

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

IN THE MATTER OF:

Abal, LLC t/a Cher Cher  
Ethiopian Restaurant & Mart                      Show Cause  
1334 9th Street, NW                                  Hearing  
Retailer CR - ANC-2F  
License No. 90311  
Case #13-CMP-00570

(Substantial Change without  
Board Approval - Increase in  
Occupancy)

August 6, 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  
HERMAN JONES, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

LOUISE PHILLIPS, OAG

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Closing Statement by Government. . . . . .28  
Closing Statement by Licensee. . . . . .32

WITNESS	DIRECT CROSS
Alemayehu Abebe	14

EXHIBITS	IDENTIFIED	RECEIVED
GOVERNMENT		
1 - Case Report	10	10

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

(1:38 p.m.)

CHAIRPERSON MILLER: Okay. We have a quorum and the others will be joining us momentarily.

I'm going to call Case No. 13-CMP-00570, Cher Cher Ethiopian Restaurant & Mart located at 1334 9th Street, N.W., License No. 90311, in ANC-2F. Okay. So whenever you are ready, if you could sign-in and then introduce yourself for the record?

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia. Good afternoon, Board Members.

CHAIRPERSON MILLER: Okay. Next?

MR. ABEBE: Hi, I'm Alemayehu Abebe, owner of Cher Cher Ethiopian Restaurant & Mart.

CHAIRPERSON MILLER: Could you repeat your name again? I know you are the owner. I just missed your name.

MR. ABEBE: Alemayehu Abebe.

1 CHAIRPERSON MILLER: Abebe. Okay.  
2 Got it. Thank you. And with you is?

3 MR. MEDHIN: A friend of him. My  
4 name is Fikre Medhin.

5 CHAIRPERSON MILLER: What is your  
6 last name again?

7 MR. MEDHIN: Medhin, M-E-D-H-I-N.

8 CHAIRPERSON MILLER: Okay. Great.  
9 Okay. This is a Show Cause Hearing.

10 And are there any preliminary  
11 issues?

12 MS. PHILLIPS: Sir? We had talked  
13 about stipulating to the facts in the report.  
14 And I believe I have an okay to stipulate to  
15 the facts in the report.

16 Do I, Mr. Abebe?

17 MR. ABEBE: Yes.

18 MS. PHILLIPS: Okay. So with the  
19 facts stipulated, this is a substantial change  
20 case and that's all the District will need to  
21 do both in opening, case in chief and resting.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Abebe, you stipulate that all the facts in the  
2 case report are true. Is that correct?

3 MR. ABEBE: True. I admit was  
4 explained. Yes.

5 CHAIRPERSON MILLER: Okay. Yes, I  
6 want to make sure, before we accept the  
7 stipulation. Yes, that you are really -- you  
8 understand what that means and everything.

9 MR. ABEBE: The stipulation I  
10 understand. Like it was explanation. Yes.

11 CHAIRPERSON MILLER: So because  
12 the Government has the burden of proof to  
13 prove facts that support the violation, and  
14 the basis for their charge are the facts in  
15 the report.

16 So you agree that whatever is said  
17 in the report is true?

18 MR. ABEBE: Except one thing only  
19 is almost I need some explanation there. The  
20 last part, but I agree with the report.

21 CHAIRPERSON MILLER: What don't  
22 you agree with?

1 MR. ABEBE: My --

2 CHAIRPERSON MILLER: You -- I just  
3 want to get -- make sure before she says that  
4 all these facts that are in evidence are true.  
5 If there is something in the case report that  
6 you don't agree is true, which is your right  
7 to give, you know, your version of the facts,  
8 then you need to let us know that.

9 You may have other things that you  
10 want to say outside of the report, but I just  
11 want to just make sure that you agree to all  
12 the facts that are in the report.

