

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

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IN THE MATTER OF: :
: :
Raso Corporation, :
t/a Sahra Hooka Lounge :
1200 H Street, NE :
Retailer CT :
12-CMP-00692 : Show Cause
License No. 87558 : Hearing
ANC 6A :
No ABC Manager on Duty, :
Failed to Obtain an :
Entertainment Endorsement, :
Violation of Settlement :
Agreement (Allowed Patrons to:
Exit with Open Containers) :
␣-----¼

JUNE 26, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Nick Alberti, Acting Chairman, presiding.

PRESENT

- NICK ALBERTI, Acting Chairman
- DONALD BROOKS, Member
- HERMAN JONES, Member
- MIKE SILVERSTEIN, Member
- ALSO PRESENT
- FERNANDO RIVERO, OAG

ABYIE GHENENE, ABRA

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

11:02 a.m.

ACTING CHAIRMAN ALBERTI: It now is approximately 11:02 and I'm going to call Case No. 12-CMP-00692.

Parties forward and introductions, please?

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

MR. COX: Good morning, Mr. Alberti. DuBois Cox. I'm an agent for Raso, Inc. The Licensee is on his way. I don't know why he's not here at this point.

ACTING CHAIRMAN ALBERTI: When do you expect him, Mr. Cox?

MR. COX: I just talked to him five minutes ago. He was stuck in traffic in Virginia.

ACTING CHAIRMAN ALBERTI: When do you expect him?

MR. COX: Literally any moment.

1 ACTING CHAIRMAN ALBERTI: Because
2 I don't know where in Virginia. That could be
3 Centreville or it could be Front Royal. Okay.
4 When do you expect him, sir?

5 MR. COX: I don't know the answer
6 to that question.

7 ACTING CHAIRMAN ALBERTI: Okay.
8 Thank you. Mr. Rivero?

9 MR. RIVERO: The parties do have
10 an Offer in Compromise to present however.

11 ACTING CHAIRMAN ALBERTI: Do you
12 have a letter of representation?

13 MR. COX: I do, sir.

14 ACTING CHAIRMAN ALBERTI: From the
15 owner?

16 MR. COX: Yes, sir, I have the
17 registration form.

18 ACTING CHAIRMAN ALBERTI: We have
19 a copy? May I see it?

20 Okay. So since we have a
21 representative here of the Licensee, a
22 designated representative of the Licensee,

1 let's continue.

2 Mr. Rivero, you have the floor.

3 MR. RIVERO: Thank you. The
4 parties have an Offer in Compromise to present
5 to the Board at this time. That offer
6 consists of fine of \$950 payable in 30 days.
7 The distribution of the fine is as follows:
8 For charge 1, \$350.

9 ACTING CHAIRMAN ALBERTI: Can you
10 tell us what those -- describe the charge so
11 that we know, just for the record so far.

12 MR. RIVERO: No ABC manager, \$350.

13 ACTING CHAIRMAN ALBERTI: Okay.

14 MR. RIVERO: Charge 2, no
15 entertainment endorsement, is \$250. Charge 3,
16 VA violation, is \$350.

17 ACTING CHAIRMAN ALBERTI: Okay.
18 The Offer in Compromise, as I understand it or
19 hear it, is a total fine of \$950 to be paid in
20 30 days. Charge 1 a fine of \$350, charge 2 a
21 fine of \$250, and charge 3 a fine of \$350.

22 Mr. Cox, you've heard the Offer in

1 Compromise. Do you understand it and do you
2 agree to it?

3 MR. COX: Yes, Mr. Chairman, I do
4 understand it. I have been authorized by the
5 client to accept the Offer in Compromise,
6 however, I would like to note for the record
7 that we do object, I guess you could say, to
8 the charge of the entertainment endorsement
9 because the client says that it was not in
10 fact playing. In fact there were several --

11 ACTING CHAIRMAN ALBERTI: Okay.
12 This is not the time to really go through
13 that. Okay. So the last thing, does your
14 client waive his right to a hearing based on
15 that Offer in Compromise?

16 MR. COX: Yes, sir.

17 ACTING CHAIRMAN ALBERTI: Okay.

18 Mr. Jones?

19 MEMBER JONES: Let me just
20 mention; and it's probably just me, but I just
21 want to make sure I'm clear. You do accept
22 the offer as it was stated, correct?

1 MR. COX: We accept the Offer in
2 Compromise.

3 MEMBER JONES: You accept the
4 terms of the Offer in Compromise as it was
5 stated?

6 MR. COX: Yes, sir.

7 MEMBER JONES: Okay. Thank you.

8 ACTING CHAIRMAN ALBERTI: All
9 right. Thank you, Mr. Cox.

10 Thank you, Mr. Jones.

11 It is my recommendation to the
12 Board that we not accept the Offer in
13 Compromise for a total fine of \$950 to be paid
14 in 30 days. Do I have a second?

15 MEMBER BROOKS: Second.

16 ACTING CHAIRMAN ALBERTI: All
17 those in favor, say aye? Aye.

18 MEMBER BROOKS: Aye.

19 MEMBER JONES: Aye.

20 ACTING CHAIRMAN ALBERTI: All
21 those opposed?

22 MEMBER SILVERSTEIN: Opposed.

1 ACTING CHAIRMAN ALBERTI: And the
2 motion carries 3-1. We will proceed with a
3 hearing.

4 MR. RIVERO: Okay.

5 ACTING CHAIRMAN ALBERTI: Okay.
6 So, Mr. Rivero, how many witnesses do you
7 have?

8 MR. RIVERO: One.

9 ACTING CHAIRMAN ALBERTI: One
10 witness? Okay.

11 And, Mr. Cox, how many witnesses
12 will you have?

13 MR. COX: Well, since my client is
14 not here, I will have none.

15 ACTING CHAIRMAN ALBERTI: None?
16 Okay. All right. We'll start with opening
17 statements. Each side will have five minutes
18 for an opening statement, and we'll start with
19 Mr. Rivero. You may proceed.

20 MR. RIVERO: Thank you. Good
21 morning, Board Members. We're here today in
22 the show cause matter of Sahra Hooka Lounge,

1 License No. 87558, located at 1200 H Street,
2 N.E. in Washington, D.C.

3 The show cause notice in this
4 matter alleges that the Licensee permitted the
5 service or consumption of alcoholic beverages
6 without an ABC manager, that the Licensee had
7 entertainment in the form of a DJ without
8 having the required entertainment endorsement,
9 and that the Licensee violated the voluntary
10 agreement in place by permitting patrons to
11 exit the establishment with alcoholic
12 beverages.

13 It is our belief that a
14 preponderance of the evidence based upon the
15 testimony of our witness, ABRA Investigator
16 Ghenene, will show that on the afternoon of
17 September 15th, 2012, during the H Street
18 Festival, that the establishment's ABC manager
19 wasn't present upon demand, that a DJ was
20 playing music and that the establishment sold
21 alcoholic beverages to patrons and then just
22 allowed them to leave with their drinks.

1 Thank you.

2 ACTING CHAIRMAN ALBERTI: Thank
3 you, Mr. Rivero.

4 Mr. Cox, opening statement?

5 MR. COX: Yes, sir. Good morning,
6 Board. DuBois Cox, agent for Raso, Inc.,
7 trade name Sahra Hooka Lounge, 1200 H Street,
8 N.E.

9 On the charge No. 1, D.C. Code 25-
10 823, no alcohol beverage manager on site, by
11 the testimony in this report the investigator
12 within, I think an hour, if I'm reading this
13 report right, did talk to the owner, who is
14 the ABC manager. So we're confused as to why
15 the charge No. 1 was posted, because the
16 investigator did in fact talk to the ABC
17 manager.

18 On charge 2 about the
19 entertainment endorsement, there was a
20 turntable on site at the time that the
21 investigator appeared, however, there was no
22 DJ. And as I recall on that particular day;

1 I was at that festival on that day, there were
2 several bands playing at the same time. So I
3 don't know what the purpose of a DJ would be
4 in this particular case.

5 On charge No. 3, violation of the
6 voluntary agreement, the Licensee is confused,
7 I guess, because the one-day substantial
8 change license for beer and wine allows the
9 patrons to sit in a designated area in front
10 of the establishment. There was a designated
11 area established for patrons on this
12 particular day and patrons, as far as the
13 client's testimony is concerned; me, was that
14 the clients were exiting and sitting in the
15 garden area of the lounge. So we're not
16 exactly sure which patron they're talking
17 about that left the area. And that's our
18 testimony, sir.

