

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Tekeab H. Habtu
t/a Kokeb Ethiopian Restaurant Fact-
3013 Georgia Ave., NW Finding
Retailer CR - ANC-1A Hearing
License No. 89933

(One Day Substantial Change
Application, Ethiopian Soccer
Tournament, Dates of Event:
July 2-5, 2015)

June 17, 2015

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:

JASON PERU, ABRA Investigator

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

11:00 a.m.

CHAIRPERSON MILLER: Next is Kokeb Ethiopian Restaurant. And I believe that is our last one in this category. Good morning.

MR. HABTU: Good morning.

MS. ABEBE: Good morning.

CHAIRPERSON MILLER: Okay. If you would introduce yourselves, please?

MR. HABTU: My name is Tekeab Habtu.

CHAIRPERSON MILLER: And what's your relation to the restaurant?

MR. HABTU: I'm the owner and she is a manager.

CHAIRPERSON MILLER: Okay. And your name is?

MS. ABEBE: My name is Fikirte Abebe. I'm the manager over there.

CHAIRPERSON MILLER: And what's your last name? I think you need to speak up just a little bit. The microphone is right there in the middle.

1 MS. ABEBE: Okay. Fikirte Abebe.

2 CHAIRPERSON MILLER: Can you spell
3 your name?

4 MS. ABEBE: F-I-K-I-R-T-E last name A-
5 B-E-B-E.

6 CHAIRPERSON MILLER: Okay. And, sir,
7 how do you spell your last name?

8 MR. HABTU: Habtu, H-A-B-T-U, Habtu.

9 CHAIRPERSON MILLER: All right. And
10 our Investigator?

11 INVESTIGATOR PERU: I'm sorry.
12 Investigator Jason Peru with ABRA.

13 CHAIRPERSON MILLER: Okay. All right.
14 So you have filed an application for a one day
15 substantial change for the dates of July 2
16 through July 5th. Okay.

17 You haven't sought on this application
18 the extended hours for July 4th. Is that an
19 issue?

20 MR. HABTU: Yes, but we request to
21 have extra hours.

22 CHAIRPERSON MILLER: So you may be

1 adding that, okay. Have you done this before?

2 MR. HABTU: No. It's our first time.

3 CHAIRPERSON MILLER: Okay. So it says
4 on the application you expect 50 persons to
5 attend basically each day?

6 MR. HABTU: I'm sorry?

7 CHAIRPERSON MILLER: 50 people you
8 expect?

9 MR. HABTU: Yes, about.

10 CHAIRPERSON MILLER: How many does
11 your restaurant usually serve?

12 MR. HABTU: About the same. I think
13 44.

14 CHAIRPERSON MILLER: Okay.

15 MR. HABTU: Yes.

16 CHAIRPERSON MILLER: Okay. So your
17 normal hours for serving, are they Sunday to
18 Thursday, 8:00 to 2:00 and Friday and Saturday,
19 8:00 to 3:00?

20 MR. HABTU: Yes.

21 CHAIRPERSON MILLER: Okay. And you
22 want to be open 24 hours?

1 MR. HABTU: Yes.

2 CHAIRPERSON MILLER: Any
3 entertainment?

4 MR. HABTU: We have a question on
5 entertainment to use DJ, if possible, for this
6 special event. We don't have.

7 CHAIRPERSON MILLER: Is it on the
8 application? I actually don't see it on the
9 application.

10 MR. HABTU: Yes, we just came when we
11 had started with the previous establishments, I
12 just --

13 CHAIRPERSON MILLER: Oh, you were
14 listening to the others?

15 MR. HABTU: I was listening, so
16 probably it's to our advantage if we can include
17 that.

18 CHAIRPERSON MILLER: And what did you
19 mean by musical entertainment for --

20 MR. HABTU: Just DJ. We don't have
21 live.

22 CHAIRPERSON MILLER: That's what you

1 mean?

