

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Meseret Ali & Yonas Chere t/a
Merkato Ethiopian Restaurant Show Cause
1909 9th Street, NW Hearing
Retailer CR - ANC-1B
License No. 89019
Case #12-CMP-00678(NCBO)

(Failed to Comply With Board
Order No. 2013-348)

March 26, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG
WILLIAM HAGER, ABRA Custodian of Records

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

(10:32 a.m.)

CHAIRPERSON MILLER: The next case on our calendar is Case No. 12-CMP-00678, Merkato Ethiopian Restaurant located at 1909 9th Street, N.W., License No. 89019, in ANC-1B. This is also a Show Cause Hearing.

MR. RIVERO: Good morning, Board Members. Fernando Rivero for the District of Columbia.

CHAIRPERSON MILLER: Good morning, Mr. Rivero. Is anyone here on behalf of Merkato Ethiopian Restaurant? This case was called for 10:00 and I have in my records that the licensee was served on December 4, 2013.

Mr. Rivero, have you heard from anyone from the establishment?

MR. RIVERO: I attempted to contact the licensee at the number of record and I was not successful in doing that. I have not received the first communication from the licensee in this matter.

1 CHAIRPERSON MILLER: Okay.

2 MR. RIVERO: Therefore, the
3 Government is ready to proceed to Show Cause
4 today.

5 CHAIRPERSON MILLER: Okay. So we
6 will hear the case ex parte then. And we are
7 ready when you are.

8 MR. RIVERO: Thank you.

9 CHAIRPERSON MILLER: Yes.

10 MR. RIVERO: Good morning, Board
11 Members. We are here in the matter of Merkato
12 Ethiopian Restaurant. I would like to take a
13 moment to make a brief oral motion, simply to
14 correct the charging document in this case to
15 reflect under Charge 1, in the narrative,
16 rather than 12-AUD-0006, the actual Case No.,
17 which is, 12-CMP-000678. That was a
18 typographical error in the charging document.

19 CHAIRPERSON MILLER: Okay.

20 MR. RIVERO: It refers to the case
21 in July of last year when the Board issued an
22 order requiring the licensee to pay a fine of

1 \$2,000 within 30 days of the date of that
2 order.

3 The licensee never paid.
4 Subsequently, the matter was referred to our
5 office for enforcement and that's why I'm here
6 today.

7 CHAIRPERSON MILLER: Okay.

8 MR. RIVERO: To date, the licensee
9 has still not paid that \$2,000 fine and the
10 Government will present testimony from the
11 Agency's Custodian of Records to that effect.

12 Therefore, at this time, the
13 Government will call Bill Hager to the stand.

14 CHAIRPERSON MILLER: Good morning.

15 MR. HAGER: Good morning.

16 Whereupon,

17 WILLIAM HAGER
18 was called as a witness by Counsel for the
19 Government, and having been first duly sworn,
20 assumed the witness stand and was examined and
21 testified as follows:

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 DIRECT EXAMINATION

3 MR. RIVERO: Good morning, please,
4 state your name for the record.

5 MR. HAGER: William Hager.

6 MR. RIVERO: Mr. Hager, you are
7 employed by ABRA. Is that correct?

8 MR. HAGER: That's correct.

9 MR. RIVERO: And you are the
10 Custodian of Records for the Agency. Is that
11 correct?

12 MR. HAGER: Yes, I am.

13 MR. RIVERO: Okay. Are you
14 familiar with Merkato Ethiopian Restaurant?

15 MR. HAGER: Yes, I am.

16 MR. RIVERO: Okay. And you are
17 familiar with the fact that the Board ordered
18 the licensee to pay a \$2,000 fine on July 31st
19 of last year?