13 MR. ABEBE: Yes.

14 CHAIRPERSON MILLER: Yes?

15 MR. ABEBE: Yes, I do.

16 CHAIRPERSON MILLER: Okay. So you  
17 are just going to be arguing law or what?

18 MS. PHILLIPS: I'm just going to  
19 stipulate to the facts and, you know, the  
20 facts meet the charge.

21 CHAIRPERSON MILLER: Okay. Oh,  
22 the penalty?

1 MS. PHILLIPS: Which is  
2 substantial change. And so the next  
3 qualification is penalty and moving the report  
4 into evidence.

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: So whatever order  
7 you want me to do that in, that's fine with  
8 me.

9 CHAIRPERSON MILLER: Okay. Let me  
10 just figure out what -- and how do you see  
11 your case going procedurally, so that I know?  
12 If she puts all this into evidence that you  
13 have agreed to, they are all the facts that  
14 support the charges.

15 And then she is -- we are saying  
16 then the only issue would be probably the  
17 penalty. Is that what you agree to just to  
18 arguing the penalty?

19 MR. ABEBE: Only the penalty. The  
20 situation and I have to explain and why is  
21 what is going on when the Inspector -- what we  
22 discuss with the Inspectors. And how they

1 send me this penalty and how I go through to  
2 set up all these problem and that is, you  
3 know, according to my business is two years  
4 business.

5 And one thing, you know, from  
6 this, the whole thing the last time when the  
7 Investigator came with the Inspector --

8 CHAIRPERSON MILLER: Okay. Let me  
9 stop you, because I don't want you to testify  
10 right now. But are you going to want to just  
11 give an explanation for this, but not contest  
12 the truth of this report?

13 MR. ABEBE: I'm not contest the  
14 truth.

15 CHAIRPERSON MILLER: Okay. All  
16 right. All right. So are you all satisfied  
17 that --

18 MEMBER ALBERTI: Yes. You are  
19 running it.

20 CHAIRPERSON MILLER: Okay. All  
21 right. So --

22 MS. PHILLIPS: I'm beginning to

1 feel a little more uncomfortable now with the  
2 stipulation and his understanding of the  
3 stipulation. So I guess you have to rule  
4 based on what you heard, whether or not we  
5 should continue with the stipulation.

6 I believe he is saying that he is  
7 not contesting the facts, but then he wants to  
8 talk about what the Investigators did on the  
9 last meeting at his establishment. And you  
10 know, the report says what she did.

11 CHAIRPERSON MILLER: Right.

12 MS. PHILLIPS: And I guess it was  
13 Supervisor Stewart came with her, that's last  
14 time. So I don't have a problem with that if  
15 the Board feels like that's acceptable.

16 We could also if in his case in  
17 chief, he goes beyond, we could call rebuttal  
18 and Ms. Corrales can come up and straighten  
19 whatever questions we have from his side of  
20 the story.

21 But basically, it's all in the  
22 report.

1 CHAIRPERSON MILLER: Yes.

2 MS. PHILLIPS: And if you are  
3 comfortable with his discussion --

4 CHAIRPERSON MILLER: Right.

5 MS. PHILLIPS: -- because I'm  
6 hearing two things.

7 CHAIRPERSON MILLER: Right.

8 MS. PHILLIPS: I would move that  
9 the case report, at a minimum, be moved into  
10 evidence.

11 CHAIRPERSON MILLER: Oh, the case  
12 report, I'll admit into evidence, that's  
13 evidence. So this is evidence.

14 (Whereupon, the above-referred to  
15 document was marked as Government  
16 Exhibit 1 for identification and  
17 was received into evidence.)

18 CHAIRPERSON MILLER: I just want  
19 to clarify one more time though if there is  
20 anything that you differ with in the facts of  
21 this report, otherwise, we are going to --  
22 it's going to be stipulated.

