

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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M & M Beer & Wing, Inc. :

t/a M & M Market :

3544 East Capitol Street NE :

:

License No. 78461 :

ANC 7F :

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AUGUST 12, 2015

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

PRESENT:

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

- HERMAN JONES, Member

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

2 2:03 p.m.

3 CHAIRPERSON MILLER: Okay, good afternoon.

4 MR. MEBRAHTU: Good afternoon.

5 CHAIRPERSON MILLER: This is the case of
6 M&M Market, located at 3544 East Capitol Street,
7 Northeast, License No. 78461 in ANC 7F. Okay, my
8 understanding is that we have an interpreter here.

9 MR. TEKLE: Yes.

10 CHAIRPERSON MILLER: Okay, can I swear you
11 in, first of all, and I understand that language is
12 Tigrinya.

13 MR. TEKLE: That's correct.

14 (Interpreter was sworn.)

15 CHAIRPERSON MILLER: And your name is?

16 MR. TEKLE: Habtom Tekle.

17 CHAIRPERSON MILLER: Okay, I can't hear
18 you. Your last name is what?

19 MR. TEKLE: Tekle. T-E-K-L-E.

20 CHAIRPERSON MILLER: T-E-K-L?

21 MR. TEKLE: E.

22 COURT REPORTER: Sir, can I ask you to

1 speak up?

2 CHAIRPERSON MILLER: You may sit -- the
3 microphone is on the table. So, she needs you to be
4 -- you can sit down, if you'd like.

5 MR. TEKLE: Okay.

6 CHAIRPERSON MILLER: Okay.

7 MR. TEKLE: My name is Habtom Tekle and
8 Habtom is H-A-B-T-O-M, and Tekle is T-E-K-L-E.

9 CHAIRPERSON MILLER: Okay, so, both
10 individuals that you're seated with need an
11 interpreter?

12 MR. MELES: No, Your Honor, I am the
13 attorney for --

14 CHAIRPERSON MILLER: You're the attorney?
15 Okay, let's have you introduce yourself. I thought
16 you looked a little familiar.

17 MEMBER RODRIGUEZ: We thought you looked
18 like an attorney.

19 CHAIRPERSON MILLER: Yes, okay, let's
20 start with you then.

21 MR. MELES: Yes, my name is Kiflom Meles.
22 I'm the attorney for the licensee M&M Beer and Wine.

1 CHAIRPERSON MILLER: Could you spell your
2 last name please?

3 MR. MELES: It is M-E-L-E-S.

4 CHAIRPERSON MILLER: Okay, and you're
5 with?

6 MR. MEBRAHTU: Amamuel Mebrahtu.

7 CHAIRPERSON MILLER: Can he spell his last
8 name or can --

9 MR. MEBRAHTU: A-M-A-M-U-E-L, Amamuel, M-
10 E-B-R-A-H-T-U.

11 CHAIRPERSON MILLER: That's you?

12 MR. MEBRAHTU: That's the last name.

13 CHAIRPERSON MILLER: Okay, so, we have a
14 letter from Mr. Mebrahtu, asking for this hearing.

15 Okay, I think that this hearing is a
16 result of the Board's having issued a cease and
17 desist, effective July 27th, 2015, for this
18 establishment.

19 The cease and desist was primarily
20 premised on the District of Columbia Office of
21 Administrative Hearings case, with respect to M&M
22 Beer, Case No. 2015-DCRA-00030, in which it appears

1 that the licensee's basic business license was
2 revoked.

3 Okay, I think at this point, I'll let Mr.
4 Meles address why you requested a hearing or what
5 you're actually seeking.

6 MR. MELES: Thank you, Ms. Miller. The
7 reason for our request to reinstate the license is
8 one, the case has been appealed and is still pending.
9 There hasn't been a final decision yet. I didn't
10 appeal it myself. They did with some other attorney.

11 Two, my client is looking to sell the
12 business, along with the liquor license, therefore, he
13 would like to ask the Court to reinstate it, and
14 probably put it in safekeeping until the transaction
15 is sold.

