

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

IN THE MATTER OF:

Flora Restaurant & Lounge, LLC
t/a Ghion Restaurant
2010 9th Street, NW
Retailer CT - ANC-1B
License No. 86205
Case #13-CMP-00473

Show Cause
Hearing

(Operating After Hours,
Substantial Change in Operation,
Interfered With Investigation,
Failed to Post License, Failed
to Post Window Lettering)

July 23, 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
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

MICHAEL STERN, OAG

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

2 (10:04 a.m.)

3 CHAIRPERSON MILLER: Okay. We
4 have two cases scheduled for 10:00 a.m. And
5 I notice there is a baby in the audience and
6 I wanted to ask you are you here on a case?
7 Do you want to come forward to the table and
8 let me know what case you are on, because I
9 may want to take your case ahead of the other
10 case.

11 MS. ASAFAR: Ghion Restaurant and
12 Lounge, 2010 9th Street.

13 CHAIRPERSON MILLER: Oh, yes,
14 Flora Restaurant & Lounge?

15 MS. ASAFAR: Yes.

16 CHAIRPERSON MILLER: Okay. Are
17 you here by yourself or do you have any
18 attorney representing you?

19 MS. ASAFAR: No, I'm here by
20 myself.

21 CHAIRPERSON MILLER: Okay. Would
22 it -- what?

1 MS. ASAFAR: Do you want me to
2 come later? I'm by myself.

3 CHAIRPERSON MILLER: Would you
4 like us to take your case first then because
5 of your baby?

6 MS. ASAFAR: Okay.

7 CHAIRPERSON MILLER: Okay. So if
8 you can sit or whatever is easiest for you.

9 MS. ASAFAR: Okay.

10 MS. GEPHARDT: What case is this?

11 CHAIRPERSON MILLER: This is -- we
12 have two cases scheduled for 10:00 Show Cause
13 Hearing. This is the second one, Flora
14 Restaurant & Lounge t/a Ghion Restaurant. Is
15 that your case?

16 MS. ASAFAR: Yes.

17 CHAIRPERSON MILLER: Okay. That's
18 your case. What's your name?

19 MS. ASAFAR: Astera Asafar.

20 CHAIRPERSON MILLER: And you are
21 the owner?

22 MS. ASAFAR: Yes.

1 CHAIRPERSON MILLER: Yes. Okay.

2 Ms. Gephardt? Ms. Gephardt?

3 MS. GEPHARDT: Oh, I'm sorry?

4 CHAIRPERSON MILLER: Could you
5 come to the table for a second?

6 MS. GEPHARDT: Oh, I think --

7 MR. STERN: Excuse me. Michael
8 Stern, Madam Chair.

9 CHAIRPERSON MILLER: We have two
10 cases scheduled for 10:00.

11 MR. STERN: Yes.

12 CHAIRPERSON MILLER: And I am just
13 trying to decide which case to proceed with
14 first. I understand she has a baby with her,
15 but that may be a more detailed case,
16 complicated case than the first one, so I was
17 wondering if you could -- I don't know which
18 case you are on. If you could --

19 MR. STERN: Yes. I am --

20 CHAIRPERSON MILLER: -- speak to
21 that?

22 MR. STERN: -- on the second one

1 listed.

2 CHAIRPERSON MILLER: Okay.

3 MR. STERN: The Ghion Restaurant,
4 which is this young lady's case. That will be
5 one, potentially two witnesses. I expect
6 direct to take 10 to 15 minutes, I guess, with
7 Board questions and cross-examination maybe
8 half hour total.

9 CHAIRPERSON MILLER: Okay.

10 MR. STERN: I don't know what case
11 you want.

12 (Whereupon, the above-entitled
13 matter went off the record at 10:06 a.m. and
14 resumed at 10:07 a.m.)

