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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X  
IN THE MATTER OF: :  
Lemma Holdings LLC, t/a Bliss: :  
2122 24th Street NE : :  
License #95711 : Case #15-251-00160  
Retailer CT : Summary Suspension  
ANC 5C : Hearing (Status)\*  
Follow-up to Summary : :  
Suspension Hearing on Oct. 7 : :  
- - - - - X

Wednesday, December 9,  
2015

Whereupon, the above-referenced matter  
came on for hearing at the Alcoholic Beverage  
Control Board, Reeves Center, 2000 14th Street,  
N.W., Suite 400S, Washington, D.C. 20009.

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CHAIRPERSON:

DONOVAN ANDERSON, Presiding

BOARD MEMBERS:

NICK ALBERTI

JAMES SHORT

RUTHANNE MILLER

MIKE SILVERSTEIN

ALSO PRESENT:

INVESTIGATOR KOFI APRAKU,

On behalf of ABRA

MAKAN SHIRAFKAN, ESQ.,

On behalf of the Licensee

1 [2:54 p.m.]

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

3 CHAIRMAN ANDERSON: We're now back on the  
4 record. The next case on the calendar is Case  
5 No. 15-251-00160, Bliss; License No. 95711.

6 Will the parties please approach. And  
7 please state your name and spell your name for  
8 the record, please, and your position.

9 MR. SHIRAFKAN: Sure. Makan Shirafkan,  
10 S-h-i-r-a-f, as in Frank, k-a-n, as Nancy;  
11 attorney for Bliss. For Makan, M-a-k-a-n. Along  
12 with me --

13 MR. ANDARGIE: Henock Andargie, H-e-n-o-  
14 c-k, first name. Andargie, A-n-d-a-r-g-i-e owner  
15 of Bliss.

16 CHAIRMAN ANDERSON: And I want to  
17 apologize to you. I know this hearing was  
18 scheduled for 2:00. But we had an interesting  
19 morning and so we had a longer lunch break. I do  
20 appreciate everyone's time so I do apologize for  
21 our tardiness. And I hope you don't have to come  
22 back in front of us. But, if you have to, I'll

1 trying to make sure that we're more timely.

2 Okay.

3 MR. SHIRAFKAN: Not a problem at all.

4 CHAIRMAN ANDERSON: Now we're waiting for  
5 our investigator who is somewhere in the  
6 building.

7 MR. SHIRAFKAN: Make sure it's not as  
8 interesting as morning, so --

9 CHAIRMAN ANDERSON: I'm sorry, sir?

10 MR. SHIRAFKAN: We'll try to, hopefully,  
11 not be as interesting as this morning

12 [Laughter.]

13 CHAIRMAN ANDERSON: That's not  
14 necessarily a bad thing. This is my fourth or  
15 fifth hearing. So they're all interesting.  
16 Okay.

17 MR. SHIRAFKAN: Pleasure meeting you.

18 CHAIRMAN ANDERSON: All right. All  
19 right. All right. Why don't you let us know.  
20 The investigator will be here. So we're going to  
21 go out of order. So why don't you let us know  
22 where you are based on -- based on -- I know that

1 the chief of police had issued a suspension of an  
2 establishment and I think there was some  
3 conditions?

4 MR. SHIRAFKAN: Yes.

5 CHAIRMAN ANDERSON: And so why don't you  
6 just provide us with some background information  
7 where you are with the conditions.

8 MR. SHIRAFKAN: We have met all the  
9 conditions. So basically it was a new --

10 CHAIRMAN ANDERSON: I'm new to this. I  
11 have no idea why you're here which is a good  
12 thing. So I don't have any preconceived notions  
13 of judgment. So as I said tabula rasa, so  
14 therefore you're telling me where you are while  
15 we're here and what is it you're supposed to do  
16 and what have you done and so therefore you don't  
17 say I'm not fair, too, because I have no idea why  
18 you're sitting in front of me, okay?

19 MR. SHIRAFKAN: Okay. Well, there were  
20 allegations back in September of 2015 that there  
21 was an incident inside Bliss. And once the MPD  
22 was informed of this incident, when MPD arrived

1 to the scene, at that point the MPD made a  
2 determination that the busboys -- the staff --  
3 were, you know, pursuing or continuing on the  
4 cleaning up the area that that was not preserving  
5 -- and I say quote/unquote -- the crime scene.  
6 So that's where the whole issue became.