16 CHAIRPERSON MILLER: Okay, so, I don't
17 think there is an issue. I'll hear from my colleagues,
18 if there is one that I am not aware of, but that --
19 about your putting the license in safekeeping, that's
20 what we would --

21 MR. MELES: Since he cannot do no business
22 --

1 CHAIRPERSON MILLER: Right.

2 MR. MELES: -- basic business has been
3 revoked and there hasn't been a final decision on the
4 appeal yet.

5 CHAIRPERSON MILLER: Right.

6 MR. MELES: So, basically, the only option
7 he has is to put it in safekeeping.

8 CHAIRPERSON MILLER: Okay, I think that is
9 the appropriate action to take. Are there any other
10 comments from Board Members?

11 MEMBER ALBERTI: Well -- go ahead, I'm
12 sorry.

13 CHAIRPERSON MILLER: Okay, so, I ask Mr.
14 Meles what was the purpose of this hearing. We went
15 through the background as to why the -- why we issued
16 the cease and desist, and he is asking that the
17 license be placed in safekeeping and my reaction was
18 that it seems like the appropriate action to take,
19 since the license is not being used at this point. Do
20 you have any objection to that?

21 MEMBER ALBERTI: Well, I -- here is my
22 opinion. Well, first let me state, and I just -- I

1 just double-checked this with one of our attorneys,
2 that you could sell or transfer the license even
3 though the cease and desist order is in place, and
4 then the Board would address that once that transfer
5 or sale of the license is -- progresses through our
6 process.

7 But there is -- so, I don't see a need to
8 put this in safekeeping.

9 CHAIRPERSON MILLER: Well, I think that's
10 usually the appropriate place for a license that's not
11 being used.

12 Where is the license right now?

13 MR. MELES: I think it's here.

14 MEMBER ALBERTI: All right, well --

15 CHAIRPERSON MILLER: Here?

16 MR. MELES: Yes.

17 CHAIRPERSON MILLER: Okay, you want it to
18 just stay here right now?

19 MR. MELES: Stay there.

20 MEMBER ALBERTI: All right, but the cease
21 and desist would still stay in place.

22 MR. MELES: In effect.

1 CHAIRPERSON MILLER: Yes.

2 MEMBER ALBERTI: Still be in effect?

3 MR. MELES: Right.

4 MEMBER ALBERTI: All right, I have no
5 problem with that.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: All right, I just want to
8 speak to the statement that this has been appealed.

9 MR. MELES: Right.

10 MEMBER ALBERTI: So, has -- you said this
11 -- the decision of the -- okay, there was a decision
12 of an administrative --

13 MR. MELES: Hearing, correct.

14 MEMBER ALBERTI: -- hearing's Judge, that
15 affirmed the revocation of the business license.

16 MR. MELES: Right.

17 MEMBER ALBERTI: Correct?

18 MR. MELES: Yes.

19 MEMBER ALBERTI: And you said that
20 decision has been appealed to the Court of Appeals?

21 MR. MELES: Yes.

22 MEMBER ALBERTI: Has the Court of Appeals

1 ruled?

2 MR. MELES: Not yet.

3 MEMBER ALBERTI: Not yet, so, the -- so,
4 it hasn't been stayed, that decision of the
5 administrative hearing's Judge has not been stayed.

6 MR. MELES: No.

7 MEMBER ALBERTI: So, the revocation of the
8 business license is still in effect?

9 MR. MELES: Yes.

10 MEMBER ALBERTI: Okay, great. I just want
11 to make sure I understand who is who.

12 So, the owner of this business is who?

13 MR. MELES: The owner of the license is
14 Mr. Amamuel, who is present to my left.

15 MEMBER ALBERTI: Mister, what is his name
16 again? I want to make sure we have it right in the
17 record.

18 MR. MELES: Amamuel Mebrahtu.

19 MEMBER ALBERTI: Okay, okay.

20 CHAIRPERSON MILLER: He also has an
21 interpreter, Mr. Alberti.

22 MEMBER ALBERTI: All right.

1 CHAIRPERSON MILLER: He has an
2 interpreter, just to let you know.

3 MEMBER ALBERTI: So, I know, because he's
4 hearing what I'm saying.

5 MR. MELES: Correct.

6 MEMBER ALBERTI: It's just interesting
7 that someone else at the administrative hearings,
8 someone else appeared.

9 MR. MELES: That was the manager.

10 MEMBER ALBERTI: That was the manager?

11 MR. MELES: Correct.

12 MEMBER ALBERTI: Okay, all right. All
13 right, I have nothing to add. Thank you.

14 CHAIRPERSON MILLER: Anyone else? Ma'am,
15 do you want to come forward?

16 MS. MITCHELL: I'm Carolyn Mitchell. I'm
17 the neighborhood advocate and the ABC license, he was
18 in the process of buying the business.

