
14 Melles Hospitality Corporation. And even if they
15 -- whether they did or not make such
16 representations, again, it's well outside the
17 scope of this particular proceeding. It's a
18 separate -- we're here on an application by a
19 separate company. It's a separate application.
20 There is no question about that.

21 MR. PARSONS: Ms. Traverso and Mr.
22 Traverso have put their credibility on the line

1 by taking the witness stand. I believe, your
2 honor, that I'm entitled to some latitude in
3 developing the credibility of these witnesses.

4 CHAIRPERSON ANDERSON: And what document
5 is it that you're using to impeach their
6 credibility?

7 MR. PARSONS: Well, certainly Exhibit #16
8 in which Ms. Traverso made very clear on the
9 record, "I had nothing to do with the previous
10 business" when in fact she designed the drawings
11 and I'm getting ready to develop more involvement
12 with Ms. Traverso with The Alibi as it existed in
13 2013-14.

14 CHAIRPERSON ANDERSON: Overruled. Go
15 ahead.

16 MR. PARSONS: I want to show you Exhibit
17 #5, Ms. Traverso. Do you recognize this
18 particular document?

19 MS. TRAVERSO: Yes.

20 MR. PARSONS: Is that a document that
21 appeared in something called Friends of Petworth?

22 MR. BIANCO: I'm going to object. He's

1 now using newspaper articles. That's not only
2 hearsay, it's not only irrelevant, it has
3 absolutely nothing to do with what's at issue in
4 these proceedings. It's not only hearsay, it's
5 double hearsay. It's what Rachel supposedly told
6 some other guy who then reported it on the
7 internet. It's not relevant, it's not
8 admissible.

9 CHAIRPERSON ANDERSON: I'll -- I have --
10 are we making a copy of the exhibits? I mean, I
11 have, I know that's one of his exhibits. I don't
12 have -- I don't have the document myself, so
13 right now I'm following along, it's one of the
14 documents that he has listed.

15 MR. BIANCO: How can I cross examine on
16 an internet posting by an anonymous source on a
17 date that's not --

18 CHAIRPERSON ANDERSON: I'm saying -- I
19 don't -- I can't look at the document because I
20 haven't, I'm just, I have the cover page.

21 CHAIRPERSON ANDERSON: Hold on a minute,
22 because I need to rule on -- I need to rule on --

1 MR. PARSONS: Exhibit #5 is a two-page
2 document.

3 MS. MILLER: We only made one, we didn't
4 make five. While y'all are looking -- okay, I
5 wasn't listening. Can I just inquire how many
6 copies of exhibits have you provided?

7 MR. PARSONS: To be honest with you, I
8 filed one.

9 MS. MILLER: One.

10 MR. PARSONS: I was not [inaudible 00:00]
11 I wish now that I [inaudible 00:00].

12 MS. MILLER: Okay, because that puts us
13 at a disadvantage.

14 MR. PARSONS: I see.

15 CHAIRPERSON ANDERSON: Okay, so.
16 Alright, now what's the question that was asked?

17 MR. PARSONS: I asked her if she
18 recognized Exhibit #5 and she said yes and that
19 was as far as we got.

20 CHAIRPERSON ANDERSON: And your
21 objection.

22 MR. BIANCO: My objection is that Exhibit

1 #5 purports to be an internet posting. There's
2 no author, there's no date, and these are
3 statements that Mr. Parsons is evidently going to
4 try to attribute to my client.

5 MR. PARSONS: Well, I think his objection
6 is a little premature.

7 CHAIRPERSON ANDERSON: Well, right --
8 right. That's why I'm waiting. I mean -- I have
9 the document in front of me, so let me see what
10 he's asking based on -- what?

11 MR. PARSONS: I'm going to hand you the
12 second page of Exhibit #5 and refer you to the
13 fourth paragraph and I'll ask you to please take
14 a look at that and read it.

15 MS. TRAVERSO: Or as Martin, the
16 Englishman, and Rachel, the American woman, are
17 proud to be a part of this new chapter in history
18 for the infamous building at 237 Second Street
19 Northwest.

20 MR. PARSONS: Is that something that you
21 provided to Petworth?

22 MS. TRAVERSO: No.

1 MR. BIANCO: Objection.

2 MR. PARSONS: Okay. Do you know who? --

3 CHAIRPERSON ANDERSON: Um -- Hold on,
4 hold on, Mr. Parsons. Which was the paragraph
5 was she just reading?

6 MR. ALBERTI: She just read the first
7 sentence of the paragraph.

8 MR. PARSONS: Or as Martin, the
9 Englishman, and Rachel, the American woman, in
10 other words it's a British-American pub, proud to
11 be a part of this new chapter.

12 CHAIRPERSON ANDERSON: And your question
13 to her is what, sir?

14 MR. PARSONS: Are you the one that
15 provided this information to Friends of Petworth?
16 She said "no."

17 CHAIRPERSON ANDERSON: Okay.

18 MR. PARSONS: I this -- this --

19 CHAIRPERSON ANDERSON: Okay.

20 MR. PARSONS: My next question is am I
21 correct that as far as this British-American pub,
22 it was Martin Scahill who was the Englishman, and

1 you were the American woman that made up the
2 combo that was The Alibi.

3 MS. TRAVERSO: That's his interpretation
4 of it, yeah, I guess.

5 MR. PARSONS: Well you -- do you have --
6 were you or were you not pp

7 MR. BIANCO: Objection. She's now being
8 asked to comment on hearsay.

9 CHAIRPERSON ANDERSON: I'm waiting for
10 the question, let -- let him ask the question and
11 I have the document in front of me, I'm paying
12 close attention to what's being asked okay? So.
13 But let him ask the question and I will --

14 MR. PARSONS: Is it -- is it true that
15 you were proud to be a part of the new history at
16 237 Second Street with Martin, the Englishman,
17 and you as the American woman? Is that true?

18 MS. TRAVERSO: I was proud to be a part
19 of making it something different.

20 MR. PARSONS: Okay. And, am I correct
21 that you held it out as being a British-American
22 pub?

1 MS. TRAVERSO: Correct.

2 MR. PARSONS: Mr. Scahill was the Brit,
3 right?

4 MS. TRAVERSO: He had British -- he's
5 English.

6 MR. PARSONS: He was the Brit in the
7 British-American pub.

8 MS. TRAVERSO: In the concept, yes.

9 MR. PARSONS: And you were the American
10 in the British-American pub?

11 MS. TRAVERSO: American as it's in
12 America.

13 MR. PARSONS: Tell me this. It's still
14 being promoted as a British-American pub to this
15 day, isn't it?

16 MS. TRAVERSO: Correct.

17 MR. PARSONS: And Mr. Scahill is
18 regularly at the premises, correct?

19 MS. TRAVERSO: No.

20 MR. PARSONS: As far as your involvement
21 with the premises at 237 Second Street, am I
22 correct, madam, that on March 24th of 2014 you

1 applied for a building permit at 237 Second?

2 MS. TRAVERSO: As an agent for MHG you
3 can -- anyone can be --

4 CHAIRPERSON ANDERSON: What document are
5 you showing her, please? What document?

6 MR. PARSONS: Exhibit #6. It's a
7 printout of the applications for permits at 237
8 Second Street. Okay, you did apply for a
9 building permit at 237 Second Street on March 24,
10 2014, yes or no?

11 MS. TRAVERSO: Yes.

12 MR. PARSONS: That was part of the
13 renovation that was under way, correct?

14 MS. TRAVERSO: Yes.

15 MR. PARSONS: Okay, I want to ask you
16 this, madam. Am I correct that on March 25th of
17 2014 Judge Rankin of the Superior Court denied a
18 motion I made for a temporary restraining order?

19 MS. TRAVERSO: That sounds about right,
20 yes.

21 MR. PARSONS: Okay. And the next day ,
22 posted in the window of 237 Second Street was

1 Exhibit #7, correct? Do you recognize Exhibit
2 #7?

3 MS. TRAVERSO: No.

4 MR. PARSONS: You don't recognize that at
5 all?

6 MS. TRAVERSO: No.

7 MR. PARSONS: Mr. Smith testified --
8 [inaudible 25:50]

9 CHAIRPERSON ANDERSON: Mr. Parsons, I
10 mean.

11 MR. BIANCO: I don't have a copy of
12 Exhibit #7 in my packet, it goes from #6 to #8.

13 CHAIRPERSON ANDERSON: Alright, you don't
14 have, but --

15 MR. BIANCO: Could I see a copy of it
16 before we start talking about it?

17 CHAIRPERSON ANDERSON: Alright, sure.

18 MR. PARSONS: I'm showing you.

19 CHAIRPERSON ANDERSON: Mr. Parsons, the
20 witness has testified that she doesn't recognize
21 it and I think we should move on from there. I
22 think if she states she does not, I'm not sure --

1 I'm not quite sure -- she says she doesn't
2 recognize it.

3 MR. PARSONS: True. Ms. Traverso, do you
4 recall in February of 2014 being with Mr. Scahill
5 at DCRA and making an application for a roof
6 permit?

7 MS. TRAVERSO: No.

8 MR. PARSONS: Okay. I'm going to show
9 you page 19 of Exhibit #8 and ask you, in the
10 upper right hand corner where it's filled in, is
11 that your handwriting?

12 MS. TRAVERSO: It looks like it, yes.

13 MR. PARSONS: Okay. Did you -- and you
14 hand wrote my name and then you filled in -- what
15 -- other than this portion right here -- let me
16 strike that. Am I correct that's Mr. Scahill's
17 signature as signature of owner?

18 MS. TRAVERSO: I couldn't tell you.

19 MR. PARSONS: Okay. Now, over to the
20 right, by the way you know what this document is,
21 don't you?

22 MS. TRAVERSO: No.

1 MR. PARSONS: It's a required document
2 that you have notified the adjoining owner of
3 your intent to work on the roof. You didn't know
4 that?

5 MS. TRAVERSO: I wasn't involved in
6 permits.

7 MR. PARSONS: Okay. Well, when you said
8 that's your handwriting, didn't you travel down
9 to DCRA with Mr. Scahill to file that?

