

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:**

Abal, LLC  
t/a CherCher Ethiopian Restaurant & Mart

Holder of a  
Retailer's Class CR License

at premises  
1334 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

Case No. 13-CMP-00570  
License No. ABRA-090311  
Order No. 2014-332

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member  
Hector Rodriguez, Member  
James Short, Member

**ALSO PRESENT:** Alemayehu Abebe, on behalf of Abal, LLC, t/a CherCher Ethiopian Restaurant & Mart, Respondent

Louise Phillips, Assistant Attorney General  
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

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The Alcoholic Beverage Control Board (Board) finds that Abal, LLC, t/a CherCher Ethiopian Restaurant & Mart, (Respondent), violated District of Columbia (D.C.) Official Code § 25-762(b)(1) on October 2, October 4, and October 22, 2013. As a result, the Respondent must pay a \$2,000.00 fine. In addition, the Respondent shall have its license suspended for three (3) days, all stayed, which shall not go into effect unless the Board finds that the Respondent committed a violation within one year from the date of this Order.

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), dated May 1, 2014. The Respondent acknowledged at the Show Cause Status Hearing, held on August 6, 2014, that he received the Notice setting forth the Charge enumerated below and the hearing dates.

The Notice charged the Respondent with the following violation, which if proven true, would justify the imposition of a fine, suspension, or revocation of the Respondent's ABC-license:

Charge I: The Respondent D.C. Official Code § 25-762(b)(1) (2012) by making substantial changes in operation and increasing the occupancy of the establishment, without first obtaining Board approval, for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(1) (2012).

The facts supporting Charge I above are incorporated herein and made a part hereof.

On January 8, 2014, the Board requested a Staff Settlement on this matter. On January 30, 2014, the Respondent refused to settle the case and instated, requested a hearing.

The Government and Alemayehu Abebe, the Respondent's Designated Representative, appeared at the Show Cause Hearing for this matter on August 6, 2014. At the Show Cause Hearing, the Parties stipulated to facts contained in the Notice dated May 1, 2014, and provided oral argument on the penalty. *Transcript (Tr.)*, 8/6/14 at 4-7.

The Government recommended that the Board fine the Respondent \$1,500.00 for the violation. *Tr.*, 8/6/14 at 13. However, Mr. Abebe stated that the fine recommended by the Government was too much of a financial burden. *Tr.*, 8/6/14 at 17.

Based on the stipulated facts, the Board finds that the Respondent violated D.C. Official Code § 25-762(b)(1) on October 2, October 4, and October 22, 2013, by increasing the establishment's occupancy without Board approval.

The Board takes administrative notice that this violation is the Respondent's first primary tier violation. *Licensing File No. ABRA-090311*; Investigative History. Thus, the present violation shall be fined as a first primary tier violation and the Board may impose a fine in the range of \$1,000.00 and \$2,000.00. *Licensing File No. ABRA-090311*, Investigative History; DCMR § 23-801.

## ORDER

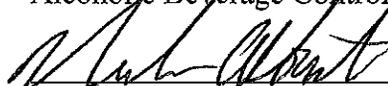
Therefore, based on the foregoing findings of fact and conclusions of law, the Board, on this 10<sup>th</sup> day of September, 2014, finds that the Respondent, Abal, LLC, t/a CherCher Ethiopian Restaurant & Mart, located at 1334 9<sup>th</sup> Street, N.W., Washington, D.C., holder of a Retailer's Class CR license, violated D.C. Official Code § 25-762(b)(1).

The Board hereby **ORDERS** that:

- 1) The Respondent shall pay a fine in the amount of \$2,000.00 by no later than thirty (30) days from the date of this Order or its license shall be suspended indefinitely until this fine is paid.
- 2) The Respondent's license shall also be suspended for three (3) days; which will be stayed for one year, provided that the Respondent does not commit any further ABC violations.

Copies of this Order shall be sent to the Respondent and the Government.

District of Columbia  
Alcoholic Beverage Control Board

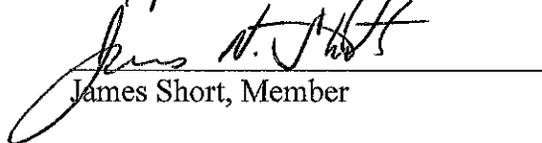
  
Nick Alberti, Member

  
Donald Brooks, Member

  
Herman Jones, Member

  
Mike Silverstein, Member

  
Hector Rodriguez, Member

  
James Short, Member

I concur with the majority's decision as to its finding of the Respondent's liability, but I dissent as to the penalty selected by the majority of the Board.

  
Ruthanne Miller, Chairperson

Pursuant to D.C. Official Code § 25-433, any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b).