

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
4

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6 IN THE MATTER OF: :
7 Asefu Alemayehu :
8 t/a Yegna :
9 1920 9th Street Northwest :
10 License #74241 :
11 Retailer CT ANC 1B :
12 Remand Hearing :
13 Monday, March 30, 2016 :

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15 Monday, March 30, 2016

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

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21

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 MEMBERS OF THE BOARD:

5 NICK ALBERTI

6 JAMES SHORT

7 MIKE SILVERSTEIN

8 RUTHANNE MILLER

9

10 OTHER PERSONS PRESENT

11 ASEFU ALEMAYEHU

12 RICHARD BIANCO, ESQUIRE

13 HABTOM TEKELE

14 TAMRAT MEDHIN

15 NATHANIAL SIMS

16 WILLIAM LEWIS

17

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

2 Remand Hearing

3 CHAIRPERSON ANDERSON: The next case on
4 our calendar today is a remand hearing for Yegna,
5 license #74241. Would the parties please
6 approach?

7 MR. TEKLE: I'm Habtom Tekle --

8 CHAIRPERSON ANDERSON: Hold on one
9 minute, sir, wait until everyone else comes. Are
10 you the interpreter?

11 MR. TEKLE: Yes.

12 CHAIRPERSON ANDERSON: Let me wait until
13 the person you're supposed to interpret for comes
14 up. Yes ma'am, come forward. Miss, can you sit
15 over on this side so you can sit next to him,
16 please. Mr. interpreter, can you stand please?
17 Do you swear or affirm to faithfully interpret
18 from English to Amharic?

19 MR. TEKLE: Amharic.

20 CHAIRPERSON ANDERSON: Amharic, and from
21 Amharic to English to the best of your abilities?

22 MR. TEKLE: I do.

1 CHAIRPERSON ANDERSON: Who are

2 MR. TEKLE: Witnesses. [inaudible]

3 CHAIRPERSON ANDERSON: No, just have a
4 seat in the audience, please. The next case on
5 our calendar is a remand hearing of Yegna license
6 #74241. The Alcoholic Beverage Control Board has
7 scheduled this remand hearing as a result of an
8 order issued by the District of Columbia Court of
9 Appeals in Alemayehu versus District of Columbia
10 Alcoholic Beverage Control Board, 109 A3-1095-BC
11 4/2014.

12 In its order, the court of appeals
13 determined that you are entitled to a remand for
14 the board to determine first whether you were
15 communicated impaired at the time of the show
16 cause hearing and, if so, then you should be
17 entitled to a new hearing. The court also
18 determined that you may be entitled to an
19 opportunity to persuade the board to impose a
20 fine of at least \$30,000 and a 30-day suspension
21 as authorized by Section 25-830-C3 rather than
22 revocation. By way of background and for the

1 record, you were provided notice of this hearing
2 through personal service and you were advised
3 that the agency's records do not indicate that
4 you have an alternative counsel. Now that Mr.
5 Richard Bianco is no longer representing you, you
6 are also advised that your new attorney should
7 file an enter of appearance if you choose to
8 retain counsel.

9 In addition to the personal service of
10 the notice of hearing, you were also served with
11 proposed findings and conclusions of law. The
12 proposed order was provided to you for the
13 purpose of allowing you to respond to the alleged
14 facts and legal conclusions being considered by
15 the board at today's remand hearing. As part of
16 this remand hearing, the board intends to take
17 official notice of the records in ABRA's
18 possession that relate to your ability to speak
19 and understand English. The records identified
20 in the proposed order are made of the record and
21 taken into evidence as part of this case in
22 accordance with 23-DC-MR Section 1717.

1 Further, as set forth in the notice, you
2 have the right to produce witnesses and evidence
3 on your behalf and to cross examine witnesses.
4 You may also examine evidence produced in the
5 records of the board. Ms. Alemayehu, and I might
6 have butchered your name, it is now your turn to
7 address the board.

8 MS. ALEMAYEHU: If I may be allowed to
9 read what I have written?

10 CHAIRPERSON ANDERSON: Yes, this is your
11 opportunity to address the court, so yes.

12 MR. ALEMAYEHU: I have given you a copy
13 and I would like you to look at the copy as well.

14 CHAIRPERSON ANDERSON: I don't, I've not.
15 Okay.

16 MS. ALEMAYEHU: Because my reading might
17 not be good enough for you to follow without.
18 So, I would like you to read -- to bear with me
19 while I read.

20 CHAIRPERSON ANDERSON: Oh, no, that's
21 fine.

22 MS. ALEMAYEHU: Do I have to stand or may

1 I read while sitting?

2 CHAIRPERSON ANDERSON: Whichever makes
3 you more comfortable, it's up to you.

4 MS. ALEMAYEHU: Good afternoon District
5 of Columbia Alcoholic Control Board.

6 CHAIRPERSON ANDERSON: Can you? I know
7 that we're reading but he's also -- he can hear
8 you also. I mean, whichever one -- why don't you
9 sit over there and then sit next to the
10 microphone so at least your voice will project
11 more.

12 They can sit there, just keep the microphone
13 close to you so your voice will project. Yes,
14 whenever you're ready.

15 MS. ALEMAYEHU: Good morning -- good
16 afternoon, District of Columbia Alcoholic Control
17 Board. My name is Asefu Alemayehu. I appreciate
18 the opportunity to be before you today. I am
19 here today on life support. I feel as though I
20 am in a coma trying to wake up. I know I am here
21 because I messed up. I made mistakes. At the
22 end of the day, my four violations were my fault.

1 I take full responsibility for my actions and
2 inactions.

3 The past four years have been difficult.
4 I am a single mom with a teenage son. I brought
5 my mom to this country. She fell in my house and
6 died. Because my younger brother passed away and
7 before she came and I stopped -- I used to work
8 hard, and then she heard I stopped working and
9 then she came to support me and to motivate me
10 and encouraged me to go back again to work, and
11 then I did. And then after a little while I
12 stopped touring.

