

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF:

<p>Fasil Ethiopian Restaurant, LLC t/a Uptown Ethiopian Fusion Cuisine 1608 7th Street, NW Retailer CR - ANC-1B License No. 81849</p>	<p>Fact- Finding Hearing</p>
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(One Day Substantial Change
Application, Ethiopian Soccer
Tournament, Dates of Event:
June 29 - July 2, 2015)

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 10:49 a.m.

3 CHAIRPERSON MILLER: Next is Uptown
4 Ethiopian Fusion Cuisine located at 1608 7th
5 Street, N.W., License No. 81849, in ANC-1B. Good
6 morning. Would you introduce yourself for the
7 record, please?

8 MR. SEIFU: My name is Fasil Seifu.

9 CHAIRPERSON MILLER: Okay. And could
10 you spell your last name, please?

11 MR. SEIFU: S, like Sam, E-I-F, like
12 Frank, U.

13 CHAIRPERSON MILLER: Okay. Great.
14 And our Investigator is?

15 INVESTIGATOR PERU: Investigator Jason
16 Peru with ABRA.

17 CHAIRPERSON MILLER: Okay. All right.
18 So you are seeking a substantial change to
19 operate 24 hours from June 29th through July 2nd.
20 Is that correct?

21 MR. SEIFU: Exactly.

22 CHAIRPERSON MILLER: Okay. And you

1 anticipate 142 patrons over that period of time
2 or each day or what?

3 MR. SEIFU: I'm sorry?

4 CHAIRPERSON MILLER: So I have in my
5 notes from your application that you expect 142
6 attendees?

7 MR. SEIFU: Yes, that's seating
8 capacity.

9 CHAIRPERSON MILLER: Is that each day
10 or is that over time?

11 MR. SEIFU: That's for each day.

12 CHAIRPERSON MILLER: Okay. And what's
13 our capacity?

14 MR. SEIFU: 142.

15 CHAIRPERSON MILLER: Okay.

16 MR. SEIFU: Hope we don't get more
17 than that.

18 CHAIRPERSON MILLER: Do you have a
19 clicker? I mean, is there a way you count that?
20 How do you count for the 142?

21 MR. SEIFU: How do I count it?

22 CHAIRPERSON MILLER: Yes.

1 MR. SEIFU: According to the seating
2 capacity given by the Fire Department.

3 CHAIRPERSON MILLER: The seating
4 capacity.

5 MR. SEIFU: Yes.

6 CHAIRPERSON MILLER: Okay. So the
7 hours that you are going to serve liquor are the
8 same hours that are in your license, correct?

9 MR. SEIFU: During the regular hours,
10 yes. We just requesting for -- from June 29
11 through July 2 for 24 hour service.

12 CHAIRPERSON MILLER: Right. You want
13 to be open and serve food and non-alcoholic
14 beverages during the --

15 MR. SEIFU: Yes.

16 CHAIRPERSON MILLER: Right, okay.
17 Have you done this before?

18 MR. SEIFU: No.

19 CHAIRPERSON MILLER: Okay. And do you
20 have security?

21 MR. SEIFU: We have security, yes.

22 CHAIRPERSON MILLER: Do you have

1 security in general or just for this event or
2 what?

3 MR. SEIFU: No, we do have security in
4 general, but we are adding more people, more
5 security during the event.

6 CHAIRPERSON MILLER: Okay. So what do
7 you have normally and how many are you going to
8 have for the event?

9 MR. SEIFU: Normally, we use one. We
10 are going to have three now.

11 CHAIRPERSON MILLER: Okay. Okay. All
12 right. Board Members questions? Mr. Peru?

13 INVESTIGATOR PERU: Once again, uptown
14 has received quite a few noise complaints. The
15 last several months the Noise Task Force has been
16 there. I was just there recently this past
17 Saturday as well.

18 CHAIRPERSON MILLER: Okay.

19 INVESTIGATOR PERU: The noise
20 complaints come from the neighbors across the
21 street and the abutting property owners next door
22 as well. I just wanted to, you know, address

1 that and make sure that the owner is aware of
2 these complaints, which he should be and that the
3 restrictions on his license or on his settlement
4 agreement for entertainment is set to where he
5 cannot -- because he -- if you guys to approve,
6 if he is approved for 24 hour operation, he
7 cannot have entertainment past approved hours of
8 2:00 a.m. and 3:00 a.m. as well. So that's in
9 his settlement agreement, but, yes, there has
10 been a constant concern about noise coming from
11 that establishment.

