

DISTRICT OF COLUMBIA
+ + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

p-----»
IN THE MATTER OF: :
 :
Etete Ethiopian Cuisine, LLC :
t/a Etete Ethiopian Cuisine : Show Cause
1942 9th Street, NW : Hearing
Retailer CT - ANC-1B : (Status)
License No. 70728 :
Case# 12-CMP-00588 :
 :
(No ABC Manager on Duty) :
p-----¼

June 5, 2013

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

DONALD BROOKS, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT:

MICHAEL STERN, OAG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

(9:53 a.m.)

MR. STERN: Madam Chair?

CHAIRPERSON MILLER: Yes.

MR. STERN: The representative from Etete Ethiopian Cuisine is here and he would like to address the Board.

CHAIRPERSON MILLER: In this case?

MR. STERN: This is the case where the attorney called in and said he was running late.

CHAIRPERSON MILLER: Oh, all right. All right. Okay. Etete, okay. I'll recall Etete then. That's Case No. 12-CMP-00588, Etete Ethiopian Cuisine located at 1942 9th Street, N.W., License No. 70728 in ANC-1B.

I just want to find that case again. Okay. Would you introduce yourself for the record, please?

MR. TEFAYE: My name is Yared Tesfaye.

CHAIRPERSON MILLER: Okay. And

1 what's your relation to --

2 MR. TESHAYE: I'm the owner.

3 CHAIRPERSON MILLER: -- the
4 restaurant? You're the owner?

5 MR. TESHAYE: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay. So we
7 had some indication this morning that you were
8 going to be represented by counsel here?

9 MR. TESHAYE: Yes, but that's
10 okay. I think I can handle it myself.

11 CHAIRPERSON MILLER: Okay. All
12 right. So you are ready to be heard on this
13 case. Did you receive notice of this hearing?

14 MR. TESHAYE: Yes, ma'am.

15 CHAIRPERSON MILLER: Did you read
16 and understand it?

17 MR. TESHAYE: Yes, ma'am.

18 CHAIRPERSON MILLER: Okay. Then
19 we are going to make that notice a part of the
20 record.

21 (Whereupon, the document was
22 marked for identification as

1 Exhibit 1 and was received in
2 evidence.)

3 CHAIRPERSON MILLER: And, Mr.
4 Stern, are there any preliminary matters in
5 this case?

6 MR. STERN: There are. But first,
7 I would like to just set the record straight.

8 CHAIRPERSON MILLER: Okay.

9 MR. STERN: I spoke to the
10 respondent before I had any indication that he
11 was represented by an attorney and he did not
12 tell me in speaking with him that he was, at
13 that time, represented by an attorney.

14 That being said, now that he has
15 decided to go forward without an attorney, the
16 same conversation, I guess, applies that I had
17 before he had an attorney.

18 In either event, this should --
19 this is a somewhat unusual case. The
20 respondent showed me a check stub dated
21 shortly after the event where he says he sent
22 the check to ABRA to pay for this fine.

1 He doesn't deny that that check
2 was never cashed and clearly there was some
3 mix-up in the receiving of the check on ABRA's
4 part.

5 For that reason, we are going to
6 allow him by offer in compromise, if the Board
7 will accept it, to pay a fine of \$250 today,
8 which was the same fine he would have paid
9 several months back if the check had been
10 received. This was a citation case.

11 CHAIRPERSON MILLER: So he paid
12 it, but it --

13 MR. STERN: No, he sent it.

14 MR. TESFAYE: I send the check.

15 CHAIRPERSON MILLER: He sent it.

16 MR. STERN: It was never received
17 by ABRA and never cashed.

18 CHAIRPERSON MILLER: Oh.

19 MR. STERN: Now, this is six
20 months ago.

21 CHAIRPERSON MILLER: Okay. Okay.

22 MR. STERN: So we -- I think there

1 is little chance that we are going to get it
2 at any point.