7           Whether Bliss was covering this or not --  
8 and, if you don't mind, I won't go too much into  
9 details because we have ABRA coming from that  
10 fact on its own -- but there was a summary  
11 suspension issued by the chief and then the Board  
12 had us here. And there was an offer in  
13 compromise done. And that, I don't know if it's  
14 in file or not but there was terms per that offer  
15 in compromise that Bliss was supposed to follow  
16 in order: One, be able to even open, and two,  
17 continue remaining open.

18           The conditions as to being able to open  
19 were as such that submit a security plan, that  
20 security be approved, that security plan be  
21 trained. And separate training by another part -  
22 - not by Bliss itself -- another person who the

1 Board would approve that training material and a  
2 training session would be conducted. An ABRA  
3 investigator would be present of that training to  
4 insure that all staff are present and they're  
5 paying attention, the training is to the caliber  
6 that the Board would approve. The training was  
7 done ABRA investigator.

8 CHAIRMAN ANDERSON: When was it done?

9 MR. SHIRAFKAN: It was literally, I  
10 believe it was a day after our hearing here which  
11 I --

12 CHAIRMAN ANDERSON: Let me -- I don't  
13 mean to cut -- it said that you had to submit the  
14 security plan by Wednesday, October 7; was that  
15 the done?

16 MR. SHIRAFKAN: Yes.

17 CHAIRMAN ANDERSON: All right. Okay.  
18 There is no specific timeline here when it -- so  
19 you're going to have tell me the timeline after  
20 the hearing -- for the training -- but you can  
21 talk about the training, yeah.

22 MR. SHIRAFKAN: Right. It was done. So

1 the two was basically the training had to be  
2 done. ABRA investigator went there, observed it,  
3 they had a roll call, he approved it. From  
4 there, I believe a report was sent back to the  
5 Board and the Board said, all right. We'll let  
6 you reopen because these conditions in order to  
7 the contingency to reopen has been met and to  
8 continue on with the security plan that has now  
9 been approved if you may say it was like the  
10 operating manual that you have to follow.

11 And, from that day until now, that  
12 operating manual, that security plan has been  
13 followed. As, in fact, I saw -- I don't know if  
14 it was the same investigator that was sent or not  
15 -- but I saw the investigator originally on this  
16 case. I just saw him outside. And he said that  
17 on Thanksgiving -- if I may make the  
18 representation -- he said, "Is everything okay?  
19 Have you gone?" He said, "On Thanksgiving night  
20 I went. You guys weren't busy." I said, "Are we  
21 okay?" He said, "Yeah. I don't have a problem."  
22 So and I let him, I guess, if there was a report

1 done to be done. But just to say we are not  
2 aware of any issues of not following this manual.

3 CHAIRMAN ANDERSON: All right. What  
4 about -- you said that each employer shall review  
5 and sign a security plan; has that been done?

6 MR. SHIRAFKAN: Yes. On the same  
7 training when they had the training done, they  
8 did it while, sir, and then they had all the  
9 people sign the -- so that they have acknowledge  
10 that they've gone through the training and  
11 they've seen their security plan.

12 MR. ALBERTI: May I make a remark that  
13 may be helpful? The critical issue -- some of  
14 the things that you're asking about -- had to be  
15 done before we allowed them to reopen. So we  
16 know that that review was done at the initial  
17 closing. So I just wanted to make that clear.

18 MR. SHIRAFKAN: Right. Right. We  
19 couldn't have reopened unless we had met --  
20 pretty sure the only thing that is not on this  
21 list was are you going to continue following this  
22 rule? So, technically, it was follow everything

1 on this list and then we'll let you reopen. Once  
2 you reopen, continue to go by this security  
3 manual that you have.

4 CHAIRMAN ANDERSON: So why are you here?  
5 So are you doing what you're supposed to do?

6 MR. SHIRAFKAN: We had a status so we  
7 wanted to be here and just tell you what we're  
8 doing, that's all. We just came because we were  
9 told to come.