10 MS. TRAVERSO: What permit is this?

11 MR. PARSONS: This is the roofing permit.

12 MS. TRAVERSO: No, I was not there for
13 the roofing permit.

14 MR. PARSONS: Okay. Can we agree that
15 that signature is forged and on that document?

16 MS. TRAVERSO: No.

17 MR. PARSONS: Do you know whose signature
18 that is?

19 MS. TRAVERSO: I do not.

20 MR. PARSONS: So, you filled in part of
21 the Exhibit number, page 19 of Exhibit #8, but
22 you don't know who forged your --

1 MS. TRAVERSO: I might have --

2 MR. BIANCO: Objection. It's not in
3 evidence, it's irrelevant, this has nothing to do
4 -- again --

5 CHAIRPERSON ANDERSON: Sustained.
6 Sustained.

7 MR. BIANCO: -- this has nothing to do
8 with the proceedings.

9 CHAIRPERSON ANDERSON: Sustained,
10 sustained.

11 MR. PARSONS: Actually, it's one of the
12 counts in the complaint in the --

13 CHAIRPERSON ANDERSON: But not in the --
14 not in this forum, so.

15 MR. PARSONS: Okay, sir, very good. Ms.
16 Traverso, I want to show you Exhibit #12 which is
17 a printout of the permit details. Did you apply
18 for a DDOT Common Space permit for 237 Second
19 Street on June 23rd of 2015?

20 MS. TRAVERSO: Yes.

21 MR. PARSONS: And, am I correct, madam,
22 that a hearing was scheduled for that application

1 -- before I read that -- am I correct that the
2 extension on the side of 237 Second Street was --
3 had no permit and you were trying to get a permit
4 for that extension?

5 MS. TRAVERSO: The permit had expired.

6 MR. PARSONS: The permit had expired so
7 there -- it had no permit.

8 MS. TRAVERSO: Correct.

9 MR. PARSONS: Alright, now then, I want
10 to show you Exhibit #13 which I think I have a
11 number of copies. Showing you Exhibit #13 --

12 MR. BIANCO: Hold on, Mr. Parson, I don't
13 have a copy of Exhibit #13 in my packet. Can I -
14 -

15 MR. SILVERSTEIN: Here you are.

16 MR. BIANCO: Okay.

17 MR. PARSONS: Showing you Exhibit #13, do
18 you recall being in the hearing room awaiting the
19 hearing on your public space permit?

20 MS. TRAVERSO: Yes.

21 MR. PARSONS: And you were there with Mr.
22 Scahill?

1 MS. TRAVERSO: Yes.

2 MR. PARSONS: Was that picture taken on
3 August the 27th 2015 while you and he were
4 waiting to be heard on that permit application?

5 MS. TRAVERSO: I assume so.

6 MR. PARSONS: Do you have any doubt?

7 MS. TRAVERSO: I mean, it doesn't have
8 any date on it. It looks kind of like the room,
9 so yes.

10 MR. PARSONS: Well then, at that hearing,
11 of which we have a transcript, am I correct that
12 you deferred to Mr. Scahill to explain the
13 architectural aspects of what was trying to be
14 done to preserve the exterior of the section of
15 the sidewalk.

16 MS. TRAVERSO: To field questions on the
17 architectural structure, yes.

18 MR. PARSONS: Okay. Did you pay Mr.
19 Scahill to go there with you?

20 MS. TRAVERSO: No.

21 MR. PARSONS: And he testified on behalf
22 of HRH Services didn't he?

1 MS. TRAVERSO: No.

2 MR. PARSONS: He did not?

3 MS. TRAVERSO: No.

4 MR. PARSONS: Okay, well let me ask you
5 this. At page 84, one of the chairmen said, "As
6 I understand it --

7 MR. SILVERSTEIN: What part of page 84?

8 CHAIRPERSON ANDERSON: Of what document?

9 MR. PARSONS: Page 84, I'm sorry. It's
10 the transcript, Exhibit #14.

11 CHAIRPERSON ANDERSON: So -- so, can you
12 identify the evidence of record please?

13 MR. PARSONS: Sure, the lines that I've
14 referred to are lines 13 --

15 CHAIRPERSON ANDERSON: No, I'm sorry.
16 Identify the exhibit for the record.

17 MR. PARSONS: Oh, I'm sorry. Referring
18 to Exhibit #14, the transcript of the proceedings
19 before the Public Space Committee of the D.C.
20 Department of Transportation that was chaired by
21 Matthew Marcou. There was certain -- there was
22 certain testimony that was taken --

1 CHAIRPERSON ANDERSON: I'm fine. We
2 didn't know what document, what you were making
3 your reference in, so just --

4 MR. PARSONS: Now, referring to page 84,
5 lines 13 through 17, Mr. Marcou said, "I
6 understand why you wanted to leave it in place,
7 meaning the structure, but the fact of the matter
8 is it's continued operation in place is a
9 violation in good faith, and Mr. Scahill said,
10 'I'm paying for it.'" Do you recall that
11 testimony?

12 MS. TRAVERSO: No.

13 MR. PARSONS: What did he mean when he
14 was saying it --

15 MR. BIANCO: Objection. Speculation.
16 Mr. Scahill is not here.

17 MR. PARSONS: How is he paying for that
18 structure?

19 CHAIRPERSON ANDERSON: Sustained.

20 MR. PARSONS: Okay. Turning to page 88,
21 lines 3 through 11, when the application was
22 denied, Mr. Scahill said, "sell it, that's it,

1 thank you very much, I'll let both employees make
2 another payroll, then I'll give them seven days
3 and see if they can get done. Thank you very
4 much. Have a good day. Remember Brazil. But we
5 haven't even voted on this motion." Mr. Scahill:
6 "Rachel come on. We've got some fucking people
7 to fire, come on." Do you remember that
8 testimony at the hearing?

9 MS. TRAVERSO: The content of it, yes.

10 MR. PARSONS: He said that you and he had
11 to go back and fire people?

12 MS. TRAVERSO: He walked out of the room,
13 he was upset, yes.

14 MR. PARSONS: Yeah. But the fact of the
15 matter is that he was really a part and parcel of
16 the operation --

17 MS. TRAVERSO: No.

18 MR. PARSONS: -- that was going on at
19 HRH, wasn't he?

20 MS. TRAVERSO: No.

21 MR. PARSONS: I'm going to show you
22 Exhibit #17. Am I correct, madam, that when you

1 and Mr. Scahill lived together at 708 G Street
2 you created a joint bank account at TD Bank?

3 MS. TRAVERSO: Yes.

4 MR. PARSONS: And the statements were
5 sent to 708 G Street?

6 MS. TRAVERSO: Yes.

7 MR. PARSONS: And am I correct, madam,
8 that these statements all have little
9 indentations on them stating how much of money
10 being spent out of that account was being
11 directed toward the business, correct?

12 MS. TRAVERSO: Without going through
13 them, I assume that that's what you have here
14 yes.

15 MR. PARSONS: Is that your handwriting?

16 MS. TRAVERSO: Yes.

17 MR. PARSONS: Okay, so you went through
18 these statements at some point and identified how
19 much money from the joint account that you and
20 Mr. Scahill were spending for the Alibi?

21 MS. TRAVERSO: Yes.

22 MR. PARSONS: And am I correct that

1 statement -- the last statement date that I have
2 goes to March 10th of 2015? Is that account
3 still open?

4 MS. TRAVERSO: I don't know. I have no
5 knowledge.

6 MR. PARSONS: Well you would have been
7 using that account until a couple of months ago
8 when you and Mr. Scahill were living together at
9 708 G Street, correct?

10 MS. TRAVERSO: No.

11 MR. PARSONS: When did you stop using it?

12 MS. TRAVERSO: Over a year ago.

13 MR. PARSONS: This is March of 2015.

14 MS. TRAVERSO: It doesn't mean I used the
15 account.

16 MR. PARSONS: Sorry?

17 MS. TRAVERSO: I didn't use the account
18 for over a year.

19 MR. PARSONS: Why?

20 MS. TRAVERSO: There's no money in the
21 account.

22 MR. PARSONS: Am I correct, madam, that

1 your father has contributed money to HRH LLC?

2 MS. TRAVERSO: HRH LLC? Yes.

3 MR. PARSONS: Yup.

4 MS. TRAVERSO: Yes.

5 MR. PARSONS: Back on July 31st of 2013
6 he wired \$70,000 into the account, correct?

7 MS. TRAVERSO: Yes.

8 MR. PARSONS: You're a signatory on HRH
9 LLC aren't you?

10 MS. TRAVERSO: No.

11 MR. PARSONS: Okay. And all of the
12 accounts came to 708 G Street, correct?

13 MS. TRAVERSO: Yes.

14 MR. PARSONS: And, am I correct, just as
15 you did with the joint account, you went through
16 and you started itemizing how that money was
17 spent?

18 MS. TRAVERSO: Yes.

19 MR. PARSONS: And am I correct that at
20 some point this money that was spent involved
21 mortar that was put onto the party wall between
22 your building and my building?

1 MS. TRAVERSO: Yes.

2 MR. PARSONS: Now, you're aware that Mr.
3 Scahill had made an application for a liquor
4 license for Melles Hospitality Group, correct?

5 MS. TRAVERSO: Yes.

6 MR. PARSONS: And did you see the order
7 that came down in which he was cited for having -
8 - being unable to demonstrate fitness for
9 licensure, did you see that?

10 MR. BIANCO: I'm going to object as it
11 mischaracterizes the Board's records.

12 CHAIRPERSON ANDERSON: I -- the document
13 speaks for itself so you don't need to describe
14 the -- I mean I think if you ask the witness if
15 she is aware of the document, fine, but I -- you
16 don't need to characterize -- characterize a
17 Board order -- the Board's order.

18 MR. PARSONS: Okay. Am I correct that
19 you created HRH Services -- by the way, what does
20 HRH stand for?

21 MS. TRAVERSO: HRH? Her Royal Highness.

22 MR. PARSONS: Her Royal Highness. The

1 British part of it.

2 MS. TRAVERSO: Correct.

3 MR. PARSONS: Okay. So, you are still
4 maintaining the British acronym, so to speak, for
5 your present business.

6 MS. TRAVERSO: It's a British-American
7 pub.

8 MR. PARSONS: Okay. And, am I correct,
9 madam, that Mr. Scahill did the renovation of the
10 second floor of 237 Second Street?

11 MS. TRAVERSO: He assisted.

12 MR. PARSONS: I'm sorry.

13 MS. TRAVERSO: He assisted.

14 MR. PARSONS: He assisted. Okay. Is
15 this a picture -- this is Exhibit #19 -- of Mr.
16 Scahill during the construction work that was
17 going on at 237 Second Street on the second
18 floor?

19 MS. TRAVERSO: I don't know what time
20 this was taken but, yes, it looks like Mr.
21 Scahill and yes, it looks like --

22 CHAIRPERSON ANDERSON: I can't -- you

1 need to speak up, I can't hear you ma'am.

2 MS. TRAVERSO: I don't know when this was
3 taken but it does look like Mr. Scahill and it
4 does look like 237 Second Street and it does look
5 like there's construction going on.