3 CHAIRPERSON MILLER: Okay.

4 MR. STERN: But I did see the
5 receipt from the bank for the check.

6 CHAIRPERSON MILLER: Okay.

7 MR. STERN: So I have reason to
8 believe that he did intend to pay it and for
9 that reason --

10 CHAIRPERSON MILLER: Okay.

11 MR. STERN: -- I will give him the
12 credit we would normally give someone for an
13 early resolution.

14 CHAIRPERSON MILLER: Okay.

15 MR. STERN: And ask that he pay
16 this \$250 today, which he is prepared to do.

17 CHAIRPERSON MILLER: As an offer
18 in compromise?

19 MR. STERN: Yes.

20 CHAIRPERSON MILLER: Okay. So let
21 me ask you, do you agree to that offer in
22 compromise of \$250 to be paid today?

1 MR. TEFAYE: Yes, ma'am.

2 CHAIRPERSON MILLER: Okay. And
3 you realize that you waive your right to a
4 hearing?

5 MR. TEFAYE: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay. All
7 right. Then I would move that we accept the
8 offer in compromise of \$250 to be paid today.

9 Do I have a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr.
12 Silverstein has seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 3-0-0.

18 Yes, okay. If you just will wait
19 until we give you the piece of paper.

20 MR. TEFAYE: Sure.

21 CHAIRPERSON MILLER: You can wait
22 in the audience, but just wait until you have

1 that piece of paper that we signed off on.

2 MR. TEFAYE: No problem. Thank
3 you.

4 CHAIRPERSON MILLER: Okay. Thank
5 you very much.

6 (Whereupon, the Show Cause
7 (Status) Hearing in the above-entitled matter
8 was concluded at 9:58 a.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22

