

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Meseret Ali & Yonas Chere t/a
Merkato Ethiopian Restaurant Show Cause
1909 9th Street, NW Hearing
Retailer CR - ANC-1B
License No. 89019
Case #14-251-00018

(Operating After Legal
Hours)

June 11, 2014

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

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

(10:16 a.m.)

CHAIRPERSON MILLER: Okay. The last case on the morning calendar is Case No. 14-251-00018, Merkato Ethiopian Restaurant.

Oh, it's at 11:00. Okay. There you go. And that case is not until 11:00, so the Board will recess then and return at 11:00. Thank you. Okay.

(Whereupon, the above-entitled matter went off the record at 10:17 a.m. and resumed at 11:14 a.m.)

CHAIRPERSON MILLER: Okay. We're back on the record and I'm calling Case No. 14-251-00018, Merkato Ethiopian Restaurant located at 1909 9th Street, N.W., License No. 89019, in ANC-1B.

MR. RIVERO: Good morning, Board Members. Fernando Rivero for the --

COURT REPORTER: Sir, please turn on your microphone.

MR. RIVERO: Good morning, Board

1 Members. Fernando Rivero for the District of
2 Columbia.

3 CHAIRPERSON MILLER: Okay. And
4 would you introduce yourself, please?

5 MR. ALI: My name?

6 CHAIRPERSON MILLER: Yes. Your
7 name?

8 MR. ALI: Meseret Ali.

9 CHAIRPERSON MILLER: Are you the
10 owner?

11 MR. ALI: Yes, ma'am.

12 CHAIRPERSON MILLER: Okay. All
13 right. This is a Show Cause Hearing. Are
14 there any preliminary matters?

15 MR. RIVERO: Yes, there are
16 actually.

17 CHAIRPERSON MILLER: Okay.

18 MR. RIVERO: The Government
19 believes it's inappropriate to proceed through
20 the Show Cause Hearing.

21 COURT REPORTER: Sir, could you
22 please pull your microphone closer to you?

1 MR. RIVERO: Okay.

2 CHAIRPERSON MILLER: Much better.

3 MR. RIVERO: I'll do that one more
4 time. The Government believes it's
5 inappropriate to move to Show Cause Hearing,
6 at this time, and would request a
7 rescheduling. Really for the reasons, I
8 believe, that the licensee needs an
9 interpreter.

10 CHAIRPERSON MILLER: Okay.

11 MR. RIVERO: I understand that the
12 licensee has brought her son today. I do not
13 believe that that is appropriate, given that
14 the Government wishes to establish an
15 appropriate record in the event of appellate
16 review, first of all.

17 Second of all, I did ask questions
18 about her ability to understand the
19 proceedings and received conflicting answers.

20 CHAIRPERSON MILLER: Received
21 what?

22 MR. RIVERO: Conflicting answers.

1 CHAIRPERSON MILLER: Okay.

2 MR. RIVERO: Is one of the bases
3 for me to request an official Government
4 translator.

5 Secondly, the licensee did not
6 appear at the Status Hearing, so we actually
7 don't have any statements on the record that
8 she either received the notice, read it,
9 understood it, etcetera and so forth, that
10 needs to be established on the record, because
11 she did not appear at the Status Hearing.

12 And she informed me, I indicated
13 to her that in the event that any OIC would be
14 rejected, that we would move forward to a
15 hearing, she told me that she wasn't prepared.
16 I indicated that I had witnesses and that
17 another reason for me to reschedule this
18 hearing is so the licensee would have an
19 opportunity to bring any witnesses that would
20 be appropriate.

21 CHAIRPERSON MILLER: Okay. Do you
22 have anything you want to say? Would you

1 support continuing the case for two weeks or
2 more to get a continuance?

3 MEMBER SILVERSTEIN: Do you want a
4 two week delay?

5 CHAIRPERSON MILLER: Okay.

6 MR. ALI: Longer.

7 CHAIRPERSON MILLER: Okay. What?

8 MR. ALI: Longer.

9 CHAIRPERSON MILLER: Okay.

10 MR. RIVERO: She said longer.

11 CHAIRPERSON MILLER: Longer.

12 Okay.

13 MR. RIVERO: I don't have any
14 objection to that.

15 CHAIRPERSON MILLER: Okay. All
16 right. Well, we don't have an interpreter
17 here as Mr. Rivero has stated, so I'm not
18 going to say too much. So I think what we
19 will do is I would recommend to the Board, if
20 the Board is in agreement, that we do continue
21 the case to a date to be determined by our
22 General Counsel, who will be in touch with the

1 parties.