6 MR. PARSONS: Okay. And that was to the
7 second floor.

8 MS. TRAVERSO: I don't know.

9 MR. PARSONS: Did you and Mr. Scahill use
10 an automobile together?

11 MS. TRAVERSO: Describe "use." What do
12 you mean by use?

13 MR. PARSONS: Let me show you Exhibit
14 #20. Do you recognize Exhibit #20?

15 MS. TRAVERSO: Yes.

16 MR. PARSONS: That's an automobile that's
17 titled to you, correct?

18 MS. TRAVERSO: Correct.

19 MR. PARSONS: And Mr. Scahill used that
20 to carry materials to the building didn't he?

21 MS. TRAVERSO: Occasionally, he drove the
22 car, yes.

1 MR. PARSONS: To carry materials to do
2 work?

3 MS. TRAVERSO: Occasionally, yes.

4 MR. PARSONS: I want to show you some
5 pictures. This is a picture that was taken on
6 October the 20th of 2015. Mr. Scahill was --

7 CHAIRPERSON ANDERSON: What exhibit are
8 you showing the witness, please sir?

9 MR. PARSONS: I'm sorry. That is Exhibit
10 #22, your Honor. This is Mr. Scahill in the
11 course of his duties at The Alibi on October 20,
12 2015, correct?

13 MS. TRAVERSO: I don't know, there's no
14 date on here.

15 MR. PARSONS: But that's what he's --
16 he's been working there has he not?

17 MS. TRAVERSO: He's not been working
18 there in terms of an employee, no.

19 MR. PARSONS: Well, he's there and he's
20 serving people.

21 MS. TRAVERSO: He's not serving people.

22 CHAIRPERSON ANDERSON: Mr. Parsons, I

1 mean, I know that this is Mr. Bianco's job and I
2 shouldn't be doing his job. All I see here is a
3 picture of someone standing in a hallway, and I -
4 - I just think it's going too far fetched for --
5 for us to make the supposition what it is. So I
6 don't think -- I --

7 MR. PARSONS: Let me show another
8 picture. This one is #23 and this one was taken
9 on October 28th of 2015. Do you recognize Mr.
10 Scahill in that picture with his back to you?

11 MS. TRAVERSO: Yes.

12 MR. PARSONS: Thank you. That's a
13 picture that was taken during the course of
14 serving customers.

15 MR. BIANCO: I'm going to renew the
16 Chair's objection. This is the exact same
17 testimony by Mr. Parsons.

18 CHAIRPERSON ANDERSON: It's sustained.
19 It's sustained. I -- it's -- I think --

20 MR. PARSONS: By the way, may I make
21 this? These pictures show the outdoor café being
22 used in violation of the failure to get a permit

1 in August. This was taken in October. Mr.
2 Scahill working there and Mr. Scahill was serving
3 people for HRH Services in that purpose in the
4 illegal extension.

5 CHAIRPERSON ANDERSON: Mr. Parsons, the
6 problem with the document is that it's not date
7 stamped, I don't -- I'm unsure when it was taken,
8 where it is, and so you're making the supposition
9 and it -- and you're an attorney so I'm not going
10 to say that you're not speaking the truth but the
11 document -- looking at the document there's no
12 date stamp, I've never been to this
13 establishment, I don't know -- they are objecting
14 to the document, and I will sustain the objection
15 because I -- yeah.

16 MR. ALBERTI: So, Mr. Chair, perhaps Mr.
17 Parsons can add context to this when he testimony
18 -- testifies.

19 MR. PARSONS: Yes, your Honor.

20 CHAIRPERSON ANDERSON: But I'm just
21 saying for this witness based on the questions,
22 it's --

1 MR. ALBERTI: I agree, I agree.

2 MR. PARSONS: Am I correct that in the
3 period from August 28th of 2015 until the first
4 week of December of 2015, you were serving
5 customers in the extension over the public
6 sidewalk at 237 Second Street were you not?

7 MS. TRAVERSO: Repeat the time frame.

8 MR. PARSONS: From August 27th, 2015,
9 until let's say the middle of November of 2015.

10 MS. TRAVERSO: I was operating the patio
11 when I had permission from DDOT to do so.

12 MR. PARSONS: And am I correct that all
13 the while you were -- didn't you testify earlier
14 that you had a stop work order?

15 MS. TRAVERSO: And I ceased using the
16 patio --

17 MR. PARSONS: Okay --

18 MS. TRAVERSO: -- when we received the
19 stop work order.

20 MR. PARSONS: Alright. Well, let me ask
21 you this: This is a -- I'm gonna use this as an
22 impeachment --

1 CHAIRPERSON ANDERSON: What document is
2 it?

3 MR. PARSONS: It's not one of the
4 documents in here but it's come up in the course
5 of her testimony.

6 CHAIRPERSON ANDERSON: Well, you need to
7 show it to the lawyer first. You need to show it
8 to Mr. Parsons first before you show it to the
9 witness. Maybe at some point I would also like
10 to see it, so I would -- so I can make a ruling
11 because I know he's probably going to object, so
12 --

13 MR. BIANCO: I'm going to object.

14 CHAIRPERSON ANDERSON: So, I need to see
15 -- so, I need to see the document also, so -- I'm
16 putting words in -- I know that because the first
17 statement of that is not on the record, so that
18 was the first statement. And I don't have -- I
19 don't have a problem with impeaching the witness
20 -- I don't have a problem with that. But if I'm
21 going to make a ruling I also need to see the
22 document so I know where we are. And you're

1 putting me in my lawyer shoes today. I've been
2 practicing administrative law for 25 years, but
3 you're making sure that I know the rules.

4 MR. PARSONS: Your Honor, may I ask this
5 question?

6 CHAIRPERSON ANDERSON: Yes, sir.

7 MR. PARSONS: I have a witness that has
8 to leave in five, and he's a critical witness.

9 CHAIRPERSON ANDERSON: Well I -- I

10 MR. PARSONS: Can we interrupt the
11 testimony here to -- so I can ask some questions.

12 CHAIRPERSON ANDERSON: Well. Alright.
13 Think one part of the issue that I -- because we
14 have a 4:30 case and they're here, and I was
15 about to ask Mr. Bianco how much more time does
16 he -- does he have any witnesses -- how much more
17 time he requires, and also find out from you how
18 much time you require for the presentation of
19 your case so I can advise our 4:30.

20 MR. PARSONS: I have three, presuming
21 that they're still out there.

22 CHAIRPERSON ANDERSON: Okay.

1 MR. PARSONS: I've been getting e-mails
2 but I've not been responding.

3 CHAIRPERSON ANDERSON: Okay.

4 MR. PARSONS: By the way, I'll pass this
5 up, this is the impeachment document.

6 MS. MILLER: I just have to say this:
7 That it's very frustrating for me and I would
8 think for other Board members not to be able to
9 look at any of these documents that are at issue
10 and germane to the case, so if you ever have
11 cases before us again, I would really request
12 that you provide the documents because otherwise
13 we see them after the fact and it's much more
14 valuable to be looking at the documents while the
15 case is going on.

16 MR. PARSONS: I certainly see that and
17 with all due respect I hope [inaudible 45:58]

18 MS. MILLER: Yes, okay.

19 CHAIRPERSON ANDERSON: Alright. Well --

20 MR. PARSONS: -- a reluctant --

21 CHAIRPERSON ANDERSON: Alright, let's
22 finish this and then we'll -- remember, you're

1 the one who's -- you're the one who is asking the
2 witness the time depending on you. So, I mean, I
3 can't even say that I will allow you to do that
4 because you're still in the middle of cross
5 examination, off of the applicant.

6 MR. PARSONS: Right.

7 CHAIRPERSON ANDERSON: Alright, so what
8 is this document? So, first and foremost, I
9 mean, what is the document? So just give us --

10 MR. PARSONS: It's a publication from
11 Friends of Petworth and it says, I'm sure it is
12 Ms. Traverso, I'll ask you to take a look at it
13 and see if you recognize that.

14 MR. BIANCO: Before you start asking
15 questions about it --

16 CHAIRPERSON ANDERSON: I, I, I --

17 MR. PARSONS: I'm just asking if she
18 recognizes it.

19 CHAIRPERSON ANDERSON: Alright. The
20 document is presented to impeach the credibility
21 of the witness and your --

22 MR. BIANCO: -- objection is that it's

1 undated, it's not attributed to anybody, it
2 appears to be another anonymous internet post,
3 it's not signed, it doesn't indicate that it has
4 anything to do with anything involved in this
5 case and I'm not sure what specifically, in terms
6 of content, it says that impeaches anything.

7 CHAIRPERSON ANDERSON: And I agree with
8 you. I -- it's -- the objection is sustained,
9 and in looking at the document, Mr. Parsons, I
10 cannot -- it's not -- it is an undated document
11 that's not -- it's not attributable to her per
12 se, so I'm not sure how you can use this document
13 to impeach her previous statement.

14 MR. PARSONS: Let me ask you this, Ms.
15 Traverso: When you received the order to remove
16 the extension on August 27th of 2013, did you try
17 to drum up public support to overturn that order?

18 MS. TRAVERSO: Yes.

19 MR. BIANCO: Objection. Relevance.

20 CHAIRPERSON ANDERSON: She already
21 answered the question so, go ahead. I think --
22 what I'll say, when he asks the questions, listen

1 to your attorney, if he objects you don't answer
2 until I tell you to answer the question.

3 MS. TRAVERSO: Okay.

4 CHAIRPERSON ANDERSON: Okay? Alright.

5 MR. BIANCO: It's okay. My objection is
6 on relevance so it's neither here nor there.

7 CHAIRPERSON ANDERSON: Alright.

8 MR. PARSONS: Is it correct, madam, that
9 you took the position that removing that exterior
10 extension resulted in the loss of two-thirds of
11 your restaurant seating capacity?

12 MS. TRAVERSO: Yes.

13 MR. PARSONS: So, financially, the --
14 without that, financially The Alibi can't exist,
15 can it?

16 MS. TRAVERSO: I don't really know what
17 you mean by the question.

18 MR. PARSONS: Well, if you don't have the
19 extens -- you've lost two thirds of your seatine,
20 correct?

21 MS. TRAVERSO: At that point, yes.

22 MR. PARSONS: Okay. And so you've opened

1 back up upstairs, correct?

2 MS. TRAVERSO: Yes.

3 MR. PARSONS: But if you're not going to
4 be financially viable, if you got a liquor
5 license, would you not be subject to possibly
6 steps that you would not otherwise entertain if
7 you had this [inaudible 49:08]

8 MR. BIANCO: Objection. Assumes facts
9 not in evidence, a pound, indecipherable, I'm not
10 even sure what he's asking.

