

NOBLE LOUNGE

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

Yetenbi, Inc.

t/a Noble Lounge Case Number 16-CMP-00470

1915 9th Street NW

License Number 85258

Retailer CT

ANC 1B

FACT FINDING HEARING

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Wednesday July 27, 2016

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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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

10 NICK ALBERTI, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: Thank you for your --
3 your patience, but these were personal information. And
4 so when we -- when we have renewals for -- or a
5 application for a manager's license and so we're going
6 to through someone's personal history and so we try to
7 keep that confidential so it's not -- so it's just The
8 Board. And so that's one of the reasons why you guys
9 were outside. So I just want to let you know that,
10 and -- and to let you know that if it's -- if it was
11 your case, we would do the same thing, we would clear
12 the -- the room and only folks who you want to know who
13 are with you would know about the questions why you're
14 here. So I appreciate it.

15 All right. We now have another fact finding
16 hearing on Case Number 16-CMP-00470, Noble Lounge,
17 License Number 85258. Will the parties please approach
18 and identify themselves for the record please. All right.
19 So can you identify yourself for the record please.

20 MS. TESSERA: Hi. My name is Melat Tessera,
21 M-E-L-A-T, the first name, last name, T-E-S-S-E-R-A. I
22 am the owner of Yetenbi/Noble Lounge.

1 CHAIRPERSON ANDERSON: Okay.

2 INVESTIGATOR BRASHEARS: Investigator Mark
3 Brashears, ABRA.

4 CHAIRPERSON ANDERSON: All right. So we
5 have a fact finding hearing because there's some --
6 there is some contention about the -- the ownership in
7 the sense that there is -- it appears that the
8 investigators have gone -- yes. It -- ABRA records
9 says, ma'am, that you are the owner of the restaurant.
10 So I think that as far as -- ABRA records are clear.
11 But apparently when the investigators go to the
12 restaurant -- I'm sorry -- the establishment when there
13 are some issues there is concerns about who exactly owns
14 the property. So what is it that you can provide us,
15 Mr. Brashears? And then we can get a response, and then
16 the -- The Board can ask questions.

17 INVESTIGATOR BRASHEARS: In reference to
18 the -- to the fact finding, sir?

19 CHAIRPERSON ANDERSON: Yes.

20 INVESTIGATOR BRASHEARS: Uh-huh. I visited
21 Noble Lounge May 15th, 2016 as part of the Noise Task
22 Force. I met with a gentleman claiming to be an ABC

1 manager, Mr. Ali. A ABRA records search revealed that
2 he at one time had been an ABC manager and it had
3 expired. There was an unidentified female -- didn't
4 have an ID, couldn't ID her -- claiming to be the -- the
5 wife of the owner. I pointed out to the female and to
6 Mr. Ali that the owner in ABRA records was Melat
7 Tessera. I came back another time after that to give a
8 citation. Mr. Ali again claiming to be the -- the ABC
9 manager and was not. So I asked him I said what --
10 what's going on? I said every time I come over here
11 there's a different person claiming to be the owner.
12 And he stated well, you know, in Ethiopian families --
13 he said if one of us -- or one person is the owner,
14 everyone shares ownership. And I explained to him, you
15 know, ABRA records are pretty clear, whoever it shows in
16 the records is who ABRA recognizes as the owner. And I
17 basically informed him that, you know, the -- the matter
18 needs to be resolved. And in preparation for doing
19 the -- the fact finding today I reviewed ABRA records.
20 And over the last three years -- not quite three years
21 six visits to the establishment there have been numerous
22 people claiming to be the owner or claiming to be in the

1 process and taking over ownership, and none of them were
2 Ms. Tessera.

3 CHAIRPERSON ANDERSON: So what can you --
4 what kind of clarification you can provide to us, ma'am?

5 MS. TESSERA: So I can clarify that. I am
6 still the owner of that establishment. Yes, I'm not
7 there physically all the time. I do have managers. I
8 know like three years ago my mother and my family used
9 to be there all the time. But since I changed the name
10 -- because we went through more young people to the
11 establishment because we were not making that much
12 money. So I -- I need to also manage -- hire more
13 younger managers, you know. So you might have a
14 different people because I fire people when they're not
15 doing what they're supposed to do in so many cases. And
16 you might have one person today, but next time you go
17 you might have a different person because of whatever
18 the relationship I have with that manager on that, you
19 know, doing what they're supposed to do. But I confirm
20 you that I do -- the business account is under my name.
21 The contract is under my name. Everything is under my
22 name. No one's supposed to be an owner of that place.