2 MR. HABTU: But if we can use a DJ?

3 CHAIRPERSON MILLER: Okay.

4 MR. HABTU: That's all.

5 CHAIRPERSON MILLER: You don't have an
6 entertainment endorsement, I assume?

7 MR. HABTU: We don't.

8 CHAIRPERSON MILLER: Okay. Board
9 Members have questions?

10 MEMBER SHORT: I would like to ask
11 one.

12 CHAIRPERSON MILLER: Okay. Mr. Short,
13 go ahead.

14 MEMBER SHORT: Good morning still.
15 You have been in business how long at this
16 location?

17 MR. HABTU: About three years.

18 MEMBER SHORT: Three years?

19 MR. HABTU: Yes.

20 MEMBER SHORT: Have you ever had any
21 problems with noise from the neighbors or any
22 noise at all?

1 MR. HABTU: We did.

2 MEMBER SHORT: How did you solve it or
3 how did you resolve that?

4 MR. HABTU: Well, we -- I wasn't aware
5 that, you know, DJ is an entertainment and we
6 were -- it was I think, okay, we tried to use DJ
7 before and we were advised by the -- by ABRA we
8 needed a license. So after that we stopped.

9 MEMBER SHORT: Okay. So now you -- if
10 granted this application, this is for 24 hours?

11 MR. HABTU: 24 hours, right.

12 MEMBER SHORT: Can you guarantee this
13 Board there won't be any noise problems from your
14 neighbors in those 24 hours?

15 MR. HABTU: Oh, we will keep it as low
16 as possible, so it don't -- it won't affect them.

17 MEMBER SHORT: Say that again for the
18 record, please.

19 MR. HABTU: We will make it as low as
20 possible, so it wouldn't affect our neighbors.

21 MEMBER SHORT: So when the
22 Investigators come by there won't be any problems

1 at the establishment?

2 MR. HABTU: Yes, well, yes.

3 MEMBER SHORT: You are saying yes to
4 that?

5 MR. HABTU: We won't have any
6 problems.

7 MEMBER SHORT: This is your first year
8 trying this, right? This is your first year
9 attempting to do this?

10 MR. HABTU: First year attempting,
11 right.

12 MEMBER SHORT: And it's a privilege,
13 as you know.

14 MR. HABTU: It's --

15 MEMBER SHORT: And you might want to
16 do it again next year, so you want to make sure
17 this year really goes smoothly.

18 MR. HABTU: I understand, sir.

19 MEMBER SHORT: Okay.

20 MR. HABTU: Sure.

21 MEMBER SHORT: That's all I have,
22 Madam Chair. Thank you.

1 CHAIRPERSON MILLER: Okay. Mr. Peru,
2 do you have something?

3 INVESTIGATOR PERU: Yes. Noise.

4 CHAIRPERSON MILLER: Yes.

5 INVESTIGATOR PERU: With reference to
6 noise, we have been called to this location as
7 well. I wanted to also reference to the
8 entertainment. There is two violations in
9 history of entertainment. One of which I was --
10 responded with another Investigator I was on.
11 And this is after -- the second violation was
12 after the owner was notified of the
13 entertainment.

14 And my understanding is as this
15 morning, I did some research and found out that
16 he was, in fact, placarded for an entertainment
17 endorsement and the placarding period ended.
18 However, I could not find any approval for
19 entertainment yet of that endorsement.

20 So as of, to my knowledge, today, as
21 of now, he does not have -- he is not approved
22 for entertainment. Therefore, you know, having

1 entertainment 24 hours, I don't know if that's --
2 based on the noise that -- that's my concern.

3 CHAIRPERSON MILLER: Was the
4 application protested?

5 INVESTIGATOR PERU: I was told that it
6 was originally and then it was dismissed because
7 of -- I guess they failed to show up for hearing.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: Who failed?

10 INVESTIGATOR PERU: Oh, ANC-1A.

11 MEMBER ALBERTI: Okay.

12 CHAIRPERSON MILLER: Do you by any
13 chance know the hours when the noise was a
14 problem?

15 INVESTIGATOR PERU: I know I have --
16 I was called out there throughout, you know, from
17 -- anywhere from 11:30 to 1:00 in the morning.

18 CHAIRPERSON MILLER: Okay.

19 INVESTIGATOR PERU: I personally have
20 been out there during those hours.

21 CHAIRPERSON MILLER: Okay.

22 INVESTIGATOR PERU: And they have

1 actually remained on our Investigator monitoring
2 list to monitor during the weekend hours because
3 of that reason.

4 CHAIRPERSON MILLER: And how close are
5 the residences?

6 INVESTIGATOR PERU: I'm sorry?

7 CHAIRPERSON MILLER: How close are the
8 residences to this establishment? Do you recall
9 that?

10 INVESTIGATOR PERU: Behind. They are
11 behind. There is an alleyway of sort, but then
12 there is row homes behind. You know, they are on
13 Georgia Avenue.