19 ACTING CHAIRMAN ALBERTI: That's
20 your opening statement. Thank you, Mr. Cox.

21 Mr. Rivero, you may proceed with
22 your case. Call your witness.

1 MR. RIVERO: The Government will
2 call its first witness, Investigator Ghenene.

3 ACTING CHAIRMAN ALBERTI:
4 Investigator, would you raise your right hand?
5 Do you solemnly affirm that the testimony
6 you're about to give will be the truth, the
7 whole truth and nothing but the truth?

8 INVESTIGATOR GHENENE: Yes, sir.

9 ACTING CHAIRMAN ALBERTI: Thank
10 you. Please be seated.

11 MR. RIVERO: Good afternoon. Or
12 good morning, rather.

13 INVESTIGATOR GHENENE: Good
14 morning.

15 MR. RIVERO: Please state your
16 name for the record and spell it.

17 INVESTIGATOR GHENENE: Sure. It's
18 Abyie Ghenene, A-B-Y-I-E, G-H-E-N-E-N-E.

19 MR. RIVERO: Mr. Ghenene, what is
20 your occupation?

21 INVESTIGATOR GHENENE: ABRA
22 investigator.

1 MR. RIVERO: Okay. And for whom
2 do you work?

3 INVESTIGATOR GHENENE: The Alcohol
4 Beverage Regulation Administration.

5 MR. RIVERO: Okay. And for how
6 long have you been an investigator with ABRA?

7 INVESTIGATOR GHENENE:
8 Approximately two years.

9 MR. RIVERO: What are your duties
10 as an investigator with ABRA?

11 INVESTIGATOR GHENENE: To conduct
12 inspections and investigations of licensed ABC
13 establishments within the District of
14 Columbia.

15 MR. RIVERO: All right. Are you
16 familiar with the establishment known as Sahra
17 Hooka Lounge?

18 INVESTIGATOR GHENENE: Yes.

19 MR. RIVERO: How are you familiar?

20 INVESTIGATOR GHENENE: I conducted
21 an investigation there.

22 MR. RIVERO: You conducted an

1 investigation? Okay. I'm going to go ahead
2 and show you a document that's marked
3 Government's Exhibit 1 for identification, a
4 copy of which has been provided to the
5 Licensee. I'd like you to identify this
6 document, please.

7 INVESTIGATOR GHENENE: This is an
8 investigative report I submitted based on my
9 investigation.

10 MR. RIVERO: Okay. Please take a
11 moment to verify that the report is complete.

12 INVESTIGATOR GHENENE: Yes, sir.

13 MR. RIVERO: The Government would
14 move the investigator's case report for
15 Investigation No. 12-CMP-00692 into evidence
16 at this time.

17 ACTING CHAIRMAN ALBERTI: Any
18 objections, Mr. Cox?

19 MR. COX: No, no objections.

20 ACTING CHAIRMAN ALBERTI: Okay.
21 We'll accept that into evidence.

22 MR. RIVERO: Thank you. Okay.

1 All right. Investigator Ghenene, when did you
2 have occasion to visit the establishment
3 during this investigation you just mentioned?

4 INVESTIGATOR GHENENE: On
5 Saturday, September 15th at approximately 1:10
6 p.m.

7 MR. RIVERO: Okay. What year was
8 that?

9 INVESTIGATOR GHENENE: 2012. I
10 apologize.

11 MR. RIVERO: Oh, that's all right.
12 Were you present by yourself or with others?

13 INVESTIGATOR GHENENE: No, I was
14 with another ABRA investigator, Erin
15 Mathieson.

16 MR. RIVERO: Okay. And what
17 happened when you got to the establishment or
18 while you were there?

19 INVESTIGATOR GHENENE: Well,
20 before we got to the establishment we were
21 approached at approximately 1:10 p.m. We were
22 approached by a Metropolitan Police Department

1 officer. And I don't recall his name, but we
2 were approached by him and he informed us that
3 Sahra Lounge was allowing its patrons to take
4 alcoholic beverages off premise and travel on
5 the H Street corridor.

6 MR. RIVERO: Okay. And then what
7 happened?

8 INVESTIGATOR GHENENE: We -- all
9 of us, including the officer, went to Sahra
10 Lounge and observed that they had a table set
11 up next to the sidewalk where they had
12 alcoholic beverages sitting on top of the
13 table along with a credit card machine, and
14 there was a gentleman standing behind the
15 machine and the beverages who appeared to be
16 working for the establishment.

17 MR. RIVERO: Okay. And then what
18 happened after you observed that?

19 INVESTIGATOR GHENENE: I
20 approached the gentleman behind the register,
21 the makeshift register, identified myself as
22 an ABRA investigator and asked to speak with

1 an ABC manager or owner.

2 MR. RIVERO: And then what was his
3 response?

4 INVESTIGATOR GHENENE: His
5 response was that he did not work there and
6 that there was no owner or ABC manager
7 present, that the owner was nearby parking his
8 car.

9 MR. RIVERO: And what did you do
10 then?

11 INVESTIGATOR GHENENE: At that
12 point I observed several patrons or employees,
13 I'm not sure at this point; I wasn't sure then
14 and I'm not sure now, standing around outside.
15 Some of them had cups in their hands with
16 beverages. I approached them, identified
17 myself and asked one of them specifically what
18 was inside of his cup.

19 MR. RIVERO: And what did this
20 person say?

21 INVESTIGATOR GHENENE: The
22 gentleman told me it was ginger ale, but I

1 spelled a very strong aroma of some kind of
2 alcoholic beverage.

3 MR. RIVERO: What kind would you
4 say it was?

5 INVESTIGATOR GHENENE: Well, it
6 was brown, so I'm not sure, but it was very
7 strong. We weren't too far from each other
8 and it was very strong.

9 MR. RIVERO: And then what did you
10 do?

11 INVESTIGATOR GHENENE: At that
12 point I -- we entered --

13 MR. RIVERO: Yes.

14 INVESTIGATOR GHENENE: --
15 Investigator Mathieson and I entered Sahra
16 Lounge and observed an opened beer bottle, as
17 well as a beer poured in a plastic cup in a
18 different location. We observed --

19 MR. RIVERO: Where was the beer?

20 INVESTIGATOR GHENENE: There was a
21 beer bottle sitting on one table.

22 MR. RIVERO: Where was the table

1 in relation to you?

2 INVESTIGATOR GHENENE: Right when
3 we walked in, directly in front of us.

4 MR. RIVERO: Okay.

5 INVESTIGATOR GHENENE: Then when I
6 turned to my right, I saw a plastic cup with
7 beer in it --

8 MR. RIVERO: Okay.

9 INVESTIGATOR GHENENE: -- on
10 another separate table.

11 MR. RIVERO: Yes.

12 INVESTIGATOR GHENENE: Next to the
13 beer bottle was also a turntable with music
14 playing and amplified music we could hear. I
15 approached the back bar where I saw what I
16 believed to be -- we confirmed to be an
17 employee of Sahra Lounge.

18 MR. RIVERO: Okay. And what
19 happened when you approached this person?

20 INVESTIGATOR GHENENE: I
21 approached that person, identified myself as
22 an ABRA investigator and asked to speak with

1 an ABC manager or owner.

2 MR. RIVERO: What did that person
3 say?

4 INVESTIGATOR GHENENE: The person
5 -- the man told me, the unidentified man told
6 me that neither was present. And I asked that
7 man for his name and his identification.

8 MR. RIVERO: And what did he say?

9 INVESTIGATOR GHENENE: He refused
10 to give me both.

11 MR. RIVERO: And did you --

12 INVESTIGATOR GHENENE: I asked the
13 man to give me -- to allow me to inspect a
14 posted ABC license, which was visible, and the
15 posted substantial change license, which was
16 also visible.

17 MR. RIVERO: Okay. And then what
18 happened?

19 INVESTIGATOR GHENENE: I inspected
20 the both of them and --

21 MR. RIVERO: Did he give them to
22 you?

1 INVESTIGATOR GHENENE: Yes, sir.

2 MR. RIVERO: Okay.

3 INVESTIGATOR GHENENE: I inspected
4 the both of them and I confirmed that Sahra
5 Hooka Lounge did not have an entertainment
6 endorsement. And additionally I confirmed
7 that Sahra Hooka Lounge on their substantial
8 change document did not ask for entertainment.
9 And in addition to they did not get approval
10 to allow alcoholic beverages to leave the
11 premises.