15 CHAIRPERSON MILLER: So what I
16 want to tell you is that after hearing about
17 the complexities of each case, the first one
18 ahead of you on the calendar is a pretty quick
19 case. They only have one witness and the
20 other parties are not here.

21 So I have been advised that we
22 should stick with that order then. So you can

1 -- you don't have to sit here in the courtroom
2 for that. If you want to go outside, it's
3 going to be at least 15 minutes.

4 MS. ASAFAR: Okay. Thank you.

5 CHAIRPERSON MILLER: Okay. All
6 right.

7 (Whereupon, the above-entitled
8 matter went off the record at 10:08 a.m. and
9 resumed at 10:15 a.m.)

10 CHAIRPERSON MILLER: Okay. The
11 second 10:00 case is Case No. 13-CMP-00473,
12 Ghion Restaurant located at 2010 9th Street,
13 N.W., License No. 86205, in ANC-1B.

14 MR. STERN: Michael Stern
15 representing the District of Columbia.

16 Could we have a five minute pass?
17 We are just making some copies.

18 CHAIRPERSON MILLER: Sure. Are
19 you -- and is the owner --

20 MR. STERN: I believe she is in
21 the --

22 CHAIRPERSON MILLER: Waiting room?

1 MR. STERN: Yes.

2 CHAIRPERSON MILLER: Okay. So you
3 want five minutes?

4 MR. STERN: Yes.

5 CHAIRPERSON MILLER: Okay. Then
6 the Board will recess for five minutes and
7 return at 10:22.

8 (Whereupon, the above-entitled
9 matter went off the record at 10:16 a.m. and
10 resumed at 10:19 a.m.)

11 CHAIRPERSON MILLER: Okay. We are
12 back on the record with the Ghion Restaurant
13 case, Case No. 13-CMP-00473. Do you want to
14 introduce yourself one more time?

15 MR. STERN: Michael Stern
16 representing the District of Columbia.

17 CHAIRPERSON MILLER: Okay. You
18 don't have to stand. Whatever is easiest.

19 MS. ASAFAR: Okay.

20 CHAIRPERSON MILLER: The
21 microphone is on the table.

22 MS. ASAFAR: Okay. We have one

1 day, so you can -- like I have one sister.
2 She is deaf. They come ding on the door, she
3 don't listen to them. She don't -- they have
4 like her friends there and then the next day
5 when you come --

6 CHAIRPERSON MILLER: No, wait. We
7 are not starting the hearing.

8 MS. ASAFAR: Okay.

9 CHAIRPERSON MILLER: Okay. Let me
10 -- I just wanted you to give your name again.

11 MS. ASAFAR: Okay.

12 CHAIRPERSON MILLER: Your name
13 again?

14 MS. ASAFAR: Astera Asafar.

15 CHAIRPERSON MILLER: Okay. All
16 right. So and are you the owner?

17 MS. ASAFAR: Yes.

18 CHAIRPERSON MILLER: Okay. Let me
19 just tell you this is a legal proceeding.
20 Basically, the Government has brought charges
21 against your establishment, certain
22 violations.

1 MS. ASAFAR: Okay.

2 CHAIRPERSON MILLER: And he
3 represents the Government.

4 MS. ASAFAR: Okay.

5 CHAIRPERSON MILLER: And so he has
6 the burden of proof. He goes first with an
7 opening statement, what the case is about.

8 MS. ASAFAR: Present?

9 CHAIRPERSON MILLER: He does, yes.

10 MS. ASAFAR: Okay.

11 CHAIRPERSON MILLER: Now, he is a
12 lawyer. Okay. And then he is going to call
13 some witnesses and ask them questions. And
14 you can ask them questions when he is done on
15 their testimony. I'll let you know again and
16 the Board can.

17 I'm going to put you under oath
18 when you are going to testify and you usually
19 testify over there, unless because of the baby
20 it's easier over here. I can make
21 accommodation.