14 CHAIRPERSON MILLER: Yes.

15 INVESTIGATOR PERU: So everything is
16 going to be all residents behind them.

17 CHAIRPERSON MILLER: Right. Okay.

18 MEMBER ALBERTI: May I ask a question?

19 CHAIRPERSON MILLER: Sure. Mr.
20 Alberti?

21 MEMBER ALBERTI: So, sir, speaking of
22 entertainment, what were your plans for when, for

1 what hours to offer entertainment? What were
2 your plans?

3 MS. ABEBE: Regular hours.

4 MEMBER ALBERTI: Meaning? You've got
5 to give me times. I can under -- I can guess
6 what regular hours are, but you need to tell me.

7 MS. ABEBE: Okay.

8 MEMBER ALBERTI: Until what time?

9 MS. ABEBE: Between 10:00 to 2:00.
10 10:00 to 3:00.

11 MEMBER ALBERTI: Okay. So you don't
12 plan on having entertainment after 2:00 weekdays
13 or 3:00 a.m. weekends?

14 MS. ABEBE: Right.

15 MEMBER ALBERTI: Okay. I'm willing to
16 approve this with that stipulation that you will
17 limit entertainment to those hours.

18 CHAIRPERSON MILLER: I mean that
19 sounds late to me. I don't see what the big
20 limitation is.

21 MEMBER ALBERTI: Well, I don't know
22 where their application is. I'm assuming that

1 their application -- maybe I shouldn't assume
2 this, but I assume that their application was for
3 those hours for entertainment. And I don't know
4 where that approval is. This is again a
5 temporary license.

6 CHAIRPERSON MILLER: Right.

7 MEMBER ALBERTI: And hopefully the
8 licensee understands that it's in his best
9 interest not to be causing any disturbances.

10 CHAIRPERSON MILLER: I have a very
11 naive question, I guess, but I'm just going to
12 throw it out here.

13 I mean, I thought this was about, you
14 know, the soccer tournament, so won't like the
15 TVs be on where you are watching soccer? So why
16 would you have to have a DJ playing? Maybe I
17 should have asked the previous establishment, but
18 since you don't have an entertainment endorsement
19 right now, why do you need one for this event?

20 Isn't it about watching the soccer?

21 MR. HABTU: Well, maybe a little bit.
22 About the culture, the people are coming from all

1 over the states. And when they get together, we
2 all know that music can inspire them. So but
3 usually our custom is just chatting, but besides
4 that they want this kind of, you know, music.

5 CHAIRPERSON MILLER: I mean, and you
6 can educate me, because --

7 MR. HABTU: Yes.

8 CHAIRPERSON MILLER: -- if you are
9 only having 50 seats, I gather it's a small
10 place.

11 MR. HABTU: It is small, yes.

12 CHAIRPERSON MILLER: So it's not like
13 you are going to have one room and people are
14 going to be watching the soccer tournament and in
15 the other room people are going to listen to the
16 DJ. So is it there is going to be big lulls in
17 time where there is not going to be a soccer game
18 on?

19 MR. HABTU: No, the soccer is, you
20 know, the event. But when -- the soccer is at
21 the University of Maryland. When they come out
22 of it, this is, you know, when they have, you

1 know, like going out in groups and meeting at
2 restaurants. Otherwise, there is not any soccer
3 on TV or something. I don't know if I explained
4 it right.

5 CHAIRPERSON MILLER: No. It's just my
6 own lack of knowledge about this.

7 MR. HABTU: Yes.

8 CHAIRPERSON MILLER: So I mean, it
9 sounds to me like there are periods of time where
10 they are going to be watching the game and
11 periods of time where --

12 MR. HABTU: Also the game is daytime.
13 The games are daytime.

14 CHAIRPERSON MILLER: Oh, the games are
15 all daytime?

16 MR. HABTU: And then when they come
17 out, they, you know, find places. Hopefully, you
18 know, some of them will come to our place.