12 CHAIRPERSON MILLER: And it's related
13 to the entertainment?

14 INVESTIGATOR PERU: Yes, yes, music,
15 yes.

16 CHAIRPERSON MILLER: So do they have
17 a noise problem related to the patrons?

18 INVESTIGATOR PERU: A couple
19 complaints of patrons hanging out out front once
20 the establishment is closing down, that they are
21 -- in fact, the MPD was called this past week and
22 they showed up and dispersed the patrons on the

1 sidewalk as well, yes.

2 CHAIRPERSON MILLER: I don't know. Do
3 you have a response to that? I mean, it raises a
4 concern about, you know, are there going to be
5 patrons out on the sidewalk at 5:00 in the
6 morning if you are open 24 hours a day?

7 MR. SEIFU: About the complaint on the
8 sidewalk, that was after we closed. And really
9 that shouldn't be our responsibility anyway. I
10 mean, we are not open at that time when the
11 police was called.

12 CHAIRPERSON MILLER: No, but you will
13 be. My question is if there were complaints
14 about patrons in the front making noise, because
15 you have residents nearby, is there something --
16 my concern is well, if they were bothered at 2:00
17 in the morning or whatever time it was, they
18 might bother them at 5:00 in the morning, 6:00 in
19 the morning, because you will be 24 hours.

20 Is there something your security can
21 do about that that you are getting?

22 MR. SEIFU: We will control that, I

1 mean, during that operation. When I see them
2 doing that, I'll take care of it. I'll go
3 outside at 2:00. We are going to have security
4 to control that to make sure that no one be
5 outside and making noise or anything for the
6 neighbors here.

7 MEMBER SHORT: So Madam Chair?

8 CHAIRPERSON MILLER: Yes?

9 MEMBER SHORT: So actually, you are
10 going on record saying that that is not going to
11 take place during this event if you are granted
12 this special permission?

13 MR. SEIFU: Yes, yes.

14 MEMBER SHORT: You're going to take
15 the necessary steps to make sure there is no
16 complaints?

17 MR. SEIFU: Very much, yes.

18 MEMBER SHORT: Okay. Yes, how are you
19 going to do that?

20 MR. SEIFU: Like I said, we go out
21 there at 3:00 and we're going to control. After
22 3:00, we're going to control, no people allowed

1 and anybody coming and went out and hanging out
2 outside making a noise or disturbing the
3 neighborhood, we will control by security guards
4 to let that not happen.

5 MEMBER SHORT: Okay. So --

6 MR. SEIFU: We are not going to allow
7 them. I mean, we are going to control it through
8 the security guard not to let things like that
9 happen.

10 MEMBER SHORT: So you know our
11 Investigators will be coming by to check on that
12 to make sure?

13 MR. SEIFU: No problem at all.

14 MEMBER SHORT: Madam Chair.

15 CHAIRPERSON MILLER: Okay. Others?

16 MEMBER ALBERTI: I just wanted to
17 remind the gentleman that we are trusting you
18 this time, but if you don't abide by your
19 commitments this time, don't expect us to give
20 you applications like this in the future.

21 MR. SEIFU: Okay.

22 MEMBER ALBERTI: So I mean, I trust

1 that you will go out and make sure patrons don't
2 disturb everyone, but just be mindful that, you
3 know, you need to make sure that happens.

4 MR. SEIFU: Sure.

5 MEMBER ALBERTI: Okay. Thanks.

6 CHAIRPERSON MILLER: Mr. Peru, yes, do
7 you have any other comments?

8 INVESTIGATOR PERU: Just one, yes.

9 CHAIRPERSON MILLER: Yes.

10 INVESTIGATOR PERU: Just an additional
11 to that, just to remind the owner that it is part
12 -- I'm going through your settlement agreement as
13 we are speaking and there is a provision in there
14 as well that says -- you made a comment stating
15 that when you are closed, it's not your
16 responsibility.

17 It says in your agreement that you
18 will make reasonable efforts to encourage
19 customers and staff to be quiet when smoking on
20 the sidewalk in front of the establishment after
21 10:00 p.m. and when leaving the establishment
22 after 10:00 p.m. This expansion is an existing

1 voluntary agreement provision.

2 So it's your responsibility according
3 to the settlement agreement as well. I just want
4 to remind you that after 10:00 p.m. people
5 leaving they are being quiet. So that reason of
6 we are closed already, people hanging out, that's
7 your responsibility. All right?

