

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

IN THE MATTER OF:

Temporary License Application

Event: Genius Fix, LLC - Fact-
Ethiopian Soccer Tournament Finding
Dates of Event: 6/28-7/5/15 Hearing

Applicant: Ermiyas A. Asfaw
Neighborhood: 15 K Street, NE
200 Attendees

June 17, 2015

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
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

JASON PERU, ABRA Investigator

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

2 10:05 a.m.

3 CHAIRPERSON MILLER: Okay. I think
4 that completes our Show Cause (Status) Hearing
5 cases and we can now turn to our Fact-Finding
6 cases.

7 We have five Fact-Finding cases
8 dealing with the Ethiopian Soccer Tournament. Do
9 we have an Investigator here on that case? Okay.
10 Would you come forward and take a seat at the
11 table?

12 Now, do we have -- the first one that
13 I see is for Genius Fix, LLC. Are they here
14 today?

15 MR. ASFAW: Good morning. Good
16 morning, Board Members.

17 MEMBER RODRIGUEZ: Good morning.

18 CHAIRPERSON MILLER: Good morning.
19 And I'm going to call the other ones up later,
20 but I want to see who is in the audience, so that
21 I know whether the next few cases are hearing the
22 same thing that the Board is saying in this case.

1 So if you could raise your hand if you
2 are here for Climax Restaurant & Hookah Bar?

3 Okay. You are here for that.

4 Is someone here for Dukem Ethiopian
5 Restaurant? Yes. Okay. I see a hand.

6 And Uptown Ethiopian Fusion Cuisine?

7 Okay. Good.

8 And Kokeb Ethiopian Restaurant? Good.

9 All right.

10 So everybody who is scheduled for
11 hearing is here today, that's good. Okay.

12 There are many generic issues, but
13 then there also may be a few that are specific to
14 the establishments. So that's why we are going
15 to have just one at a table at this point.

16 Okay. So, sir, if you would introduce
17 yourself for the record? You are here for Genius
18 Fix, LLC?

19 MR. ASFAW: Right. My name is Ermiyas
20 Asfaw.

21 CHAIRPERSON MILLER: Okay. Are you
22 the owner?

1 MR. ASFAW: Yes.

2 CHAIRPERSON MILLER: Okay. And our
3 Investigator is?

4 INVESTIGATOR PERU: Investigator Jason
5 Peru with ABRA.

6 CHAIRPERSON MILLER: Okay. Great, Mr.
7 Peru. So you are here for all the cases, I
8 assume?

9 INVESTIGATOR PERU: Yes, ma'am.

10 CHAIRPERSON MILLER: Okay. So Asfaw,
11 is that how you pronounce it?

12 MR. ASFAW: Yes.

13 CHAIRPERSON MILLER: Okay. So you are
14 requesting 24 hour operation for your
15 establishment for June 28 through July 5th. Is
16 that correct?

17 MR. ASFAW: That's correct.

18 CHAIRPERSON MILLER: Okay. And can
19 you just give me an idea of what you understand
20 that would entail, the 24 hour operation?

21 MR. ASFAW: As far as the alcohol
22 goes, it would be on a regulated basis pretty

1 much.

2 CHAIRPERSON MILLER: I'm sorry, could
3 you say that again? The alcohol?

4 MR. ASFAW: As far as the alcohol --

5 CHAIRPERSON MILLER: Yes.

6 MR. ASFAW: -- it's going to be on a
7 regulated basis pretty much. It's going to end
8 up on the time where the regulations of District
9 of Columbia Alcoholic Beverage regulates where
10 it's going to be 2:00 a.m. on the weekdays and
11 3:00 a.m. on the weekends.

12 CHAIRPERSON MILLER: Okay.

13 MR. ASFAW: But other than that, we
14 are going to have different entertainment and
15 different kinds of activities, so we are going to
16 have food and, you know, soft drinks and water,
17 so we just want to continue for that. I mean, we
18 did this same exact event two years ago.

19 CHAIRPERSON MILLER: Okay.

20 MR. ASFAW: And we were approved from
21 your entity and we were basically, you know,
22 finished that operation.

1 CHAIRPERSON MILLER: Okay. So that
2 went smoothly?

3 MR. ASFAW: What? I'm sorry.

4 CHAIRPERSON MILLER: That event went
5 smoothly two years ago?

6 MR. ASFAW: Oh, absolutely, yes.

7 CHAIRPERSON MILLER: Okay. And what
8 do you mean by entertainment?

9 MR. ASFAW: We -- I mean, primarily,
10 we going to have different -- we are getting
11 different DJs. We invited different ones, so
12 they are going to play. And out of the seven
13 days, I will have one day band, a reggae band
14 playing on Sunday, that's pretty much it.

