

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Meseret Ali & Yonas Chere t/a
Merkato Ethiopian Restaurant Show Cause
1909 9th Street, NW Hearing
Retailer CR - ANC-1B
License No. 89019
Case #14-251-00018

(Operating After Legal Hours)

August 6, 2014

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

PRESENT:

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

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

(10:10 a.m.)

CHAIRPERSON MILLER: Case No. 14-251-00018, Merkato Ethiopian Restaurant located at 1909 9th Street, N.W., License No. 89019, in ANC-1B.

This is actually called for 11:00. Is anybody here on that case?

INTERPRETER: I'm the Interpreter.

CHAIRPERSON MILLER: You're the Interpreter. Okay. You can stay there for a minute. I thought the Government was here. Okay. Oh, okay. Good morning, Mr. Rivero.

MR. RIVERO: I understand my case is being called now?

CHAIRPERSON MILLER: Well, your case is scheduled for 11:00.

MR. RIVERO: Right.

CHAIRPERSON MILLER: And we were informed that the licensee is seeking a continuance and so if you were ready to address the case, we were going to do it now

1 and let you go.

2 MR. RIVERO: Yes, I'm not ready to
3 address the matter.

4 CHAIRPERSON MILLER: Okay. Then
5 we will call the Stadium case and you can come
6 later.

7 MR. RIVERO: Great. Thanks.

8 CHAIRPERSON MILLER: Okay. All
9 right.

10 (Whereupon, the above-entitled
11 matter went off the record at 10:12 a.m. and
12 resumed at 11:52 a.m.)

13 CHAIRPERSON MILLER: So it's 11:52
14 and I think we had an 11:00 hearing that is --
15 I think we are going to move that to 1:30.
16 That is Case No. 14-251-00018, Merkato
17 Ethiopian Restaurant. All right. I don't
18 believe anybody is here for that right now, so
19 we are moving that to 1:30 p.m.

20 And that completes our morning
21 calendar and we will recess until 1:30.

22 (Whereupon, the above-entitled

1 matter went off the record at 11:52 a.m. and
2 resumed at 11:55 a.m.)

3 CHAIRPERSON MILLER: All right.
4 Okay. Okay. Correction. We are going to go
5 back to the Merkato Ethiopian Restaurant case,
6 Case No. 14-251-00018, located at 1909 9th
7 Street, N.W., License No. 89019, in ANC-1B.

8 Would the parties introduce
9 themselves for the record, please?

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

13 CHAIRPERSON MILLER: Good morning.
14 I see that no one is here from Merkato
15 Ethiopian Restaurant. And my understanding is
16 that they would like the hearing to be
17 continued.

18 Would you like to speak to that,
19 Mr. Rivero?

20 MR. RIVERO: Thank you. Yes.

21 CHAIRPERSON MILLER: Okay.

22 MR. RIVERO: It actually took me a

1 couple of hours to find the facts, because I
2 was not made aware of a number of things that
3 were happening, but once I learned it, I do
4 understand that the licensee contacted the
5 Agency yesterday with a request for a
6 continuance.

7 The reason being that at the
8 scheduled hearing time, the licensee is in
9 another legal proceeding across town. I do,
10 on that basis, consent and, in fact, it would
11 be better for the witness who I have who is on
12 the nightshift. And I think it would be
13 better to continue the hearing to another
14 time.

15 I would ask, however, that we find
16 a 10:00 schedule, rather than an 11:00
17 schedule, if possible, if my witness is coming
18 in from the nightshift. This hearing was
19 originally scheduled at 10:00. And it was
20 moved by the Agency to 11:00. And I had no
21 problem with that, assuming that it was
22 happening at 11:00.

1 So if there is a 10:00 time for
2 the next continued hearing, that would be
3 preferable. This is a Show Cause Hearing, so
4 it cannot be scheduled at 9:30 when you have
5 your Status Hearings.

6 So other than that, we consent.

7 CHAIRPERSON MILLER: Okay.

8 Questions by Board Members?

9 All right. Given that, I believe
10 that counsel is in another court. Is the
11 counsel in another court or just the party?

12 MR. RIVERO: That is to see.

13 CHAIRPERSON MILLER: Huh?

14 MR. RIVERO: It's unclear whether
15 the attorney who conveyed a message today is
16 the attorney of record in this proceeding, but
17 the licensee, who is the respondent, is in a
18 proceeding across town.