12 MR. RIVERO: And then after you
13 inspected those documents what did you do?

14 INVESTIGATOR GHENENE: I advised
15 the employee who told me that that it was a
16 violation to serve, consume or sell alcoholic
17 beverages without an ABC manager or owner
18 present, and that it was also a violation to
19 have entertainment without first seeking and
20 obtaining an entertainment endorsement.

21 MR. RIVERO: Okay. I'm going to
22 go ahead and show you some photographs which

1 are part of Exhibit 1 that's already in
2 evidence. I just want you to identify, is
3 this Exhibit 1 in your report?

4 INVESTIGATOR GHENENE: That's the
5 first beer that we saw.

6 MR. RIVERO: What does that photo
7 represent?

8 INVESTIGATOR GHENENE: It's a beer
9 that we saw on the table right when we first
10 walked in.

11 MR. RIVERO: Okay. All right.
12 And then there's Exhibit 2 of your report,
13 which is in evidence. This is a photograph.
14 Can you identify that?

15 INVESTIGATOR GHENENE: That's the
16 cup of beer that was to my right when I walked
17 in the establishment.

18 MR. RIVERO: Okay. And there's a
19 third photograph here called Exhibit 3 from
20 your report. Can you identify that?

21 INVESTIGATOR GHENENE: And that's
22 the turntable that was set up to the left of

1 the bottle of beer.

2 MR. RIVERO: Okay.

3 INVESTIGATOR GHENENE: Mr. Rivero,
4 can I amend something that I said earlier?

5 MR. RIVERO: If you want to, sure.

6 INVESTIGATOR GHENENE: Yes, I'd
7 like to say that I also advised the employee
8 that he was not to allow patrons to leave the
9 premises with alcoholic beverages.

10 MR. RIVERO: Okay. All right. So
11 after you had that conversation and you
12 advised him of the violation, what did you do?

13 INVESTIGATOR GHENENE: At that
14 point we waited around approximately -- and
15 I'm not sure of the timeline, but if I think
16 back, it was like 20, 25 minutes.

17 MR. RIVERO: Okay.

18 INVESTIGATOR GHENENE: The owner
19 was a no-show. And we continued to -- we left
20 the establishment after advising them --

21 MR. RIVERO: Okay.

22 INVESTIGATOR GHENENE: -- of the

1 violations and the potential violation.

2 MR. RIVERO: Right.

3 INVESTIGATOR GHENENE: And we left
4 the establishment and continued to monitor H
5 Street.

6 MR. RIVERO: And was that the end
7 of your monitoring of this establishment?

8 INVESTIGATOR GHENENE: No, sir.

9 MR. RIVERO: So then what
10 happened?

11 INVESTIGATOR GHENENE: At
12 approximately 3:45 p.m., about three hours
13 after our initial contact --

14 MR. RIVERO: Yes.

15 INVESTIGATOR GHENENE: -- we were
16 on the same block as Sahra Hooka Lounge but
17 not in front of the establishment and
18 Investigator Mathieson and I observed several
19 H Street Festival patrons walking around with
20 bottles of beer.

21 MR. RIVERO: Okay. Walking around
22 where?

1 INVESTIGATOR GHENENE: On H Street
2 away from Sahra Hooka Lounge.

3 MR. RIVERO: Would that be on the
4 street?

5 INVESTIGATOR GHENENE: Yes, sir.

6 MR. RIVERO: Okay.

7 INVESTIGATOR GHENENE: And I
8 approached one of the guys in the group and
9 asked him where he purchased the beer from.
10 He informed me he got it from Sahra Hooka
11 Lounge.

12 MR. RIVERO: Then what happened?

13 INVESTIGATOR GHENENE:
14 Investigator Mathieson and I went to the
15 opposite side of the street of Sahra Hooka
16 Lounge and observed an unknown employee of
17 Sahra Hooka Lounge at that table that I first
18 described during our first visit selling beers
19 to a group of patrons.

20 MR. RIVERO: Where was that table
21 again?

22 INVESTIGATOR GHENENE: It was on

1 the -- it was right in front of the sidewalk
2 in front of Sahra Hooka Lounge --

3 MR. RIVERO: Okay.

4 INVESTIGATOR GHENENE: -- on H
5 Street.

6 MR. RIVERO: All right.

7 INVESTIGATOR GHENENE: We observed
8 this gentleman sell -- I believe there was
9 three of them -- sell three bottled beers. He
10 gave them three cups and allowed them to walk
11 away from the table and walk into the street
12 and away from Sahra Hooka Lounge.

13 MR. RIVERO: Where did you see
14 those patrons go?

15 INVESTIGATOR GHENENE: They walked
16 -- I guess that would be east on H Street away
17 -- they were -- to put it in terms of
18 establishments, they were three establishments
19 down from Sahra Hooka Lounge.

20 MR. RIVERO: Okay. And then what
21 happened after you saw that?

22 INVESTIGATOR GHENENE: At that

1 point I walked directly -- Investigator
2 Mathieson and I walked directly into Sahra
3 Hooka Lounge, identified ourselves as ABRA
4 investigators, and at this point the owner was
5 present.

6 MR. RIVERO: Then what happened?

7 INVESTIGATOR GHENENE: I advised
8 the owner that this was my second visit here,
9 that I had instructed his employee, who was
10 present at the time during my second visit, to
11 stop selling alcoholic beverages -- stop
12 allowing people to leave their premises with
13 alcoholic beverages.

14 MR. RIVERO: How do you know this
15 person was the owner?

16 INVESTIGATOR GHENENE: He
17 identified himself as the owner and he gave me
18 his identification.

19 MR. RIVERO: Okay.

20 INVESTIGATOR GHENENE: And I later
21 confirmed that through --

22 MR. RIVERO: All right. After you

1 stated this to the owner, what happened?

2 INVESTIGATOR GHENENE: He got
3 extremely upset and started shouting at people
4 that were outside and I guess they're his
5 employees and told them to bring everything
6 inside. Bring everything inside. Turn off
7 the music. Bring everything inside.

8 MR. RIVERO: And what were you
9 doing? What did you do?

10 INVESTIGATOR GHENENE: At that
11 point I was attempting -- trying to explain to
12 him it's that -- not that he was not allowed
13 to be outside and sell alcoholic beverages.
14 I said the issue is -- the violation is that
15 he's allowing people to leave the licensed
16 premises with the alcohol.

17 MR. RIVERO: Okay. So you said
18 that?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MR. RIVERO: And what happened
21 after you said that?

22 INVESTIGATOR GHENENE: He

1 disregarded what I was saying and he was very
2 upset.

3 MR. RIVERO: Okay.

4 INVESTIGATOR GHENENE: Yes.

5 MR. RIVERO: And then what
6 happened?

7 INVESTIGATOR GHENENE: At that
8 point I explained to him the different
9 violations we had found, the entertainment --
10 because at this point the second visit there
11 was actually somebody behind the turntables
12 with headphone on. The DJ was present.
13 Before it was just amplified music, but now
14 it's amplified music and somebody playing it.

15 MR. RIVERO: Okay.

16 INVESTIGATOR GHENENE: So I
17 advised him of the entertainment endorsement
18 violation. I advised him of the no ABC
19 manager violation from earlier. And I advised
20 him of the potential violations from allowing
21 people to leave the premises with alcohol.
22 But I told him I'd look into his

1 application --

2 MR. RIVERO: All right.

3 INVESTIGATOR GHENENE: -- for the
4 substantial change.

5 MR. RIVERO: All right. And then
6 what happened after that?

7 INVESTIGATOR GHENENE: Later on
8 that evening I returned to the ABRA --

9 MR. RIVERO: Did you leave the
10 establishment?

11 INVESTIGATOR GHENENE: Yes, sir.

12 MR. RIVERO: Okay. Then what
13 happened?

14 INVESTIGATOR GHENENE: Later on
15 that evening I returned to the ABRA offices
16 and looked through the substantial change
17 application file --

18 MR. RIVERO: Yes.

19 INVESTIGATOR GHENENE: -- for
20 Sahra Hooka Lounge's one-day substantial
21 change.

22 MR. RIVERO: Right.

1 INVESTIGATOR GHENENE: And on it I
2 verified that they did not receive approval to
3 allow patrons to allow their premises with
4 alcoholic beverages or to walk down H Street
5 with alcoholic beverages, in addition to they
6 did not request any type of entertainment.