15 But we have different invites for
16 different kinds of entertainment DJs.

17 CHAIRPERSON MILLER: Do you have an
18 entertainment endorsement?

19 MR. ASFAW: Come by again?

20 CHAIRPERSON MILLER: Do you have an
21 entertainment endorsement?

22 MR. ASFAW: Where?

1 CHAIRPERSON MILLER: Do you know what
2 I mean? Whereby, you know, you have to get a
3 certain, what's called, endorsement from the
4 Board in order to --

5 MR. ASFAW: Oh, I went and had applied
6 before DCRA.

7 CHAIRPERSON MILLER: Oh, here, here.

8 MEMBER ALBERTI: Do you normally have
9 entertainment?

10 MR. ASFAW: No.

11 MEMBER ALBERTI: Okay.

12 MR. ASFAW: So I mean, we play music,
13 so pretty much, you know, it's the same thing.

14 MEMBER ALBERTI: Right. But you don't
15 normally have a DJ or other types of
16 entertainment, do you?

17 MR. ASFAW: No, no. This is just --

18 MEMBER ALBERTI: I'm asking you.

19 MR. ASFAW: -- for --

20 MEMBER ALBERTI: So you don't?

21 MR. ASFAW: This is just for the one
22 week.

1 MEMBER ALBERTI: Okay. All right.

2 So, Mr. Peru?

3 INVESTIGATOR PERU: I believe they are
4 a non-alcoholic licensed establishment.

5 MEMBER ALBERTI: Oh, I know, I gotcha.

6 INVESTIGATOR PERU: Yes, sir. Used as
7 an event space.

8 CHAIRPERSON MILLER: Oh.

9 MEMBER ALBERTI: Thank you for that.

10 CHAIRPERSON MILLER: Thank you.

11 MEMBER ALBERTI: All right. Thank
12 you.

13 CHAIRPERSON MILLER: Okay. Okay. So
14 all of this is going to be entertainment, the
15 alcohol is just for this period of time?

16 MR. ASFAW: Correct.

17 CHAIRPERSON MILLER: Okay. Okay. And
18 that's what you -- you did the same thing two
19 years ago?

20 MR. ASFAW: Yes, same exact thing two
21 years ago for one week and it was smooth, very
22 successful.

1 CHAIRPERSON MILLER: Okay. And as far
2 as the number of people you expect is that 200?

3 MR. ASFAW: About 200 to 300.

4 CHAIRPERSON MILLER: 200 to 300 over
5 that period of time?

6 MR. ASFAW: Right.

7 CHAIRPERSON MILLER: Okay. Do you
8 know how much -- how many you expect either
9 Friday or Saturday night or on the busiest time?

10 MR. ASFAW: About the same number.

11 CHAIRPERSON MILLER: Okay. Is that
12 what you had the last time?

13 MR. ASFAW: Yes.

14 CHAIRPERSON MILLER: Okay. Okay.
15 With security it says, I have in my notes, you
16 will have 12 security personnel?

17 MR. ASFAW: Yes, yes. And to armed
18 and -- regular security.

19 CHAIRPERSON MILLER: Okay. The same
20 exact as the last time.

21 MR. ASFAW: The same event as last
22 time, yes.

1 CHAIRPERSON MILLER: Okay. Board
2 questions? Mr. Alberti?

3 MEMBER ALBERTI: Just real quick. So
4 will you have food available while you are --

5 MR. ASFAW: Yes.

6 MEMBER ALBERTI: -- while the cash bar
7 is open?

8 MR. ASFAW: We have already lined up
9 a contract with a food truck.

10 MEMBER ALBERTI: Okay.

11 MR. ASFAW: So we are going to have a
12 food truck.

13 MEMBER ALBERTI: And they will be
14 there whenever the cash bar is open and people
15 will be --

16 MR. ASFAW: Absolutely.

17 MEMBER ALBERTI: -- bringing food in.
18 Great.

19 MR. ASFAW: Absolutely.

20 MEMBER ALBERTI: Great. Thank you.

21 MR. ASFAW: You're welcome.

22 CHAIRPERSON MILLER: Mr. Peru, do you

1 have questions or comments on this?