19 MEMBER BROOKS: Madam Chair?

20 CHAIRPERSON MILLER: Yes.

21 MEMBER BROOKS: Let me add. This is
22 sort of an annual celebration.

1 CHAIRPERSON MILLER: Yes.

2 MEMBER BROOKS: And it's a chance for
3 them to catch up with reunions and parties.

4 MR. HABTU: Yes.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER BROOKS: Food and, you know,
7 beer and wine.

8 MR. HABTU: Right.

9 MEMBER BROOKS: And have a good time,
10 right?

11 MR. HABTU: That's right.

12 MEMBER BROOKS: Yes, yes.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER BROOKS: Every year.

15 CHAIRPERSON MILLER: Okay.

16 MR. HABTU: Yes, yes.

17 CHAIRPERSON MILLER: So it's not just
18 about watching soccer at 1:00 in the morning.

19 MEMBER BROOKS: No.

20 MR. HABTU: No.

21 CHAIRPERSON MILLER: Okay.

22 MR. HABTU: This is --

1 MEMBER SILVERSTEIN: This is a giant
2 family reunion.

3 MR. HABTU: It's just an excuse --
4 it's something like a reason to get together.

5 MEMBER BROOKS: Yes.

6 MR. HABTU: Yes.

7 CHAIRPERSON MILLER: Okay. Yes, Mr.
8 Rodriguez?

9 MEMBER RODRIGUEZ: Yes, Madam Chair
10 and Members. Let me echo that sentiment that,
11 you know, when you have a -- this is a cultural
12 celebration.

13 MEMBER BROOKS: Yes.

14 MEMBER RODRIGUEZ: And soccer is part
15 of it.

16 MR. HABTU: Right.

17 MEMBER RODRIGUEZ: And I can
18 understand that music lends that special aura to
19 any cultural event. I have been in those and I
20 understand that and I certainly support your
21 application.

22 MR. HABTU: Thank you very much.

1 MEMBER RODRIGUEZ: Just don't make too
2 much noise.

3 MR. HABTU: No.

4 MEMBER RODRIGUEZ: Please.

5 CHAIRPERSON MILLER: Okay. I'm all
6 for supporting the cultural celebration. I'm
7 just not clear on your noise issue and how you
8 are -- how we are going to know that it's not
9 going to be a problem.

10 Mr. Peru, is there anything, you know,
11 about their noise issue that they need to turn
12 something down? Is that it?

13 INVESTIGATOR PERU: Well, it's -- the
14 owner is aware. I mean, yeah, it was just -- it
15 was -- well, first, the problem was they didn't
16 have entertainment and they had a DJ playing.

17 CHAIRPERSON MILLER: Right.

18 INVESTIGATOR PERU: You know, and the
19 music was amplified and loud enough to where --

20 CHAIRPERSON MILLER: Okay.

21 INVESTIGATOR PERU: -- we got
22 complaints. And that has been addressed. So as

1 long as they maintain that reasonable level of
2 music, they don't have any.

3 CHAIRPERSON MILLER: Okay. Okay.
4 Then it can be addressed. Okay. All right. Are
5 we ready to vote then?

6 MEMBER SHORT: Yes, sure. For the
7 record, you agree to do all that?

8 MR. HABTU: I will.

9 MEMBER SHORT: You agree to everything
10 that the Investigator said and what we have asked
11 of you?

12 MR. HABTU: Yes, sir.

13 MEMBER SHORT: Okay. I have no
14 problem, Madam Chair.

15 CHAIRPERSON MILLER: He is going to
16 agree to keep the noise, the music down, right?

17 MEMBER ALBERTI: He is agreeing to the
18 hours of entertainment --

19 CHAIRPERSON MILLER: And the hours of
20 entertainment.

21 MEMBER ALBERTI: -- that we discussed.
22 Yes.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: That we discussed.

3 CHAIRPERSON MILLER: Okay. That's
4 2:00 and 3:00, okay. All right.

5 MEMBER ALBERTI: Yes.

6 CHAIRPERSON MILLER: All those in
7 favor then say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 6-0-0.

12 Okay. So I think that completes this
13 case. Thank you very much. You are going to be
14 getting your application back to turn in to the
15 office.

16 MR. HABTU: All right. Thank you very
17 much.

18 MS. ABEBE: Thank you.

19 CHAIRPERSON MILLER: Okay. Have a
20 happy celebration.

21 MR. HABTU: Thank you.

22 CHAIRPERSON MILLER: Thank you, Mr.

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Peru.

INVESTIGATOR PERU: Thanks.

(Whereupon, the Fact-Finding Hearing
in the above-entitled matter was concluded at
11:15 a.m.)

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