2 And a date in which we will ensure
3 that there is a translator there.

4 MEMBER RODRIGUEZ: Second it.

5 CHAIRPERSON MILLER: And I guess
6 at that point, establish the notice issue,
7 too, because we don't have the interpreter
8 here.

9 MEMBER RODRIGUEZ: Second it.

10 CHAIRPERSON MILLER: Okay. All
11 right. And you are seconding that as a
12 motion. All right.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? Okay. Then
17 the motion is passed.

18 Okay. This case is going to be
19 continued and our General Counsel will be in
20 touch with the parties as to the date. We
21 will let you know. And we will have an
22 interpreter here for you. Ethiopian, correct,

1 that's the language?

2 MR. ALI: Yes, Amharic.

3 MR. RIVERO: Amharic, yes.

4 CHAIRPERSON MILLER: Amharic.

5 Okay. Thank you. Okay. If there are no
6 other questions, then our General Counsel will
7 be in touch and we will see you in the future
8 for a hearing.

9 MR. RIVERO: Thank you.

10 CHAIRPERSON MILLER: Thank you.

11 MR. ALI: Yes.

12 CHAIRPERSON MILLER: So that
13 concludes this case. And that concludes the
14 hearings for this morning.

15 The Board is going to return to do
16 its Agendas.

17 (Whereupon, the Show Cause Hearing
18 in the above-entitled matter was concluded at
19 11:19 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2,11,12 8:19 ability 4:18 above-entitled 2:10 8:18 abstaining 7:16 Agendas 8:16 agreement 6:20 ALBERTI 1:17 Alcoholic 1:2,12,12 Ali 1:5 3:5,8,8,11 6:6,8 8:2,11 Amharic 8:2,3,4 ANC-1B 1:7 2:17 answers 4:19,22 appear 5:6,11 appellate 4:15 appropriate 4:13 4:15 5:20 aye 7:13,14</p> <hr/> <p style="text-align: center;">B</p> <p>back 2:14 bases 5:2 believe 4:8,13 believes 3:19 4:4 better 4:2 Beverage 1:2,12,12 Board 1:2,12 2:8 2:18,22 6:19,20 8:15 bring 5:19 BROOKS 1:17 brought 4:12 Building 1:13</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 calling 2:14 case 1:8 2:4,4,7,14 6:1,21 7:18 8:13 Cause 1:6 3:13,20 4:5 8:17 Chairperson 1:14 1:16 2:3,13 3:3,6 3:9,12,17 4:2,10 4:20 5:1,21 6:5,7</p>	<p>6:9,11,15 7:5,10 7:15 8:4,10,12 Chere 1:5 closer 3:22 Columbia 1:1 3:2 concluded 8:18 concludes 8:13,13 conflicting 4:19,22 continuance 6:2 continue 6:20 continued 7:19 continuing 6:1 Control 1:2,12,12 correct 7:22 Counsel 6:22 7:19 8:6 COURT 2:20 3:21 CR 1:7</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:13 date 6:21 7:2,20 delay 6:4 determined 6:21 District 1:1 3:1 DONALD 1:17</p> <hr/> <p style="text-align: center;">E</p> <p>either 5:8 ensure 7:2 establish 4:14 7:6 established 5:10 etcetera 5:9 Ethiopian 1:6 2:5 2:15 7:22 event 4:15 5:13</p> <hr/> <p style="text-align: center;">F</p> <p>favor 7:13 Fernando 1:21 2:19 3:1 first 4:16 forth 5:9 forward 5:14 future 8:7</p> <hr/> <p style="text-align: center;">G</p> <p>General 6:22 7:19</p>	<p>8:6 given 4:13 go 2:7 going 6:18 7:18 8:15 Good 2:18,22 Government 3:18 4:4,14 5:3 guess 7:5</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:6,13 