1 And my phone number is there. The last time the ABRA
2 investigator was there they call me and like I -- I got
3 a call like four in the morning. I did receive that
4 call, and I assisted that person. So if there is any
5 issue, I should be contacted. If anyone is claiming
6 that that person is an owner in that place, you know, I
7 can't control people's mouth I mean for sure. But I can
8 control and I can assure that person that I'm still an
9 owner of that place.

10 CHAIRPERSON ANDERSON: Well, I don't think
11 it's -- I think it's more so why is it that if -- it
12 appears that these folks are the employees. So why is
13 it that folks are saying that they're the owner or I'm
14 the owner's wife and I mean the allegation by
15 Mr. Brashears that says within the -- and I'll say the
16 allegation that says within the Ethiopian community if,
17 you know, it's -- I mean can -- maybe you can explain
18 that to us.

19 MS. TESSERA: So I can explain to you like
20 when someone is like -- like Ethiopian person, if I own
21 a business, any family can be in that premises. And
22 they probably misunderstood the role that I have, you

1 know, in that place being an owner and I should be the
2 only owner. Because everyone thinks an owner, a family
3 business. Even though I'm owning all the place and in
4 charge of everything, everyone feels like they're
5 family. So maybe that's why they probably -- they
6 misunderstood the different between manager owning --
7 managing the day-to-day activity on that place versus
8 being an ownership, you know, having an ownership of
9 that place. So I can't -- I don't know. I can't
10 explain what -- why that person will say that to him.
11 But my guess is that when I am owning a place in the
12 Ethiopian community everyone -- like especially close
13 family feels like they're an owner. But they might not
14 know the difference between the title itself.

15 CHAIRPERSON ANDERSON: Yes, Mr. Brashears.

16 INVESTIGATOR BRASHEARS: Can I just add
17 something, sir? I've been to the establishment probably
18 five times over the last three years. I've -- I've
19 never encountered this -- this woman at the
20 establishment. And over that time -- you know, I know
21 she said she's employed managers and whatnot. Five no
22 ABC manager violations. So that's -- that's -- that's

1 what led me to the conclusion that -- and -- and, you
2 know, everyone that popped up said well, I don't need an
3 ABC manager's license because I'm an owner. That --
4 that's what led me to the conclusion and brought us here
5 today, sir.

6 MS. TESSERA: I would say that it's -- it's
7 the wrong assumption on my part. I was here last time
8 and was here hearing about no ABC managers. And I'll be
9 hiring managers that are ABC manager as well as a
10 manager who will be controlling the premises during --
11 of ABRA hours, you know, alcohol serving hours. So it
12 might be a different manager with no ABC managers and
13 with ABC managers as well who will be on -- on the
14 premises. So yes, you are right. I'm not there every
15 time you come because I'm not making enough money in
16 that -- in that place. So I have to work because I have
17 a young daughter, six years old. So I'm a nurse so I do
18 work Monday through Friday, and I don't work nights. So
19 that's -- there is -- there is a reason for me to have
20 someone to work for me and hire a manager and not there,
21 you know, all the time. But if I need to be there, yes,
22 I will be there.

1 CHAIRPERSON ANDERSON: But I think what
2 Mr. Brashears is saying is that no one is -- as far as
3 the ABRA records are it's clear that you are the owner.
4 But what Mr. Brashears is saying is that when he's been
5 there that you're not there and that there is no ABC
6 manager there. So are you aware that if you're not
7 going to be there, there has been -- if you're not
8 there, there has to be someone there who has an ABC
9 manager's license?

10 MS. TESSERA: I am aware of that. Yes.

11 CHAIRPERSON ANDERSON: Well, and I think
12 what -- what Mr. Brashears is saying is that five times
13 you have gotten -- there has been no ABC manager. So --
14 so the folks that you are hiring -- I mean what is it
15 that -- I mean are you checking to make sure that
16 they -- they have a license that's up to date? I mean
17 what is it that you're doing regarding this issue?