1 MR. ABEBE: I am saying that  
2 report is missing something.

3 CHAIRPERSON MILLER: Okay.

4 MR. ABEBE: I accept the whole  
5 thing.

6 CHAIRPERSON MILLER: Okay.

7 MR. ABEBE: But there is missing.

8 CHAIRPERSON MILLER: Okay.

9 MR. ABEBE: The last part.

10 CHAIRPERSON MILLER: Okay.

11 MR. ABEBE: When the Inspector  
12 and --

13 CHAIRPERSON MILLER: Okay. That's  
14 fine. So you will stipulate to the facts in  
15 the report and then add some. You are allowed  
16 to add things, okay, for your case. Do you  
17 have an objection with that?

18 MS. PHILLIPS: I do not have an  
19 objection to that. And we can call Ms.  
20 Corrales in rebuttal to answer any questions  
21 that are raised.

22 CHAIRPERSON MILLER: That are

1 raised.

2 MS. PHILLIPS: That can't be  
3 answered.

4 CHAIRPERSON MILLER: Exactly.

5 MS. PHILLIPS: I also have copies  
6 of the pictures in color for you if you don't  
7 have them. I often find that helpful.

8 CHAIRPERSON MILLER: Thank you.  
9 Do you all have color pictures? I have.

10 MS. PHILLIPS: If I don't make  
11 copies, you don't have them. If I do make  
12 copies, you do have them.

13 CHAIRPERSON MILLER: No, I --

14 MS. PHILLIPS: You do have them.

15 CHAIRPERSON MILLER: -- am the  
16 only one, I think, that has them.

17 MEMBER ALBERTI: Ms. Walker will  
18 get them from you.

19 MS. PHILLIPS: Okay. Thank you.

20 CHAIRPERSON MILLER: I'm the only  
21 one that has them.

22 MS. PHILLIPS: I didn't make

1 copies for everybody. It's sort of a share  
2 mode today.

3 CHAIRPERSON MILLER: Okay. So  
4 where we are is that the case report is  
5 admitted into evidence. It is part of the  
6 record. Anyway, the facts in the case report  
7 are stipulated by both parties.

8 MEMBER SHORT: Oh, okay.

9 CHAIRPERSON MILLER: Do you have  
10 more for your case, at this point?

11 MS. PHILLIPS: No. I usually ask  
12 for penalty in closing, but I can ask for it  
13 now if he wants to argue against the penalty.  
14 It's really at the discretion of the Board.

15 CHAIRPERSON MILLER: Okay. Why  
16 don't you do that?

17 MS. PHILLIPS: Well, the  
18 Government recommends a fine for these charges  
19 as \$1,500.

20 CHAIRPERSON MILLER: Okay. Do you  
21 want to give a reason?

22 MS. PHILLIPS: No.

1 CHAIRPERSON MILLER: Okay. Are  
2 you going to rest your case, at this point?

3 MS. PHILLIPS: I rest my case.

4 CHAIRPERSON MILLER: Okay. Now, I  
5 assume -- I'm going to put you under oath.  
6 You can stay there if you want, but I assume  
7 you are going to be giving testimony or  
8 evidence for your case. She is an attorney,  
9 so she is not under oath. Okay.

10 Whereupon,

11 ALEMAYEHU ABEBE  
12 was called as a witness for the Licensee, and  
13 having been first duly sworn, assumed the  
14 witness stand and was examined and testified  
15 as follows:

16 CHAIRPERSON MILLER: Okay. So  
17 it's now your turn to present whatever facts  
18 or arguments you would like with respect to  
19 this incident.

20 DIRECT EXAMINATION

21 MR. ABEBE: Yes, I don't mind -- I  
22 don't say that much long and when the first

1 time the Inspector come to my place, she is,  
2 of course, she's right. The second time she  
3 came, that's right. And between that, I tried  
4 to change the place, the seat. 10 seat, 15  
5 people.

6 And I went to DCRA with a new plan  
7 here to change the place for 25 people. And  
8 it don't go through. This is -- I show him,  
9 the Inspector and the Mr. Stewart,  
10 Investigator, the final time when they come.  
11 Here is, I'm almost finished. And they -- he  
12 took me to the -- you know, there is a lot of  
13 people in the restaurant.