11 CHAIRPERSON ANDERSON: Sustained.

12 MR. PARSONS: Is it truly your position
13 that Mr. Scahill has nothing to do with The Alibi
14 at the present time?

15 MS. TRAVERSO: He has no control over any
16 decision or any operation.

17 MR. PARSONS: And you never do anything
18 in terms of delegating decision making to Mr.
19 Scahill?

20 MS. TRAVERSO: No.

21 MR. PARSONS: Was it your belief when you
22 went to the August 27th meeting that you were

1 delegating to him certain things that were
2 critical to the financial viability of The Alibi?

3 MS. TRAVERSO: He was not there to make
4 any decisions, so no.

5 MR. PARSONS: How was Mr. Scahill paid
6 for his continual involvement with The Alibi?

7 MS. TRAVERSO: He's not.

8 MR. PARSONS: He just shows up and never
9 gets paid.

10 MS. TRAVERSO: Nope.

11 MR. PARSONS: Does work upstairs --

12 MR. BIANCO: Objection. Asked and
13 answered twice.

14 MR. PARSONS: No, no.

15 MR. BIANCO: Yes. How many times are you
16 going to ask if she -- if he got paid? You asked
17 twice already. This is the third time.

18 MR. PARSONS: Who is this? I mean,
19 you're --

20 MR. BIANCO: We need a ruling before you
21 start continuing.

22 MR. PARSONS: I submit that that was a

1 perfectly proper question to ask, how was he
2 being paid for the construction work? She says -
3 -

4 MR. BIANCO: She says he's not being
5 paid, so she answered your question.

6 MR. PARSONS: Where's he living now?

7 MS. TRAVERSO: I don't know, somewhere in
8 Sterling.

9 MR. PARSONS: So in Sterling, Virginia?

10 MS. TRAVERSO: Yes.

11 MR. PARSONS: So, he commutes from
12 Sterling to 237 Second Street each day?

13 MS. TRAVERSO: He doesn't come every day.

14 MR. PARSONS: How often does he come?

15 MS. TRAVERSO: Four times a week, maybe.

16 MR. PARSONS: How does he come in?

17 MS. TRAVERSO: He has a car.

18 MR. PARSONS: Your car?

19 MS. TRAVERSO: No.

20 MR. PARSONS: Okay. No further
21 questions. Thank you.

22 CHAIRPERSON ANDERSON: Would that direct

1 your first setup, I forgot where we are. Since
2 this is your initial cross, I forgot where we
3 were. Do you have any follow-up questions based
4 on the specific questions that he asked which --

5 MR. BIANCO: I -- I --

6 CHAIRPERSON ANDERSON: I'm sorry.

7 MR. BIANCO: I think that it would be the
8 Board's turn.

9 MR. SILVERSTEIN: Mr. Chairman?

10 CHAIRPERSON ANDERSON: Yes?

11 MR. SILVERSTEIN: It is now 15 minutes
12 past the scheduled start of the previous hearing.
13 There are some witnesses in --

14 CHAIRPERSON ANDERSON: I -- I

15 MR. PARSONS: I'm losing witnesses.

16 MR. SILVERSTEIN: I'm not scolding
17 anyone.

18 MR. PARSONS: I understand.

19 MR. SILVERSTEIN: I am not scolding
20 anyone, sir, except you.

21 MR. PARSONS: Yes, sir.

22 MR. SILVERSTEIN: But I didn't appreciate

1 the interruption. I think that we should tell
2 the folks who are in the audience where we are so
3 that if they wish to go out and get some dinner
4 or something like that they can do so with some
5 knowledge that they're not going to miss the
6 hearing, and that basically we give everyone some
7 idea where we are, so that we have -- so that we
8 can move forward.

9 CHAIRPERSON ANDERSON: Well, I was
10 waiting for the -- I was waiting for Mr. Bianco
11 to finish his case before I asked the question,
12 but since the Board has asked. How many more
13 witnesses do you have, Mr. --

14 MR. BIANCO: I have one more who's here
15 and who we listed, however it's another patron
16 and if I can confer with my client briefly if we
17 go off the record, I'll see if we have a need to
18 call on them.

19 CHAIRPERSON ANDERSON: Alright.

20 MR. BIANCO: We have one more witness
21 that we're going to call. It's going to be a
22 quick one, much like our first.

1 CHAIRPERSON ANDERSON: Alright. And, you
2 have one more witness -- I know that -- who is
3 that witness?

4 MR. BIANCO: Bill Simpson who's another
5 patron of the establishment so I assume it will
6 go quickly.

7 CHAIRPERSON ANDERSON: I'm trying to find
8 out whether or not -- how long Mr. Parsons -- if
9 it's someone he's familiar with how long he
10 thinks that his cross examination would last.

11 MR. PARSONS: Of?

12 CHAIRPERSON ANDERSON: Bill Simpson, the
13 next witness.

14 MR. PARSONS: I don't know Bill Simpson
15 from Adam. I don't know what he knows, I don't
16 know, I'm sorry.

17 CHAIRPERSON ANDERSON: No, I'm --

18 MR. PARSONS: May I just have a moment,
19 though, to confer with the witnesses who are
20 waiting for me out there?

21 CHAIRPERSON ANDERSON: Sure, sure, sure.

22 MR. PARSONS: Thank you, your Honor.

1 CHAIRPERSON ANDERSON: If you need to
2 take a break. I mean, I don't want to take a
3 break until I know what's going on.

4 Off the record.

5 CHAIRPERSON ANDERSON: Alright I just
6 wanna take a quick break. Mr. Parsons, I'll try
7 to accommodate your witnesses but I'm not gonna -
8 - we need to finish cross examination of the
9 witness first, so I cannot bring a witness and
10 you still have the applicant's witness on the
11 cross examination, sir.

12 MR. PARSONS: I finished my cross. I
13 don't know that he had any redirect.

14 CHAIRPERSON ANDERSON: Alright. And so -
15 - I mean I will work with you, so I mean in the
16 sense that if you have a witness who has to
17 leave, so I mean I will proceed, but we have to
18 finish the cross examination before -- I can't
19 bring -- bring in an applicant. Mr. Hunter,
20 please don't leave. I want to say something.
21 So, we have to finish this witness and then I
22 will make some changes. Alright. We have -- how

1 many witnesses do you think you have?

2 MR. PARSONS: I have now ?? It's just
3 two.

4 CHAIRPERSON ANDERSON: Two witnesses.
5 Alright. For the Castello hearing that's
6 scheduled for 4:30 I will say that it will start
7 at 6:00. So, you are free to -- it will start at
8 6:00 so you are free to come back here at 6:00
9 and if it's -- if this hearing is over before
10 6:00 I will wait. So, you are free to go get
11 something to -- the unfortunate thing is that we
12 have protests here and this hearing started at
13 1:30. It's scheduled for 3 hours. I can't say
14 how long it's going to last. When you're here in
15 -- you'll here in -- I'm not sure and we'll start
16 out here on time but as you see the short time
17 you have been here we might have the same thing
18 with you and I can't tell the parties that they
19 need to cut the hearing. So, I'll let you know
20 that you can come back at 6:00. What time does
21 the building close?

22 [inaudible 00:00]

1 Okay, so no they won't have a problem
2 getting inside the building.

3 No.

4 Okay so you're free to go and be back
5 here at 6:00 for your hearing, please. Alright?
6 Or you can sit here, but I was just letting you
7 know that we're not going to start your hearing
8 before 6:00. Alright? Thank you. Alright.

9 Does the Board have any questions for Ms.
10 Traverso?

11 MS. MILLER: Oh yeah. I thought we were
12 breaking.

13 CHAIRPERSON ANDERSON: No. We'll break
14 after -- we need to break -- we'll break after
15 the cross examination.

16 MS. MILLER: Thank you your Honor.

17 CHAIRPERSON ANDERSON: And go ahead.

18 MS. MILLER: Okay, [inaudible 00:00]
19 There has been some focus on the role of Mr.
20 Scahill in this establishment and I want to hear
21 about a few things. So, number one is, and I
22 know some of this gets -- sounds like it's

1 involved with your personal life, so I am going
2 to try to separate that, but to what extent is he
3 involved in the establishment.

4 MS. TRAVERSO: He assists me on a
5 personal level, I guess you could say. If I,
6 like Restaurant Depot closes at 5:00. I can't
7 always leave the restaurant so I have a list of
8 what I need. He'll go out and pick that up.

9 MR. SILVERSTEIN: Can you please speak
10 into the mic.

11 MS. TRAVERSO: Yeah, sorry. So, he'll go
12 and pick up stuff from, like, the market in the
13 morning for me, while I'm working with the staff
14 in the kitchen or he'll go to RestaurantDepot and
15 pick up supplies there. He's also helped advise
16 and organize the contractors in terms of helping
17 to renovate upstairs and in terms of tearing down
18 the patio because I'm not very well-versed -- the
19 contractors come up to me and say, "Oh, I can't
20 do this," You know, I wouldn't -- I don't know.
21 He has more experience in that so he's helped
22 organize that work being done. Sometimes he

1 helps seat people and that's pretty much, that's
2 about it.

3 MS. MILLER: So when you say he's there -
4 - I though you said four times a week, about?

5 MS. TRAVERSO: About, yeah.

6 MS. MILLER: How many hours a day about?

7 MS. TRAVERSO: Um, because he comes and
8 goes and does a lot of errands for me he is maybe
9 in there, when he's there, he's maybe in there
10 about five hours a day.

11 MS. MILLER: Okay. And you said, I think
12 you said many times that he doesn't get paid.

13 MS. TRAVERSO: He never gets paid, no.

14 MS. MILLER: Okay, so, you know, we all
15 bring our different life experiences with us, so,
16 I mean I would say that I would speculate and you
17 can respond to this but, you know, you were
18 engaged and that he was interested in seeing this
19 business succeed and that's why he's helping you
20 and that eventually somehow if it was profitable
21 some of the profits would go to him, being your
22 partner or whatever.

1 MS. TRAVERSO: And currently we're not --

2 MS. MILLER: But you're not --

3 MS. TRAVERSO: -- in a relationship. He
4 still is on the hook for the lease so my business
5 cannot afford to pay the rent he is still
6 guarantor on that lease.