3:13 3:20 4:5 5:6,11,15 5:18 8:8,17 hearings 8:14 HECTOR 1:18 Hours 1:9</p> <hr/> <p style="text-align: center;">I</p> <p>inappropriate 3:19 4:5 indicated 5:12,16 informed 5:12 interpreter 4:9 6:16 7:7,22 introduce 3:4 issue 7:6</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:19 June 1:11</p> <hr/> <p style="text-align: center;">K</p> <p>know 7:21</p> <hr/> <p style="text-align: center;">L</p> <p>language 8:1 Legal 1:9 License 1:7 2:16 licensee 4:8,12 5:5 5:18 located 2:16 longer 6:6,8,10,11</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 3:11 matter 1:4 2:11 8:18</p>	<p>matters 3:14 MEETING 1:3 Member 1:17,17 1:18,18,19 6:3 7:4 7:9 Members 2:19 3:1 Merkato 1:6 2:5,15 Meseret 1:5 3:8 met 1:12 microphone 2:21 3:22 MIKE 1:18 Miller 1:14,16 2:3 2:13 3:3,6,9,12,17 4:2,10,20 5:1,21 6:5,7,9,11,15 7:5 7:10,15 8:4,10,12 morning 2:4,18,22 8:14 motion 7:12,17 move 4:5 5:14</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:13 2:16 name 3:5,7 needs 4:8 5:10 NICK 1:17 notice 5:8 7:6 NW 1:6</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:21 objection 6:14 official 5:3 Oh 2:6 OIC 5:13 Okay 2:3,6,9,13 3:3 3:12,17 4:1,10 5:1 5:21 6:5,7,9,12,15 7:10,16,18 8:5,5 Operating 1:9 opportunity 5:19 opposed 7:16 owner 3:10</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1</p>	<p>parties 7:1,20 passed 7:17 please 2:20 3:4,22 point 7:6 preliminary 3:14 prepared 5:15 PRESENT 1:15,20 presiding 1:14 proceed 3:19 proceedings 4:19 pull 3:22</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 4:17 8:6</p> <hr/> <p style="text-align: center;">R</p> <p>read 5:8 Really 4:7 reason 5:17 reasons 4:7 received 4:19,20 5:8 recess 2:8 recommend 6:19 record 2:11,14 4:15 5:7,10 Reeves 1:13 rejected 5:14 REPORTER 2:20 3:21 request 4:6 5:3 reschedule 5:17 rescheduling 4:7 Restaurant 1:6 2:5 2:15 resumed 2:12 Retailer 1:7 return 2:8 8:15 review 4:16 right 3:13 6:16 7:11,12 Rivero 1:21 2:18 2:19,22 3:1,15,18 4:1,3,11,22 5:2 6:10,13,17 8:3,9 RODRIGUEZ 1:18 7:4,9 Room 1:13</p>
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Ruthanne 1:14,16	wishes 4:14			
S	witnesses 5:16,19			
Second 4:17 7:4,9	X			
seconding 7:11	Y			
Secondly 5:5	Yonas 1:5			
see 8:7	Z			
SHORT 1:19	0			
Show 1:6 3:13,20	1			
4:5 8:17	10:16 2:2			
SILVERSTEIN	10:17 2:11			
1:18 6:3	11 1:11			
Sir 2:20 3:21	11:00 2:6,7,9			
son 4:12	11:14 2:12			
stated 6:17	11:19 8:19			
statements 5:7	14-251-00018 1:8			
Status 5:6,11	2:5,15			
Street 1:6,13 2:16	14th 1:13			
Suite 1:13	1909 1:6 2:16			
support 6:1	2			
T	2000 1:13			
t/a 1:5	20009 1:14			
Thank 2:9 8:5,9,10	2014 1:11			
think 6:18	3			
time 4:4,6	4			
today 4:12	400S 1:13			
told 5:15	5			
touch 6:22 7:20 8:7	6			
translator 5:4 7:3	7			
turn 2:20	8			
two 6:1,4	89019 1:7 2:17			
U	9			
understand 4:11				
4:18				
understood 5:9				
V				
W				
want 5:22 6:3				
Washington 1:13				
wasn't 5:15				
We're 2:13				
week 6:4				
weeks 6:1				
went 2:11				