14 You know, restaurant is small and  
15 we talked to the owner. He say listen, I  
16 understand everything. You know, what's your  
17 problem?

18 But I check in DCRA whether we  
19 apply or not. And secondly, if I would come  
20 tomorrow morning, he said I will come tomorrow  
21 morning. If it is more than 10 seat, I will  
22 give you a ticket. Why he say that?

1                   And after I said I said I move all  
2                   seats. He didn't show up. He didn't show up.  
3                   After certain days, I got a ticket, \$2,000  
4                   ticket.

5                   Well, why Inspector and  
6                   Investigator they can give me a ticket right  
7                   there? And I tried to change it really. I  
8                   went -- this change does not go through and I  
9                   decide it was landlord.

10                   And December 27th, I submit the  
11                   plan. And after almost seven months, I got  
12                   for the second level floor to seat 47 seats.

13                   So I don't want to, you know,  
14                   violate everything, anything, but it is a  
15                   small business. People go into McDonalds, if  
16                   100 people, you know, you can't say, you know,  
17                   this is new business.

18                   I tried to, you know, get at least  
19                   -- you know, I understand. At the same time,  
20                   I violate the number of seats. But when  
21                   customer come, I cannot move the customer out.  
22                   It's in hard position.

1                   So right now, when I got ticket I  
2                   come here and I talked to Ms. Martha and she  
3                   present to the legal power and I discuss with  
4                   her and she say if you go into court, you will  
5                   be fined \$4,000.

6                   In that case, I don't know. Then  
7                   no, no, no, I want a hearing. I come to  
8                   hearing here. Ultimately for Government, he  
9                   gave me \$1,250. If you agree with this,  
10                  that's fine, unless you go to the court.

11                  I am asking you, this is a small  
12                  business, 10 seats. \$2,000 too much. And the  
13                  \$1,500 is too much.

14                  CHAIRPERSON MILLER: You know what  
15                  I --

16                  MR. ABEBE: So --

17                  CHAIRPERSON MILLER: -- would like  
18                  you to go over there actually. If you don't  
19                  mind. Would you take the witness stand? It's  
20                  okay, because I have a feeling there are going  
21                  to be some questions and I think it's going to  
22                  be easier for people to face you over there.

1                   You are playing both roles, you  
2 know, witness and like representative. But I  
3 didn't mean to disrupt your train of thought,  
4 but I thought that might be easier for  
5 everyone when we do the questions.

6                   Okay. So I hear you. You left  
7 off where you thought it was too high. Okay.

8                   MR. ABEBE: Yes. And this is  
9 small business, 10 seats. I never had any  
10 problems with the community. I'm working with  
11 community very good. We -- and the city very  
12 good. So I want this Board to look at the  
13 situation, you know, how a new business, I  
14 didn't deny the fact at all.

15                   But I want to, you know, reduce  
16 and, you know, 10 seats restaurant to pay that  
17 much, that's -- it's a lot for me. And I'm  
18 not profiting too view yet the second floor.  
19 I got borrow from the bank and I try to be a  
20 nicely and serve the community. And I just  
21 want to say this, that's what I want to  
22 explain. Thank you.

1 CHAIRPERSON MILLER: Thank you.

2 Okay. Ms. Phillips, did you have some cross-  
3 exam?

4 MS. PHILLIPS: No, Madam Chair.  
5 Thank you.

6 CHAIRPERSON MILLER: Okay. Are  
7 there Board questions? Yes, Mr. Short?

8 MEMBER SHORT: Good afternoon,  
9 sir. The law is in place for specific  
10 reasons. The number of people that are  
11 allowed to come into a business whether it is  
12 small or big is based on the number of exits  
13 you have and the safety of the people that are  
14 there. When you exceed those laws, you put  
15 the community in danger.

16 Do you understand that?

17 MR. ABEBE: (No audible answer.)

18 MEMBER SHORT: Small business or  
19 not, do you understand you put people in  
20 danger when you violate the law?

21 MR. ABEBE: Yes. Yes, I do.

22 MEMBER SHORT: Do you realize

1 that?