7 MR. RIVERO: Okay. I'm going to
8 go ahead and point out, going back to Exhibit
9 1, a document that is Exhibit 4 in your
10 report. Can you identify what that is?

11 INVESTIGATOR GHENENE: That's the
12 one-day substantial change license issued to
13 Sahra Hooka Lounge.

14 MR. RIVERO: Okay. Does it say
15 anything there about entertainment being
16 allowed?

17 INVESTIGATOR GHENENE: No, sir.

18 MR. RIVERO: Okay. I'm going to
19 go ahead and also share with you what you mark
20 as Exhibit 7 in your report. And can you
21 identify what that is?

22 INVESTIGATOR GHENENE: That's the

1 one-day substantial change application Sahra
2 Hooka Lounge submitted.

3 MR. RIVERO: Okay. And is there
4 any mention there about a request for an
5 entertainment --

6 INVESTIGATOR GHENENE: No, sir.

7 MR. RIVERO: -- endorsement?

8 INVESTIGATOR GHENENE: No, sir.

9 MR. RIVERO: All right. So you
10 looked into the applications. You found what
11 you found. Then what did you do?

12 INVESTIGATOR GHENENE: I then
13 pulled up Sahra Hooka Lounge's voluntary
14 agreement and found that -- I found several
15 provisions that appeared to be violated.

16 MR. RIVERO: Okay.

17 INVESTIGATOR GHENENE:
18 Specifically under No. 2(d) -- oh, I'm sorry,
19 2(c) --

20 MR. RIVERO: Let me stop you right
21 there.

22 INVESTIGATOR GHENENE: Yes.

1 MR. RIVERO: I want to go ahead
2 and just establishment whether you were right
3 there. I'm going to show you what's Exhibit
4 8 in your report. Can you identify that?

5 INVESTIGATOR GHENENE: Voluntary
6 agreement.

7 MR. RIVERO: Okay. And I want you
8 to turn to the document that says page 2 of 4
9 at the bottom.

10 INVESTIGATOR GHENENE: Okay.

11 MR. RIVERO: This is No. 2 called
12 "Business Operations and Practices," right?

13 INVESTIGATOR GHENENE: Yes, sir.

14 MR. RIVERO: Okay. What does it
15 state there about patrons and alcoholic
16 beverages?

17 INVESTIGATOR GHENENE: In letter
18 (c) it states Applicant agrees to ensure that
19 no patron bring an open container of an
20 alcoholic beverage into the establishment from
21 outside sources and at no time exits the
22 establishment with an open container of an

1 alcoholic beverage.

2 MR. RIVERO: Okay. Thank you.

3 Okay. So after you reviewed the VA, the
4 voluntary agreement, what happened?

5 INVESTIGATOR GHENENE: That's when
6 I created my investigative report.

7 MR. RIVERO: Okay. Did you go
8 back to the establishment?

9 INVESTIGATOR GHENENE: No, sir.

10 MR. RIVERO: Okay. And after you
11 created the report did you have any other
12 contact with the Licensee?

13 INVESTIGATOR GHENENE: No, sir.

14 MR. RIVERO: Okay. No further
15 questions at this time.

16 ACTING CHAIRMAN ALBERTI: Thank
17 you, Mr. Rivero.

18 Mr. Cox, any questions for our
19 investigator?

20 MR. COX: I just have one
21 question, Mr. --

22 INVESTIGATOR GHENENE: Ghenene.

1 MR. COX: -- Ghenene. When you
2 first entered the establishment I guess at --
3 according to your report at 1:25 p.m. were
4 there any patrons in the establishment?

5 INVESTIGATOR GHENENE: It was
6 unclear.

7 MR. COX: Unclear?

8 INVESTIGATOR GHENENE: Yes, sir.

9 MR. COX: Did you see any people
10 inside the lounge?

11 INVESTIGATOR GHENENE: There
12 were --

13 MR. COX: Patrons now, not
14 employees.

15 INVESTIGATOR GHENENE: We asked on
16 several occasions to speak to somebody who
17 worked there. Only one person identified
18 himself as having -- being an employee. There
19 was at least 15 people coming in and outside
20 of the establishment.

21 MR. COX: And were any of these
22 people consuming alcohol?

1 INVESTIGATOR GHENENE: Are you
2 asking me did I observe any of them?

3 MR. COX: Correct.

4 INVESTIGATOR GHENENE: I'm unsure.

5 MR. COX: Okay. Just one other
6 question: You looked at the one-day
7 substantial change. I'm not sure this is the
8 right -- you're the right person to ask this
9 question of. The one-day substantial change
10 for the H Street Festival Grounds, what does
11 that mean?

12 INVESTIGATOR GHENENE: I don't
13 understand your question.

14 MR. COX: It says here on the
15 license, one-day substantial change, portion
16 of the premise used, H Street Festival
17 Grounds. What does that mean?

18 MR. RIVERO: I don't know if this
19 is an objection or not, but I'm not sure he's
20 looking at that.

21 ACTING CHAIRMAN ALBERTI: Okay.
22 So, Mr. Cox, you're going to show him that

1 document?

2 MR. COX: I'm going to show him
3 the one-day substantial change license.

4 ACTING CHAIRMAN ALBERTI: Okay.
5 Have him identify it, please. You can show it
6 to him and have him identify it.

7 MR. COX: Yes, sir.

8 Could you explain what that
9 document is for me?

10 INVESTIGATOR GHENENE: Yes, that's
11 the -- it appears to be the one-day
12 substantial change license.

13 MR. COX: My license says here
14 portion of the premise used is H Street
15 Festival Grounds.

16 ACTING CHAIRMAN ALBERTI: Wait,
17 wait, wait, wait. First of all, Mr. Cox --
18 okay. I want to clarify. Is this the same --
19 Mr. Cox?

20 MR. COX: Yes, sir.

21 ACTING CHAIRMAN ALBERTI: Is this
22 the same document that's in the exhibit --

1 MR. COX: This is an --

2 ACTING CHAIRMAN ALBERTI: Wait,
3 let me finish my -- will you let me finish my
4 question, please? Is this the same document
5 that is in the Government's Exhibit 1?

6 MR. COX: One second, sir. I did
7 not check that. I'm sorry.

8 ACTING CHAIRMAN ALBERTI: I'm
9 trying to help you, so --

10 MR. COX: Yes, I understand that.
11 I appreciate it.

12 Okay. It doesn't show up in the
13 Government's --

14 ACTING CHAIRMAN ALBERTI: Okay.

15 MR. COX: Okay. With the help of
16 the city, yes, it is the same document. Yes,
17 sir.

18 ACTING CHAIRMAN ALBERTI: Okay.
19 Very good.

20 MR. COX: All right.

21 ACTING CHAIRMAN ALBERTI: And --

22 MR. COX: And the portion I'm

1 interested in --

2 ACTING CHAIRMAN ALBERTI: Go
3 ahead.

4 MR. COX: -- is the language on
5 the one-day substantial change license is the
6 portion of the premise used, it says H Street
7 Festival Grounds.

8 ACTING CHAIRMAN ALBERTI: Okay.

9 MR. COX: All right.

10 ACTING CHAIRMAN ALBERTI: Thank
11 you.

12 MR. COX: So I just wanted to
13 bring that up. To me H Street Festival
14 Grounds -- I don't know what that means. I'm
15 not sure your client knows what that means.
16 The ABRA inspector doesn't appear to know what
17 it means. So I'm assuming that H Street
18 Festival Grounds means --

19 ACTING CHAIRMAN ALBERTI: Yes,
20 right. I'm sorry. Mr. Rivero is objecting.
21 You can cover this ground in your closing
22 arguments. You're not allowed to provide

1 testimony now.

2 MR. COX: All right.

3 ACTING CHAIRMAN ALBERTI: So you
4 need to ask questions.

5 MR. COX: I understand. No
6 further questions.

7 ACTING CHAIRMAN ALBERTI: Okay.
8 Board questions?

9 (No audible response.)

10 ACTING CHAIRMAN ALBERTI: I will
11 begin. All right. So when you -- I mean you
12 may have already answered these questions, but
13 when you showed up at approximately 1:25,
14 1:30, all right, it seems to me you said you
15 observed a cash register out there. Did you
16 observe people selling beer outside in front
17 of the establishment, or selling alcoholic
18 beverages outside in front of the
19 establishment?