13 I'm a recording artist, I perform all
14 over state, all over the states. That's all I
15 have, my job was. So, I stopped doing that. She
16 heard, and then she came to support me because of
17 my younger brother, the only brother I had,
18 passed away and then she came to support me. And
19 then she fell in my house and she died. And
20 then, I lost my liquor license and my business.
21 I am on life support. I am in a coma. I am
22 trying to wake up and move on with my life for

1 the sake of my teenage son.

2 Simply stated, I need a lifeline. I am
3 so thankful for the Counsel of the District of
4 Columbia and the mayor, the honorable Muriel
5 Bowser. The mayor has called for a "fresh
6 start". The mayor has provided a fresh start for
7 our beloved city, Washington, D.C.

8 Today, I am here asking for a fresh
9 start. I am asking for the lifeline and a last
10 chance to get it right, for someone in my
11 situation, pursuant to the new law put in place
12 by the Council of the District of Columbia.

13 I am requesting this board impose on me,
14 Asefu Alemayehu, a penalty of not less than
15 \$30,000 and suspension of no less than 30 days
16 for my four violations. I have been told that
17 this new law put in place by the D.C. Counsel can
18 apply to my case. I was told by Martha Jenkins,
19 General Counsel for the Alcoholic Beverage
20 Regulation Administration, that the new law
21 provides for leniency in the case of four primary
22 tier violations.

1 I am so ashamed of what has happened. I
2 know this is [my fault] my last chance. I need
3 this last chance for me and my son. I know this
4 is my last chance to get it right. I do not
5 believe I am getting away with anything. This is
6 a very harsh penalty. I have not had my license
7 for the last three years. I have not been in
8 business for the last three years. It's a last
9 chance penalty that the Counsel of the District
10 of Columbia has provided for you to impose, if
11 you so choose.

12 I pray -- we have different kinds of
13 prayers. Some people they work with no shoes.
14 Some people they don't eat, they don't drink for
15 about seven days, some people they sleep on the
16 floor, no mattress, no blanket beneath. I did --
17 since Thursday I slept on the floor as a prayer -
18 - no mattress and no blanket. That you can find
19 a way, [you can find a way] and consider that
20 I've been without an ABC license for three years,
21 to impose this harsh penalty, a penalty of no
22 less than \$30,000 and a suspension of no less

1 than 30 days for my four violations.

2 I apologize to this board, to the
3 Alcoholic Beverage Regulation Administration, to
4 the citizens of the District of Columbia and to
5 my family, and in particular to my son. I am so
6 sorry for my poor judgment that led to these four
7 violations. Please forgive me and let me again
8 show you how I follow the rules when I make a
9 mistake. Thank you so much for providing me the
10 opportunity to be heard today .

11 CHAIRPERSON ANDERSON: All right thank
12 you for your statement. There are two things
13 that we have to decide, and the first issue is
14 whether or not you were communicated disabled
15 when you had your first hearing and, if we
16 determine that you were, then you are entitled to
17 a new hearing, or you could stipulate today that
18 you were not communicated disabled at the time of
19 the hearing and that you're asking the board to
20 revisit the penalty stage.

21 So, the board -- if you stipulate that
22 you had understood the charges prior to then we

1 can easily dispose of this hearing and the board
2 would consider the penalties that was imposed. I
3 see that what you're asking the board to do today
4 is to impose a fine of \$30,000 and a suspension
5 of up to 30 days, rather than revocation. But we
6 have to address the first issue first before we
7 can move to the second one.

8 MR. BIANCO: Can I say one thing?

9 CHAIRPERSON ANDERSON: You're free to say
10 anything.

11 MR. BIANCO: We're not going to
12 challenge.

13 MS. ALEMAYEHU: All of the -- my family
14 passed, my younger brother, and my mom passed.
15 That was painful, I was depressed, I just stand
16 up there, I never pay attention to what was going
17 on. Or that I had a high language barrier but
18 still I'm not -- but since they revoked my
19 license I keep taking the ESL class so they know
20 I have the paperwork and then I had a better
21 understanding. Before, I wasn't understanding.
22 If I was understand, how come the four violations

1 put me out of business, how I was dealing with
2 that, I don't know. All of this was my fault.
3 Even if I don't understand I should have
4 interpreter, I never had interpreter.

5 All the same but now I am asking I have
6 enough punishment. I was embarrassed, it was
7 shame on me. I can't work, that was my
8 livelihood, I just need my license back. I will
9 do everything what you say. I just need my
10 license back and to show you how I learned.
11 Nothing can teach me better than failure. I
12 failed. I'm punished. And I've -- I was
13 powerless, almost half dead and half alive. I
14 just need my license back to show you how I
15 learned from this.

16 CHAIRPERSON ANDERSON: Well, but are
17 you, maybe you didn't understand. Are you
18 willing to stipulate that although you might have
19 had some communication concerns the last time,
20 that you understood the charges. The proceedings
21 -- the previous proceedings. And the reason,
22 before she answers, just let her know that I know

1 that she's asking us for the penalty, to say "do
2 not revoke my license, give me this alternative
3 penalty" so before we can even consider that, she
4 has to answer the first question.

5 MR. TEKELE: What is the question?

6 CHAIRPERSON ANDERSON: The question is
7 that are you willing to stipulate today that you
8 -- although you had -- and I'll say it this way,
9 but although you had some communication
10 challenges during the previous hearing that you
11 understood the previous proceeding.

12 MS. ALEMAYEHU: Though I did not
13 understand it very well at that time I understand
14 it very well now and I made a mistake.

15 CHAIRPERSON ANDERSON: As I said before,
16 before we can even consider the penalty we have
17 to - I have to get clarity on the first issue.
18 Because the court asked us to determine whether
19 she understood the proceedings the last time and
20 if she did not then we might have another hearing
21 or we need to just revisit the penalty.

22 MS. ALEMAYEHU: Whether I understood it

1 all, I did not. I know I made a mistake.