19 So, the ABC license is already in his
20 name, but the DCRA license, the business license is
21 not in his name.

22 MEMBER ALBERTI: Whoa. So, explain to me,

1 what's going on here. What do you mean he is in the
2 process of buying the business?

3 MS. MITCHELL: Well, he was at the time of
4 the incident of the store closing. He was in the
5 process of buying it and he did not transfer the DCRA
6 license, the basic business license into -- he didn't
7 actually do it on paper yet.

8 MEMBER ALBERTI: So, he had transferred
9 the alcohol --

10 MS. MITCHELL: Yes.

11 MEMBER ALBERTI: He had transferred the
12 alcohol --

13 MS. MITCHELL: License.

14 MEMBER ALBERTI: -- license, all right.
15 So, Mister -- I'm sorry, Mebrahtu, you transferred the
16 license -- the alcohol beverage license into your
17 name?

18 MR. MEBRAHTU: Yes.

19 MEMBER ALBERTI: All right, not that I
20 don't believe you, I need for the record to have it
21 come --

22 MS. MITCHELL: I'm here at his request.

1 MEMBER ALBERTI: And that's fine, but I
2 just still need to have him state it, so that we have
3 it -- not just someone else telling me this. That's
4 -- I believe you, all right, and you're being very
5 helpful.

6 So, but he never transferred -- he never
7 transferred the business license to his corporation?

8 MS. MITCHELL: The basic business license
9 is still in the old -- the previous owner's name.

10 MEMBER ALBERTI: Okay.

11 MS. MITCHELL: So, the business is being
12 shut down under that owner. I don't understand his --

13 MEMBER ALBERTI: Okay, fine.

14 MS. MITCHELL: Should he re-apply for a
15 new license for his name or --

16 MEMBER ALBERTI: I can't advise you, but
17 this is -- it's important information to have.

18 So, I -- it was my -- I'll give you my
19 understanding, my understanding is that the basic
20 business license should have been transferred and that
21 Mister -- I'm sorry, his name again? Mr. Mebrahtu --
22 no, I'm no expert, I'm just going out on a limb and

1 telling you my understanding of it.

2 Mr. Mebrahtu shouldn't have even been open
3 -- operating that business to begin with and should
4 have never been issued the license because the basic
5 business license wasn't in his name.

6 So, okay, so, but I don't know. I mean,
7 I'm also getting a note here that there is some other
8 agreement that DCRA has not -- does not recognize. I
9 don't know what's going on, but it all comes down to
10 the same thing.

11 There is no basic license. Mr. Mebrahtu
12 does not have a basic business license. So, the cease
13 and desist must stay in place.

14 MS. MITCHELL: Okay, so, the ABC license
15 is not just in his name, it's also in M&M?

16 MEMBER ALBERTI: No.

17 MS. MITCHELL: Yes, it is.

18 MEMBER ALBERTI: Well, he's the sole owner
19 of that corporation, according to our records, he is
20 the sole owner of that corporation.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: And the corporation's

1 name, I believe, I'm not sure I have it here, M&M Beer
2 and Wine, Incorporated, and he's listed as the sole
3 owner, Mr. Mebrahtu is listed as the sole owner of M&M
4 Beer and Wine, Incorporated.

5 I think I've spoken too much. I'm done.

6 CHAIRPERSON MILLER: Okay, and in any
7 event, it appears that he is the owner of the ABC
8 license, and just given the situation, you have
9 requested that the license be placed in safekeeping
10 and that's what's before us, and I think we would --
11 one second.

12 Okay, so, the license is in our
13 possession, so, you know, we do have that, but my
14 Counsel was saying that what you need to do to
15 formalize this is to put in a request in writing, that
16 it be placed in safekeeping, and then the Board will
17 vote on that request.

18 MR. MELES: Fill out an application for
19 safekeeping?

20 CHAIRPERSON MILLER: I guess so, fill out
21 an application for safekeeping, yes. So, you can get
22 that at the front desk, and if you have a question

1 about it, you can ask for Ms. Jenkins, and she'll be
2 happy to help you, I'm sure. Okay, all right,
3 anything else? Okay, thank you very much then. Okay,
4 that completes our hearings for today, and we'll be
5 back shortly to do our agenda.

6 (Whereupon, the above-entitled matter went
7 off the record at 2:17 p.m)

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