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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 :
(Formerly-Yetenbi Restaurant) :
1915 9th Street NW :
License #85258 :
Retailer CT :
ANC I B :
Wednesday, March 9, 2016 :

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Wednesday, March 9, 2016

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

1 CHAIRPERSON: DONOVAN ANDERSON, Presiding

2

3 MEMBERS OF THE BOARD

4 NICK ALBERTI, BOARD MEMBER

5 RUTHANNE MILLER, BOARD MEMBER

6 JAMES SHORT, BOARD MEMBER

7 MIKE SILVERSTEIN, BOARD MEMBER

8

9 OTHER PERSONS PRESENT

10 AMY SCHMIDT

11 On behalf of District of Columbia

12

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

2 CHAIRPERSON ANDERSON: The next case on
3 our calendar is case #15-CMP-00414, the Noble
4 Lounge, license #85258. Will the parties please
5 approach?

6 MS. SCHMIDT: Good morning, Amy Schmidt,
7 Assistant Attorney General on behalf of the
8 District of Columbia.

9 CHAIRPERSON ANDERSON: Good morning.

10 MS. SCHMIDT: I'm sorry, I was a little confused.
11 I was looking for this gentleman because I wasn't
12 sure if he was here.

13 CHAIRPERSON ANDERSON: Okay.

14 MS. SCHMIDT: So I'm just trying to
15 verify.

16 CHAIRPERSON ANDERSON: And your name, sir
17 please? Identify yourself for the record.

18 MR. TIKUE: Simon, last name T-I-K-U-E.
19 I'm manager of Noble Lounge.

20 CHAIRPERSON ANDERSON: Can you sign --
21 this one right there.

22 MS. SCHMIDT: I apologize, can we stop

1 for a minute? I was looking for this gentleman,
2 I was calling Ms. Gephart trying to find him.

3 CHAIRPERSON ANDERSON: All right. Can
4 you -- we'll stay for about five minutes since
5 you need to talk to him so go ahead. We'll just
6 -- we'll just stick --

7 MS. SCHMIDT: We don't need ten, I just
8 have one question to ask him.

9 CHAIRPERSON ANDERSON: All right. I'm so
10 -- what's your name again, sir?

11 MR. TIKUE: Simon, last T-I-K-U-E.

12 CHAIRPERSON ANDERSON: Tikue?

13 MR. TIKUE: Yes.

14 CHAIRPERSON ANDERSON: And you said you
15 were a manager of -- are you an owner?

16 MR. TIKUE: The owner, she's out of the
17 country because she has an emergency that she has
18 to take care of so she represented me, she gave
19 me the paperwork to come --

20 CHAIRPERSON ANDERSON: What paperwork?
21 Where is that at?

22 MR. TIKUE: She gave -- I think she gave

1 me on --

2 CHAIRPERSON ANDERSON: What paperwork?

3 Who did she give paperwork to?

4 MS. SCHMIDT: I did not receive any. I
5 know that we said, Ms. Gephart was contacting the
6 owner and said that this gentleman would have to
7 bring in some paperwork authorizing him to
8 represent the establishment but I don't have any
9 of that paperwork.

10 CHAIRPERSON ANDERSON: So, do you know
11 who --

12 MR. TIKUE: I was informed that she was
13 going to e-mail something, so that maybe there
14 was some kind of miscommunication but I have the
15 paperwork at home. The reason why I'm late to
16 begin with was because I --

17 CHAIRPERSON ANDERSON: No, you're not
18 late.

19 MR. TIKUE: Okay.

20 CHAIRPERSON ANDERSON: You're not late.

21 MR. TIKUE: If I may just call Ms.
22 Gephart and see if there's an e-mail to her.

1 CHAIRPERSON ANDERSON: Okay. We'll take
2 a five minute break.

3 [off the record 11:17 a.m.]

4 [on the record 11:26 a.m.]

5 CHAIRPERSON ANDERSON: We're back on the
6 record. There was some confusion regarding --
7 I'm sorry, your name again, sir?