20 INVESTIGATOR GHENENE: At the time
21 of my arrival the first time?

22 ACTING CHAIRMAN ALBERTI: Yes.

1 INVESTIGATOR GHENENE: I don't
2 recall.

3 ACTING CHAIRMAN ALBERTI: Okay.

4 INVESTIGATOR GHENENE: At 1:10
5 when we first arrived, I don't recall that,
6 no. No, sir.

7 ACTING CHAIRMAN ALBERTI: All
8 right. So there's a picture in Exhibit 6
9 attached to the Government's Exhibit 1.

10 INVESTIGATOR GHENENE: Yes, sir.

11 ACTING CHAIRMAN ALBERTI: All
12 right? Was that table there when you arrived
13 at 1:25, do you remember?

14 INVESTIGATOR GHENENE: That table
15 was not there.

16 ACTING CHAIRMAN ALBERTI: That
17 table was not there?

18 INVESTIGATOR GHENENE: Yes, sir.

19 ACTING CHAIRMAN ALBERTI: Okay.
20 All right. You said though that you
21 encountered an individual who had a beverage
22 in their hand. And where was that person?

1 INVESTIGATOR GHENENE: They were
2 standing flush with Sahra Lounge's H Street
3 wall outside of the establishment.

4 ACTING CHAIRMAN ALBERTI: Okay.
5 And it's your testimony that you believed with
6 a great deal of confidence I think -- well, I
7 won't -- you believe that this person had an
8 alcoholic beverage?

9 INVESTIGATOR GHENENE: Yes, sir.

10 ACTING CHAIRMAN ALBERTI: Did you
11 tell anyone -- the person who identified
12 themselves as an employee, did you tell them
13 that people should not be allowed to leave the
14 premise with alcoholic beverages?

15 INVESTIGATOR GHENENE: Yes, sir.
16 Not only did I tell him, but because I was
17 unsure of who actually worked there and who
18 didn't, I made sure that everyone that was
19 present heard what I said, and I said it a few
20 different times.

21 ACTING CHAIRMAN ALBERTI: Okay.

22 INVESTIGATOR GHENENE: With MPD

1 present.

2 ACTING CHAIRMAN ALBERTI: Okay.

3 Can you describe -- I see this table in
4 Exhibit 6. Was there fencing around the --
5 okay. In front of Sahra Lounge is a sidewalk,
6 is that correct?

7 INVESTIGATOR GHENENE: Yes, sir.

8 ACTING CHAIRMAN ALBERTI: Is this
9 establishment in the middle of the block, on
10 the corner?

11 INVESTIGATOR GHENENE: It's on the
12 corner, sir.

13 ACTING CHAIRMAN ALBERTI: Okay.
14 Was there any barrier around any of the
15 outside property?

16 INVESTIGATOR GHENENE: Yes, sir.

17 ACTING CHAIRMAN ALBERTI: Can you
18 tell me where that was?

19 INVESTIGATOR GHENENE: I'm not
20 sure what the cross street is there, but there
21 was on the cross street -- there was a -- I
22 guess that would have been 12th Street.

1 ACTING CHAIRMAN ALBERTI: Right.

2 INVESTIGATOR GHENENE: There was a
3 barrier on the 12th Street side and then
4 partially on the H Street side where the table
5 with the register was.

6 ACTING CHAIRMAN ALBERTI:
7 Partially?

8 INVESTIGATOR GHENENE: This
9 circular table would have been 15 -- 10 to 15
10 feet outside of that in the middle of the
11 street.

12 ACTING CHAIRMAN ALBERTI: Oh, 10
13 to 15 feet outside of any partial barrier?

14 INVESTIGATOR GHENENE: (No audible
15 response.)

16 ACTING CHAIRMAN ALBERTI: You
17 know, facing the establishment, right, was
18 there a barrier to the left coming out
19 perpendicular to the establishment?

20 INVESTIGATOR GHENENE: On 12th
21 Street?

22 ACTING CHAIRMAN ALBERTI:

1 Perpendicular to the establishment. You know,
2 you're standing on H Street facing the
3 establishment.

4 INVESTIGATOR GHENENE: Partial.

5 ACTING CHAIRMAN ALBERTI: Partial?

6 INVESTIGATOR GHENENE: Yes.

7 ACTING CHAIRMAN ALBERTI: All

8 right. By partial you mean it didn't come all
9 the way out to the street?

10 INVESTIGATOR GHENENE: Yes.

11 ACTING CHAIRMAN ALBERTI: All

12 right. On the right-hand side was there a
13 barrier?

14 INVESTIGATOR GHENENE: Partial.

15 Again there was a break where you could walk
16 inside of the --

17 ACTING CHAIRMAN ALBERTI: Okay.

18 Was there one parallel to the establishment
19 outside?

20 INVESTIGATOR GHENENE: No.

21 ACTING CHAIRMAN ALBERTI: Same

22 distance from --

1 INVESTIGATOR GHENENE: The table.

2 ACTING CHAIRMAN ALBERTI: The
3 table? Okay.

4 INVESTIGATOR GHENENE: That's
5 where the table -- the actual table --

6 ACTING CHAIRMAN ALBERTI: Okay.
7 So there was no barrier. As you're standing
8 there in front of the establishment there was
9 no barrier parallel to the establishment --

10 INVESTIGATOR GHENENE: No.

11 ACTING CHAIRMAN ALBERTI: -- some
12 distance from the establishment?

13 INVESTIGATOR GHENENE: No.

14 ACTING CHAIRMAN ALBERTI: Okay.
15 So this area wasn't fully fenced in?

16 INVESTIGATOR GHENENE: No.

17 ACTING CHAIRMAN ALBERTI: All
18 right. One other question: And you can tell
19 me if you don't know what the procedures are,
20 but do you know whether or not when you submit
21 a one-day application you would have a diagram
22 of what the area is that's being licensed?

1 INVESTIGATOR GHENENE: I don't
2 know.

3 ACTING CHAIRMAN ALBERTI: You
4 don't know? All right. Okay. I have no
5 further questions. Any other Board Members?
6 Mr. Jones?

7 MEMBER JONES: Thank you, Mr.
8 Chairman.

9 So just so I'm clear, still with
10 the entertainment or the DJ setup, the first
11 time you came to the establishment at roughly
12 1:00 you first engaged someone on the outside,
13 which it's not clear as to whether they were
14 or weren't an employee at the table --

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER JONES: -- where the beer
17 or whatever, the beverage was. But there was
18 a credit card processing machine there?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER JONES: Okay. Then you
21 went into the establishment --

22 INVESTIGATOR GHENENE: Yes, sir.

1 MR. RIVERO: -- and physically
2 breached the ingress/egress and entered into
3 the establishment, correct?

4 INVESTIGATOR GHENENE: Yes, sir.

5 MEMBER JONES: Once you entered
6 into the establishment you observed the
7 turntable set up but no one acting or engaging
8 the turntable setup? You just heard amplified
9 sound?

10 INVESTIGATOR GHENENE: I heard --
11 correct, I heard amplified sound, saw the
12 turntable running.

13 MEMBER JONES: Okay. All right.

14 INVESTIGATOR GHENENE: But there
15 was nobody manipulating --

16 MEMBER JONES: Understood. So you
17 saw the turntable actually turning, moving as
18 it was --

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER JONES: You anticipated
21 where I was going. All right. So you were of
22 the impression based on your observation that

1 amplified sound was emanating from the DJ
2 setup, the turntable setup?

3 INVESTIGATOR GHENENE: Yes.

4 MEMBER JONES: That you observed?

5 INVESTIGATOR GHENENE: Yes.

6 MEMBER JONES: Okay. Was there
7 any doubt or question in your mind at that
8 point?

9 INVESTIGATOR GHENENE: No.

10 MEMBER JONES: Okay. Did you
11 communicate to anyone that you identified to
12 be an employee of the establishment your
13 concerns related to the turntable setup at
14 that time?

15 INVESTIGATOR GHENENE: Yes.

16 MEMBER JONES: You did? Okay.
17 What did you specifically communicate to the
18 employee?

19 INVESTIGATOR GHENENE: I told the
20 gentleman that was behind the bar, and again,
21 anybody else, any and everyone else that was
22 present coming in and out that it was a

1 violation to offer entertainment without first
2 obtaining the entertainment endorsement.