8 MEMBER SHORT: You nodded your head,
9 but say yes for the record.

10 MR. SEIFU: Yes. Yes.

11 MEMBER SHORT: Thank you.

12 CHAIRPERSON MILLER: Anything else?
13 Yes, Mr. Silverstein?

14 MEMBER SILVERSTEIN: Yes, I think this
15 would -- this is the type of situation that I
16 would ask everyone else who is here from the
17 Ethiopian community to consider.

18 This soccer tournament is a
19 celebration and is a big part of the coming
20 together of your community. And it's a strong
21 and wonderful community, but we live in a city
22 where there is much more density now. People

1 live on top of and right next to these
2 establishments and we all have to make
3 accommodations so that people can sleep.

4 The people who live there make
5 accommodations, so that people can party. We all
6 have to be good neighbors. And we are very
7 pleased to extend your hours that you might do
8 this celebration that people may come from all
9 over and families may join and this is a great
10 celebration for you.

11 And we ask that you show special care
12 and ask your guests, ask your patrons to show
13 special care for the neighbors that we might all
14 be good neighbors and that this might be as
15 successful as some of the celebrations that we
16 have had this past week, such as the soccer and
17 the Circo and the Pride where everybody can join
18 in this happiness.

19 MR. SEIFU: I promise to do that.

20 MEMBER SILVERSTEIN: Thank you.

21 CHAIRPERSON MILLER: Okay. Anything
22 else? I would just add that, you know, it's not

1 easy being an establishment near a residence, but
2 that's a fact of life and that's part of our job
3 to protect their peace and quiet, too.

4 So I would move that we grant this
5 application, but I would just say that if there
6 are problems this year and if the residents are
7 very much disturbed, you know, by noise, then it
8 would make it difficult for you to get the same
9 privilege next year.

10 MR. SEIFU: I agree.

11 CHAIRPERSON MILLER: So hopefully
12 everything will go fine.

13 MR. SEIFU: Okay.

14 CHAIRPERSON MILLER: Okay. Anything
15 else? All right. Then --

16 MEMBER SILVERSTEIN: Did you make a
17 motion?

18 CHAIRPERSON MILLER: -- I'm moving --
19 I don't know. I'm moving now to approve this
20 application.

21 MEMBER RODRIGUEZ: Second it.

22 CHAIRPERSON MILLER: Mr. Rodriguez has

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 5-0-0.

7 So we are signing off and if you will
8 wait a few minutes, our staff will bring it to
9 you.

10 MR. SEIFU: Okay.

11 CHAIRPERSON MILLER: Thank you.

12 MR. SEIFU: Thank you.

13 CHAIRPERSON MILLER: Okay. If you
14 have any questions, can he call you, Mr. Peru?

15 INVESTIGATOR PERU: Absolutely.

16 CHAIRPERSON MILLER: Okay. Thank you.

17 I'm sure you will be seeing him at the event.

18 All right.

19 (Whereupon, the Fact-Finding Hearing
20 in the above-entitled matter was concluded at
21 11:00 a.m.)
22