2 INVESTIGATOR PERU: Yes. The only --
3 I'm seeing two separate applications. Is that
4 correct?

5 MR. ASFAW: Yeah. It is -- the reason
6 is because ABRA does not allow more than four per
7 application, so since I was aiming for seven or
8 eight days, I have to do two of them, that was
9 advised to me by --

10 INVESTIGATOR PERU: So you applied for
11 two separate ones? One from the 28th to the 1st.

12 MR. ASFAW: Right.

13 INVESTIGATOR PERU: And then a
14 separate one from the 1st through the 4th or 5th?

15 MR. ASFAW: The 5th, yes.

16 MEMBER ALBERTI: Yes, Mr. Peru, he was
17 instructed by licensing to --

18 MR. ASFAW: Right.

19 MEMBER ALBERTI: -- do it that way.

20 INVESTIGATOR PERU: Okay.

21 MR. ASFAW: You guys don't have
22 anything that extends --

1 INVESTIGATOR PERU: No, I understand.
2 I understand. And I asked the question because
3 I'm reading your notes on both different pages.

4 MR. ASFAW: Right.

5 INVESTIGATOR PERU: So on the one
6 application you have that you have two armed
7 security and 10 regular security. On the other
8 one, you just said 12 total security. So is it
9 going to be the same security company?

10 MR. ASFAW: Same exact security.

11 INVESTIGATOR PERU: Same?

12 MR. ASFAW: I was just -- the first
13 application, you know, bears everything in
14 detail, but since she had to make me do the
15 second one, I just, you know, thinned it out
16 there to basically the most important parts of
17 it.

18 INVESTIGATOR PERU: Okay.

19 MR. ASFAW: But the first one would
20 be, you know, the legitimate like, you know, all
21 the details and stuff --

22 INVESTIGATOR PERU: Yes.

1 MR. ASFAW: -- is on the first
2 application.

3 INVESTIGATOR PERU: Okay. Okay.
4 That's all the questions I had.

5 CHAIRPERSON MILLER: Okay.

6 INVESTIGATOR PERU: Just to clear that
7 up.

8 CHAIRPERSON MILLER: Others?

9 MEMBER ALBERTI: Yes, I just want to
10 leave a message for you. A message for all of
11 the applicants. You can expect our Investigators
12 to stop by, especially at the end of serving
13 hours at 2:00 or 3:00 to make sure that service
14 is complete.

15 MR. ASFAW: Oh, absolutely.

16 MEMBER ALBERTI: Right. I understand.

17 MR. ASFAW: Yes.

18 MEMBER ALBERTI: But everybody needs
19 to hear this. And also, please, everyone should
20 understand that at the end of legal service hours
21 which is 2:00 or 3:00 depending on the day, all
22 alcoholic beverages have to be off the table.

1 MR. ASFAW: Exactly.

2 MEMBER ALBERTI: It's not that you
3 stop serving at 3:00 or 2:00, you have to clear
4 the tables of all alcoholic beverages. So we
5 don't really want people drinking at 3:30 because
6 they ordered a drink at 3:00. So that's the way
7 the laws are written and that's the way we will
8 be enforcing them. So just be mindful of that.
9 Thank you.

10 MEMBER SHORT: Mr. Alberti, did he
11 acknowledge that on the record or just nod his
12 head?

13 MEMBER ALBERTI: You can say yes that
14 you --

15 MR. ASFAW: Yes.

16 MEMBER ALBERTI: -- understand, yes.

17 MR. ASFAW: Oh, absolutely.

18 MEMBER ALBERTI: Great. Thank you.

19 MR. ASFAW: Of course.

20 MEMBER ALBERTI: Thank you.

21 CHAIRPERSON MILLER: Other questions?
22 I just want to know, did you contact the ANC at

1 all and let them know you are doing this? Did
2 you contact the ANC?

3 MR. ASFAW: Yes. I -- well, I mean,
4 not --

5 CHAIRPERSON MILLER: I don't think it
6 is required.

7 MR. ASFAW: -- related to this, but,
8 yeah. I had so many different agencies had to
9 sign paperwork in order for me to do the outdoor.

10 CHAIRPERSON MILLER: Right.

11 MR. ASFAW: So of course, I had to go
12 to so many different agencies for me to get -- to
13 obtain the signature.

14 And I have one question actually. Is
15 there any way that I can get an extension up to
16 like the ABRA Regulation regulates on July 4
17 weekend, the alcohol can go up to 4:00 a.m. Is
18 there any way I can ask for that?