3 MEMBER JONES: Okay. So you
4 established that?

5 INVESTIGATOR GHENENE: Yes.

6 MEMBER JONES: You left the
7 establishment?

8 INVESTIGATOR GHENENE: Yes, sir.

9 MEMBER JONES: Came back to the
10 establishment --

11 INVESTIGATOR GHENENE: Yes, sir.

12 MEMBER JONES: -- at approximately
13 3:00, between 3:00 and 4:00?

14 INVESTIGATOR GHENENE: Yes, it was
15 about 3:45.

16 MEMBER JONES: Okay. So 3:45?

17 INVESTIGATOR GHENENE: Yes, sir.

18 MEMBER JONES: At that point, if I
19 understood your testimony correctly, you stood
20 outside of the establishment and observed the
21 goings on at the -- I'll call it the beer
22 table, for lack of a better expression, that

1 was outside setup for the sale of beverages
2 outside of the establishment?

3 INVESTIGATOR GHENENE: Yes, sir.

4 MEMBER JONES: You observed what
5 you observed there. Then you proceeded to
6 enter the establishment?

7 INVESTIGATOR GHENENE: Yes, sir.

8 MEMBER JONES: How did you
9 encounter the owner of the establishment?

10 INVESTIGATOR GHENENE: If I
11 remember correctly, when we walked inside
12 there were some of the same faces that were
13 there earlier and they were all pointing at us
14 like, you know, those are the guys. Those are
15 the guys. And he walked towards us.

16 MEMBER JONES: Okay.

17 INVESTIGATOR GHENENE: And that's
18 when I identified myself to him.

19 MEMBER JONES: Okay. How long did
20 it take between you entering the establishment
21 and you engaging the owner that second visit?

22 INVESTIGATOR GHENENE: Less than

1 10 seconds.

2 MEMBER JONES: Less than 10
3 seconds? All right. During that time did you
4 see someone at the turntable?

5 INVESTIGATOR GHENENE: Yes.

6 MEMBER JONES: Describe that
7 individual to me. Not necessarily his
8 physical build or her physical build or
9 makeup. I'm just trying to figure out what
10 made that individual unique in terms of his
11 placement and/or position.

12 INVESTIGATOR GHENENE: I
13 understand. He was -- it was a gentleman. I
14 don't really remember what he was wearing, but
15 I know that he was behind the turntables. He
16 had headphones on his head. He had his hands
17 on the mixers and he was manipulating -- you
18 know, it wasn't live manipulation or I guess
19 audible manipulation. He was setting up the
20 next album or the next song to be heard.

21 MEMBER JONES: Okay.

22 INVESTIGATOR GHENENE: And he

1 continued to play while I was having a
2 conversation with the owner.

3 MEMBER JONES: Okay. Thank you
4 for that. The continued to play portion,
5 trying to get a feel for how long was this
6 continued to play for, and you described it.
7 So you encountered the owner. You observed
8 the individual at the turntables. You
9 continued to encounter the owner. At what
10 point did, or if at all, when did it cease, it
11 being the music being manipulated by the
12 individual with headphones on?

13 INVESTIGATOR GHENENE: I'd say
14 approximately four to five minutes after our
15 conversation began. And as the owner became
16 more and more upset, he was shouting and
17 telling -- he was -- if I remember; and I'm
18 summarizing, but he was telling people to shut
19 it down. Shut everything down.

20 MEMBER JONES: Okay. And at that
21 point the individual behind the turntables
22 proceeded to follow the guidance and shut

1 down?

2 INVESTIGATOR GHENENE: Yes, sir.

3 MEMBER JONES: And you observed
4 him shut down?

5 INVESTIGATOR GHENENE: Yes, I
6 guess so. Yes, sir. I didn't hear anymore
7 music.

8 MEMBER JONES: Okay.

9 INVESTIGATOR GHENENE: Yes, sir.

10 MEMBER JONES: And based on your
11 review of the approvals that they had, they
12 being the licensed establishment, for
13 operation, you did not observe or have the
14 ability to pull from the file any approvals
15 they had for entertainment?

16 INVESTIGATOR GHENENE: Yes, sir.

17 MEMBER JONES: Okay. Did they
18 have any approvals for any type of
19 entertainment under any circumstances that you
20 were able to discern from the file?

21 INVESTIGATOR GHENENE: No, sir.

22 MEMBER JONES: None? Okay. Thank

1 you. I'm done with entertainment. Thank you.

2 As far as your return visit that
3 occurred at approximately 3:45 --

4 INVESTIGATOR GHENENE: Yes, sir.

5 MEMBER JONES: -- just to make
6 sure I'm crystal clear, you stood outside of
7 the establishment. How far away were you from
8 the front door approximately of the
9 establishment?

10 INVESTIGATOR GHENENE: I was
11 across the street, so I'd say -- what's that,
12 30 yards?

13 MEMBER JONES: Thirty yards?

14 INVESTIGATOR GHENENE: Yes.

15 MEMBER JONES: And if I understood
16 your description correctly, the round table
17 that was set up outside of the establishment
18 would be closer to you than the front door of
19 the establishment from your vantage point?

20 INVESTIGATOR GHENENE: If I
21 remember correctly, and the picture and -- you
22 know, I think it was about half way. but it's

1 sitting on the trolley tracks on H Street, so
2 it's kind of -- it's in the middle of the
3 street.

4 MEMBER JONES: It's in the middle
5 of the street?

6 INVESTIGATOR GHENENE: Yes.

7 MEMBER JONES: Okay. So did you
8 have a clear view of the table?

9 INVESTIGATOR GHENENE: Absolutely,
10 yes.

11 MEMBER JONES: Okay. At that
12 point did you witness a transaction occur in
13 which individuals received what you believed
14 to be an alcoholic beverage?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER JONES: You did? Why do
17 you believe it to be an alcoholic beverage
18 that was part of that transaction?

19 INVESTIGATOR GHENENE: Because the
20 -- I could identify the brand on the bottle of
21 the beverage sold.

22 MEMBER JONES: Okay. Do you have

1 a recall of what that brand was?

2 INVESTIGATOR GHENENE: I believe
3 it was Amstel Light.

4 MEMBER JONES: Amstel Light?

5 INVESTIGATOR GHENENE: Yes, sir.

6 MEMBER JONES: Okay. Did you
7 witness payment for that?

8 INVESTIGATOR GHENENE: Yes, sir.

9 MEMBER JONES: And what form did
10 that occur? Was it cash, check or credit
11 card?

12 INVESTIGATOR GHENENE: Cash.

13 MEMBER JONES: Cash? A cash
14 transaction?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER JONES: The individual that
17 received that payment, was he familiar to you
18 from your previous or earlier visit?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER JONES: Can you describe
21 how he was familiar to you?

22 INVESTIGATOR GHENENE: It was the

1 same man that was there during my initial
2 visit at 1:10 --

3 MEMBER JONES: Okay.

4 INVESTIGATOR GHENENE: -- earlier
5 that afternoon.

6 MEMBER JONES: And if I recall
7 correctly, during your testimony you indicated
8 that that individual implied that he was not
9 an employee of the establishment. Is that
10 that same individual?

11 INVESTIGATOR GHENENE: Yes, sir.

12 MEMBER JONES: Okay. Did you have
13 any opportunity to communicate with and/or to
14 that individual concerns related to patrons
15 leaving the establishment with alcoholic
16 beverages?

17 INVESTIGATOR GHENENE: Yes, during
18 my first visit he was included and one of the
19 people that I spoke to.

20 MEMBER JONES: Okay. So he was
21 including during your first visit in the
22 communications that you provided to the

1 establishment, the Licensee --

2 INVESTIGATOR GHENENE: Yes, sir.

3 MEMBER JONES: -- about your
4 concerns related to patrons leaving the
5 establishment with alcoholic beverages?

6 INVESTIGATOR GHENENE: Yes, sir,
7 and the police officer also advised him, too.

8 MEMBER JONES: Police officer also
9 advised him?

10 INVESTIGATOR GHENENE: Yes, sir.

11 MEMBER JONES: Did you have an
12 opportunity to define or to bound what you
13 meant by that statement, specifically what
14 leaving the establishment meant in terms of
15 your understanding of the situation?

16 INVESTIGATOR GHENENE: Yes, sir.
17 I explained to that gentleman and the one guy
18 who identified himself as an employee, and
19 probably another 10 guys that may or may not
20 have been employees, that they needed to make
21 sure that their patrons kept the alcoholic
22 beverages within their barricade area --

1 MEMBER JONES: Okay.

2 INVESTIGATOR GHENENE: -- or the
3 lines. But minimally they should not allow
4 them to walk down H Street with any kind of
5 alcoholic beverage.