2 MR. SILVERSTEIN: Will you repeat that,
3 sir?

4 MS. ALEMAYEHU: Whether I understood the
5 previous hearing or not, I know I made a mistake.

6 CHAIRPERSON ANDERSON: What mistake is it
7 that you made?

8 MS. ALEMAYEHU: That I had four
9 violations of after hours. That's what I want to
10 apologize.

11 CHAIRPERSON ANDERSON: So, what is it
12 that -- I guess -- what is it that you want the
13 board to do today?

14 MS. ALEMAYEHU: To let me penalty, to
15 make me pay a penalty, I know \$30,000 is not an
16 easy money for somebody who has not been working.
17 I would just want the board to make me pay a
18 penalty but allow me to do my job, this would be
19 good for me, morally, for my house and to
20 function as a person.

21 CHAIRPERSON ANDERSON: I think that one
22 of the reasons why -- I'm seeing a lot of things

1 -- I need her to state that when she had the
2 hearing in 2013 that she understood the charges
3 against her.

4 MS. ALEMAYEHU: I did not understand, I
5 did not understand the [inaudible] and the only
6 thing I need was admit and pay the penalty.
7 Because everything I did at that time was a
8 mistake. So, I don't want to go back and have a
9 trial, I know I made a mistake. I should have
10 known that if I did not understand it I should
11 have asked it, so that I understand it. So, I
12 just want to ask now to apologize to the board
13 and get my license back to show you how -- to do
14 the right thing and not to do the wrong thing
15 like I did in the past.

16 CHAIRPERSON ANDERSON: Now --

17 MS. ALEMAYEHU: I have learned from my
18 fault, from my failing.

19 CHAIRPERSON ANDERSON: She said the last
20 time to admit and pay the penalty. Admit to
21 what?

22 MS. ALEMAYEHU: For everything, because I

1 consider the tickets that I was given as if they
2 were parking tickets, vehicle parking tickets.
3 So I am told these are And I will not do the same
4 thing again. I want to be given a second chance
5 for me to learn from my mistakes and do the right
6 thing, and everybody would make a mistake. I
7 don't have a family that can help me at the
8 moment, so I want the government's help, God's
9 help and your help. That's the only opportunity
10 I have to be a person again.

11 CHAIRPERSON ANDERSON: The problem that
12 I'm having is that you're asking us to revisit
13 the penalty.

14 MS. ALEMAYEHU: No.

15 CHAIRPERSON ANDERSON: No what?

16 MS. ALEMAYEHU: The penalty, which
17 penalty do you mean?

18 CHAIRPERSON ANDERSON: The penalty that
19 was basically revoked your license. Also, she is
20 asking...

21 MS. ALEMAYEHU: It's not like that. I
22 have made a mistake. I have made many mistakes

1 and I have learned from them.

2 CHAIRPERSON ANDERSON: I think the point
3 that I'm trying to make, did she realize -- at
4 what point did she realize that she made
5 mistakes?

6 MS. ALEMAYEHU: When my license was taken
7 for the last time.

8 CHAIRPERSON ANDERSON: So once the
9 penalty was issued, that's when she realized she
10 made a mistake?

11 MS. ALEMAYEHU: Yes, I realized my
12 mistake when my license was taken. Prior to that
13 I thought when I paid the fine for the ticket I
14 thought everything was going to be all right. I
15 thought it was like a car ticket, vehicle parking
16 ticket. I thought just like it would be okay to
17 drive if you paid the parking ticket, I thought
18 it was the same with my situation.

19 CHAIRPERSON ANDERSON: But did she
20 understand that when she got the tickets that she
21 had committed a violation?

22 MS. ALEMAYEHU: Although I understood

1 that it was a mistake I thought everything was
2 going to be cleared up once I paid the fine,
3 until my license was taken. So I learned
4 everything, that I may fall but I get back up
5 again.

6 CHAIRPERSON ANDERSON: I'm sorry, repeat
7 yourself.

8 MS. ALEMAYEHU: That I learned
9 everything, but I can fall and stand up.

10 CHAIRPERSON ANDERSON: Now, did she
11 understand at the time she received the ticket
12 that it was for exceeding her hours of how long
13 the establishment should be open. Does she
14 understand that was the reason she got the
15 ticket?

16 MS. ALEMAYEHU: Though I understood that
17 to be like that but I thought it was going to be
18 cleared up once I paid.

19 CHAIRPERSON ANDERSON: So at what point
20 did she understand the purpose of the tickets?

21 MS. ALEMAYHU: I have learned a lot of
22 things in the past three years. I keep taking

1 ESL classes, I'm attending school. I have
2 learned practically instead of theoretically.
3 Nobody helping me, I did not inherit anything
4 from my family, I did all these things by working
5 hard myself but when my family members died I
6 started not paying attention too much to things
7 that happened around me.

8 My place of employment was like a
9 shelter, a hiding place for me from my miseries,
10 from my sadness. I not only abused the
11 government in the law I also was abusing myself.
12 I didn't want to go home at that time because it
13 was a home where my mother passed away, that was
14 one of the reasons. She fell where I live and
15 she died there in the middle of the floor. So, I
16 was working to show it to her because she came to
17 console me and give me encouragement because of
18 the death of my brother, that is. So, she helped
19 me, I stood up and I was able to do some work. I
20 got my license. Then after I had started working
21 very well, then in between she died.

22 CHAIRPERSON ANDERSON: All right. Maybe

1 you're not understanding what I'm trying to get
2 out. That part is fine, because you're asking
3 the board to revisit the penalty that we had
4 imposed on you. But the larger issue is that in
5 reviewing the records, when she did her protest
6 hearing in 2009, she spoke English and it
7 appeared that she understood the proceedings, but
8 in subsequent hearings, she appeared and appeared
9 to understand English.

10 We're here today because the court stated
11 that when she had the last hearing in 2013 she
12 did not understand English, she did not
13 understand the proceeding, because she did not
14 understand English. So, I need to get over that
15 hump first.