7 MS. MILLER: Well, so, he's not being
8 paid, why is he coming in four times a week five
9 hours a day?

10 MS. TRAVERSO: There's a lot of history
11 there. He has a lot of history with the place,
12 we have a lot of history.

13 MS. MILLER: Is there some expectation of
14 payment later on?

15 MS. TRAVERSO: At the moment, no. If
16 there ever was he would only come on as an owner
17 which would obviously force another hearing
18 because it would be a change in ownership and
19 we'd be back before the Board and he would be
20 there for qualification, so --

21 MS. MILLER: So does he have another
22 source of income?

1 MS. TRAVERSO: He works for his ex-wife,
2 yes.

3 MS. MILLER: His ex-wife.

4 MS. TRAVERSO: Mm hmm.

5 MS. MILLER: Doing what?

6 MS. TRAVERSO: He's a bookkeeper for her
7 business. She owns a business in Sterling.

8 MS. MILLER: Okay. Again I'm not sure if
9 you could also address your previous involvement
10 with Melles Hospitality.

11 MS. TRAVERSO: Yes. Before Martin got
12 involved with Melles Hospitality, we'd been in a
13 relationship for a long time. We decided that we
14 were both in the restaurant business and we
15 wanted to have a restaurant together. He ended
16 up partnering with Abraham Melles.

17 MS. MILLER: Mm hmm.

18 MS. TRAVERSO: I had no control over -- I
19 mean, that was going on, I was more of "hey this
20 is my fiancée, she's got a lot of experience." I
21 was supposed to be the bar manager when it
22 eventually opened. I had some influence in the

1 concept as well as menus. I helped fill out
2 paperwork for MHG. I had to go -- I would go to
3 Home Depot and I would pick up paint and I helped
4 with brick pointing and stuff like that. So, I
5 was more of an assistant role, but didn't have
6 any control, or I didn't have any ownership or
7 anything.

8 MS. MILLER: Did you invest in the
9 [inaudible 07:51].

10 MS. TRAVERSO: I -- not really invested
11 because there was no documentation that said that
12 this money was going to get paid back, it was
13 more, probably stupid on my part, but it's what
14 happened. Put money in because I wanted to see
15 this business, see this as my future, this was,
16 this was what I wanted to do, to see this
17 business turn around from being this dive bar
18 into this great pub and, you know, as part of
19 this concept or as part of the building of what
20 this was.

21 MS. MILLER: So you contributed to it,
22 but --.

1 MS. TRAVERSO: Yeah.

2 MS. MILLER: Okay. I just wanted to
3 follow up on your -- not that I'm challenging you
4 at all, okay? I just -- on your qualifications
5 part to run a restaurant, when you said that you
6 graduated from NYU were you -- what degree did
7 you have?

8 MS. TRAVERSO: Actually, it was fine
9 arts. It was music and theater - specialization
10 in music, theater and graduate with a music
11 degree.

12 MS. MILLER: Okay. So, then how did you
13 get your restaurant experience?

14 MS. TRAVERSO: I decided that in order to
15 be successful in New York City where I was gonna
16 have a job, so I started exploring what else I
17 was gonna do and immediately got into the bar
18 business. I took a couple of classes on how to
19 be a bartender and basically I've been working
20 nonstop as a bartender full time since -- for the
21 last -- over nine years, so --

22 MS. MILLER: Okay great. And when you

1 were, did you say you were awarded Female
2 Bartender of the Year or something?

3 MS. TRAVERSO: Yeah, it was done by On
4 Tap magazine. It was basically based on votes,
5 so people could send in their votes by text
6 message or e-mail and they counted up all the
7 votes and there was a male bartender and then a
8 female bartender, so.

9 MS. MILLER: Okay. What year was that?

10 MS. TRAVERSO: It was 2011.

11 MS. MILLER: It's my understanding that
12 My Brother's Place got clients -- got patrons
13 from Catholic University.

14 MS. TRAVERSO: Yes.

15 MS. MILLER: Do you all have patrons from
16 Catholic?

17 MS. TRAVERSO: Right now, no.

18 MS. MILLER: No.

19 MS. TRAVERSO: No, and I have no plans
20 to.

21 MS. MILLER: Okay. Did -- okay, so one
22 of the reasons is that they were a different type

1 of -- it was a different type of establishment?

2 MS. TRAVERSO: Completely, yeah. They
3 removed tables, had DJs, had dancing. My tables
4 are staying in place. I mean, it's a restaurant.
5 Before it operated as a restaurant, I guess
6 during lunch and happy hour, which is mainly when
7 I work there, I worked those hours and then late
8 night tables and chairs would come out, DJ would
9 go in and the place would be packed and there'd
10 be no food service and it was essentially a bar
11 with dancing, so.

12 MS. MILLER: So, is it correct to say
13 that you made some conscious decisions how to
14 make this place very different from My Brother's
15 Place?

16 MS. TRAVERSO: Yes. Completely.

17 MS. MILLER: Okay. Alright that's all I
18 have. Thank you.

19 CHAIRPERSON ANDERSON: Any questions from
20 the -- yes Mr. Alberti.

21 MR. ALBERTI: Ms. Traverso. I'm going to
22 say the question just to set the record straight.

1 You were asked about nearby residents, alright?
2 This establishment is like half a block south of
3 C Street Northwest, is that correct?

4 MS. TRAVERSO: It's on the corner of
5 Second and C Street, so it was two --

6 MR. ALBERTI: Right, right, okay, yeah,
7 right, it is, it's on the corner -- right.

8 MS. TRAVERSO: Yeah.

9 MR. ALBERTI: Thank you for that
10 clarification. Are you aware that at Second and
11 D, a block away, there is a large homeless
12 shelter with residents there every night?

13 MS. TRAVERSO: Yes, I am, actually, yes.

14 MR. ALBERTI: Okay, so we now have for
15 the record that there are residents within a
16 block of this establishment.

17 MS. TRAVERSO: Okay, I looked up on the
18 Google maps it --

19 MR. ALBERTI: I'm not -- I just wanna set
20 the record straight. I'm not impugning you --

21 MS. TRAVERSO: Sorry.

22 MR. ALBERTI: -- or implying anything, I

1 just want the record to be straight. Okay, so
2 Mr. Parsons showed you a DDOT permit record that
3 starts back in December of 2013, right?

4 MS. TRAVERSO: No, he showed me one that
5 was in --

6 MR. ALBERTI: It's a list -- it's a list
7 of -- of --so the list of disciplines, am I
8 correct? Exhibit #6? Can we show that to her
9 again?

10 MS. TRAVERSO: I think the date I saw was
11 June 2015.

12 MR. ALBERTI: So would you show her
13 Exhibit #6 please?

14 MR. PARSONS: Exhibit #6 is the DCRA --
15 she.

16 MR. ALBERTI: I'm sorry. Did I say DDOT?
17 I meant DCRA.

18 MR. PARSONS: Sure.

19 MR. ALBERTI: Excuse me, I apologize.
20 So, the DCRA permit record, recording?

21 MS. TRAVERSO: Yes.

22 MR. ALBERTI: Right?

1 MS. TRAVERSO: Yes.

2 MR. ALBERTI: And it begins in December
3 2013.

4 MS. TRAVERSO: Correct.

5 MR. ALBERTI: Right? He also showed you
6 drawings that you said you were responsible for
7 from 2013.

8 MS. TRAVERSO: I don't know exactly when
9 they were drawn but they were drawn over the
10 period of when the building was being renovated,
11 yes.

12 MR. ALBERTI: Alright. So, were those
13 drawings used? Were those drawings -- drawings
14 submitted to DCRA?

15 MS. TRAVERSO: No.

16 MR. ALBERTI: Okay. Who submitted -- who
17 is responsible for the drawings that were
18 submitted with respect to the application process
19 that began on December 30, 2013?

20 MS. TRAVERSO: Most of those permits
21 actually don't require drawings. There was one,
22 I believe, to my recollection there was a permit

1 for stud work that required drawings, that was
2 done by Wilton Crouch, that was in 2014. That
3 was early.

4 MR. ALBERTI: Were your drawings used for
5 any purpose?

6 MS. TRAVERSO: No, not, not those
7 drawings, no.

8 MR. ALBERTI: Why'd you draw 'em?

9 MS. TRAVERSO: To figure out where
10 equipment was going to go behind the bar, if we
11 were going to readjust it, figure out the flow,
12 figure out the seating.

13 MR. ALBERTI: Okay. And this was done
14 while Melles owned the property?

15 MS. TRAVERSO: Yes, Mm hmm.

16 MR. ALBERTI: Okay. Thank you. So you
17 submitted this to the owners of Melles? I was
18 supposed to be the bar manager so I understood
19 where things -- how things operate behind the
20 bar.

21 MR. ALBERTI: Okay, so you provided them
22 a service.

1 MS. TRAVERSO: Yeah, I provided them with
2 this is a suggestion, yes.

3 MR. ALBERTI: Okay. You were bartender
4 at My Brother's Place, is that correct?

5 MS. TRAVERSO: Correct.

6 MR. ALBERTI: When did you start as a
7 bartender?

8 MS. TRAVERSO: When I started as a
9 bartender or when I started there as a bartender?

10 MR. ALBERTI: Well, let's start -- when
11 did you start working at My Brother' Place?

12 MS. TRAVERSO: My Brother's Place. I
13 think it was 2009. I think that's right.

14 MR. ALBERTI: 2009. And what were your
15 responsibilities when you started?

16 MS. TRAVERSO: Bartending.

17 MR. ALBERTI: Bartending.

18 MS. TRAVERSO: Mm hmm.

19 MR. ALBERTI: Okay. Did you assume any
20 other responsibilities at any time?

21 MS. TRAVERSO: No.

22 MR. ALBERTI: And when did you cease

1 working at My Brother's Place?

2 MS. TRAVERSO: I left at one point, then
3 I was part time at another point, then I was full
4 time for maybe two years, and then I left
5 officially. I think it was -- I think it was the
6 very beginning of 2013. It might have been
7 earlier than that.

8 MR. ALBERTI: And when did you work for
9 them? I mean, did you work during the days, in
10 the evenings?

11 MS. TRAVERSO: I worked lunches four days
12 a week and then I worked Wednesday, Thursday and
13 Friday happy hour and I worked Wednesday, I
14 worked all through Wednesday, I worked Thursday
15 until about usually 11:00 and then I worked all
16 day -- all day Friday -- all through the evening
17 Friday.

18 MR. ALBERTI: Friday evening?

19 MS. TRAVERSO: Friday evening, yep.

20 MR. ALBERTI: Did you spend any time
21 there at the bar outside of those -- your time
22 when you were working?

1 MS. TRAVERSO: No.

2 MR. ALBERTI: Okay.

3 MS. TRAVERSO: Okay. Can you describe
4 the -- their procedures for checking IDs for
5 legal age of alcohol?

6 MS. TRAVERSO: It didn't happen. Not
7 very well. It -- it depended on what year you're
8 talking about. I had a lot of frustrations with
9 it. There -- I was working Saturday nights at
10 one point, when I had the power --

11 MR. ALBERTI: Okay so let's start with
12 the earliest years, what was it? You were
13 working Saturday nights also? Okay.