18 MS. TESSERA: So I am checking that they
19 have ABC license before I hire for that period of time.
20 What's happened is I think there is also an education
21 [inaudible 1:12:25] for the ABC managers that they have
22 to be physically there, they shouldn't leave the

1 premises even to get a water or anything. So the -- the
2 last case I have the ABC manager left to get ice -- ice.
3 And the other manager was there who doesn't have ABC
4 manager. So that person is fired if you remember my
5 discussion from the last hearing. So I -- this time
6 Nebiu Ali has ABC manager. Okay. He told him that he
7 has ABC manager. Two times he went there asking -- he
8 told him that he has ABC manager. He contacted ABRA to
9 check and like what's going on, he can't find my ABC
10 manager ID. And then they told him that his ID is
11 expired. So that is what happened between the
12 communication. I'm not hiring people -- not -- not
13 being sure that they have the ABC, you know, manager.
14 So that -- that's what -- what happened that time. Now
15 I'm on the process of getting the managers who did not
16 have or who doesn't have the ABC manager to have that so
17 they can be a back-up. So just in case if anything
18 happens so that person -- that second manager who is
19 going to be duty on that -- at that time or day should
20 have ABC manager. So now I'm going to have at least two
21 people on the premises to have ABC manager.

22 CHAIRPERSON ANDERSON: Mr. Alberti.

1 MR. ALBERTI: First of all, Investigator
2 Brashears, thank you for your reports. If there's any
3 question you did the right thing by bringing your
4 concerns to The Board. I appreciate that.

5 Ms. Tessera --

6 MS. TESSERA: Yes.

7 MR. ALBERTI: -- you said you work as a
8 nurse Monday through Friday. I assume that's a
9 demanding job. You probably work many hours a week. Is
10 that full-time?

11 MS. TESSERA: It is full-time. Yes.

12 CHAIRPERSON ANDERSON: How much time do you
13 typically spend each week at the lounge, at Noble
14 Lounge?

15 MS. TESSERA: Usually after work -- because
16 I work at Washington Hospital Center. So it's like a
17 five minute, ten minutes drive. So I usually stop by in
18 the afternoon, check the premises, and go home to my
19 daughter to see her.

20 MR. ALBERTI: Okay. So how much time is
21 that each week?

22 MS. TESSERA: Like Monday through Friday I

1 might spend like two or three hours. I'm not there at
2 night for sure.

3 MR. ALBERTI: Okay.

4 MS. TESSERA: But during the weekends I do
5 get -- go there and then, you know, manage the bank and
6 all those things to make sure everything is done.

7 MR. ALBERTI: So how many hours a week would
8 you say that you are present at the establishment?

9 MS. TESSERA: I don't know. I never -- I
10 never really calculated the amount of time that I spend.

11 MR. ALBERTI: Well, give me a --

12 MS. TESSERA: I feel like I'm spending
13 enough time.

14 MR. ALBERTI: You know how much time you
15 spend there. I mean it's every week. So give me an
16 estimate please.

17 MS. TESSERA: About two to three hours a day
18 during the weekdays. And then about five hours on
19 weekends each -- like Monday -- Saturday and Sunday.
20 I'm just giving an approximate time.

21 MR. ALBERTI: All right. Okay. Who's
22 responsible for sort of the dated day-to-day management?

1 MS. TESSERA: Right now I have two people.
2 Neb Ali is the ABC manager on duty who's supposed to be
3 there all the time --

4 MR. ALBERTI: Okay.

5 MS. TESSERA: -- there all the time when
6 alcohol is served. And then I have Simon, he's the
7 manager. He's in the process to get a ABC manager ID.

8 MR. ALBERTI: Okay. And they do the
9 day-to-day management?

10 MS. TESSERA: The day-to-day management is
11 done by Simon, and there is another person who's out of
12 country right now because of a family emergency. His
13 name is Dewitt Salas (ph).

14 MR. ALBERTI: Okay. All right. And they --
15 and these people are -- by day-to-day management, what
16 are they responsible for? What duties do they perform?

17 MS. TESSERA: Ali -- Mr. Ali, right now he
18 has a position to manage all the activity in-house
19 especially during the alcohol serving hours, and then
20 Simon support with like -- he will -- he will -- he
21 helps me with getting things done. Like if there's any
22 paper needed to be processed and all those things, he is

1 the one responsible for that.