<p style="text-align: center;">A</p> <p>ABC 1:10 above-entitled 8:7 ABRA 4:22 5:17 ABRA's 5:3 abstaining 7:16 accept 5:7 7:7 address 2:7 ago 5:20 agree 6:21 Alcoholic 1:2,14,14 allow 5:6 ANC-1B 1:8 2:16 applies 4:16 attorney 2:10 4:11 4:13,15,17 audience 7:22 aye 7:13,14 a.m 2:2 8:8</p> <hr/> <p style="text-align: center;">B</p> <p>back 5:9 bank 6:5 believe 6:8 Beverage 1:2,14,14 Board 1:2,14 2:7 5:6 BROOKS 1:20 Building 1:15</p> <hr/> <p style="text-align: center;">C</p> <p>called 2:10 case 1:9 2:8,9,14,17 3:13 4:5,19 5:10 cached 5:2,17 Cause 1:6 8:6 Chair 2:3 Chairperson 1:16 1:19 2:4,8,12,22 3:3,6,11,15,18 4:3 4:8 5:11,15,18,21 6:3,6,10,14,17,20 7:2,6,11,15,21 8:4 chance 6:1 check 4:20,22 5:1,3 5:9,14 6:5 citation 5:10</p>	<p>clearly 5:2 COLUMBIA 1:1 compromise 5:6 6:18,22 7:8 concluded 8:8 Control 1:2,14,14 conversation 4:16 counsel 3:8 credit 6:12 CT 1:8 Cuisine 1:6,6 2:6 2:15</p> <hr/> <p style="text-align: center;">D</p> <p>dated 4:20 decided 4:15 deny 5:1 DISTRICT 1:1 document 3:21 DONALD 1:20 Duty 1:10 D.C 1:15</p> <hr/> <p style="text-align: center;">E</p> <p>early 6:13 either 4:18 Etete 1:6,6 2:6,13 2:14,15 Ethiopian 1:6,6 2:6 2:15 event 4:18,21 evidence 4:2 Exhibit 4:1</p> <hr/> <p style="text-align: center;">F</p> <p>favor 7:13 find 2:17 fine 4:22 5:7,8 first 4:6 forward 4:15</p> <hr/> <p style="text-align: center;">G</p> <p>give 6:11,12 7:19 go 4:15 going 3:8,19 5:5 6:1 guess 4:16</p>	<p style="text-align: center;">H</p> <p>handle 3:10 heard 3:12 hearing 1:7,15 3:13 7:4 8:7</p> <hr/> <p style="text-align: center;">I</p> <p>identification 3:22 indication 3:7 4:10 intend 6:8 introduce 2:18</p> <hr/> <p style="text-align: center;">J</p> <p>June 1:12</p> <hr/> <p style="text-align: center;">L</p> <p>late 2:11 License 1:8 2:16 little 6:1 LLC 1:6 located 2:15</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 2:3 Manager 1:10 marked 3:22 matter 1:5 8:7 matters 4:4 ma'am 3:5,14,17 7:1,5 MEETING 1:3 Member 1:20,21 7:10 met 1:14 MICHAEL 1:23 MIKE 1:21 Miller 1:16,19 2:4 2:8,12,22 3:3,6,11 3:15,18 4:3,8 5:11 5:15,18,21 6:3,6 6:10,14,17,20 7:2 7:6,11,15,21 8:4 mix-up 5:3 months 5:9,20 morning 3:7 motion 7:12,16 move 7:7</p>	<p style="text-align: center;">N</p> <p>name 2:20 never 5:2,16,17 normally 6:12 notice 3:13,19 NW 1:7 N.W 1:15 2:16</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:23 offer 5:6 6:17,21 7:8 Oh 2:12 5:18 okay 2:13,13,18,22 3:6,10,11,18 4:8 5:21,21 6:3,6,10 6:14,20 7:2,6,18 8:4 opposed 7:16 owner 3:2,4</p> <hr/> <p style="text-align: center;">P</p> <p>paid 5:8,11 6:22 7:8 paper 7:19 8:1 part 3:19 5:4 passes 7:17 pay 4:22 5:7 6:8,15 piece 7:19 8:1 please 2:19 point 6:2 preliminary 4:4 prepared 6:16 PRESENT 1:18,22 presiding 1:17 problem 8:2 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">R</p> <p>read 3:15 ready 3:12 realize 7:3 reason 5:5 6:7,9 recall 2:14 receipt 6:5 receive 3:13</p>	<p>received 4:1 5:10 5:16 receiving 5:3 record 2:19 3:20 4:7 Reeves 1:15 relation 3:1 representative 2:5 represented 3:8 4:11,13 resolution 6:13 respondent 4:10,20 restaurant 3:4 Retailer 1:8 right 2:13,13 3:12 7:3,7 Room 1:15 running 2:10 Ruthanne 1:16,19</p> <hr/> <p style="text-align: center;">S</p> <p>says 4:21 second 7:9,10 seconded 7:12 see 6:4 send 5:14 sent 4:21 5:13,15 set 4:7 shortly 4:21 Show 1:6 8:6 showed 4:20 signed 8:1 Silverstein 1:21 7:10,12 six 5:19 somewhat 4:19 speaking 4:12 spoke 4:9 Status 1:8 8:7 Stern 1:23 2:3,5,9 4:4,6,9 5:13,16,19 5:22 6:4,7,11,15 6:19 straight 4:7 Street 1:7,15 2:16 stub 4:20 Suite 1:15</p>
--	---	---	--	--

Sure 7:20	3			
T	3-0-0 7:17			
tell 4:12	4			
Tesfaye 2:20,21 3:2 3:5,9,14,17 5:14 7:1,5,20 8:2	400S 1:15			
Thank 8:2,4	5			
think 3:10 5:22	5 1:12			
time 4:13	7			
today 5:7 6:16,22 7:8	70728 1:8 2:16			
t/a 1:6	9			
U	9th 1:7 2:16			
understand 3:16	9:53 2:2			
unusual 4:19	9:58 8:8			
W				
wait 7:18,21,22				
waive 7:3				
want 2:17				
Washington 1:15				
Y				
Yared 2:20				
P				
p 1:4,10				
\$				
\$250 5:7 6:16,22 7:8				
0				
00588 2:15				
1				
1 4:1				
12-CMP 2:14				
12-CMP-00588 1:9				
14th 1:15				
1942 1:7 2:15				
2				
2000 1:15				
20009 1:16				
2013 1:12				