10 CHAIRMAN ANDERSON: No. I'm going to get  
11 to you. No. I know but that's why I'm asking  
12 the questions, because I think you might have  
13 done them for the weekend but then you fall back,  
14 too. So that's why I'm trying to find out, I'm  
15 going through all this. Because I don't know all  
16 this. And I don't know necessarily want to know  
17 it. So therefore, I can hear this for the first  
18 time and make the decision without having any  
19 preconceived notions about what you -- so I'm  
20 fine. Go ahead, Mr. Short.

21 MR. SHORT: I'm glad to hear that you  
22 abided by the stipulations that were placed on

1 you when you were here last. Because, if I  
2 remember, it was a very serious matter. I think  
3 the police chief had asked us to bring you in?

4 MR. SHIRAFKAN: Yeah.

5 MR. SHORT: And so we just wanted to make  
6 sure the reason why I think you're here today is  
7 because we want to make sure that, you know, that  
8 we're still watching. And we want you to have a  
9 good business and not have the same kind of  
10 problems you had before. Because we have a lot  
11 of things happening all around the world now.  
12 And we don't want Washington D.C. to fall victim  
13 to some of those things. So your security plan  
14 is going to help you in going by it on a daily  
15 basis or whenever you're open for business might  
16 help prevent someone coming in with a gun or help  
17 prevent someone from doing -- if your security is  
18 doing everything that's on that security plan, we  
19 should be able to nip it in the bud. And MPD  
20 should be -- so do you have RDO, also, right?

21 MR. SHIRAFKAN: Yeah, we do.

22 MR. SHORT: All right. Thank you.

1 That's all I have, Mr. Chair.

2 CHAIRMAN ANDERSON: Now, so how long have  
3 you been reopen?

4 MR. SHIRAFKAN: Date was the exact date.  
5 If the Board could refresh my memory as to what  
6 the date was that we had a hearing, because it  
7 was a weekend after that, that we were open. So  
8 I don't know the exact date.

9 MR. ALBERTI: Held on October 7.

10 MR. SHIRAFKAN: October 7.

11 MR. ANDARGIE: So it was probably, I  
12 think, October 9 maybe, October 9.

13 MR. SHIRAFKAN: I can go back and --

14 CHAIRMAN ANDERSON: I guess the reason  
15 why I was asking you is because I saw in here  
16 that it said that you're supposed to document the  
17 date on which any weapons are recovered from  
18 patrons. And I guess I was just trying to find  
19 out whether or not you have had any of those type  
20 of experiences subsequent since your incident  
21 [ph] have you found weapons that you've turned  
22 over since the club has reopened? No. 14 on the

1 so --

2 MR. SHIRAFKAN: To answer the Board as  
3 far as this opening date was October 10. That's  
4 a Saturday. And as to whether anything has been  
5 confiscated, I'll ask the licensee. I'm not  
6 aware. But I'll see --

7 MR. SHIRAFKAN: Nothing I'm aware of, no.

8 CHAIRMAN ANDERSON: Can you identify  
9 yourself.

10 INVESTIGATOR APRAKU: Hi. I'm  
11 Investigator Kofi Apraku. Last name is spelled A-  
12 p-r-a-k-u with ABRA.

13 CHAIRMAN ANDERSON: Okay. You can tell  
14 us where they are. And then I might have some  
15 questions so ask after.

16 MR. APRAKU: Based on the incident that  
17 occurred which was a stabbing, they were mandated  
18 to have security training which I attended. They  
19 had their security personnel and their -- they  
20 had their security personnel, their wait staff,  
21 busboys, and unfortunately I don't have the exact  
22 amount. But I actually made sure that I got

1 copies of everybody who was there and made sure  
2 that they signed copies saying that to certify  
3 that they had been at training.

4           Since then, I've monitored the  
5 establishment several times. Haven't had any  
6 issues. Haven't had any situations that I can  
7 recall or any violations that I can recall since  
8 that time. I've been there. I was there I  
9 believe last weekend also to check on their ID  
10 checking procedure and they were checking IDs at  
11 the door. I actually was given a fake ID by one  
12 of the bouncers at the door that he had  
13 confiscated during course of his ID checking  
14 procedures.

15           CHAIRMAN ANDERSON: Yes. Do you have  
16 anything to report?

17           MR. APRAKU: No. Nothing else to report,  
18 sir.

19           CHAIRMAN ANDERSON: Yes, Mr. Short.

20           MR. SHORT: Okay. Also in my notes, you  
21 were supposed to check their cameras. Did you  
22 check the cameras and the camera angles?