2 MR. ABEBE: Yes, I do.

3 MEMBER SHORT: Okay. Thank you.

4 That's all I have, Madam Chair.

5 CHAIRPERSON MILLER: Okay.

6 Others?

7 I just want to be clear on the  
8 facts what your difference is. You were  
9 warned about the extra seats and when did you  
10 make a change and when did you get the  
11 penalty? When did you get a citation? You  
12 were warned how many times?

13 MR. ABEBE: Two times.

14 CHAIRPERSON MILLER: Two times.

15 After two times, you changed the seats or you  
16 just went to -- or you changed drawings?

17 MR. ABEBE: I tried to change the  
18 -- I apply for DCRA.

19 CHAIRPERSON MILLER: Okay. You  
20 applied for DCRA. Did you change the seats?

21 MR. ABEBE: Yeah, I tried to  
22 change the seat, but --

1 CHAIRPERSON MILLER: What do you  
2 mean you tried?

3 MR. ABEBE: Yeah, I change the  
4 seat.

5 CHAIRPERSON MILLER: Did you add  
6 the 10?

7 MR. ABEBE: And he didn't show up  
8 after that. He came -- he said -- he came  
9 with Inspector and Investigator, they came the  
10 last time together and he said if you -- you  
11 know, I will come tomorrow. Move all these  
12 chair. If I come tomorrow, I give you ticket.  
13 That is his word.

14 CHAIRPERSON MILLER: Okay.

15 MR. ABEBE: And he didn't show up.

16 CHAIRPERSON MILLER: He didn't  
17 show up.

18 MR. ABEBE: After so many days, I  
19 got a ticket.

20 CHAIRPERSON MILLER: So you got a  
21 ticket anyway? He did never come and saw that  
22 you had changed back?

1 MR. ABEBE: Yes.

2 CHAIRPERSON MILLER: Is that  
3 right?

4 MR. ABEBE: Yes. I still 10 seat  
5 there.

6 CHAIRPERSON MILLER: And why  
7 didn't you change after the first warning?

8 MR. ABEBE: As I said, you know, I  
9 tried to change the -- through the process  
10 through DCRA and she say you got 15 days to  
11 change it, the whole thing. I tried there and  
12 it should be two bathroom instead of extend  
13 the number of seats. The space is enough.  
14 The problem is 15 seats if you have one  
15 bathroom.

16 I have only one bathroom. If I  
17 have two bathroom, I can be up to 25 people

18 CHAIRPERSON MILLER: Right.

19 MR. ABEBE: So this process, you  
20 know, doesn't go through and I change. I  
21 apply -- the same thing, I take the upstairs  
22 it takes me seven months to get the permit.

1 CHAIRPERSON MILLER: Okay. So you  
2 know that while you are waiting to get a  
3 permit you have to have the seats that are  
4 allowed without the permit? You know that,  
5 right, while you are in the process of  
6 applying?