8 MR. TIKUE: Simon Tikue.

9 CHAIRPERSON ANDERSON: Mr. Tickle?

10 MR. TIKUE: Tikue. T-I-K-U-E.

11 CHAIRPERSON ANDERSON: Mr. Tikue. I'm
12 bad with names.

13 MR. TIKUE: I know, you can use my first
14 name.

15 CHAIRPERSON ANDERSON: Mr. Simon Tikue,
16 Mr. Tikue's authority to -- authority. Do you
17 have representation to make the government?

18 MS. SCHMIDT: I was told that Ms. Gephart
19 --

20 CHAIRPERSON ANDERSON: Who is Ms.
21 Gephart.

22 MS. SCHMIDT: Ms. Gephart is the

1 assistant attorney general who was assigned this
2 case. I'm standing in for her today.

3 CHAIRPERSON ANDERSON: Okay.

4 MS. SCHMIDT: She spoke to the owner and
5 she said the owner had authorized Simon to come
6 down and speak on her behalf but he was supposed
7 to bring a letter with him.

8 CHAIRPERSON ANDERSON: All right. I will
9 take the representation that the -- that the
10 government has made that the owner -- that the
11 OIG whose case has been assigned to confirms that
12 Mr. Tikue is authorized to be here today. It's
13 my understanding that Mr. Tikue, that you do have
14 the letter in your possession. When can you
15 provide this letter to the agency?

16 MR. TIKUE: As early as this afternoon,
17 sir. I can e-mail it to you guys or I can fax
18 it, however you want me to do it I can do that.

19 CHAIRPERSON ANDERSON: All right, so then
20 you will provide this letter to the Agency and
21 I'll make sure before the hearing is over we'll
22 give you the information where you'll -- where

1 this information can be provided. All right, are
2 there any preliminary matters in this case?

3 MS. SCHMIDT: Yes, there are. There's an
4 offer in compromise in this matter consisting of
5 a \$4000 fine. The OIC consists of a \$1000 fine
6 for charge one and a \$3000 fine for charge two,
7 and if the fine is not paid within 30 days the
8 license would be suspended -- I mean, within 60
9 days -- I apologize -- within 60 days, the
10 license will be suspended.

11 CHAIRPERSON ANDERSON: All right, Mr.
12 Tikue. It's my understanding that there is an
13 offer in compromise for \$4000 and that there's a
14 \$1000 charge -- \$1000 for charge 1, \$3000 for
15 charge two and that the fine will be paid within
16 30 days, is this your understanding of the
17 agreement that was made between --

18 MR. TIKUE: No sir, 60 days.

19 CHAIRPERSON ANDERSON: I'm sorry, made
20 within 60 days.

21 MR. TIKUE: Correct.

22 CHAIRPERSON ANDERSON: Well, clearly, I

1 guess this is -- is this your understanding of
2 the agreement?

3 MR. TIKUE: \$4000 within two months, yes
4 sir.

5 CHAIRPERSON ANDERSON: All right. And
6 are you aware that and you're representing the
7 owner, that -- that by accepting this offer in
8 compromise you're giving up your right to a
9 hearing and that you also give up your right to
10 an appeal?

11 MR. TIKUE: Yes.

12 CHAIRPERSON ANDERSON: And it's also -- I
13 make a motion that this offer in compromise of
14 \$4000 payable in 60 days, \$1000 on charge one and
15 \$3000 on charge two, be accepted. Is there a
16 second?

17 MS. MILLER: Second.

18 CHAIRPERSON ANDERSON: Ms. Miller
19 seconded the motion. Is there any discussion?

20 MR. ALBERTI: I'll just state at the
21 outset that I will not be accepting the offer in
22 compromise. The allegations are pretty serious

1 and, if true, it shows a lack of willingness to
2 comply and an overt effort to circumvent ABRA
3 regulations, and then I'm not -- there may be
4 circumstances -- there may be legitimate
5 circumstances, but I fail to see them as to why
6 this has taken so long to come to resolution.
7 There's been two statuses scheduled, one was
8 continued, no offer in compromise was made at the
9 first one. It just seems like there's been --
10 you know, it appears to me it's been an effort to
11 draw this out for as long as possible, so I see
12 little remorse on the applicant's part for their
13 actions. I'm going to deny the OIC.