19 MEMBER ALBERTI: I believe so.

20 CHAIRPERSON MILLER: Yes.

21 MEMBER ALBERTI: I believe that
22 temporary licenses can take advantage of the

1 extended hours.

2 MR. ASFAW: Okay. I would like to ask
3 that.

4 MEMBER ALBERTI: But I will --

5 MEMBER SILVERSTEIN: Notify our staff
6 of that.

7 MEMBER ALBERTI: -- I'm pretty sure.
8 Ms. Miller, what I suggest we do is we wait for
9 our General Counsel to return.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: She is --

12 CHAIRPERSON MILLER: Yes.

13 MEMBER ALBERTI: And then we will --
14 if we are ready -- if we think we are going to
15 approve this license, we will postpone signing it
16 until our General Counsel returns and then
17 amendments can be made. You can make your
18 amendments and then it will come back to us and
19 we will sign it.

20 So you may want to hang out for a
21 little bit. I believe our General Counsel will
22 return shortly.

1 MR. ASFAW: Fair enough.

2 CHAIRPERSON MILLER: So what approvals
3 did you get for this? I asked you about the ANC
4 and I wasn't sure what you said.

5 MR. ASFAW: The -- which agency are
6 you asking?

7 CHAIRPERSON MILLER: The Advisory
8 Neighborhood Commission, our community --

9 MR. ASFAW: Oh, yeah, yeah, of course.
10 I have to do that for the outdoor.

11 CHAIRPERSON MILLER: Okay.

12 MR. ASFAW: Of course. I had approval
13 from MPD.

14 CHAIRPERSON MILLER: Good. That's --

15 MR. ASFAW: From Fire Marshal,
16 Emergency Medical Services, Health and Safety
17 Plan. I had to get all that.

18 CHAIRPERSON MILLER: DCRA.

19 MR. ASFAW: Yes.

20 CHAIRPERSON MILLER: Okay. Good.

21 MR. ASFAW: That's the only way --
22 that's the only reason that I got the signature

1 on the first page from the event coordinator from
2 DCRA, so she had to get all this paperwork back
3 in order for her to sign that paper, so, of
4 course, I finished that.

5 CHAIRPERSON MILLER: Good. Okay. All
6 right. So if you want to wait, we can see if we
7 can get an answer from our attorney on your
8 request with respect to July 4.

9 MR. ASFAW: Fair enough.

10 CHAIRPERSON MILLER: All right. So we
11 will come back to you. There are four others.
12 If there are no questions? Okay. You can have a
13 seat and we will get back to you.

14 MR. ASFAW: Thank you.

15 CHAIRPERSON MILLER: Okay.

16 (Whereupon, the above-entitled matter
17 went off the record at 10:18 a.m. and resumed at
18 10:42 a.m.)

19 CHAIRPERSON MILLER: Were you ready to
20 come back or no? Oh, okay, fantastic. Okay.
21 Great. He will be here in an hour.

22 MEMBER ALBERTI: Well, I don't think

1 this gentleman needs to wait. I mean, we just
2 need an appearance by Mr. Padro if we are going
3 to --

4 CHAIRPERSON MILLER: Do you --

5 MR. ASFAW: I'm expecting him.

6 MEMBER ALBERTI: Okay. I just -- I
7 mean, I don't want you to have to -- I don't want
8 to delay someone unnecessarily.

9 MR. ASFAW: Well, I appreciate that
10 very much.

11 MEMBER ALBERTI: I mean, okay. If you
12 are enjoying yourself, stay there.

13 CHAIRPERSON MILLER: Okay. I'm sorry,
14 I just need my memory refreshed here. The first
15 case we decided we would come back to. Mr. Peru,
16 do you remember why?

17 INVESTIGATOR PERU: Yes, it was the
18 hours that we were speaking of.

19 MEMBER ALBERTI: He was going to amend
20 it and --

21 INVESTIGATOR PERU: Yes.

22 MEMBER ALBERTI: He was going to amend

1 his application and initial it.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: So --

4 CHAIRPERSON MILLER: Is he here? That
5 would be Mr. Asfaw? All right. So that one is
6 done. Okay. All right.

7 (Whereupon, the Fact-Finding Hearing
8 in the above-entitled matter was concluded at
9 10:43 a.m.)

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