7 MR. ABEBE: Yes, Your Honor, but  
8 finally, he said move. I moved all seats.  
9 And he didn't show up. I got ticket.

10 CHAIRPERSON MILLER: Okay. And  
11 how many seats do you have there now?

12 MR. ABEBE: 10 seat.

13 CHAIRPERSON MILLER: What?

14 MR. ABEBE: The new one is 48  
15 seats.

16 CHAIRPERSON MILLER: What?

17 MR. ABEBE: According to the --

18 CHAIRPERSON MILLER: No, what do  
19 you have now?

20 MR. ABEBE: 10 seats.

21 CHAIRPERSON MILLER: 10 seats?

22 MR. ABEBE: Yes.

1 CHAIRPERSON MILLER: Okay. But  
2 you have applications in to DCRA or no?

3 MR. ABEBE: For?

4 CHAIRPERSON MILLER: For more  
5 bathrooms, for more --

6 MR. ABEBE: Yes. It's I brung it  
7 there. I got upstairs. I'm building now  
8 upstairs. We be 48 seats total.

9 CHAIRPERSON MILLER: Okay.

10 MR. ABEBE: That is a permit I can  
11 show you.

12 CHAIRPERSON MILLER: Okay. Did  
13 you want to put that into the record?

14 MR. ABEBE: Yes, ma'am.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER SHORT: Madam Chair?

17 CHAIRPERSON MILLER: Yes?

18 MEMBER SHORT: If I can interject?  
19 Has that plan been approved?

20 CHAIRPERSON MILLER: I have no  
21 idea exactly what the plan is.

22 MR. ABEBE: It has been approved.

1 CHAIRPERSON MILLER: It has been  
2 approved by DCRA?

3 MS. PHILLIPS: I object.

4 MR. ABEBE: Yes.

5 MS. PHILLIPS: I would object to  
6 admitting it, because it's just not relevant  
7 for this case. The one he has got going on  
8 now has nothing to do with what we are here to  
9 discuss today, which are violations.

10 I object --

11 CHAIRPERSON MILLER: Right. I  
12 understand what you are saying.

13 MS. PHILLIPS: -- to relevance. I  
14 didn't have my mike on. And they had -- he  
15 had three visits and on all three visits he  
16 was out of compliance. So what he has going  
17 on now has nothing to do with what happened  
18 then. And therefore, it is not relevant and  
19 I object to admitting it.

20 CHAIRPERSON MILLER: Okay. I  
21 understand. I was listening to the testimony  
22 on it. Only to what his intent is in the

1 future. But it does not really affect whether  
2 you were in violation, so I would agree, it  
3 shouldn't come into evidence.

4 But your testimony is in evidence.  
5 Okay. All right. Is that it? Wait a minute.  
6 Board Members may have some questions, other  
7 than me. Who has a question?

8 MEMBER ALBERTI: Okay. I will  
9 ask.

10 CHAIRPERSON MILLER: Yes.

11 MEMBER ALBERTI: Mr. Abebe, this  
12 is -- just bear with me here. So you have  
13 gone to DCRA to get permits for the upstairs.  
14 Is that correct?

15 MR. ABEBE: Yes.

16 MEMBER ALBERTI: All right. I'm  
17 trying to understand what your testimony was.  
18 All right. So you have -- DCRA has told you  
19 how many seats they allow upstairs. They have  
20 also told you how many seats they allow  
21 downstairs. Is that correct? You have two  
22 numbers?

1 MR. ABEBE: No, total, 48, no.  
2 It's not still open the place. I still have  
3 the lower level 10 seats. I didn't open the  
4 upstairs.

5 MEMBER ALBERTI: And so according  
6 to DCRA currently, right now today, says that  
7 you are only allowed to have 10 seats  
8 downstairs?

9 MR. ABEBE: Yes.

10 MEMBER ALBERTI: Thank you. No  
11 further questions.

12 CHAIRPERSON MILLER: Okay.  
13 Others? Any questions on Board questions?

14 MS. PHILLIPS: No thank you, Madam  
15 Chair.

16 CHAIRPERSON MILLER: Okay.

17 MR. ABEBE: Thank you.

18 CHAIRPERSON MILLER: Thank you.

19 Does that complete your case?

20 MR. ABEBE: Yes.

21 CHAIRPERSON MILLER: Okay. Are  
22 you bringing any rebuttal witness, Ms.

1 Phillips?

2 MS. PHILLIPS: No, I don't think I  
3 need to bring a rebuttal witness, unless the  
4 Board has questions that they want to ask the  
5 Investigators based on the information that  
6 came into evidence during the case in chief of  
7 the respondent.

8 CHAIRPERSON MILLER: Does anybody?  
9 No. So are you ready for closing?

10 MS. PHILLIPS: Yes, Madam Chair.

11 CHAIRPERSON MILLER: Okay. So Ms.  
12 Phillips will give a closing and then you will  
13 have an opportunity to also give a closing,  
14 which is like an argument about your case.  
15 Okay.

