

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 S&L, LLC
 8 t/a Midnight Delicatessen Case Number 16-CMP-00114
 9 4701 Georgia Avenue NW

10 License Number 95044

11 Retailer B

12 ANC 4D

13 SHOW CAUSE HEARING

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15 Wednesday, May 4, 2016

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

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2 CHAIRPERSON:

3 DONOVAN W. ANDERSON, Presiding

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5 OTHER PERSONS PRESENT:

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7 RUTHANNE MILLER, BOARD MEMBER

8 JAMES SHORT, BOARD MEMBER

9 MIKE SILVERSTEIN, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: All right. Our next
3 case on our show cause hearing status is Case Number
4 16-CMP-00114, Midnight Delicatessen, License Number
5 95044. Will the parties approach. Is this your case,
6 Mr. Shapiro? Can you identify yourself for the record
7 please.

8 MR. SHAPIRO: Zachary Shapiro on behalf of
9 the District.

10 CHAIRPERSON ANDERSON: Do you know whether
11 or not the licensee was served or have you had any
12 conversations with --

13 MR. SHAPIRO: I spoke with them last week.
14 They indicated they may retain counsel. But they
15 emphatically advised that they would not accept an offer
16 in compromise.

17 CHAIRPERSON ANDERSON: All right. Fine.
18 All right. Well, this matter is scheduled for hearing
19 for June 15th at 11 a.m. All right. Thank you.

20 MR. SHAPIRO: Thank you.

21 (Whereupon, the above-entitled matter was
22 recalled.)

1 CHAIRPERSON ANDERSON: All right. We're
2 back on the record. I'm going to recall a case, Case
3 Number 16-CMP-00114, Midnight Delicatessen, License
4 Number 95044. Will the parties please approach. Could
5 the parties please identify themselves for the record.

6 MR. SHAPIRO: Zachary Shapiro on behalf of
7 the District.

8 CHAIRPERSON ANDERSON: Yes, Mr. Shapiro.
9 Yes, sir. Who are you?

10 MR. KEBEDE: Tadael.

11 CHAIRPERSON ANDERSON: I -- I can't hear
12 you.

13 MR. KEBEDE: Tadael Kebede.

14 CHAIRPERSON ANDERSON: I can't hear you
15 so --

16 MR. KEBEDE: Tadael Kebede.

17 CHAIRPERSON ANDERSON: Mr. Kebede.

18 MR. KEBEDE: Yeah.

19 CHAIRPERSON ANDERSON: All right. And
20 you're the owner of the --

21 MR. KEBEDE: Yeah. Right now. Yeah.

22 CHAIRPERSON ANDERSON: All right. All

1 right. Okay. Are there any preliminary matters in this
2 case?

3 MR. SHAPIRO: Yes, Mr. Chairman. There is
4 an Offer in Compromise; that being payment of \$600
5 payable within 30 days or the license will be suspended.

6 CHAIRPERSON ANDERSON: Okay. Thank you.
7 All right. Hold on. All right. All right.
8 Mr. Kebede.

9 MR. KEBEDE: Kebede.

10 CHAIRPERSON ANDERSON: And the last name?

11 MR. KEBEDE: First name -- first name
12 Tadael, and last name Kebede.

13 CHAIRPERSON ANDERSON: I -- the problem that
14 I -- and you're the owner of the establishment?

15 MR. KEBEDE: Yeah. The thing is I just
16 moved into the business. I bought the business, and
17 it's under my management now. So I got the temporary
18 license from the ABC.

19 CHAIRPERSON ANDERSON: Okay.

20 MR. KEBEDE: And I just moved into the
21 business. And right now I'm running the business
22 myself.

1 CHAIRPERSON ANDERSON: All right. Okay.
2 The reason is because there's a different name on the --
3 all right. All right. So it's my understanding that
4 there is an Offer in Compromise of a payment of \$600
5 fine and that the payment will be made in 30 days. Do
6 you agree -- is this -- this is your understanding of
7 the Offer in Compromise, sir?

8 MR. KEBEDE: Yeah. We discussed with him a
9 few things. The violation happened like after I just
10 moved into the business in a month's time.

11 CHAIRPERSON ANDERSON: All right.

12 MR. KEBEDE: So I -- I'm still with a
13 temporary license from ABC.

14 CHAIRPERSON ANDERSON: Right.

15 MR. KEBEDE: And I don't even sell a cup to
16 the customer. And my understanding that is like
17 handling your customers. I didn't know even it's a
18 violation. I knew that it's a violation after I
19 received the fine.

20 CHAIRPERSON ANDERSON: All right.

21 MR. KEBEDE: So I've been asking him if
22 there is a way which you guys can show me leniency

1 because I got to lesson from this thing. I didn't do it
2 intentionally. So since I am a month old in that
3 business and I don't have even the class from ABC to be
4 transferred to the original license. So if there is a
5 way which you can show me a little bit -- and I -- I
6 accept that it's a violation. But I didn't know that is
7 a violation since I [inaudible 34:46]. Since I started
8 business I was not really in such problems. So if there
9 is a way which you can reduce the fine, I would be
10 happy.