20 MR. HAGER: That's correct.

21 MR. RIVERO: Okay. And has the
22 licensee paid that fine?

1 MR. HAGER: To date, they have
2 not.

3 MR. RIVERO: No further questions.

4 CHAIRPERSON MILLER: Any questions
5 by Board Members? Yes, Mr. Short?

6 MEMBER SHORT: Good morning, sir.

7 MR. HAGER: Good morning.

8 MEMBER SHORT: I'm looking at the
9 investigative history of this establishment.
10 To your knowledge, have there been any other
11 fines that have been levied against
12 organization they would not pay?

13 MR. HAGER: Not to my knowledge,
14 but I could double check the investigative
15 history if it's appropriate.

16 MEMBER SHORT: Not necessary.

17 MR. HAGER: Okay.

18 MEMBER SHORT: Thank you.

19 MR. HAGER: Thank you.

20 CHAIRPERSON MILLER: I have a
21 question. Did you mail a letter of Notice of
22 Delinquency in this case?

1 MR. HAGER: That is typically
2 done. Procedurally, though, I do not know if
3 it was done in this case.

4 CHAIRPERSON MILLER: Okay. Any
5 other questions? Any questions on Board
6 questions?

7 MR. RIVERO: The Government has
8 follow-up questions based on the Board's
9 questions.

10 CHAIRPERSON MILLER: You do?
11 Okay.

12 MR. RIVERO: All right. I'm going
13 to go ahead and draw your attention to a
14 document, Mr. Hager, and I just want you to
15 indicate to me what you see this document as
16 being.

17 MR. HAGER: That is the Notice of
18 Delinquency that is sent to the licensee. It
19 was dated September 17, 2013 providing five
20 days -- providing notice that the \$2,000 fine
21 has not been paid and giving the business an
22 additional five days to pay it.

1 MR. RIVERO: And you would say the
2 due course of business of this document is in
3 the licensee's file with the Agency, right?

4 MR. HAGER: That's correct.

5 MR. RIVERO: Okay. The Government
6 would like to have the Board take judicial
7 notice of the file in the Agency that contains
8 the record.

9 CHAIRPERSON MILLER: Okay.

10 MR. RIVERO: All right. No
11 further questions.

12 CHAIRPERSON MILLER: All right.
13 Thank you.

14 MR. HAGER: Thank you.

15 MEMBER ALBERTI: May I ask Mr. --

16 CHAIRPERSON MILLER: Oh, I'm
17 sorry, did you have a question?

18 MEMBER ALBERTI: No, I have a
19 question for Mr. Rivero.

20 CHAIRPERSON MILLER: Oh.

21 MEMBER ALBERTI: Mr. Rivero, and
22 we can check our records for this, but maybe

1 you know and you can answer my question, at
2 the Show Cause (Status) Hearing was the
3 licensee served? Do we know that the licensee
4 was served?

5 MR. RIVERO: That's correct. The
6 licensee was served.

7 MEMBER ALBERTI: He didn't appear,
8 so -- but we have record of his -- it's in our
9 record that he was served?

10 MR. RIVERO: Yes, the licensee was
11 served with the form, I want to say, on
12 November of last year.

13 MEMBER ALBERTI: Great. Thank
14 you.

15 MR. RIVERO: That's also in the
16 record.

17 MEMBER ALBERTI: Yes, thank you.

18 CHAIRPERSON MILLER: Served with
19 notice of this hearing?

20 MEMBER ALBERTI: Of the Status
21 Hearing.

22 CHAIRPERSON MILLER: Oh, the

1 Status Hearing. Okay. Okay.

2 MR. RIVERO: In closing, the
3 Government has evidently met its case and we
4 would ask for a finding in the Government's
5 favor and that the licensee be appropriately
6 fined under the DC Code. Thank you very much.

7 CHAIRPERSON MILLER: Okay. Thank
8 you very much.

9 Okay. Our next case is at 11:00
10 a.m., so I suggest that the Board recess and
11 come back at 11:00 for that case. It's Chief
12 Ike's Mambo Room.

13 (Whereupon, the Show Cause Hearing
14 in the above-entitled matter was concluded at
15 10:40 a.m.)

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