<p style="text-align: center;">A</p> <p>a.m 2:2 6:8,8 14:21 abide 9:18 above-entitled 14:20 ABRA 1:22 2:16 Absolutely 14:15 abstaining 14:5 abutting 5:21 accommodations 12:3 12:5 add 12:22 adding 5:4 additional 10:10 address 5:22 agree 13:10 agreement 6:4,9 10:12 10:17 11:1,3 ALBERTI 1:17 9:16,22 10:5 Alcoholic 1:2,13,13 allow 9:6 allowed 8:22 ANC-1B 1:7 2:5 anticipate 3:1 anybody 9:1 anyway 7:9 application 1:9 3:5 13:5 13:20 applications 9:20 approve 6:5 13:19 approved 6:6,7 attendees 3:6 aware 6:1 aye 14:2,3</p>	<p>4:12,16,19,22 5:6,11 5:18 6:12,16 7:2,12 8:8 9:15 10:6,9 11:12 12:21 13:11,14,18,22 14:4,11,13,16 change 1:9 2:18 check 9:11 Circo 12:17 city 11:21 clicker 3:19 closed 7:8 10:15 11:6 closing 6:20 COLUMBIA 1:1 come 5:20 12:8 coming 6:10 9:1,11 11:19 comment 10:14 comments 10:7 commitments 9:19 community 11:17,20,21 complaint 7:7 complaints 5:14,20 6:2 6:19 7:13 8:16 concern 6:10 7:4,16 concluded 14:20 consider 11:17 constant 6:10 control 1:2,13,13 7:22 8:4,21,22 9:3,7 correct 2:20 4:8 count 3:19,20,21 couple 6:18 CR 1:7 Cuisine 1:6 2:4 customers 10:19</p>	<p>establishment 6:11,20 10:20,21 13:1 establishments 12:2 Ethiopian 1:6,6,9 2:4 11:17 event 1:10 5:1,5,8 8:11 14:17 everybody 12:17 Exactly 2:21 existing 10:22 expansion 10:22 expect 3:5 9:19 extend 12:7</p>	<p>hopefully 13:11 hour 4:11 6:6 hours 2:19 4:7,8,9 6:7 7:6,19 12:7</p>
<p style="text-align: center;">B</p> <p>Beverage 1:2,13,13 beverages 4:14 big 11:19 Board 1:2,13 5:12 bother 7:18 bothered 7:16 bring 14:8 BROOKS 1:18 Building 1:14</p>	<p style="text-align: center;">D</p> <p>D.C 1:14 Dates 1:10 day 1:9 3:2,9,11 7:6 density 11:22 Department 4:2 difficult 13:8 dispersed 6:22 DISTRICT 1:1 disturb 10:2 disturbed 13:7 disturbing 9:2 doing 8:2 DONALD 1:18 door 5:21</p>	<p style="text-align: center;">F</p> <p>fact 1:6 6:21 13:2 Fact-Finding 14:19 families 12:9 Fasil 1:6 2:8 favor 14:2 Finding 1:7 fine 13:12 Fire 4:2 food 4:13 Force 5:15 Frank 2:12 front 6:19 7:14 10:20 Fusion 1:6 2:4 future 9:20</p>	<p style="text-align: center;">I</p> <p>introduce 2:6 Investigator 1:22 2:14 2:15,15 5:13,19 6:14 6:18 10:8,10 14:15 Investigators 9:11</p>
<p style="text-align: center;">C</p> <p>call 14:14 called 6:21 7:11 capacity 3:8,13 4:2,4 care 8:2 12:11,13 celebration 11:19 12:8 12:10 celebrations 12:15 Chair 8:7 9:14 Chairperson 1:14,17 2:3,9,13,17,22 3:4,9 3:12,15,18,22 4:3,6</p>	<p style="text-align: center;">E</p> <p>E-I-F 2:11 easy 13:1 efforts 10:18 encourage 10:18 entertainment 6:4,7,13</p>	<p style="text-align: center;">G</p> <p>general 5:1,4 gentleman 9:17 getting 7:21 give 9:19 given 4:2 go 8:2,20 10:1 13:12 going 4:7 5:7,10 7:4 8:3 8:10,10,14,19,21,22 9:6,7 10:12 good 2:5 12:6,14 grant 13:4 granted 8:11 great 2:13 12:9 guard 9:8 guards 9:3 guests 12:12 guys 6:5</p>	<p style="text-align: center;">J</p> <p>JAMES 1:19 Jason 1:22 2:15 job 13:2 join 12:9,17 July 1:10 2:19 4:11 June 1:10,12 2:19 4:10</p>
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<p style="text-align: center;">C</p>	<p style="text-align: center;">E</p>	<p style="text-align: center;">H</p>	<p style="text-align: center;">L</p> <p>leaving 10:21 11:5 license 1:8 2:5 4:8 6:3 life 13:2 liquor 4:7 live 11:21 12:1,4 LLC 1:6 located 2:4</p>
<p style="text-align: center;">C</p>	<p style="text-align: center;">E</p>	<p style="text-align: center;">H</p>	<p style="text-align: center;">M</p> <p>Madam 8:7 9:14 making 7:14 8:5 9:2 matter 1:5 14:20 mean 3:19 7:3,10 8:1 9:7,22 MEETING 1:3 Member 1:17,18,18,19 1:19 8:7,9,14,18 9:5 9:10,14,16,22 10:5 11:8,11,14 12:20 13:16,21 Members 5:12 met 1:13 MIKE 1:18 Miller 1:15,17 2:3,9,13 2:17,22 3:4,9,12,15 3:18,22 4:3,6,12,16 4:19,22 5:6,11,18 6:12,16 7:2,12 8:8 9:15 10:6,9 11:12 12:21 13:11,14,18,22 14:4,11,13,16 mindful 10:2 minutes 14:8</p>

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