2 MR. ALBERTI: Okay. So who does -- who --
3 who schedules staff to work?

4 MS. TESSERA: Ali.

5 MR. ALBERTI: Okay. Who does the ordering?

6 MS. TESSERA: Ali and Simon and Salas --
7 Dewitt Salas.

8 MR. ALBERTI: Who does the hiring and
9 firing?

10 MS. TESSERA: Ali as well as me. I can fire
11 anyone I want to especially as far as managers.

12 MR. ALBERTI: I assume that you have -- you
13 have, you know, power over all of their decisions. One
14 would hope, but --

15 MS. TESSERA: Yeah.

16 MR. ALBERTI: -- I'm glad you cleared that
17 up. Okay. Well, I'm just going to say this: First of
18 all I've -- I am pretty lenient with cases where someone
19 in the establishment claims to be an owner. I get that,
20 you know, they're there and it happens and people just
21 get excited and -- but while I'm very lenient I expect
22 it to be corrected especially when the owner is notified

1 like we are putting you on notice today. Okay. So next
2 time I hear a report where someone in your establishment
3 says I'm an owner and we know that they're not, I am
4 going to recommend that that be prosecuted as
5 interference with an investigation because the owner is
6 responsible, the owner should train everybody. The
7 owner is aware of this. In some cases the owner isn't
8 aware that someone's going to be doing this. But you
9 should be very cognizant of this is a problem, I need to
10 make sure everyone is clear not to claim to be an owner.
11 All right. Because if it's not taken care of, I'm going
12 to assume that you're complicit with this.

13 MS. TESSERA: Okay.

14 MR. ALBERTI: And so I would recommend in
15 those cases that we prosecute. Secondly, you really do
16 have a lot of no ABC manager on a duty, and you need to
17 take care of that. And we will get I think in the next
18 case where one of your managers failed you miserably it
19 looks like. According to the allegations on the report
20 the manager failed you miserably, and it -- but it's
21 your responsibility. You're the owner, you're
22 responsible. I have nothing else to add.

1 CHAIRPERSON ANDERSON: Questions by any of
2 the members?

3 MR. SHORT: I had --

4 CHAIRPERSON ANDERSON: Yes, Mr. Short.

5 MR. SHORT: Good -- good morning to both of
6 you. Thank you again for your report Mr. Brashears.
7 And I would just like to ask how long have you been in
8 business, ma'am?

9 MS. TESSERA: Over like now eight years.

10 MR. SHORT: Eight years. So you have --

11 MS. TESSERA: The first five years, you
12 know, it was my mom and my partner right there
13 [inaudible 1:19:33] used to be there taking care of
14 everything so I never had this issue. And now I'm
15 having more issues for the last two and a half years
16 because I keep having different people, you know,
17 different managers.

18 MR. SHORT: You realize that when you have
19 these multiple charges that it effects your license
20 because after you -- you get a certain number of them
21 then this board can either cancel or take some action
22 against your license to function? Do you realize that?

1 MS. TESSERA: I do.

2 MR. SHORT: All right. If you familiar with
3 the ABRA rules in this city? Have you ever seen one of
4 these?

5 MS. TESSERA: No. I've never seen one of
6 those.

7 MR. SHORT: But I suggest to you as the
8 owner get one, probably keep it there on premises so
9 your ABC managers can be familiar with it too. That way
10 when an investigator or an inspector comes by to see
11 your establishment you can have just as much knowledge
12 as that person and it helps you stay out of trouble.
13 But if -- but if these -- these complaints keeps coming
14 in, the violations keep piling up, then you can lose a
15 good license in the city. And you don't want that.