16 MS. PHILLIPS: Well, since the  
17 case report is in evidence, all the  
18 information is there, but there were three  
19 visits in this case and three violations which  
20 resulted in the Government issuing one charge  
21 for the violation, which occurred so much --  
22 there is such an echo in here.

1 MEMBER ALBERTI: We're getting a  
2 lot of feedback. Can I --

3 MS. PHILLIPS: That's not --  
4 that's disturbing me. Is it disturbing you?

5 MEMBER ALBERTI: Ms. Miller, if I  
6 may, I'm just going to turn down the volume  
7 just a little bit and see if that helps.

8 CHAIRPERSON MILLER: Okay.

9 MS. PHILLIPS: Thank you, Mr.  
10 Alberti.

11 MEMBER ALBERTI: You're welcome.

12 MS. PHILLIPS: That seems to be a  
13 little better.

14 CHAIRPERSON MILLER: Okay. So on  
15 October 2nd, Ms. Corrales went for a totally  
16 different matter to find out about quarterly  
17 reports and as she is required to do and as  
18 the report says, she conducts a regulatory  
19 inspection and found the violation there.

20 In that particular case, she said  
21 she needed to do a little more inquiry. She  
22 came into debt and then she went back on

1       October 4th and there was even a more  
2       significant violation, more tables were out.

3                       And in that time, she said that  
4       she would issue the warning and that she would  
5       come back in 10 days to see if he was in  
6       compliance. That wasn't that he wasn't going  
7       to get a fine. That was he going to be in  
8       compliance because it's my understanding and  
9       the report sort of bears that out, that one of  
10      the things Investigators try to do is educate  
11      small business owners and the establishment  
12      owners and general managers about what the law  
13      is and how we see it as the Government  
14      representative.

15                      So she comes out more than 10 days  
16      later on October 22nd and he is still in  
17      violation. Now, he does explain, from what I  
18      read in the report, that he is trying to work  
19      with DCRA, etcetera, etcetera.

20                      The problem with that, and as I  
21      explained to him, and I should put in the  
22      record, is that he has a voluntary agreement,

1       which I understand are now called settlement  
2       agreements. And the voluntary agreement says  
3       the same thing that he should not exceed 10  
4       seats or 15 total occupancy.

5                       So I have told him that there is a  
6       three tiered process for him and that if he  
7       has any trouble, he can call Ms. Jenkins,  
8       because Ms. Jenkins came out and volunteered  
9       to be his contact point with ABRA. So if he  
10      has any questions along the steps of the way,  
11      he can get ABRA's take on what he needs to do.

12                      So my understanding from the  
13      evidence that he presented is DCRA hasn't  
14      given him the information that he has the new  
15      Certificate of Occupancy. And therefore, he  
16      has not told ABRA and, therefore, ABRA doesn't  
17      know what he has, so we are still in the 10  
18      and 15.

19                      Then he has to go to the community  
20      with regard to the voluntary agreement. So  
21      it's a three-step process. He hasn't complied  
22      with any of the steps. He was in violation

1 three days. We issued one charge. It's a  
2 primary and it's his first primary and the  
3 fine range is \$1,000 to \$2,000. So it seems  
4 like \$1,500 is a fair statement.

5 If the Government had been at its  
6 harshest, which it sometimes is, it could have  
7 charged him with three violations for the  
8 three dates that he was out of compliance.  
9 Thank you, Madam Chair.

10 CHAIRPERSON MILLER: Okay. Thank  
11 you. Okay.

12 MR. ABEBE: The fact I didn't deny  
13 it, but still I stress the last time the  
14 Inspector in the investigation came to my  
15 place and say I will come tomorrow and if I  
16 see more than 10 seats, I'll give you a  
17 ticket. This is his word.

18 So as I said before, I do not deny  
19 there is a violation, but the violation with  
20 explanation, I don't want to harm anybody, any  
21 one being. You know, whether 10 or 15 or 20,  
22 the problem is one restroom, because of that.