14 MS. TRAVERSO: I did for two nights, yes,
15 I did Saturday nights. That's a whole other
16 story. So, when I first started working there it
17 was mostly kickball. When I first started,
18 something had happened with Catholic and we
19 weren't getting a lot of college kids. I know
20 that's your concern with regard to --

21 MR. ALBERTI: When was that?

22 MS. TRAVERSO: That was -- I think it

1 was, like, 2009. And I didn't work any evenings
2 so I had no real experience with what was going
3 on with late night anyway, and I guess around
4 2011 was when I started to work more full time in
5 terms of hours anyway, so I would be there not
6 just daytime and early evening, I'd be there
7 throughout the evening and there were times when
8 we had staff that was great on the front door,
9 and there were times where we didn't have staff
10 that was great on the front door. It depended.
11 And when it wasn't great at the front door it was
12 very frustrating and I worked Saturday -- when I
13 worked Saturday nights the staff in particular
14 was not great at the front door. They were
15 mostly Catholic students that Nelson Arias had
16 put in place to check IDs, no one cared. When
17 the Catholic students run the door obviously
18 there are multiple times when I'd have to come
19 out from behind the bar and take peoples' drinks
20 away from them that were obviously under age, and
21 I was just not happy playing security and playing
22 bartender so I refused to work for college nights

1 for a long -- after that experience.

2 MR. ALBERTI: So, how many bartenders
3 were there during those evenings?

4 MS. TRAVERSO: Everyone that worked
5 there was a bartender, so you'd be serving lunch
6 but you also did bartending so I guess there was
7 anywhere from five to seven, I think, front of
8 house staff at one time.

9 MR. ALBERTI: So, as a bartender were you
10 like serving at tables, just behind the bar?

11 MS. TRAVERSO: Yeah, it was both.

12 MR. ALBERTI: You did both.

13 MS. TRAVERSO: You didn't just stand
14 behind the bar, yeah, the tables were there.

15 MR. ALBERTI: You never really did
16 describe to me procedures. You talked about
17 somebody being at the door but you really didn't
18 tell me what the procedure was. So what was the
19 responsibility of the person at the door?

20 MS. TRAVERSO: What they should have been
21 or what their responsibility actually was? It,
22 like I said it depended on -- it depended on what

1 year we're talking about.

2 MR. ALBERTI: Okay, let's say 2011
3 through 2013, what was the responsibility of the
4 person at the door?

5 MS. TRAVERSO: From 2011 to 2012 it
6 actually was run pretty well. We had security
7 staff that was diligent, they would look at the
8 IDs from my understanding at least. Their
9 responsibility was to make sure nobody got in
10 with a fake ID.

11 MR. ALBERTI: So did the bartenders, what
12 was the responsibility of the bartenders with
13 respect to identifying whether people were under
14 age or not?

15 MS. TRAVERSO: Unfortunately, according
16 to the establishment we did not have a
17 responsibility to do that.

18 MR. ALBERTI: So you took no
19 responsibility, you just expected whoever --

20 MS. TRAVERSO: I took responsibility but
21 --

22 MR. ALBERTI: -- whoever came in the

1 door, okay.

2 MS. TRAVERSO: Yeah.

3 MR. ALBERTI: Alright. During that
4 period, I think we established that you were
5 pretty friendly with Mr. Scahill during that
6 period, right?

7 MS. TRAVERSO: Yes.

8 MR. ALBERTI: And were you aware that he
9 was, at least on two observed occasions, the door
10 person checking people in?

11 MS. TRAVERSO: He was at the door, yes.

12 MR. ALBERTI: In our records?

13 MS. TRAVERSO: Yes, yes.

14 MR. ALBERTI: Alright. And that he was
15 allowing people underage to come in?

16 MS. TRAVERSO: I wouldn't say it that
17 way, but he was the door when there was underage,
18 yes.

19 MR. ALBERTI: Well, if he wasn't allowing
20 them to get in, how did they get in?

21 MS. TRAVERSO: There was an issue I know
22 that we had with one of the employees and Martin

1 did not hire this employee, this was hired by
2 Nelson, he was actually Nelson's cousin, who
3 would -- they would be given an underage wrist
4 band at the front door, they would go downstairs
5 to the office, this other employee would collect
6 20 dollars off of them and would give them an of-
7 age wrist band, he had access to the office. So
8 we had that type of issue.

9 MR. ALBERTI: And what did you do about
10 that?

11 MS. TRAVERSO: As a bartender there's not
12 much I could do about that, I didn't really find
13 out about that until later on. My
14 responsibility, according to the company, was to
15 serve the drinks and make sure that people with
16 underage wrist bands did not have drinks in their
17 hands.

18 MR. ALBERTI: Were you aware of whether
19 Mr. Scahill or not was aware of that?

20 MS. TRAVERSO: He found out later, yes.

21 MR. ALBERTI: So, you saw these underage
22 people and you didn't immediately wonder what was

1 going on? I mean this was just not one night.

2 MS. TRAVERSO: I stopped working on these
3 nights. But I, apart from checking everyone's ID
4 personally myself, I did the best I could making
5 sure that people with underage wrist bands didn't
6 have drinks and that people with wrist bands did
7 have --

8 MR. ALBERTI: I have no further
9 questions, thank you.

10 CHAIRPERSON ANDERSON: Yes, Mr. Short?

11 MR. SHORT: Good evening. You said that
12 people work at the club that don't get paid --
13 some people work that don't get paid. Is that
14 correct?

15 MS. TRAVERSO: At the restaurant?

16 MR. SHORT: People would come there and
17 work.

18 MS. TRAVERSO: Uh huh.

19 MR. SHORT: Just because they like the
20 business. They don't get paid.

21 MS. TRAVERSO: Martin Scahill does not
22 get paid but he pre -- he helps out, yes.

1 MR. SHORT: Is he the only one that does
2 that?

3 MS. TRAVERSO: He's the only one.

4 MR. SHORT: So you always get paid.

5 MS. TRAVERSO: I don't get paid, no.

6 MR. SHORT: When you were a bartender you
7 got paid.

8 MS. TRAVERSO: Are we talking about now
9 with the current business or before?

10 MR. SHORT: I'm talking about when you
11 worked for the other company.

12 MS. TRAVERSO: When I worked for the
13 other company, yes, I got paid and he got --
14 yeah.

15 MR. SHORT: How many years did you work
16 for the other company?

17 MS. TRAVERSO: It was on and off for
18 about three years, so some -- I mean I was part
19 time at one point, then I left for a couple of
20 months and then I came back and worked full time
21 over the past three years.

22 MR. SHORT: You were aware that Catholic

1 University was making a lot of complaint about
2 that business were you not?

3 MS. TRAVERSO: I was, yes.

4 MR. SHORT: People were still getting
5 served.

6 MS. TRAVERSO: Yes, but I mostly worked
7 times when they weren't there. I worked -- I
8 worked the happy hours and the lunches. So there
9 wasn't --

10 MR. SHORT: Are you aware of what happens
11 to young people when they drink [inaudible
12 23:21]?

13 MS. TRAVERSO: I am very aware, yes, I am
14 very aware.

15 MR. SHORT: Do you think you can finally
16 have responsibility for that who serves them?

17 MS. TRAVERSO: I certainly do. I think
18 it's extremely important. I personally, when I
19 was underage, I never bothered with fake IDs, I
20 think it's very --

21 MR. SHORT: I'm sure you didn't. You
22 [inaudible 23:38]. But I'm just saying a lot of

1 young people do that.

2 MS. TRAVERSO: I know.

3 MR. SHORT: It's very dangerous.

4 MS. TRAVERSO: Mm hmm.

5 MR. SHORT: And if the business owner
6 does that, that really makes it all the worse, do
7 you agree?

8 MS. TRAVERSO: I certainly agree.

9 MR. SHORT: A business owner who does
10 that in Washington, D.C. shouldn't have a license
11 should they?

12 MS. TRAVERSO: Does what exactly, though?
13 I maybe I don't understand.

14 MR. SHORT: Serve alcohol to underage
15 kids.

16 MS. TRAVERSO: Oh, no. No, definitely
17 not.

18 MR. SHORT: Knowingly.

19 MS. TRAVERSO: Yeah.

20 MR. SHORT: Willfully.

21 MS. TRAVERSO: Definitely not.

22 MR. SHORT: And then sometimes they try

1 to morph into get someone to front for them to do
2 the same thing, so because right now you have a
3 nice restaurant as the testimony went.

4 MS. TRAVERSO: Mm hmm.

5 MR. SHORT: But if that new or big money
6 came again with ABC license some people might be
7 -- might be tempted to go back into their old
8 habits of making more money.

9 MS. TRAVERSO: No, you -- trust me, you
10 can make more money by abiding by the law than by
11 serving underage. Underage is liability. I
12 can't stand to be around people that -- and this
13 is mostly underage people who don't have control
14 of their alcohol intake, it's unsafe, it's not
15 good for the business, it detracts from higher
16 end clientele.

17 MR. SHORT: My last question. While Mr.
18 Scahill was there four days a week, five hours a
19 day, if he happened to be at the door, if you get
20 your liquor license, do you think he would let
21 underage people in again?

22 MS. TRAVERSO: Well, he won't be at the

1 door first of all, and second of all, there'd be
2 no reason for underage kids to show up there. My
3 prices are not gonna be advantageous to underage
4 kids, there's gonna be no dancing, there's gonna
5 be nothing for them to come. There's no reason
6 for them to be attracted to the place.

7 MR. SHORT: One last thing. You simply
8 said in your own testimony sometimes people will
9 sell their license back to the person that they
10 bought it from. Suppose somebody were to say to
11 you, "okay, I see that you have a liquor license
12 now, let's -- let me buy it back from you" and
13 offered you a lot of money.

14 MS. TRAVERSO: Well, they'd have to buy
15 the entire business and they'd have to go back
16 before the Board anyway because it would be a
17 change in ownership. So, I don't really
18 understand.

19 MR. SHORT: You don't understand.

20 MS. TRAVERSO: No.

21 MR. SHORT: No problem. That's all I
22 have for her Mr. Chair.

1 CHAIRPERSON ANDERSON: Does any other
2 Board member have any questions? Mr. Alberti.

3 MR. ALBERTI: Okay, so far we've
4 established that Mr. Scahill is occasionally
5 there during the day, right?

6 MS. TRAVERSO: Correct.

7 MR. ALBERTI: In the future, what are
8 your plans for having Mr. -- allowing -- allowing
9 Mr. Scahill to have any role voluntarily or paid
10 with your establishment, let's say after 5:00
11 p.m.?