16 MS. TESSERA: I don't want that.

17 MR. SHORT: Okay. So will you think about
18 investing and getting --

19 MS. TESSERA: Yes, I will.

20 MR. SHORT: All right. I'm going to hold
21 you to that. Thank you very much. That's all I have,
22 Mr. Chair.

1 CHAIRPERSON ANDERSON: Any other -- yes,
2 Mr. -- Mr. Silverstein.

3 MR. SILVERSTEIN: It's good to see you,
4 Ms. Tessera. Thank you for coming this morning. I -- I
5 want to stress what Mr. Alberti said and explain to you
6 and -- and to all here why it is important. This isn't
7 simply some kind of hoop that we want you to jump
8 through. It's not some regulation that has no -- no
9 meaning or purpose other than to make life difficult for
10 you. The laws are there and have to be applied equally
11 to everyone. But this particular law has a compelling
12 reason for it. And that's -- with all that's happening
13 now in the world and -- and in this country when things
14 happen someone has to be in charge and it's not just
15 somebody who walks in and doesn't know what the laws
16 are, what the rules are, what you're supposed to do,
17 what your closing hours are, all of these other things.
18 And it's the person that our investigators and that the
19 police -- it's their point of contact. When something
20 happens the first thing we need to know and the police
21 need to know who is in charge. There's 50 people -- you
22 can't talk to 50 people. Who's in charge, and does that

1 person know what they're supposed to do and why? This
2 is not something to make your life difficult. This is
3 something to make everyone safe and to make sure that
4 things are run legally and that you can be treated
5 equally and with the same dignity as everyone else. And
6 I -- I do hope you understand that.

7 MS. TESSERA: I do understand that. That is
8 my hope and also what -- that's what I want to do.
9 Okay. I don't want to do anything illegal or anything.
10 I want to be treated just like any other person. I'm
11 not asking for, you know, a favor. I am trying to do
12 that because -- you know, I can hire a manager but --
13 and then I -- I can feel that's like that's a qualified
14 person to be on premises. But I don't have control over
15 that person. I don't know what that person will do. So
16 you're right, whoever is on that premises should know
17 what they're supposed to do, but sometimes it's out of
18 my control. And I understand that's not your position
19 to tell me -- I mean --

20 MR. SILVERSTEIN: No. It's on you though by
21 the law, and that's -- that's --

22 MS. TESSERA: It is. It is.

1 MR. SILVERSTEIN: -- that's the difficult
2 situation in which you find yourself.

3 MS. TESSERA: Yes. So I --

4 MR. SILVERSTEIN: Hire a person and you hope
5 and pray that this person is worthy of -- of hiring and
6 is worthy of your trust and your good name.

7 MS. TESSERA: Okay.

8 MR. SILVERSTEIN: Thank you, ma'am.

9 MS. TESSERA: Thank you.

10 CHAIRPERSON ANDERSON: Any other questions
11 by any other board members? Any final statements that
12 you need to make, ma'am.

13 MS. TESSERA: Well, the only thing I would
14 say is for you guys to understand that as an owner --
15 owner of that establishment as a healthcare worker I do
16 understand selling alcohol is not an -- you know, an
17 easy thing. You know, for me I -- I take pride that
18 people -- all my customers are treated right and they
19 are okay when they walk out of that, you know,
20 restaurant. So I understand where you guys are coming
21 from, why the law and the regulation is there. But all
22 I want you to understand is I am trying at least to be a

1 good I will say ownership in the community. So that's
2 all I can say.

3 CHAIRPERSON ANDERSON: All right. The Board
4 will take this matter under advisement. All right.
5 Thank you. All right. So this case we can either take
6 a break or -- or let -- let's take a -- the next case --
7 and that's not the only case. Hold on. Let me -- we
8 have two more cases on our calender. And so -- yeah. I
9 know. I know. I said -- I said that we have two more
10 cases on our calendar. So let's take -- let's take a
11 five minute break and then we'll call the next case, the
12 show cause hearing. Okay. So we're in recess for five
13 minutes.

14 (Whereupon, the above-entitled matter was
15 recalled.)

16 CHAIRPERSON ANDERSON: We had a fact finding
17 hearing -- we had two fact finding hearings earlier --
18 earlier today, and the first case was Case Number
19 16-CMP-00470, the Noble Lounge, License Number 852578.
20 Mr. Silverstein.

21 MR. SILVERSTEIN: Mr. Chairman, Case
22 16-CMP-0470, Noble Lounge, I move we refer this case to

1 the Office of the Attorney General for show cause.

2 CHAIRPERSON ANDERSON: Is there a second?

3 MR. SHORT: Second.

4 CHAIRPERSON ANDERSON: Mr. Short has
5 seconded the motion. Those in favor say those in favor
6 say aye. [Chorus of ayes]. Those opposed. [No audible
7 response]. The matter passed three-zero-zero.

8 (Whereupon the above-entitled matter was
9 concluded.)

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