6 MEMBER JONES: Okay. So let me
7 make sure I'm understanding. So from what you
8 communicated to them to be in compliance from
9 your perspective your expectation would be
10 that the Licensee would keep any of their
11 patrons from leaving the barricaded or
12 barriered area of the establishment with an
13 alcoholic beverage?

14 INVESTIGATOR GHENENE: Yes, sir.

15 MEMBER JONES: But at a minimum
16 you would expect them to not allow a patron to
17 walk down H Street?

18 INVESTIGATOR GHENENE: Yes, sir.

19 MEMBER JONES: Walking down H
20 Street would be, in your understanding of how
21 you communicated it to be, what exactly?
22 Would it be one establishment down, two

1 establishments down, or anything past the
2 virtual line created by the barrier of their
3 establishment?

4 INVESTIGATOR GHENENE: That's --
5 the last portion.

6 MEMBER JONES: The virtual line?

7 INVESTIGATOR GHENENE: Yes, sir.

8 MEMBER JONES: Okay. Fair enough.

9 Thank you.

10 Thank you, Mr. Chairman.

11 ACTING CHAIRMAN ALBERTI: Thank
12 you, Mr. Jones.

13 Any redirect based on the Board's
14 questions, Mr. Rivero?

15 MR. RIVERO: Yes. There is a
16 photograph of a table in your report, and that
17 is Exhibit 6. Right?

18 INVESTIGATOR GHENENE: Yes, sir.

19 MR. RIVERO: Do you recognize
20 that?

21 INVESTIGATOR GHENENE: (No audible
22 response.)

1 MR. RIVERO: Was this or was this
2 not the table that you personally saw at 1:10?

3 INVESTIGATOR GHENENE: That was
4 not the table.

5 MR. RIVERO: Okay. All right.
6 And when you came back a couple of hour
7 later --

8 INVESTIGATOR GHENENE: Yes, sir.

9 MR. RIVERO: -- did you observe
10 this table?

11 INVESTIGATOR GHENENE: Yes, sir.

12 MR. RIVERO: What happened to the
13 other table?

14 INVESTIGATOR GHENENE: You can
15 actually see the corner of the other table in
16 Exhibit 6.

17 MR. RIVERO: It was still there?

18 INVESTIGATOR GHENENE: Yes, sir.

19 MR. RIVERO: And it was that table
20 then -- from which table were the transactions
21 taking place that you observed across the
22 street?

1 INVESTIGATOR GHENENE: The
2 transactions were at the original table.

3 MR. RIVERO: Which is partly
4 visible you say here?

5 INVESTIGATOR GHENENE: Yes, sir.

6 MR. RIVERO: Point to where --

7 INVESTIGATOR GHENENE: In the
8 corner, the bottom right corner.

9 MR. RIVERO: Bottom right corner?
10 All right. I'm going to go ahead and show you
11 what's been marked as Government Exhibit 2 for
12 identification. It's 10 pages. And I want
13 you to just make sure that it's 10 pages.

14 INVESTIGATOR GHENENE: Yes.

15 MR. RIVERO: A copy of this
16 document has previously been shown to counsel
17 for the Licensee. What does the first page
18 here look like to you?

19 INVESTIGATOR GHENENE: This is a
20 one-day license.

21 MR. RIVERO: For whom?

22 INVESTIGATOR GHENENE: For Mr.

1 Anwar Saleem and for the purposes of the H
2 Street, Main Street -- I'm sorry, the business
3 is H Street. Main Street, Incorporated. And
4 it's for -- well, only because I remember,
5 this is for the H Street Festival.

6 MR. RIVERO: Okay. Now let me
7 show you pages 2 through 10. What does that
8 document look like to you?

9 INVESTIGATOR GHENENE: This is the
10 temporary license application for Mr. Saleem's
11 company.

12 MR. RIVERO: Okay. The Government
13 would like to move into evidence copies of the
14 H Street license for one day and the
15 Applicant's application as Exhibit 2 at this
16 time.

17 ACTING CHAIRMAN ALBERTI: Any
18 objections, Mr. Cox?

19 MR. COX: No.

20 ACTING CHAIRMAN ALBERTI: Okay.
21 We will accept it into evidence.

22 MR. RIVERO: So on the license

1 there's a section there called "Portion of
2 Premise Used?"

3 INVESTIGATOR GHENENE: Yes, sir.

4 MR. RIVERO: What does that say?

5 INVESTIGATOR GHENENE: It says
6 lot.

7 MR. RIVERO: Okay. Let's look at
8 the application. There's a picture in the
9 application, isn't there?

10 INVESTIGATOR GHENENE: Yes, sir.

11 MR. RIVERO: What does that
12 picture look like to you?

13 INVESTIGATOR GHENENE: A lot.

14 MR. RIVERO: Okay. And what can
15 you tell us about that lot based on your
16 observations?

17 INVESTIGATOR GHENENE: There's no
18 ABC licensed establishments present.

19 MR. RIVERO: Okay. You were at
20 the H Street Festival that day, you testified,
21 right?

22 INVESTIGATOR GHENENE: Yes, sir.

1 MR. RIVERO: Did you walk in front
2 of this space?

3 INVESTIGATOR GHENENE: Yes, sir.

4 MR. RIVERO: That day?

5 INVESTIGATOR GHENENE: I did the
6 orientation for Mr. Saleem.

7 MR. RIVERO: Okay. So on the date
8 of the festival when you went to this spot,
9 what did you see?

10 INVESTIGATOR GHENENE: It was
11 barricaded off. There was a lot of patrons
12 inside consuming alcoholic beverages.

13 MR. RIVERO: Okay. I'm going to
14 show you the last page of the application.
15 What does that look like to you?

16 INVESTIGATOR GHENENE: That's the
17 diagram Mr. Saleem submitted.

18 MR. RIVERO: Diagram of what?

19 INVESTIGATOR GHENENE: Of the lot
20 where alcoholic beverages were going to be
21 consumed.

22 MR. RIVERO: Okay. Drawing your

1 attention back to the license, if you could
2 just see what the hours are designated on the
3 license.

4 INVESTIGATOR GHENENE: The hours
5 of service are 11:00 a.m. to 8:00 p.m. Hours
6 of event, 10:00 a.m. to 9:00 p.m.

7 MR. RIVERO: Okay. You indicated
8 that you had some dealings with the individual
9 who filed this application?

10 INVESTIGATOR GHENENE: Yes, sir.

11 MR. RIVERO: You mentioned
12 something called an orientation, is that
13 right?

14 INVESTIGATOR GHENENE: Yes, sir.

15 MR. RIVERO: What did you mean by
16 that?

17 INVESTIGATOR GHENENE: Well, the
18 morning the event I -- and actually leading up
19 to the event I had several conversations with
20 Mr. Saleem regarding the different ABRA
21 standards that he needed to be aware of and
22 also abide by. And the day of the event I

1 actually walked the lot area with Mr. Saleem
2 ensuring that the premises were set up
3 according to his diagram.

4 MR. RIVERO: Okay.

5 INVESTIGATOR GHENENE: I also
6 instructed Mr. Saleem that he was not to allow
7 any alcoholic beverages to leave that area,
8 otherwise it would be a violation.

9 MR. RIVERO: All right. So during
10 your whole entire experience with the H Street
11 Festival, starting from your earliest
12 contact --

13 INVESTIGATOR GHENENE: Yes.

14 MR. RIVERO: -- with the
15 Applicant and what you're talking about now,
16 down through the date of the festival and your
17 monitoring up and down the street, did you
18 ever tell anyone that they could -- he or she
19 or the Licensee could in fact allow alcoholic
20 beverage consumption on the street known as H
21 Street?

22 INVESTIGATOR GHENENE: No, sir.

1 MR. RIVERO: Okay. No further
2 questions.

3 ACTING CHAIRMAN ALBERTI: Thank
4 you, Mr. Rivero. Mr. Cox, any recross based
5 on the questions that have been asked?

6 MR. COX: Yes, I just have one
7 question. Sir, during the entire day of your
8 investigation were there -- you mentioned that
9 on the afternoon -- I guess approximately 3:45
10 you observed Sahra's selling beer outside of
11 the establishment and allowing patrons to walk
12 away. Were there other patrons other than
13 Sahra's patrons walking around with alcohol?