12 MS. TRAVERSO: No role at all.

13 MR. ALBERTI: Will he be there?

14 MS. TRAVERSO: As a customer perhaps.
15 I'm not going to ban him from the building, but I
16 don't have any -- once we have a liquor license I
17 can afford to hire a manager who can assist in --

18 MR. ALBERTI: Will you allow him to do
19 anything to help you out during those hours?

20 MS. TRAVERSO: Yeah, I mean he --

21 MR. ALBERTI: Mix up a drink, bus a
22 table?

1 MS. TRAVERSO: Yeah, he can bus a table,
2 he can --

3 MR. ALBERTI: Alright I have no further
4 questions.

5 MR. BIANCO: No sir.

6 MR. PARSONS: I just wanna -- a lot of
7 questions came up about her timing, the
8 timetable. You have a LinkedIn page, correct?

9 MS. TRAVERSO: I don't know. I haven't
10 looked at it if I do.

11 MR. PARSONS: Sure. Just let me show you
12 this. You were asked questions about when you
13 were working here.

14 CHAIRPERSON ANDERSON: What document --
15 what document are you showing the witness there?

16 MR. PARSONS: Sorry.

17 CHAIRPERSON ANDERSON: What document are
18 you showing the witness?

19 MR. PARSONS: This is Rachel Traverso's
20 LinkedIn page.

21 CHAIRPERSON ANDERSON: No, I'm sorry,
22 what document? Is it part of the record?

1 MR. PARSONS: No. It's not. Have you
2 showed -- can you show it to Mr. --

3 MR. PARSONS: Nah, it's just to refresh
4 your recollection.

5 MR. SMITH: She didn't testify that she
6 doesn't remember. If it's for the purpose of
7 refreshing her recollection, I have no problem
8 with it.

9 MR. PARSONS: Sure, okay. Showing you a
10 LinkedIn page here. I forgot about this. Do you
11 recognize this to be your LinkedIn page?

12 MS. TRAVERSO: Yes, I guess, yeah.

13 MR. PARSONS: Okay. And you tried to
14 identify the dates that you were working at
15 certain places, correct?

16 MS. TRAVERSO: To a certain extent, yes.

17 MR. PARSONS: When you say to a certain
18 extent, were you trying to be accurate as far as
19 the dates you were working there?

20 MS. TRAVERSO: Somewhat accurate, yes.

21 MR. PARSONS: Okay. And am I correct
22 that you indicated that [inaudible 28:13] in 2013

1 you were the bar owner manager of the Alibi? Am
2 I reading that correctly? It's what you wrote
3 down, right?

4 MS. TRAVERSO: The way that LinkedIn
5 works is unless you create a separate thing, this
6 is 2013 to the present. I mean, I'm the bar --
7 I'm the owner now, so I really don't know --

8 MR. PARSONS: Does your LinkedIn page --
9 have you tried to amend it?

10 MS. TRAVERSO: I have not been on
11 LinkedIn -- I go on LinkedIn maybe once every six
12 months.

13 MR. PARSONS: Nevertheless, LinkedIn says
14 that you were the bar owner/manager of the Alibi
15 from August of 2013 --

16 MR. BIANCO: I'm going to object. I
17 initially objected. He said it was for the
18 purpose of refreshing her recollection, now he's
19 going into it as if it's testimony, one -- she
20 never testified that she didn't remember; two --
21 it's not evidence, three -- it can't be
22 authenticated. This is -- it's not an

1 appropriate area of inquiry at this point.

2 MR. PARSONS: I submit that this does
3 refresh her recollection.

4 CHAIRPERSON ANDERSON: Mr. Parsons, the
5 document speaks for itself. She stated that it's
6 her LinkedIn page and she -- she has given her
7 interpretation of why it's listed that way and so
8 we will take it for what it's made, and I do hope
9 -- I think I know where you're going, but I do
10 hope -- and I'm giving you a lot of leeway, so I
11 do hope that you bring all of this together and
12 it's not just pieces out there.

13 MR. PARSONS: If I can get this witness
14 then I can tie it together.

15 CHAIRPERSON ANDERSON: It's not -- it's
16 all at your hand, sir. I've given you as much
17 leeway to cross examine the witness, the witness
18 has been on the stand for probably over an hour
19 and a lot of it is your cross examination so I
20 cannot take her off the stand to have you present
21 your case and have you bring her back in the
22 middle of cross examination, so it's all at your

1 hands. I apolo -- it's unfortunate that -- I
2 hope your witness is still here, but that's not
3 within the Board's control. So, do you have any
4 other questions?

5 MR. PARSONS: No.

6 CHAIRPERSON ANDERSON: Mr. Bianco he said
7 he doesn't have any other questions.

8 MR. PARSONS: I do -- I have a request
9 though.

10 CHAIRPERSON ANDERSON: Yes, sir?

11 MR. PARSONS: Can we take this witness
12 out of order?

13 CHAIRPERSON ANDERSON: I don't -- I don't
14 know -- I don't have a problem -- I need to
15 excuse her first.

16 MR. PARSONS: Fine.

17 CHAIRPERSON ANDERSON: Alright? So, you
18 are free to go. Now, do you have? Alright, how
19 long will this witness be, sir?

20 MR. PARSONS: About 20 minutes. But he's
21 got somebody -- he's supposed to pick up someone
22 at 6:00 so I need to get him in and out

1 CHAIRPERSON ANDERSON: And you have one
2 witness.

3 UNKNOWN SPEAKER: We're gonna lose our
4 guy.

5 MR. BIANCO: Right. Let me check with
6 our witness and provided we're not going to lose
7 him.

8 MR. PARSONS: Can I just make a proffer
9 of this -- the relevancy -- they're bringing --

10 CHAIRPERSON ANDERSON: I don't -- I don't
11 have a problem, I don't have a problem with it.
12 I just want to make sure that in trying to
13 accommodate you that I don't -- and I think that
14 it appears that Mr. Bianco, without him saying
15 it, it appears that he would agree to take the
16 witness out --

17 MR. BIANCO: I'm not going to be
18 unreasonable provided --

19 CHAIRPERSON ANDERSON: Right, right. And
20 that's what I'm saying. And I need to find out
21 from him that he doesn't also lose his witness if
22 that's an issue, but it appears that we can -- we

1 can have some type of agreement.

2 MR. BIANCO: Mr. Chair, I brought our
3 witness back in. I'mgoing to lose him very
4 shortly if I can't get him on the stand to
5 testify.

6 MR. PARSONS: May I please make a
7 proffer? I have an employee of the Alibi as a
8 witness who was working there.

9 CHAIRPERSON ANDERSON: Hold on -- hold on
10 one minute. Hold on one -- can you step out?

11 WITNESS:

12 CHAIRPERSON ANDERSON: Step out for a
13 minute, please, sir?

14 MR. PARSONS: I have a true --

15 CHAIRPERSON ANDERSON: Hold on -- hold on
16 one minute -- hold on. Go ahead.

17 MR. PARSONS: Okay. I have a true
18 critical witness. Mr. Smith is a former employee
19 of the Alibi. He was working there from its
20 inception and starting in September of 2013 up
21 until January of 2015. He can -- he has seen all
22 of the things that have been going on. He can

1 testify about Ms. Traverso and Mr. Traverso's
2 active -- actions in the Alibi from every aspect
3 and that Mr. Scahill was -- is -- was and still
4 is part of that operation.

5 CHAIRPERSON ANDERSON: Well, I think that
6 -- I think that there is testimony that Mr.
7 Scahill is playing some role at the
8 establishment. I don't think that was denied. I
9 think the -- I think the issue is that whether or
10 not he's an owner, so I mean -- whether he's an
11 owner. So I don't think they are intending -- I
12 don't think that there is any dispute that Mr.
13 Scahill -- that Mr. Scahill plays some role. I
14 think -- I think what I've picked up here is that
15 the applicant says that they were in a
16 relationship, they are not -- he's there -- she
17 stated that he's there four days a week, he does
18 volunteer for five hours a day, so I mean I'm not
19 quite sure what else is that -- what else is that
20 witness going to state that they haven't --
21 that's not already on the record?

22 MR. PARSONS: Mr. Traverso and Ms.

1 Traverso were actively involved in the operation
2 before. She has candid -- she has stated in
3 Exhibit #16, "I had nothing to do with the
4 business" But there's far more to it than her
5 just drawing the drawings. She in fact -- this
6 witness will testify that was the drawing they
7 followed in order to do this construction. She
8 is the key.

9 CHAIRPERSON ANDERSON: Alright, alright,
10 okay. Um -- alright. How long is your witness?

11 MR. BIANCO: Very quick. It's going to
12 be similar to the first witness I called.

13 CHAIRPERSON ANDERSON: Alright. We'll
14 have him testify and it's -- it's within your
15 control how long your cross examination is going
16 to be because I think that we should be able to
17 have this witness testify and have your witness
18 out of here at least by quarter to 6:00.

19 MR. PARSONS: Can I make the request --

20 CHAIRPERSON ANDERSON: Yes, sir.

21 MR. PARSONS: If I lose Mr. Smith can we
22 hold this record open and reconvene at another

1 time so I can get this critical witness before
2 you?

3 CHAIRPERSON ANDERSON: I don't -- well --
4 I --

5 MR. BIANCO: Make that ruling later.

6 CHAIRPERSON ANDERSON: I don't -- I mean
7 at this juncture, and I'm not even sure we still
8 have -- we have another hearing -- so I'm not
9 sure if it makes sense to have you come back at
10 a--

11 MR. ALBERTI: Mr. Parsons, you're wasting
12 time. Let's just move on -- let's just move on.

13 CHAIRPERSON ANDERSON: No I say go and
14 get your -- you can go get your witness and we'll
15 -- we'll decide what I think we can do. Okay?
16 We'll -- we'll decide. I mean I need to figure
17 out whether or not can we even bifurcate this and
18 come back another day. I'm not sure if that's
19 something that we can do.

20 MR. ALBERTI: And I'm trying to be fair
21 to you, Mr. Parsons, so the best, more quickly we
22 proceed the better it is for you.

1 CHAIRPERSON ANDERSON: Okay raise your
2 right hand, sir.

3 MR. SIMPSON: Yes, sir.

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

7 MR. SIMPSON: Yes.

8 CHAIRPERSON ANDERSON: Please have a
9 seat. Your witness Mr. Bianco.

10 MR. BIANCO: Mr. Simpson, good afternoon.
11 Will you please state your name for the record
12 and spell your last name?

13 MR. SIMPSON: It's William Simpson. S-I-
14 M-P-S-O-N.

15 MR. BIANCO: And Mr. Simpson where do you
16 work?

17 MR. SIMPSON: I work in 101 Constitution.
18 It's an organization called the National Rural
19 Water Association.

20 MR. BIANCO: And what do you do?

21 MR. SIMPSON: I run their D.C. office for
22 legislative and public affairs -- regulatory

1 affairs.