14 CHAIRPERSON ANDERSON: Any other
15 questions by any of the board members?

16 MR. SHORT: I do have a comment.

17 CHAIRPERSON ANDERSON: Yes, Mr. Short.

18 MR. SHORT: I'm going to vote for this
19 but I do, like Mr. Alberti, have some
20 reservations. The -- it appears that some of the
21 investigators were not respected as D.C.
22 government officials and that the licensee

1 violated the law and they're going to pay a fine
2 for that but I'd just like them to realize that
3 this is not the way to run a business in
4 Washington, D.C. That's all I have, Mr.
5 Chairman.

6 MR. TIKUE: Mr. Short, ABRA sent the
7 investigators to our establishment several times
8 after the incident and we've complied with all of
9 their wishes and needs and any kind of
10 requirements that they asked for, so prior to
11 this incident, I don't know what happened but
12 after my involvement of this place we've been
13 compliant with all of the ABRA regulations, so I
14 apologize for everything that happened, I am
15 coming into the picture, but moving forward we
16 complied with all your regulations in the offer
17 and if there's any questions or any concerns -- I
18 mean -- we'd directly speak to the person who
19 comes through to our establishment and be sure
20 that we resolve any future incidences.

21 MR. SHORT: Thank you, Mr. Tikue, and I'm
22 going to hold you to that. We won't be seeing

1 you again for anything like this.

2 MR. ALBERTI: May I ask a follow-up
3 question?

4 CHAIRPERSON ANDERSON: Yes, Mr. Alberti,
5 go ahead.

6 MR. ALBERTI: Mr. Tikue, when did you
7 become involved with the establishment?

8 MR. TIKUE: Beginning of November,
9 November 1st of 2015.

10 MR. ALBERTI: Great. We have two
11 allegations of no ABC manager on duty from
12 beginning of November, so, you know, please don't
13 tell us that -- you know -- under your leader --
14 under your management or your oversight that you
15 were completely compliant with ABC laws, and I
16 will remind you having an ABC manager or owner
17 there on duty is very important to us, so you
18 don't need to respond, I just want to make that
19 remark. Thank you.

20 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

21 MS. MILLER: I just want to know for the
22 record that the OIC reflects the maximum

1 financial penalty for the first violation and in
2 the middle for the second one. That's it.

3 MR. SILVERSTEIN: Mr. Chair?

4 CHAIRPERSON ANDERSON: Yes, Mr.
5 Silverstein.

6 MR. SILVERSTEIN: I normally vote to
7 approve offers in compromise in most cases.
8 There is one red light and that is when you do
9 not allow our people in and when you interfere
10 with or ever touch our people, putting hands on,
11 but if you interfere with them and do not allow
12 them to do their job, then basically I feel you
13 should not be allowed to do your operation, and
14 this is one of those cases. I wish you well and
15 this is just simply something that is too
16 serious. Thank you.

17 CHAIRPERSON ANDERSON: All right. So,
18 the motion to accept the \$4000, \$1000 for charge
19 one and \$3000 for charge two payable in 60 days
20 has been moved and seconded. Those in favor say
21 aye. [chorus of ayes]

22 Those opposed. Two opposed. The matter

1 passed 3-2 with Mr. Alberti and Mr. Silverstein
2 in opposition. Thank you. So, Ms. Randle would
3 have you sign an order, and so as you stated
4 that's yours as a new person on board and you're
5 going to make sure that you comply with the ABRA
6 regulations and so I will take you at your word,
7 and so that's why I voted in favor of it.

8 MR. TIKUE: Thank you.

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