1           MR. APRAKU: I did not check the camera  
2 angles. I did not check the camera angles. I  
3 was a little bit under the impression that they  
4 were going to make the adjustments and then  
5 report back to the Board as to what they had  
6 changed as opposed to me personally --

7           MR. SHORT: No problem. I just asked.  
8 Have you done anything with your cameras since  
9 the hearing? Because that was the part where my  
10 notes --

11           MR. SHIRAFKAN: I think when we discussed  
12 this, it was if ABRA had any suggestions in  
13 regards to us changing any angles, we would make  
14 those changes. I don't think we had any --

15           MR. SHORT: Okay. Well, the next time  
16 you go back can you check the cameras?

17           MR. APRAKU: Absolutely.

18           MR. SHIRAFKAN: And if I may, if you'll  
19 recall, I got excited and I said, "I would urge  
20 you. I would want you." And that was the last  
21 way we left it. We said, "We want to get  
22 feedback on this and see if -- yeah. Absolutely

1 would be glad if investigator come and make  
2 suggestions and then we go by that. So  
3 absolutely.

4 MR. SHORT: Thank you very much.

5 CHAIRMAN ANDERSON: Any other members  
6 with questions? Yes, Mr. Alberti.

7 MR. ALBERTI: Mr. Andargie, Does your  
8 security plan have a diagram of cameras where  
9 they are located and what they cover?

10 MR. ANDARGIE: We did have the diagram  
11 submitted where the cameras were located when we  
12 submitted the security plan.

13 MR. ALBERTI: Okay. So you submitted  
14 that with the security plan.

15 MR. ANDARGIE: Yes.

16 MR. ALBERTI: So the investigator can  
17 take a look at that.

18 MR. ANDARGIE: Yes.

19 MR. APRAKU: And I have reviewed that.  
20 Now, that was the initial when I took their  
21 initial security plan, they already had that  
22 information as to where all the cameras were

1 across the entirety of the property.

2 MR. ALBERTI: Okay. And [indiscernible]  
3 and you take a second look --

4 MR. APRAKU: To take a second look and to  
5 make sure, absolutely.

6 MR. ALBERTI: How many cameras do you  
7 have?

8 MR. ANDARGIE: I believe I think it's --

9 MR. ALBERTI: Is that in your security  
10 plan?

11 MR. SHIRAFKAN: -- twenty-three.

12 MR. ALBERTI: Twenty-three cameras.

13 MR. SHIRAFKAN: No. I'm sorry. That's  
14 security positioning.

15 MR. ANDARGIE: It's roughly about 50  
16 cameras at present. But I think it's stipulated  
17 in the actual.

18 MR. ALBERTI: My follow-up question: Are  
19 all of them working today?

20 MR. ANDARGIE: Yes. The last time I  
21 checked all the cameras --

22 MR. ALBERTI: When's the last time you

1 checked?

2 MR. ANDARGIE: It's right in front of my  
3 office, right in front of my desk so I can see  
4 all the -- if there's one thing that's not going,  
5 you can see that one black.

6 MR. ALBERTI: Okay.

7 MR. SHORT: This answer should be daily.  
8 You look at it daily? Is that your answer?

9 MR. ANDARGIE: Every time I'm in the  
10 office except for Sunday, yes.

11 MR. ALBERTI: Okay. And lastly, are you  
12 in arrears at all with payments to MPD for  
13 reimbursable detail?

14 MR. ANDARGIE: No.

15 MR. ALBERTI: You're up to date on that.  
16 Great. Thank you.

17 CHAIRMAN ANDERSON: Do we have any other  
18 Board Members with questions? Herein, none.  
19 Thank you for your presentation. And I was about  
20 to say I hope I don't see you again, but you have  
21 informed me that you will be here so --

22 MR. SHIRAFKAN: Yes.

1                   CHAIRMAN ANDERSON:  It's meant in good  
2  jest when I said I hope I don't see you here  
3  again.  You know, what that -- anyway thank you  
4  very much.

5                   MR. SHIRAFKAN:  Thank you very much.  
6  Thank you for your time.

7                   [Whereupon, at 3:10 p.m., the above-  
8  entitled matter was concluded.]