2 MR. BIANCO: Are you familiar with the
3 Alibi?

4 MR. SIMPSON: Yes, sir, I am.

5 MR. BIANCO: How are you familiar with
6 it?

7 MR. SIMPSON: As I said we've been in 101
8 our D.C. office which is -- we're located in our
9 D.C. office at 101 Constitution which is adjacent
10 to it so we have three restaurants on the back of
11 101 and we have frequented The Alibi a lot.

12 MR. BIANCO: Okay. And what do you like
13 about the Alibi?

14 MR. SIMPSON: I think the food is
15 exceptional, the service is very good. I think
16 it's -- it fits a niche where we, in all due
17 respect, there are some other very high end
18 venues that are very expensive and the Alibi
19 provides a really very good quality food, very
20 consistent -- I think it's excellent. I think
21 they've done a tremendous job and I think it adds
22 to the neighborhood.

1 MR. BIANCO: Is part of what you do
2 having to show around your members, dignitaries,
3 and the like in Washington, D.C.?

4 MR. SIMPSON: Absolutely.

5 MR. BIANCO: And do you take those folks
6 to the Alibi?

7 MR. BIANCO: Yes. My boss and my
8 president have visited that restaurant more than
9 any other one in Washington and their second
10 favorite would probably be The Monocle.

11 MR. BIANCO: Are you familiar with the
12 previous establishment My Brother's Place?

13 MR. SIMPSON: Yes, sir.

14 MR. BIANCO: How are you familiar with
15 that place?

16 MR. SIMPSON: I didn't frequent it very
17 often, but occasionally we would go by and eat at
18 My Brother's Place.

19 MR. BIANCO: Could you describe the
20 differences between the Alibi and My Brother's
21 Place?

22 MR. SIMPSON: It's night and day. My

1 Brother' Place, you know, was more of a -- kind
2 of -- I guess not fast food, but a step above
3 that. It was decent quality food, it was a
4 younger crowd. The facility wasn't near as nice.
5 It wasn't as upscale as it is now. I wouldn't
6 bring my boss there.

7 MR. BIANCO: Are you aware -- you're
8 obviously aware that the Alibi has applied for a
9 liquor license. What effect on the neighborhood
10 do you think that would have if granted?

11 MR. SIMPSON: I would think none except
12 that it would be a better venue for organizations
13 like mine where I would bring in -- for example
14 I'll bring in a tremendous amount of people in
15 February for our rally, it will be -- I don't
16 know -- 350 to 500 people that we always go to
17 the Hyatt Regency and -- you know -- we'd like to
18 have a venue like that close to our building
19 where a person could have a good meal and a glass
20 of wine, and I think that would be an added value
21 to the neighbor -- to the neighborhood.

22 MR. BIANCO: Do you know the protestant

1 in this matter, Charles Parsons?

2 MR. SIMPSON: No -- no.

3 MR. BIANCO: Great. I don't have any
4 further questions, thank you.

5 MR. PARSONS: No questions.

6 CHAIRPERSON ANDERSON: Does the Board
7 have any questions? Alright thank you. You are
8 free to go sir.

9 MR. BIANCO: Thank you Mr. Simpson.

10 MR. SIMPSON: Thank you.

11 CHAIRPERSON ANDERSON: Alright, Mr.
12 Parsons.

13 MR. PARSONS: Yes, sir?

14 CHAIRPERSON ANDERSON: I have this novel
15 idea. And I -- But I need to ask Mr. Bianco if -
16 - would you be adverse if we were to adjourn the
17 hearing and come back at an -- I know that we're
18 in some time constraints because it's a new
19 applicant, application. What if the Board, if we
20 could schedule a date, not on a Wednesday but
21 another short time to have the hearing so the
22 protestant could present its case and then you

1 could wrap your case up. Would you?

2 MR. BIANCO: If I could have a moment to
3 confer, please, before?

4 MR. PARSONS: I can't make that decision.

5 CHAIRPERSON ANDERSON: I'm just -- I'm
6 not saying that's what we're going to do but I'm
7 just asking would that be something that you
8 would consider? I know that we are on a timeline
9 in the sense of statutory -- how long we have to
10 make a decision.

11 MR. BIANCO: Absolutely, correct. Just
12 out of curiosity from a scheduling standpoint are
13 we looking at next week or are we looking at mid
14 March?

15 CHAIRPERSON ANDERSON: No, it wouldn't be
16 mid -- it probably would be -- we would be
17 looking for a date -- we would look for a date
18 this month that the Board members could -- we've
19 already committed that we're going to be here on
20 Wednesdays, so we'd be looking at another day in
21 the month that at least three of us can be here.
22 But I have to poll the Board to see. I don't

1 want folks to feel like they've been rushed in
2 presenting their case.

3 MR. BIANCO: Mr. Chair, we are amenable
4 to doing that. My client actually raised a very
5 good issue when we were out in the hallway and I
6 think what he has suggested and what I think we
7 might want to consider is earlier today when we
8 started this proceeding we talked a lot about the
9 need for either fact finding or fitness and some
10 type of a qualifications hearing on a date other
11 than today, if we're going to be moving this to
12 another day anyway, we could roll those two items
13 together and just get everything knocked out at
14 the same time and move the application forward or
15 not based on what we deal with at that hearing.

16 CHAIRPERSON ANDERSON: Would that work
17 for you, Mr. Parsons?

18 MR. PARSONS: Yes, sir.

19 CHAIRPERSON ANDERSON: Alright. What we
20 will commit to do, I'm not sure we can give you
21 the date here but we're trying to have those
22 hearings before the month of January is out. So,

1 to continue, so in a sense to continue this
2 hearing and also then we can move further into
3 the -- the -- the fitness issue.

4 MR. PARSONS: Alright, sir.

5 CHAIRPERSON ANDERSON: And the Board, the
6 Board will poll to see what date -- since all our
7 Wednesdays are already booked -- what other days
8 that the members are available to -- So we
9 probably will look to see for a date within the -
10 - probably the week of the 25th of January.

11 MR. PARSONS: I am actually supposed to
12 be on a ski trip from the 16th to the 22nd, so,
13 the 25th did you say?

14 CHAIRPERSON ANDERSON: During -- sometime
15 within that week. Well, I hope you come back in
16 one piece.

17 MR. PARSONS: I do, too. So far I've
18 been able to do so.

19 CHAIRPERSON ANDERSON: You now, I was
20 always told I was a graceful skier because I knew
21 when to fall.

22 MR. BIANCO: My only constraint that week

1 is on Thursday I have a mediation at 11:00 a.m.
2 Other than that I'm free.

3 CHAIRPERSON ANDERSON: Oh my God, I'm
4 only -- and I'm only available on Friday of that
5 week.

6 MR. BIANCO: Friday, I can do Friday.

7 CHAIRPERSON ANDERSON: So and that's the
8 only week the I'm available, so we'll try to see
9 if we could, if we can have three Board members
10 available maybe for that Friday. Alright, so --
11 did -- so you've rested your case based on so
12 far?

13 MR. PARSONS: Yes.

14 CHAIRPERSON ANDERSON: You've not got any
15 more witnesses to call?

16 MR. BIANCO: Yes, yes. We're finished
17 with our witnesses and our case in chief and
18 reserve the right for rebuttal, but yes.

19 CHAIRPERSON ANDERSON: Alright. And I --
20 have you -- have you entered into evidence all
21 the documents that you wish to be part of the
22 record?

1 MR. BIANCO: Yes, as we went -- I moved
2 exhibits as we went, so yes, I have.

3 CHAIRPERSON ANDERSON: Okay, I just want
4 to make sure.

5 MR. BIANCO: I think I have three
6 exhibits in, all of which were accepted and none
7 were --

8 MR. PARSONS: Can I just tell this young
9 man out here --

10 CHAIRPERSON ANDERSON: Yes.

11 MR. PARSONS: -- our decision?

12 CHAIRPERSON ANDERSON: Alright.

13 MS. MILLER: Can I, Mr. Chairman, I'm
14 going to , you know, like beating a dead horse
15 but I just want to remind the parties since we
16 have this break could you, could you submit your
17 exhibits in advance of the next hearing so the
18 Board members will have the benefit of looking at
19 them at the same time?

20 MR. PARSONS: Sure.

21 MS. MILLER: Okay, thank you.

22 MR. PARSONS: Okay. Thank you.

1 MR. We have them.

2 CHAIRPERSON ANDERSON: No, we do --

3 MS. MILLER: Are we going to make copies?

4 CHAIRPERSON ANDERSON: We've had --

5 MR. PARSONS: They're part of the packet
6 that we have.

7 MS. MILLER: I don't have a packet.

8 CHAIRPERSON ANDERSON: We have -- the
9 documents --

10 MS. MILLER: Okay.

11 CHAIRPERSON ANDERSON: -- were submitted.
12 They're here. I think that we weren't provided
13 copies of it but all of the documents are here --

14 MS. MILLER: Okay.

15 CHAIRPERSON ANDERSON: -- except for the
16 new documents that were not. Alright.

17 MS. MILLER: Okay, so the agency will
18 make copies this time. Okay.

19 CHAIRPERSON ANDERSON: Yeah.

20 MR. PARSONS: If you want, I -- as far as
21 mine go, some are color, so I can get you color
22 copies if you like?

1 MS. MILLER: That'd be great.

2 MR. ALBERTI: Would you work with our
3 general counsel on that?

4 MR. PARSONS: I will.

5 MR. ALBERTI: Thank you.

6 MS. MILLER: Thank you. There are five of
7 us.

8 CHAIRPERSON ANDERSON: Alright -- okay.
9 Alright. We're going to be in recess and this
10 case will be continued on January 29th at 10:00
11 and what we are going to do is to complete the
12 protest hearing and then we will move into a
13 fitness hearing, so we can -- so we'll complete
14 this protest hearing and then we will move into
15 the fitness, so we should be able to make the
16 decision and -- and close it. Okay?

17 MR. PARSONS: Thank you, your Honor.

18 CHAIRPERSON ANDERSON: Yes, Mr. Bianco?

19 MR. BIANCO: Okay.

20 CHAIRPERSON ANDERSON: Alright. And so I
21 will see everyone unless - unless there's a
22 settlement agreement between you and the party

1 that -- we had one was the ANC. Okay?

2 MR. PARSONS: Yes, sir.

3 CHAIRPERSON ANDERSON: Alright. Thank
4 you.

5 MR. BIANCO: Thank you.

6 MR. PARSONS: Thank you.

7 CHAIRPERSON ANDERSON: So, we're in
8 recess. Thank you.

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