11 CHAIRPERSON ANDERSON: Well, at this stage
12 of the proceeding it's just a status. And so if -- if
13 -- the Government was saying that you had agreed to pay
14 the \$600 fine. If you are not agreeing to -- to pay the
15 \$600 fine, then we can -- you can move forward and have
16 a hearing. And then at a hearing then you can explain
17 your case, and then The Board might charge you the \$600
18 or they might charge you more. So -- so that's just
19 something that -- but at this stage it's either the
20 Government says that you'll pay \$600 and you said okay,
21 I'll pay it or you can say that you know what, I want
22 to -- I'm not going to accept this, I'm going to go to a

1 hearing and then I'm going to give an explanation and
2 hope that the -- The Board might -- might accept my
3 explanation and not fine me. But then the problem is
4 that the range I think for -- for this fine is -- is
5 \$500 to \$750. So when you go to the hearing, depending
6 if you decide to challenge it and to give an
7 explanation, The Board could -- could charge you \$500.
8 They could charge you \$600, they could charge you \$700.
9 So these are decisions that you have to make. So I'm
10 not trying to put any pressure on you. But I'm just
11 saying today you either accept the offer that the
12 Government made or you can say we'll come back -- I want
13 to come back to a hearing June 15th and then make my
14 explanation and see where the -- what The Board does.

15 MR. KEBEDE: No fine [inaudible 36:51]. I'm
16 just saying this if you can do something, you know. We
17 understood we did -- we made a decision that I'm going
18 to pay this \$600. I'm not going to waste my time. I'm
19 not going to waste anybody's time. But if you guys can
20 do something -- just I'm explaining myself.

21 CHAIRPERSON ANDERSON: Yeah. But I -- I --

22 MR. KEBEDE: If it's not -- if this case is

1 scheduling like to other steps and stuff like that, I
2 come here looking for a parking to closing the store, I
3 don't -- I don't want to do that.

4 CHAIRPERSON ANDERSON: No. But what I'm --
5 I'm saying though, sir --

6 MR. KEBEDE: I will accept the 600.

7 CHAIRPERSON ANDERSON: Yeah. But -- but I
8 just want to say to you it's -- we have different
9 stages. So I agree that you can accept it. But I'm
10 saying is that this is just the first step, and there's
11 another step. But -- but all right.

12 MR. KEBEDE: Okay. I'll -- I'll take the
13 600.

14 CHAIRPERSON ANDERSON: All right. And so --
15 all right. So I -- I want you to be comfortable. I
16 don't want you to feel rushed and pressured. So -- but
17 I do hear the explanation. I'm just stating though that
18 in this -- where we are right now we normally don't take
19 an explanation. We take an explanation at the second
20 case. But since you have stated that you will take the
21 \$600, are you aware that by accepting this Offer in
22 Compromise that you're giving up your right to a

1 hearing?

2 MR. KEBEDE: Yes.

3 CHAIRPERSON ANDERSON: And that you cannot
4 appeal this matter?

5 MR. KEBEDE: Yes.

6 CHAIRPERSON ANDERSON: All right. All
7 right. And I hear you and I understand. And I -- I
8 hear you and I understand. I then make a motion that
9 the -- the -- The Board accept this Offer in Compromise
10 of a \$600 fine payable in 30 days. If it's not payable
11 in 30 days, it -- the licensee will be -- the -- I'm
12 sorry -- the license will be suspended. Is there a
13 second?

14 MS. MILLER: Second.

15 CHAIRPERSON ANDERSON: Ms. Miller has
16 seconded the motion. Those in favor say aye. [Chorus
17 of ayes]. Those opposed. [No audible response]. The
18 matter passed 4-zero-zero. So we'll give you some
19 papers to sign that you'll pay the -- the fine in 30
20 days. And one of the things that we'll do -- where is
21 that? Hold on one minute. All right. Just stay in the
22 audience. I'll make sure that someone gives you --

1 let's you know when -- when ABRA is having the next
2 training so -- to make sure that you get the proper
3 training so you'll know what -- what it is that you
4 should or shouldn't do. Okay?

5 MR. KEBEDE: Yeah. I got that. I got the
6 process now.

7 MR. SILVERSTEIN: Mr. Chairman, a matter
8 also of -- of importance to the licensee, we did not
9 have you here listed as the owner. It is vitally
10 important that you be listed as the owner.

11 CHAIRPERSON ANDERSON: It's -- it's taken
12 care of. No. He said he has -- he has a temporary
13 license.

14 MR. KEBEDE: I got a management.

15 MR. SILVERSTEIN: Okay.

16 CHAIRPERSON ANDERSON: Yeah. So it's taken
17 care of -- it's not --

18 MR. SILVERSTEIN: It is taken care of? We
19 are certain?

20 CHAIRPERSON ANDERSON: Yeah. Based on --
21 based on his explanation.

22 MR. SILVERSTEIN: I did not want him to come

1 out of here with the -- with the impression that simply
2 because he was here that makes it all good. I wanted to
3 make sure that that was done.

4 CHAIRPERSON ANDERSON: Your name is Lemae
5 (ph), right? What's -- what's your first name? Spell
6 your first name.

7 MR. KEBEDE: Tadael Kebede.

8 CHAIRPERSON ANDERSON: Spell it. Spell it.

9 MR. KEBEDE: T-A-D-A-E-L.

10 CHAIRPERSON ANDERSON: Yeah. He has the
11 information. I mean he -- as part of his explanation he
12 explained -- yeah. All right. Okay. So I need someone
13 to talk to him and make sure he has the proper training.
14 All right. Okay. All right, sir. Thank you.

15 MR. KEBEDE: We're done, right?

16 CHAIRPERSON ANDERSON: Yeah. We're done.
17 And so -- so you know that you have to pay the fine
18 within 30 days?

19 MR. KEBEDE: Yes, I will.

20 CHAIRPERSON ANDERSON: All right.

21 (Whereupon the above-entitled matter was
22 concluded.)