19 CHAIRPERSON MILLER: Oh, the
20 licensee is.

21 MR. RIVERO: Yes.

22 CHAIRPERSON MILLER: Okay. Okay.

1 All right. Based on that then and the fact
2 that the Government is consenting to the
3 continuance, I would move that we grant the
4 continuance.

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Okay. Mr.
7 Alberti seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 6-0-0.

13 MR. RIVERO: We will work with
14 counsel --

15 CHAIRPERSON MILLER: Mr. Rivero?

16 MR. RIVERO: -- to reschedule.

17 CHAIRPERSON MILLER: Okay. She
18 has given me a date in which we can set
19 tentatively and you can see whether you -- you
20 can change it, but it's October 22nd at 11:00
21 a.m. And I know that you have indicated a
22 preference for 10:00. I don't know if she

1 knows that or not.

2 But we are going to set it for
3 October 22nd at 11:00. And then you can feel
4 free to contact Ms. Jenkins and see if --

5 MR. RIVERO: Yes, I'll work with
6 her.

7 CHAIRPERSON MILLER: -- you can
8 arrange anything.

9 MR. RIVERO: No problem.

10 CHAIRPERSON MILLER: Okay.

11 MR. RIVERO: And obviously, the
12 licensee.

13 CHAIRPERSON MILLER: Okay. And we
14 will be personally serving -- sending service
15 to the licensee about this change in date.

16 MR. RIVERO: Thank you.

17 CHAIRPERSON MILLER: Okay. Thank
18 you. All right. So that concludes this
19 morning's calendar and we will recess.

20 (Whereupon, the Show Cause Hearing
21 in the above-entitled matter was concluded at
22 11:59 a.m.)