22 MS. ASAFAR: Okay.

1 CHAIRPERSON MILLER: Okay. And
2 actually, I want to swear -- you're going to
3 testify, right? Talk about your case?

4 MS. ASAFAR: Yes.

5 CHAIRPERSON MILLER: Okay. I want
6 to swear you in now, because sometimes people
7 get confused, because you could do an opening
8 statement like him, but you don't have to.
9 You can just wait until your own case and tell
10 your story.

11 MS. ASAFAR: Yes.

12 CHAIRPERSON MILLER: All right.
13 So I'm going to ask you if you swear to tell
14 the truth.

15 MS. ASAFAR: I like to --

16 CHAIRPERSON MILLER: What?

17 MS. ASAFAR: I like to talk to his
18 assistant.

19 CHAIRPERSON MILLER: Can you what?

20 MS. ASAFAR: I like to talk to
21 assistant.

22 CHAIRPERSON MILLER: All right.

1 MS. ASAFAR: Can I choose you for
2 the case?

3 MR. STERN: I don't think -- I
4 think there is disagreement as to the facts.
5 I'm not sure we are going to resolve it by
6 discussing it any further.

7 CHAIRPERSON MILLER: You have
8 already -- have you had discussions?

9 MR. STERN: We had a short
10 discussion about this. And from what I'm
11 understanding, this is a difficult situation,
12 which I'm not 100 percent sure the respondent
13 is understanding everything I'm saying. I'm
14 not sure I'm understanding what she is saying.

15 CHAIRPERSON MILLER: Right.
16 Before we even get into a hearing, I want to
17 make sure that we don't have issues involving
18 her understanding --

19 MR. STERN: Yes.

20 CHAIRPERSON MILLER: -- the
21 process. Are there any language issues?

22 MR. STERN: I don't know the

1 answer for sure. I know that in my discussing
2 things with her, it didn't appear to me as
3 though she was understanding everything I was
4 saying.

5 As I said, I didn't follow
6 everything that she was saying. I don't
7 believe English is her first language. That's
8 all I can tell you.

9 CHAIRPERSON MILLER: All right.
10 Let me ask you, Ms. Asafar.

11 MS. ASAFAR: Yes.

12 CHAIRPERSON MILLER: Do you have
13 any problems understanding English in this --
14 to go on with the case?

15 MS. ASAFAR: I'm not about to
16 say --

17 CHAIRPERSON MILLER: Would you
18 prefer to have an interpreter for free?

19 MS. ASAFAR: Yes, okay.

20 CHAIRPERSON MILLER: Should we
21 continue the case?

22 MS. ASAFAR: Amharic.

1 MR. STERN: Amharic. For the
2 Board's edification, I just asked the
3 applicant, her native language is Amharic. So
4 I don't know if you are familiar with that.

5 CHAIRPERSON MILLER: I'm sorry.
6 Say that again, Mr. Stern.

7 MR. STERN: My understanding is
8 from what she just told me that her native
9 language is Amharic.

10 CHAIRPERSON MILLER: Okay.

11 MR. STERN: I have no familiarity
12 myself with the origin or what that language--

13 CHAIRPERSON MILLER: Okay.

14 MR. STERN: -- is going to be.

15 CHAIRPERSON MILLER: Do you have
16 an opinion as to whether the Board should
17 continue this case and provide an interpreter?

18 MR. STERN: No.

19 CHAIRPERSON MILLER: No, you don't
20 have an opinion or what?

21 MR. STERN: I was just going to
22 say the first time we are actually speaking

1 today -- is today when this was here for
2 status, somebody stood in for me and I didn't
3 get an indication that this would be an issue.
4 It did raise an issue with me when I first
5 spoke to her.

6 CHAIRPERSON MILLER: Okay.

7 MR. STERN: At her ability to
8 understand and I would certainly be
9 comfortable if the Board wished to get the
10 language line to assist her in getting an
11 interpreter.