16 MS. ALEMAYHU: All people who come from
17 Ethiopia and other places would know yes, no,
18 thank you and sorry. This is a new law and new
19 language. Some professional people wouldn't know
20 the language of ABC and even though I did not
21 understand it, I should have asked it, that I was
22 not understanding what was going on, I should

1 have known my rights and my responsibilities at
2 that time. So, I don't want to go back and think
3 and worry about the mistakes that were committed
4 at that time, but I believe in what I kindly
5 request to you is that you give me my license
6 back and that I will be able to stand up again
7 and show you how I can a productive servant.

8 CHAIRPERSON ANDERSON: And I'm not
9 denying that part of it. The issue that I just
10 need clarity on is her English speaking ability
11 at the last hearing. If she states today that
12 she committed the violations and she understood
13 that she committed the violations, I mean there's
14 a difference if I admit I commit the violations
15 but I did not know that I could lose my license,
16 but did she understood that she was having a
17 hearing to say she committed these violations?

18 MS. ALEMAYHU: What I know and what I
19 want to ask is that I have made a mistake and I
20 want to be given a second chance to correct my
21 mistake.

22 CHAIRPERSON ANDERSON: It was a question

1 that what she stated at the time she understood
2 that if I paid it's like a driving ticket, if I
3 pay the violation, but does she know that if you
4 commit a certain amount of violations with
5 traffic tickets you could also lose your drive --
6 your privilege to drive. Does she know that?

7 MS. ALEMAYHU: I know.

8 CHAIRPERSON ANDERSON: Right, so when you
9 had the hearing you clearly understood that you
10 committed the violation, is that correct?

11 MS. ALEMAYHU: Yes.

12 CHAIRPERSON ANDERSON: All right. But
13 she didn't understand clearly that the penalty
14 for committing the violations was that she could
15 lose her license.

16 MS. ALEMAYHU: Yes, I did understand but
17 I knew I made a mistake.

18 CHAIRPERSON ANDERSON: And at the hearing
19 she understood that she made a mistake, during
20 when the hearing went on, that she made a
21 mistake?

22 MS. ALEMAYHU: Yes.

1 CHAIRPERSON ANDERSON: Do you have any
2 other -- yes Ms. Miller.

3 MS. MILLER: Good morning. I know this
4 is difficult for you. So, we're just trying to
5 get some things sorted. Are you asking for a new
6 hearing on the violations or just that the board
7 reconsider the penalty?

8 MS. ALEMAYHU: What I'm asking is that I
9 just want to be given my license back and be able
10 to start my work again.

11 MS. MILLER: Okay. I just want to ask
12 one other question, similar. Did you have
13 trouble understanding what was being said at the
14 hearing that led to your license being revoked?

15 MS. ALEMAYHU: It was clear for me the
16 last time that I did make the violations and I
17 did hear from other people that my license was
18 going to be taken out. Although I was confused
19 about the matter I knew I made the violations and
20 that I'm sorry for that.

21 CHAIRPERSON ANDERSON: Yes, go ahead Mr.
22 Alberti. I'm sorry, are you done, Ms. Miller?

1 MS. MILLER: I think so, thank you.

2 CHAIRPERSON ANDERSON: Mr. Alberti.

3 MR. ALBERTI: Ms. Alemayehu, this was a
4 long time ago but in 2006 there was a protest of
5 your license. Do you remember that?

6 MS. ALEMAYHU: I remember that it was a
7 long process for me to get my license, it was not
8 like other peoples'. I know it was with the
9 support of the board and the permission of the
10 counsel I had to pay more than \$15,000 to get the
11 license.

12 MR. ALBERTI: So, you remember
13 testifying at a hearing?

14 MS. ALEMAYHU: Yes, I need to say yes.

15 MR. ALBERTI: And you had a lawyer for
16 that hearing, is that correct?

17 MS. ALEMAYHU: Yes.

18 MR. ALBERTI: When you testified was
19 there an interpreter?

20 MS. ALEMAYHU: No.

21 MR. ALBERTI: I ask this because we have
22 a transcript of that hearing in which you gave

1 very long answers and answered very complex
2 questions.

3 MS. ALEMAYHU: What I remember is when
4 the questions I was asked and the answers that I
5 gave but I remember stating that I wanted a
6 business license and the restaurant, the place I
7 changed to a restaurant was something that was
8 scary, it was a place where people were not
9 daring to work around, it was not like the
10 present 9th Street. It was a place where people
11 were scared to work around that area and that the
12 people who were on my side left and right were
13 happy that I cleared that area and they came in
14 because they came in and testified, I remember
15 that.

16 MR. ALBERTI: I have nothing further.

17 CHAIRPERSON ANDERSON: Yes, Mr.
18 Silverstein.

19 MR. SILVERSTEIN: Thank you. Ms.
20 Alemayehu the judge has remanded this to us. The
21 reason we have this is the judge wants us to
22 determine whether you were communication impaired

1 at the last -- at the show cause hearing. Mr.
2 Alberti referenced the protest hearing of October
3 6, 2006 and I'd like to insert into the record
4 testimony from pages 140 to 165.

5 In that -- and this was 2006, this was
6 seven years prior to your hearing -- you were
7 asked more than 30 questions in English. Some of
8 your responses were yes and no, but some were
9 quite complex and dealt directly with the
10 questions. I want that in the record because it
11 does appear that you have some knowledge -- had
12 previously some working knowledge of English.

13 As to the other issues, those we have to
14 work out, but Mr. Alberti's reference to pages
15 140 through 165 of the protest hearing make it
16 clear that you have a working knowledge of
17 English. Whether it is adequate or not may be
18 another matter. Do you have a comment on your
19 knowledge of English?

20 MS. ALEMAYHU: As I said previously, my
21 English, my level of English knowledge was like
22 yes, no, thank you, sorry, and that doesn't mean

1 that I did understand everything. But I know
2 some things. It doesn't mean that I don't know
3 anything, but regarding the ABC law, laid on me,
4 people who are not in the ABC operation would not
5 even understand it. But what I'm asking now is
6 that -- I know that I failed and I'm trying to
7 stand up now. So another violation again. My
8 mother would be raised from the dead and she
9 would die again. I made a mistake knowingly or
10 unknowingly.