<p style="text-align: center;">A</p> <p>a.m 2:2 3:11,12 4:1 4:2 7:21 8:22</p> <p>above-entitled 3:10 3:22 8:21</p> <p>abstaining 7:11</p> <p>address 2:22 3:3</p> <p>Agency 5:5,20</p> <p>Alberti 1:16 7:5,7</p> <p>Alcoholic 1:2,11,12</p> <p>Ali 1:5</p> <p>ANC-1B 1:7 2:6 4:7</p> <p>anybody 2:8 3:18</p> <p>arrange 8:8</p> <p>assuming 5:21</p> <p>attorney 6:15,16</p> <p>August 1:10</p> <p>aware 5:2</p> <p>aye 7:8,9</p> <hr/> <p style="text-align: center;">B</p> <p>back 4:5</p> <p>Based 7:1</p> <p>basis 5:10</p> <p>believe 3:18 6:9</p> <p>better 5:11,13</p> <p>Beverage 1:2,11,12</p> <p>Board 1:2,12 4:10 6:8</p> <p>BROOKS 1:16</p> <p>Building 1:12</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 3:21 8:19</p> <p>call 3:5</p> <p>called 2:7,15</p> <p>case 1:8 2:3,8,14,17 2:22 3:5,16 4:5,6</p> <p>Cause 1:6 6:3 8:20</p> <p>Chairperson 1:13 1:15 2:3,10,16,19 3:4,8,13 4:3,13,21 6:7,13,19,22 7:6 7:10,15,17 8:7,10 8:13,17</p> <p>change 7:20 8:15</p>	<p>Chere 1:5</p> <p>Columbia 1:1 4:12</p> <p>come 3:5</p> <p>coming 5:17</p> <p>completes 3:20</p> <p>concluded 8:21</p> <p>concludes 8:18</p> <p>consent 5:10 6:6</p> <p>consenting 7:2</p> <p>contact 8:4</p> <p>contacted 5:4</p> <p>continuance 2:21 5:6 7:3,4</p> <p>continue 5:13</p> <p>continued 4:17 6:2</p> <p>Control 1:2,11,12</p> <p>conveyed 6:15</p> <p>Correction 4:4</p> <p>counsel 6:10,11 7:14</p> <p>couple 5:1</p> <p>court 6:10,11</p> <p>CR 1:7</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:13</p> <p>date 7:18 8:15</p> <p>District 1:1 4:11</p> <p>DONALD 1:16</p> <hr/> <p style="text-align: center;">E</p> <p>Ethiopian 1:6 2:4 3:17 4:5,15</p> <hr/> <p style="text-align: center;">F</p> <p>fact 5:10 7:1</p> <p>facts 5:1</p> <p>favor 7:8</p> <p>feel 8:3</p> <p>Fernando 1:20 4:11</p> <p>find 5:1,15</p> <p>free 8:4</p> <hr/> <p style="text-align: center;">G</p> <p>given 6:9 7:18</p> <p>go 3:1 4:4</p> <p>going 2:22 3:15 4:4</p>	<p>8:2</p> <p>Good 2:13 4:10,13</p> <p>Government 2:12 7:2</p> <p>grant 7:3</p> <p>Great 3:7</p> <hr/> <p style="text-align: center;">H</p> <p>happening 5:3,22</p> <p>hearing 1:6,12 3:14 4:16 5:8,13,18 6:2 6:3 8:20</p> <p>Hearings 6:5</p> <p>HECTOR 1:17</p> <p>hours 1:9 5:1</p> <p>Huh 6:13</p> <hr/> <p style="text-align: center;">I</p> <p>indicated 7:21</p> <p>informed 2:20</p> <p>Interpreter 2:9,9 2:11</p> <p>introduce 4:8</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:18</p> <p>Jenkins 8:4</p> <hr/> <p style="text-align: center;">K</p> <p>know 7:21,22</p> <p>knows 8:1</p> <hr/> <p style="text-align: center;">L</p> <p>learned 5:3</p> <p>legal 1:9 5:9</p> <p>License 1:7 2:5 4:7</p> <p>licensee 2:20 5:4,8 6:17,20 8:12,15</p> <p>located 2:5 4:6</p> <hr/> <p style="text-align: center;">M</p> <p>matter 1:4 3:3,11 4:1 8:21</p> <p>MEETING 1:3</p> <p>Member 1:16,16,17 1:17,18 7:5</p> <p>Members 4:11 6:8</p> <p>Merkato 1:6 2:4</p>	<p>3:16 4:5,14</p> <p>Meseret 1:5</p> <p>message 6:15</p> <p>met 1:12</p> <p>MIKE 1:17</p> <p>Miller 1:13,15 2:3 2:10,16,19 3:4,8 3:13 4:3,13,21 6:7 6:13,19,22 7:6,10 7:15,17 8:7,10,13 8:17</p> <p>minute 2:12</p> <p>morning 2:13 3:20 4:10,13</p> <p>morning's 8:19</p> <p>motion 7:7,11</p> <p>move 3:15 7:3</p> <p>moved 5:20</p> <p>moving 3:19</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:13 2:5 4:7</p> <p>NICK 1:16</p> <p>nightshift 5:12,18</p> <p>number 5:2</p> <p>NW 1:6</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:20</p> <p>obviously 8:11</p> <p>October 7:20 8:3</p> <p>Oh 2:13 6:19</p> <p>okay 2:11,13,13 3:4 3:8 4:4,4,21 6:7 6:22,22 7:6,17 8:10,13,17</p> <p>once 5:3</p> <p>Operating 1:9</p> <p>opposed 7:11</p> <p>originally 5:19</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1</p> <p>p.m 3:19</p> <p>parties 4:8</p> <p>party 6:11</p>	<p>passes 7:12</p> <p>personally 8:14</p> <p>please 4:9</p> <p>possible 5:17</p> <p>preferable 6:3</p> <p>preference 7:22</p> <p>PRESENT 1:14,19</p> <p>presiding 1:13</p> <p>problem 5:21 8:9</p> <p>proceeding 5:9 6:16,18</p> <hr/> <p style="text-align: center;">Q</p> <p>Questions 6:8</p> <hr/> <p style="text-align: center;">R</p> <p>ready 2:21 3:2</p> <p>reason 5:7</p> <p>recess 3:21 8:19</p> <p>record 3:11 4:1,9 6:16</p> <p>Reeves 1:12</p> <p>request 5:5</p> <p>reschedule 7:16</p> <p>respondent 6:17</p> <p>Restaurant 1:6 2:4 3:17 4:5,15</p> <p>resumed 3:12 4:2</p> <p>Retailer 1:7</p> <p>right 2:18 3:9,17,18 4:3 6:9 7:1 8:18</p> <p>Rivero 1:20 2:13 2:14,18 3:2,7 4:10 4:11,19,20,22 6:12,14,21 7:13 7:15,16 8:5,9,11 8:16</p> <p>RODRIGUEZ 1:17</p> <p>Room 1:12</p> <p>Ruthanne 1:13,15</p> <hr/> <p style="text-align: center;">S</p> <p>schedule 5:16,17</p> <p>scheduled 2:17 5:8 5:19 6:4</p> <p>Second 7:5</p> <p>seconded 7:7</p>
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