1 And I want to fix that one and you see I tried  
2 to fix the problem for permanent. I did now.

3 I have building permit,  
4 everything, so I want to see -- you know, I  
5 want your good faith and to see the situation.  
6 I thank you.

7 CHAIRPERSON MILLER: Okay. That  
8 concludes --

9 MEMBER JONES: I have a short  
10 question.

11 CHAIRPERSON MILLER: You have a  
12 question?

13 MEMBER JONES: Is it too late?

14 CHAIRPERSON MILLER: Is it too  
15 late for questions?

16 MEMBER JONES: Yes.

17 CHAIRPERSON MILLER: Okay. So the  
18 record is closed, at this time. And --

19 COURT REPORTER: Your microphone.

20 CHAIRPERSON MILLER: -- this does  
21 not seem like the type of case where you would  
22 want --

1                   MEMBER JONES: Madam Chair, your  
2 microphone is off.

3                   CHAIRPERSON MILLER: The case is  
4 closed. I don't believe that you would want  
5 to file proposed findings of fact and  
6 conclusions of law in this kind of case.

7                   MR. ABEBE: Yes.

8                   MS. PHILLIPS: The District of  
9 Columbia declines your generous offer, Madam  
10 Chair.

11                   CHAIRPERSON MILLER: Okay. It's  
12 like somewhat of a formal thing, but parties  
13 could file legal briefs setting forth their  
14 proposed findings of facts and conclusions of  
15 law. You have already agreed to your facts  
16 in the stipulation there, plus your testimony.  
17 Do you want to file a legal brief?

18                   MR. ABEBE: (No audible answer.)

19                   CHAIRPERSON MILLER: I'm sorry.  
20 It's probably just confusing you.

21                   MR. ABEBE: Just --

22                   MEMBER SILVERSTEIN: Only lawyers

1 do it.

2 CHAIRPERSON MILLER: Yes.

3 MR. ABEBE: -- see the situation  
4 and decide I accept your decision.

5 CHAIRPERSON MILLER: Okay. So the  
6 Board will deliberate in Executive Session  
7 based on the testimony and the case report and  
8 evidence in the record and we will issue a  
9 decision within 90 days.

10 And I am just going to take a vote  
11 from the Board Members to deliberate this case  
12 in an Executive Session.

13 As Chairperson of the Alcoholic  
14 Beverage Control Board for the District of  
15 Columbia and in accordance with Section 405 of  
16 the Open Meetings Amendment Act of 2010, I  
17 move that the ABC Board hold a closed meeting  
18 for the purpose of seeking legal advice from  
19 our counsel on Case No. 13-CMP-00570, Cher  
20 Cher Ethiopian Restaurant & Mart, per Section  
21 405(b)(4) of the Open Meetings Amendment Act  
22 of 2010, and deliberating upon this case for

1 the reasons cited in Section 405(b)(13) of the  
2 Open Meetings Amendment Act of 2010.

3 Is there a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON MILLER: Mr. Short has  
6 seconded the motion. I will now take a vote  
7 on the motion now that it has been seconded.

8 Mr. Brooks?

9 MEMBER BROOKS: I agree.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON MILLER: Mr.

13 Rodriguez?

14 MEMBER RODRIGUEZ: I agree.

15 CHAIRPERSON MILLER: Ms. Miller  
16 agrees.

17 Mr. Silverstein?

18 MEMBER SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: Mr. Short?

20 MEMBER SHORT: I agree.

21 CHAIRPERSON MILLER: Mr. Jones?

22 MEMBER JONES: I agree.

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CHAIRPERSON MILLER: Okay. The  
vote is 7-0-0, so the motion has passed.

I hereby give notice that the ABC  
Board will hold this aforementioned closed  
meeting and we will issue a written decision  
within 90 days.

Okay. Thank you very much. Okay.

(Whereupon, the Show Cause Hearing  
in the above-entitled matter was concluded at  
2:07 p.m.)

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