11 MR. ALBERTI: Thank you Ms. Alemayhu.
12 The purpose of my question is not to determine
13 your feelings but to satisfy what the judge
14 requested of us. When the judge asks us to
15 consider something, we must examine the evidence
16 and consider it to respect the judge's order.
17 Only then can we move on to other things.

18 MS. ALEMAYHU: What I know is that I made
19 a mistake.

20 MR. ALBERTI: Thank you.

21 MS. MILLER: Mr. Chair, can I, could I
22 ask just a couple of clarifying questions?

1 CHAIRPERSON ANDERSON: Not a whole lot,
2 but --

3 MS. MILLER: No, no not a whole lot, just
4 like three. So, I just to clarify, she is
5 admitting that she committed the violations that
6 were the subject of our earlier hearing is that
7 correct?

8 MS. ALEMAYHU: Yes, it is clear and the
9 reason why I'm suffering at the moment without
10 income, without a job and raising a child as a
11 woman, single mother, is very difficult and I
12 would not commit another violation again, but I
13 want you to take into consideration nothing
14 means to me more than falling. I am a respected
15 and famous person from my community and I felt
16 ashamed because of what I did.

17 MS. MILLER: Okay, we -- I heard that, I
18 heard that and I'm going to take that with me in
19 consideration of this case, but I think, I just
20 want to clear, I think maybe the Chair got it,
21 maybe not, but where we go from here, because it
22 sounds to me that she's admitting what she did,

1 she's not seeking to have another hearing on that
2 case, but wants us to reconsider the penalty so
3 she can get her license back. Is that correct?

4 MS. ALEMAYHU: Repeat

5 MS. MILLER: From what I hear she's
6 admitting the violations that were the subject of
7 the hearing earlier that led to the court case.
8 She's not seeking another hearing. What she --
9 and tell me if I'm wrong -- what she is seeking
10 is that we reconsider the penalty and consider
11 giving her license back.

12 MS. ALEMAYHU: Yes.

13 MS. MILLER: Okay, thank you.

14 CHAIRPERSON ANDERSON: Do you have any
15 final comments that you want to make?

16 MS. ALEMAYHU: Not a lot. What I
17 currently have is done and due. Raising a child
18 as a single mother is not easy. I would ask that
19 I be allowed to pay that penalty, \$30,000. And I
20 don't want to say much, I just want you to give
21 my license back.

22 CHAIRPERSON ANDERSON: For what period of

1 time? If we were to impose that and we say
2 "Okay, we'll do a \$30,000 penalty" over what
3 period of time?

4 MS. ALEMAYHU: It would be up to you to
5 decide but taking into consideration my current
6 situation. And that I have been out of a job the
7 past three years and that I have a son that I'm
8 raising. If in your decision if you ask me to
9 pay I will pay you, I will try to get the money
10 from wherever.

11 CHAIRPERSON ANDERSON: It's my
12 understanding that there's a Mr. Medhin here.

13 MR. TEKEL: Tamrat Medhin.

14 CHAIRPERSON ANDERSON: What does he want
15 to talk about? Is he still here?

16 MS. ALEMAYHU: He is the chairman of our
17 community Living Ethiopia.

18 CHAIRPERSON ANDERSON: I know but what is it
19 that he wants to say?

20 MS. ALEMAYHU: I would prefer if you hear
21 what he wants to say from him.

22 CHAIRPERSON ANDERSON: No, it's your

1 witness, you tell me what is it that you want him
2 to say on your behalf and then I'll determine if
3 he needs to speak.

4 MS. ALEMAYHU: He will talk about our
5 community, our activity, about my life from my
6 young age up to the present, he knows how I grew
7 up. I'm not addicted to anything except working
8 and feeling sad about what happened to me.

9 CHAIRPERSON ANDERSON: All right he can
10 speak --

11 MS. ALEMAYHU: Just help the community
12 and not do anything, any harm.

13 CHAIRPERSON ANDERSON: All right. He's
14 here. I'll take what he has to say for whatever
15 it's worth. Yes sir, identify yourself for the
16 record, please.

17 MR. MEDHIN: My name is Tamrat Medhin.
18 I'm a friend from Ethiopia and also the publisher
19 of the magazine, Ethiopia.org.

20 MS. MILLER: I can't hear. Sir --

21 MR. MEDHIN: Good afternoon, members of
22 the District of Columbia Alcohol Control board.

1 I'm very glad to be here and give a little bit of
2 idea about who Asefu is and what kind of problems
3 our communities encounter in communicating with
4 the language. Asefu Alemayehu, who famously is
5 known as Asefu Debalque, she became famous at the
6 age of 12 and she is a victim of the cold war.

7 As you know what happened in the cold
8 war, in 1974, the former Ethiopian emperor, Haile
9 Selassie I was overthrown and the communist
10 government came in. People were not given the
11 opportunity to go and learn other languages,
12 especially they speak and they are pro American
13 they go to jail, but as a young girl at 12 years
14 old she was recruited to be a singer which she
15 wonderfully did that and she was raised and spoke
16 all the time her Ethiopian language known as
17 Amharic, which I'm sure most of us still, even if
18 we have a Masters or whatever degree, will have a
19 little difficulty communicating sometimes because
20 we are not grown in the American society.

21 Asefu, starting at 12, she became so
22 famous and known famously as Asefu Debalque that

1 some came to refer her, she became a recording
2 artist. They took her throughout the city, all
3 the towns, to propaganda for the communist
4 government. She did not have an opportunity to
5 go to school. I know she may have some working
6 English but she is not gifted in it, especially
7 when it comes to the type of legal communications
8 she need over here.

9 She is a wonderful, wonderful woman. The
10 last couple of months she was around me she went
11 to Maryland at the senior center where she played
12 the Ethiopian dance for them. She was also in
13 Washington D.C. on 15th Avenue, went to the
14 senior citizens, also played the Ethiopian dance
15 in honor of Black History Month and also the
16 Women's History Month. She is a wonderful woman,
17 she is trying to help everybody, and I'm so sad
18 that she was caught up in this situation which
19 she is in and she is very, very sorry. As you
20 saw her she was crying and crying, because when
21 she come to this country and when she was told
22 that her brother was died, I mean everything went

1 down for her. She became so depressed. So her
2 mother came to help her to the United States and
3 unfortunately the mother also died by falling in
4 her house, so her depression continued.