12 CHAIRPERSON MILLER: Okay. Yes.
13 Okay. Okay. I think, you know, when in
14 doubt, I would prefer to continue and get an
15 interpreter. But I would also say -- ask you
16 if we continue this case, that you might want
17 to bring someone else to take care of your
18 baby at the same time or something. Do you
19 think that for you to participate in a hearing
20 and take care of a baby it's very difficult.

21 Do you think you could get
22 somebody to assist you that way?

1 MS. ASAFAR: Right now?

2 CHAIRPERSON MILLER: No. If we
3 continue the case and you have notice of when
4 the hearing will be, because we are about to
5 start a hearing with witnesses and questions
6 and we never had a baby here and I --

7 MS. ASAFAR: Okay.

8 CHAIRPERSON MILLER: -- it looks
9 very difficult.

10 MS. ASAFAR: Yes.

11 CHAIRPERSON MILLER: So that's
12 what I would advise if you could get some
13 assistance, you know.

14 MS. ASAFAR: Yes.

15 CHAIRPERSON MILLER: But are you--
16 would you like us to continue the case and
17 have an interpreter here for your language?

18 MEMBER SILVERSTEIN: To continue
19 the case.

20 MS. ASAFAR: Yes.

21 CHAIRPERSON MILLER: Oh, okay,
22 right. Which means we would not have the

1 hearing today. We would have it on another
2 day when you have an interpreter.

3 MS. ASAFAR: Okay.

4 CHAIRPERSON MILLER: Is that what
5 you would like?

6 MS. ASAFAR: Okay.

7 CHAIRPERSON MILLER: And do you
8 think you could get assistance for the baby,
9 too?

10 MS. ASAFAR: Yes, I will have
11 some.

12 CHAIRPERSON MILLER: Okay.
13 Because it will be difficult for you.

14 MS. ASAFAR: Yes.

15 CHAIRPERSON MILLER: You know, it
16 could take an hour and a half or two hours for
17 a hearing.

18 MS. ASAFAR: Okay.

19 CHAIRPERSON MILLER: Okay. All
20 right. So we are going to continue this case.
21 Do we have a date? We don't have a date yet.
22 So the Board will send out a hearing notice to

1 you with a date in the mail.

2 MS. ASAFAR: Okay.

3 CHAIRPERSON MILLER: Oh, okay.

4 Allow me to get that and make sure the Board
5 is with me on this.

6 I'm going to move then to continue
7 this case in order that the licensee have an
8 interpreter at the hearing. Is there a
9 second?

10 MEMBER RODRIGUEZ: Second.

11 CHAIRPERSON MILLER: Okay.

12 All those in favor say aye.

13 MEMBER SHORT: Aye.

14 CHAIRPERSON MILLER: Aye.

15 MEMBER RODRIGUEZ: Aye.

16 MEMBER BROOKS: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed?

19 MEMBER SILVERSTEIN: No.

20 CHAIRPERSON MILLER: Okay. The
21 motion passes 4-1-0. So we will notify you of
22 the date when we find a date on the calendar.

1 We will let you know.

2 MS. ASAFAR: Okay.

3 CHAIRPERSON MILLER: The date.

4 And maybe, Mr. Stern, you can be in touch with
5 her as well.

6 MR. STERN: I will.

7 CHAIRPERSON MILLER: Okay.

8 MR. STERN: She already has my
9 card.

10 CHAIRPERSON MILLER: Okay.

11 MR. STERN: And I want to
12 apologize to the Board. If I had known this
13 was an issue, I would have raised it before
14 now.

15 CHAIRPERSON MILLER: Okay. All
16 right. Thank you.

17 MR. STERN: Thank you.

18 CHAIRPERSON MILLER: Okay. Let's
19 go. All right. Then our next hearing is
20 scheduled for 11:00 a.m., so the Board is
21 going to recess until then.

22 (Whereupon, the Show Cause Hearing

1 in the above-entitled matter was concluded at
2 10:28 a.m.)

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