14 INVESTIGATOR GHENENE: I don't
15 know. I wouldn't know. There was 4,000
16 people out there.

17 MR. COX: And you observed no one
18 walking with liquor in their hand that day
19 other than these particular patrons?

20 INVESTIGATOR GHENENE: No, there
21 was two groups I observed. The initial group
22 that I asked where did they purchase it from

1 and then that group.

2 MR. COX: No further questions.

3 ACTING CHAIRMAN ALBERTI: Thank
4 you, Mr. Cox.

5 Mr. Ghenene, you may be excused.
6 You may step down.

7 INVESTIGATOR GHENENE: Oh, thank
8 you.

9 ACTING CHAIRMAN ALBERTI: Thank
10 you. Mr. Rivero, any other witnesses?

11 MR. RIVERO: No.

12 ACTING CHAIRMAN ALBERTI: Okay.

13 MR. COX: None, Your Honor.

14 ACTING CHAIRMAN ALBERTI: And you
15 rest at this point?

16 MR. RIVERO: Right.

17 ACTING CHAIRMAN ALBERTI: Mr. Cox,
18 any witnesses?

19 MR. COX: I have no witnesses,
20 Your Honor.

21 ACTING CHAIRMAN ALBERTI: Okay. I
22 guess that moves us -- you have any exhibits

1 that you want to submit, Mr. Cox, at this
2 point?

3 MR. COX: I do not, no.

4 ACTING CHAIRMAN ALBERTI: All
5 right. Thank you. I guess that moves us to
6 closing. Five minutes, please, gentlemen.
7 Mr. Rivero?

8 MR. RIVERO: Board Members, by a
9 preponderance of the evidence presented today,
10 it is undisputed that the owner was not
11 present when the investigator arrived at the
12 establishment and asked to speak with the
13 owner, nor was there an ABC manager. I
14 believe that the Government has provided
15 sufficient information to prove that charge.

16 Nor is it disputed that the
17 entertainment endorsement that was required to
18 have music played in this establishment was
19 missing. It doesn't matter that the first
20 time that the investigator saw the turntable
21 that there was no one standing before it
22 because it was operating and there was no

1 evidence provided that this thing is self-
2 operating, some kind of robot. So obviously
3 someone turned the machine on, hence
4 manipulating the music.

5 With respect to the voluntary
6 agreement in place, it's undisputed that the
7 agreement says cannot walk outside of the
8 establishment with alcoholic beverages. It's
9 also undisputed that patrons did just that.

10 And that's the end of our case,
11 except that there's a minor wrinkle, or at
12 least from the Board's point of view there
13 ought to be. And that would be Exhibit 4 of
14 what's known as Government's Exhibit 1 that's
15 in evidence today. Exhibit 4, as you will
16 quickly see, is simply a photocopy of the
17 document that is the license for one day, a
18 substantial change. The actual document that
19 was shown by counsel shows three different
20 copies of the document, and this is just a
21 truncated version of that, but it doesn't
22 matter.

1 For purposes of attention, the
2 Board will see that under the line that says,
3 "Portion of the Premises Used," what's listed
4 there is H Street Festival Grounds. The
5 Government has submitted evidence that the H
6 Street Festival, the Applicant itself, applied
7 for a lot, a specific lot during which -- or
8 inside of which alcoholic beverages could be
9 served. There is no evidence presented
10 anywhere that there was a legal permit to
11 serve alcoholic beverages on the street, H
12 Street. The grounds, the H Street Festival
13 Grounds, according to the application and the
14 license that's in evidence as Government's
15 Exhibit 2, is a lot, a picture of which has
16 been discussed in testimony.

17 So it will be up to the Board to
18 consider whether H Street Festival Grounds as
19 listed here means the street, given the fact
20 that there has been testimony to the effect
21 that no one else, none of the other
22 establishments were letting their patrons walk

1 out into the middle of the street. And
2 whether; as such what we have here is a
3 clerical error, it was reasonable for the
4 establishment to act like all the other
5 establishments or whether it was a clerical
6 error and as such the establishment could have
7 been off the hook by relying on the error that
8 you see listed on this piece of paper.

9 And we submit that up until 1:10
10 p.m. -- even if the Board decides, well, you
11 know, it's confusing language here, let's go
12 ahead and let the Licensee off the hook, the
13 Government would be inclined to not dispute
14 that up until 1:10 p.m. on that day where it
15 was already established that the police
16 officer had observed prior to 1:10 customers
17 wandering around the street with alcoholic
18 beverages and reported that to the
19 investigator. But after the investigator went
20 into the establishment and specifically said
21 do not do this, then, and only then, does
22 reliance on this language become unreasonable

1 in the Government's view.

2 And for that reason we submit that
3 there is a preponderance of the evidence to
4 prove that there was a violation of the
5 voluntary agreement in place that day that
6 indicated that nobody could leave the
7 establishment with alcoholic beverages. Thank
8 you very much.

9 ACTING CHAIRMAN ALBERTI: Thank
10 you, Mr. Rivero.

11 Mr. Cox, five minutes.

12 MR. COX: Yes.

13 ACTING CHAIRMAN ALBERTI: Closing
14 statement?

15 MR. COX: I only have basically
16 three things to summarize from here. The
17 initial contact by the ABC investigators
18 showed no customers, no patrons as well as no
19 manager, so I'm wondering if there was in
20 fact, you know, customers inside of the place
21 or whether or not there was an attraction,
22 number one.

1 Number two, on the entertainment,
2 it's true that there was no -- entertainment
3 was not a part of the substantial change
4 application, however, the -- and with all of
5 the bands; and I think there were like at
6 least two or three bands playing on the
7 outside, I don't really know what the purpose
8 of a DJ would be in this particular instance.
9 And in fact, at the initial investigation
10 there was no DJ. Subsequently there was a DJ,
11 and I must point out as soon as the
12 investigator approached Mr. Dhriss about the
13 DJ, the DJ was instructed to shut down, which
14 they did.

15 And that leads me to my third
16 point. The Licensee did attempt to comply
17 with the ABRA regulations as they were brought
18 to the attention of the owner by the
19 investigator. So they did try to comply with
20 the regulations. I'm still confused about
21 this episode about the H Street Festival
22 Grounds, because even though the establishment

1 -- Sahra is located at 12th and H. The
2 festival grounds, as alluded to by the city,
3 was a block away. So if I bought beer at
4 Sahra and I wanted to consume the beer, I
5 would have to walk almost a block to the
6 festival grounds to drink it. Now I'm
7 carrying the beer down District of Columbia
8 streets, even though it's only a block, and as
9 I understand the statute it's illegal to do
10 that, to have any kind of open container at
11 any time on District of Columbia property.
12 Open.

13 ACTING CHAIRMAN ALBERTI: Okay.

14 MR. COX: So that's my testimony.

15 ACTING CHAIRMAN ALBERTI: Thank
16 you, Mr. Cox.

17 Okay. With no objections, I'm
18 going to close the record. All right? And
19 are parties willing to waive findings of fact
20 and conclusions of law?

21 MR. RIVERO: The Government will
22 waive.

1 MR. COX: I waive.

2 ACTING CHAIRMAN ALBERTI: Okay.

3 Thank you, gentlemen. And I think that
4 concludes this matter, but I'm just going to
5 officially close this hearing.

6 As Chairperson of the Alcoholic
7 Beverage Control Board for the District of
8 Columbia and in accordance with Section 405 of
9 the Open Meetings Amendment Act of 2010, I
10 move that the ABC Board hold a closed meeting
11 for the purpose of deliberating on Case No.
12 12-CMP-00692 for Raso, Corporation, trading as
13 Sahra Hooka Lounge per Section 405(b)(4) of
14 the Open Meetings Amendment Act of 2010. Is
15 there a second?

16 MEMBER SILVERSTEIN: Second.

17 ACTING CHAIRMAN ALBERTI: Thank
18 you, Mr. Silverstein. All those in favor of
19 the motion, say aye?

20 (Chorus of ayes.)

21 ACTING CHAIRMAN ALBERTI: All
22 those opposed?

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(No audible response.)

ACTING CHAIRMAN ALBERTI: The motion carries 4-0.

As it appears that the motion has passed, I hereby give notice that the ABC Board will hold the closed meeting in the ABC conference room today pursuant to the Open Meetings Amendment Act of 2010 and issue an order within 90 days.

Thank you. That concludes this matter.

Thank you for coming, Mr. Cox.

MR. COX: Thank you.

(Whereupon, the hearing was concluded at 12:04 p.m.)

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