5 As she mentioned earlier, the situation
6 on 9th Street is beautiful now. There is a lot
7 of buildings and a lot of things have changed.
8 But I remember because I was involved with this
9 and probably you might have heard about the
10 controversy visiting in Ethiopia in the past
11 because I was the guy who mentioned that a small
12 blow can be [inaudible 40:04] because of the
13 historical connection of Ethiopia and America in
14 the last 200 years. Ethiopians and Americans
15 started their relationship in 1808 in New York at
16 Harlem and we have a very, very long history
17 where [inaudible 40:22] working with that one.
18 We have every month an Ethio Mixer connection,
19 where we bring in different where we bring in
20 people -- where have a wreath laying ceremony in
21 front of the African-American civil war, so we're
22 trying to connect the societies together. So,

1 she is one of the persons who helped me last year
2 when I had 47,000 Washington D.C. public students
3 experience the Ethiopian food, she was one of
4 them. We have 47 students eat breakfast, lunch
5 and dinner who connect the Ethiopian and African-
6 Americans [inaudible 40:55] people and that's why
7 the [inaudible] an African brick builder a wall,
8 that's what we bring. But in her case she is a
9 really a community leader, she is very good to
10 speak about her language.

11 As you know, Ethiopia has over 3000
12 history as an independent country, has got its
13 own language. Every one of them are good but
14 when it comes to legality we have a problem,
15 knowing and understanding but she is telling me,
16 crying, that she made a mistake and she is
17 appealing to the board to give her help. That's
18 all I'm gonna say. And the other thing is, by
19 the way, she also produces quite a lot of series
20 and other [inaudible 41:32] she has about 12
21 recordings and I wanted to say that she's a
22 wonderful woman.

1 If you give her this chance you will be
2 very, very happy and thank you so much for giving
3 me the opportunity and I appreciate the District
4 of Columbia Alcoholic Control Board so much for
5 helping her on this. Thank you so much.

6 CHAIRPERSON ANDERSON: All right, thank
7 you sir. The decision for the board to make is
8 whether or not we believe that the applicant
9 could speak English and understood the previous
10 proceedings. We are going to look at our records
11 and make that decision and then we'll make a
12 decision whether or not we need to revisit the
13 penalty phase. That's one of the reasons why I
14 kept on asking the questions because the first
15 question that we had to ask is whether or not she
16 understood English enough during the last
17 proceeding and as you can see from the questions
18 that the board was asking, there are board
19 members who believe, based on her previous
20 appearance, that she understood English. So,
21 we'll make the decision. So, we'll take it under
22 advisement and issue a decision shortly. I'm

1 sorry, yes?

2 MS. ALEMAYHU: I want to call Mr.
3 Williams and Mr. Sims.

4 CHAIRPERSON ANDERSON: And who are they?

5 MS. ALEMAYHU: They are around me all the
6 time and they know me very well than other people
7 --

8 CHAIRPERSON ANDERSON: And what would
9 they be saying?

10 MS. ALEMAYHU: You can listen to them
11 what they know about me, even though I have
12 fragmented English and [inaudible 44:00] but my
13 brain is bright and for thinking for future which
14 one is -- even though I don't speak well English
15 I know the meetings which were - which one was
16 good and which one was bad. Also, I never work
17 for other companies since I came here. I worked
18 for my uncle in the community and I had to make
19 the money, brother here, investor here, all my
20 famous friends, they never been here. They make
21 money here, they go home, they invest, but one
22 thing I want you to see is I'm here, I was here,

1 I've grown from all of my mistakes and invest
2 here. I don't have nowhere to go no more. The
3 only thing I ask to give me my license and
4 forgive me whatever I did, whatever, just give me
5 my license back to show you how I am who I am.

6 CHAIRPERSON ANDERSON: Well said. I
7 understood and the record will reflect that you
8 made a closing statement, a very articulate
9 statement in English, and it was understood.

10 MS. ALEMAYHU: If you would like
11 additional information about who I am, Mr.
12 Williams and Mr. Sims can testify.

13 CHAIRPERSON ANDERSON: I don't think
14 that's necessary because you have -- I think that
15 you have established.

16 MS. ALEMAYHU: So the ones for me when I
17 made a mistake they write and --

18 CHAIRPERSON ANDERSON: Okay, who do you
19 want to call?

20 MS. ALEMAYHU: Mr. Sims.

21 CHAIRPERSON ANDERSON: Mr. Sims? Mr.
22 Sims can you go to the -- up there. Do you swear

1 or affirm to tell the truth and nothing but the
2 truth?

3 MR. SIMS: I do.

4 CHAIRPERSON ANDERSON: All right, sir.
5 What is it you have to provide to us today?

6 MR. SIMS: My name is Nathaniel Sims. I
7 have been working with Asefu for about four years
8 now and what happened is that I've been trying to
9 -- the reason why I can attest to the fact that I
10 encouraged her to go take English classes, I can
11 attest to the fact that she doesn't really
12 understand even the depth of these proceedings,
13 because when she had the first, this fourth
14 violation, she went to Attorney Robinson, who I
15 recommended.

16 She had four witnesses because her
17 establishment was closed and she said that they
18 were just sitting there -- she was grieving,
19 culturally they were just drinking tea and the
20 inspector knocked on the door, she said, and
21 because they were closed she let them in. And he
22 came in and these are what the witnesses were

1 telling Attorney Robinson and his associate
2 attorney and then she was being prepared for that
3 hearing to come and bring those witnesses and
4 testify about all that and they would attest to
5 the fact that she was closed and that all she was
6 doing was grieving and drinking tea. They were
7 not serving liquor or anything like that, but the
8 investigator asked her for money and she didn't
9 have money to give them, and he issued her a
10 ticket and this is what they were going to
11 testify to.

12 Attorney Robinson was in trial at the
13 time so she could not get ahold of him and she
14 panicked because she didn't know what was going
15 to happen when she had that hearing. So, she
16 went to this gentleman mainly based on certain
17 peoples' recommendations, attorney Kline. And
18 then he got her to agree to an offer in
19 compromise. She didn't really understand what
20 offer in compromise means and what I've been
21 trying to explain to her, because that's what she
22 did on the first few hearings that she had. The

1 attorney she hired to work for her, they would
2 tell her 'just do an offer in compromise, pay the
3 fine, pay the penalty and be done with it'. They
4 didn't explain to her that every time you do
5 that, that's an admission, and if you have
6 evidence to prove that you did not do any of
7 these things you should bring forth that and you
8 should fight the cases.

9 These, some of the attorneys that talked
10 to her but what they were encouraging her to do
11 was that 'it doesn't matter because you're not
12 going to win, just go ahead and admit it and move
13 on' but no one ever explained to her that after
14 you do this four times, you're going to get a
15 revocation and so even though Asefu can talk and
16 sometimes she thinks she understands the
17 language, the culture, she doesn't.

18 Now that she has been taking the classes,
19 the ESL classes at the Cesar Romero school, she's
20 beginning to now develop a better understanding
21 of English and how to talk and plus I have taken
22 many times to explain to her what the policy is

1 and how these regulations work. She didn't
2 understand the details of how these regulations
3 work and how her practice has to be within her
4 business, and that's what, as a business
5 consultant to her, I've been trying to work with
6 her to do that and to establish that aspect of
7 it.

8 Just listening to the questions that
9 you're asking her and you kept repeating and kept
10 repeating and kept repeating and everyone seems
11 to want to say, 'yes, you understand English' I
12 guess you almost have to sit in the place of a
13 person who desires to be a part of the process,
14 who desires to give the appearance or at least
15 make everyone believe that they can comprehend
16 everything that's going on around them, but the
17 depths of her understanding of the English
18 language is minimal, and just the way you were
19 asking the question, you kept asking her to
20 repeat, do you know that the violation occurred
21 and did you -- are you admitting that you did do
22 that violation? Well then, I thought in my mind

1 if she really knew and admitted it then why would
2 she have attorney Robinson and all of these
3 witnesses come to his office and make a
4 preparation to defend against the violation if
5 she thought that the violation had occurred. And
6 then did she really understand what an offer in
7 compromise was, and that's when you were asking
8 her the question about offer in compromise, what
9 did it mean? She thought it was like a ticket,
10 just admit, it disappear -- and it would
11 disappear -- so that's -- but what I can attest
12 to is that she is now beginning to have a better
13 understanding of English, but back when she was
14 dealing with a lot of what she was dealing with
15 in terms of her reading and people giving all the
16 interpretations of what she should do and how she
17 should do it, she did not fully understand what
18 was happening to her and how to react and how to
19 respond.

20 I'm not aware of the testimony you're
21 talking about where she said, in 2006, how she
22 responded in English and so forth like that, but

1 I can tell you if she responded descriptively in
2 saying what happened, it's similar to what she
3 was just doing repetitively with you today, and
4 that is she has it set in her mind, that 'look I
5 just want -- I don't want to keep going back and
6 forth over it. She has set in her mind that she
7 made the mistakes and she wants to just get past
8 those mistakes and move forward with her life and
9 which I agree with her that that's a good
10 position to take but you have to be able to
11 recognize everything that's happening around you.
12 She hired -- not hired, but she allowed herself
13 to get involved with a couple of other people who
14 tried to run a business out of her establishment,
15 she was confused over a lot of what happened
16 there. Those individuals came down here and
17 tried to get liquor licenses to operate, caused a
18 lot of confusion with her, she lost a lot of
19 money and time and destruction of her whole
20 psyche with regards to how people tried to take
21 advantage of her.

22 And so, what I've been trying to explain

1 to her is how to control herself so that people
2 cannot take advantage of her, because people come
3 every day to her establishment, even today, to
4 try and get her to give them the right to be in
5 there to run a business without giving her any
6 money or without paying her or what have you.

7 And so that's what she's been dealing
8 with and she knows that is she can get her own
9 license, at this point forward she would be much
10 stronger and be able to operate and be effective
11 in performing what she has to perform and making
12 sure that she does not violate any of the
13 regulations that the board has put forth. And
14 that's why through encouragement she's gone
15 around to meet other people in the community, the
16 mayor, the council members, people that help her
17 understand how to be a part of the community.
18 That's what she's been trying to do and that's
19 what I can attest to because I've been working
20 with her to make sure that she can be involved
21 and she participates in the community and learn
22 English in a better way and that's what I think

1 she's on her way to doing. That would be what my
2 testimony is.

3 CHAIRPERSON ANDERSON: All right Mr.
4 Sims. Thank you for your testimony. I just want
5 to clarify this for the record. The purpose of
6 this hearing is that she went to court, the court
7 of appeals said she did not understand English at
8 her previous hearing, so we have to make that
9 determination today whether or not she understood
10 the proceedings the last time, and because what's
11 being asked of us today is that -- whether
12 understood or not -- I don't agree with the
13 penalty, so I want you to give me another chance.
14 And so, what she is asking for today it's no
15 different than before when they had offers in
16 compromise.

17 They had an offer in compromise that say
18 rather than do X, Y, Z, this is what I'm going to
19 do. What she's asking us to do today is rather
20 than suspend, or revoke my license, let me pay
21 \$30,000 and suspend it for 30 days. So, it's the
22 same concept as an offer in compromise. What was

1 stated, at least to me today, is that she
2 understood that she committed a violation, she
3 said it was like parking tickets, if you pay the
4 parking tickets and therefore, if you get a
5 ticket, in my view, if you get sufficient parking
6 tickets and you pay them, the court will take
7 away your license eventually.

8 So, maybe she didn't understand the
9 distinction to say that if you commit, continue
10 to commit these violations, at the end of the
11 day, even if you pay, the court is going to say
12 the payment is not enough, but the ultimate is
13 you're going to lose your license. That's -- so
14 our decision is whether or not she understood
15 English the last time.

16 And what I'm saying is I don't believe
17 she understood that issue because why would she
18 then -- why would she have five witnesses come to
19 an attorney's office to fight the violation and
20 then turn around and panic because she was --
21 turn around and then panic because the attorney
22 was not available to her in that last week, and

1 get this other attorney who came in with the same
2 policy and the same principles and the same
3 philosophy. And in law they will tell you if
4 you're going to have four violations you better
5 fight the fourth violation because that means
6 revocation. That attorney obviously didn't
7 explain any of that to her.

8 CHAIRPERSON ANDERSON: Well, we're not
9 here to say what type of representation she got.

10 MR. SIMS: That would be just --

11 CHAIRPERSON ANDERSON: All right, sure.
12 Mr. I'm sorry.

13 MR. SIMS: Am I finished? I mean, were
14 you saying I'm finished?

15 CHAIRPERSON ANDERSON: No, I'm saying are
16 you done, I mean --

17 MR. SIMS: I was not trying to be
18 argumentative.

19 CHAIRPERSON ANDERSON: It wasn't taken
20 that way, sir.

21 MR. SIMS: I was just trying to explain
22 to you that it would be my position at that time

1 that she didn't fully understand what was taking
2 place.

3 CHAIRPERSON ANDERSON: All right, thank
4 you.

5 MS. MILLER: Can I ask one question?

6 CHAIRPERSON ANDERSON: What is that, Ms.
7 Miller.

8 MS. MILLER: Since we also may be
9 considering penalty, and I think we're hearing a
10 lot of character witness testimony, I meant to
11 ask her, but since you're on the witness stand.
12 Has she been running an establishment the last
13 three years, just without alcohol or what?

14 MR. SIMS: No. People have been trying
15 to rent her place from her.

16 MS. MILLER: Okay. Thank you.

17 MR. SIMS: And for two years she was tied
18 in with a gentleman who tried to run it and then
19 he hooked up with some other people who -- they
20 left owing her a lot of money and they just
21 never, things just didn't work out, they just
22 ruined her -- the process and cost her a lot of

1 money.

2 MS. MILLER: Okay, thank you.

3 CHAIRPERSON ANDERSON: Who else is it you
4 want to call? Thank you sir. You're -- Who is
5 that you want to call.

6 MS. ALEMAYHU: Mr. Williams.

7 CHAIRPERSON ANDERSON: You can come up
8 Mr. Williams.

9 MS. ALEMAYHU: Before that --

10 CHAIRPERSON ANDERSON: Yes?

11 MS. ALEMAYHU: So I don't want to go back
12 and argue whether I have done the violations or
13 not. I accept responsibility for that. It is me
14 who created that problem.

15 CHAIRPERSON ANDERSON: Okay, that's fine.

16 MS. ALEMAYHU: So, I what I want him to
17 talk about me is from a person, not even after
18 the revocation I tried to go to school and
19 improve my English.

20 CHAIRPERSON ANDERSON: He doesn't have to
21 -- I'm allowing him to speak so you don't have to
22 do that. You don't have to give me a proffer of

1 what he's going to -- but I think it should be
2 clear to the witness what it is that we need to
3 testify. So, we're not re-litigating the last
4 case. If they want to talk about your character
5 and why is it that we should reconsider the
6 penalty then fine, okay? All right. Then, Mr.
7 Williams, can you raise your right hand please?
8 Can you stand and raise your right hand? Do you
9 affirm or swear to say the truth and nothing but
10 the truth?

11 MR. LEWIS: I do.

12 CHAIRPERSON ANDERSON: Thank you. What is
13 it that you want to add, sir? Give your name for
14 the record, I'm sorry.

15 MR. LEWIS: Yes, my name is William Lewis
16 and I'm a resident of the district, and I also
17 own a business, and have had a liquor license and
18 am currently leasing out a building with a liquor
19 license in it, and I am also the president of the
20 9th Street Business and Property Association and
21 I've known Asefu for as long as I think she's
22 been involved in the neighborhood.

1 My establishment is across the street
2 from her. And I can assure you that she's an
3 upstanding and forthright, intelligent
4 individual, but she does not understand the
5 ramifications, and when I say ramifications, I
6 mean the continued ripples of some of the English
7 language. I've stressed to her a number of times
8 very simple facts and she, in her strong
9 character and her determination, she does not
10 hear what I'm saying. I've done that many, many
11 times, to the extent that I said to myself,
12 'well, you know what she's just ignorant about
13 these subjects.'

14 But she's not ignorant and I'm stressing
15 to the board that she, even though she gives the
16 appearance and sometimes says the things, appears
17 that she knows what she's talking about, she
18 really does not. And so, in her proud
19 background, she doesn't want to appear to be
20 ignorant or to have not enough intelligence to
21 really understand what's really going on, and I
22 recall during the process of her issues that I

1 stressed to her the importance of understanding
2 what's going on and that she should be
3 represented but, you know, I of course lost focus
4 and I did not follow the hearing and as it turned
5 out the situation occurred and you are all aware
6 of it.

7 But I can assure you that Asefu, she's
8 very intelligent, well known and she has a proud
9 heritage. She does not often want to appear to
10 be deficient and that sometimes she is deficient.
11 And I could attest to her character inasmuch as I
12 think that she's a pure and very forthright
13 individual and I suggested that she represent our
14 community in our community.

15 But I don't want to go into that, I just
16 want you to understand that she does have some
17 communication impediments and that she does not
18 appear to want to reveal that but as a friend and
19 business associate, I have experienced those
20 things and I will let you know that's just the
21 way it is.

22 CHAIRPERSON ANDERSON: All right, thank

1 you. The board will take it under advisement and
2 make a decision in due course, okay?

3 MS. ALEMAYHU: Okay.

4 CHAIRPERSON ANDERSON: Thank you.

5 MR. TEKELE: May the interpreter be
6 excused?

7 CHAIRPERSON ANDERSON: Yes. All right,
8 we're in recess.

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