

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

 IN THE MATTER OF: *
 *
 D&M, LLC *
 t/a Northeast Liquors * Fact Finding
 formerly - 1300 5th Street NE * Hearing
 Retailer A *
 License No. 92694 *
 Request to Extend Safekeeping *

September 17, 2015

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

PRESENT:
 RUTHANNE MILLER, Chairperson
 NICK ALBERTI, Member
 MICHAEL SILVERSTEIN, Member
 HECTOR RODRIGUEZ, Member
 JAMES SHORT, Member

ALSO PRESENT:

Hanna Worku
 Mahdere Tekle

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

2 (2:04 p.m.)

3 CHAIR MILLER: The next case on our
4 calendar is Northeast Liquors, formerly of 1300
5 5th Street, N.E., License Number 92694. Is that
6 you all?

7 (No audible response)

8 CHAIR MILLER: You can come forward
9 and take a seat at the table.

10 MALE PARTICIPANT: How much was his
11 fee?

12 (Off microphone discussion)

13 CHAIR MILLER: Hi.

14 MS. WORKU: Hello.

15 CHAIR MILLER: So if -- When you have
16 a chance we'd like you to sign in so that your
17 name gets spelled right in the record, on the
18 table, and then we'd also like when you are ready
19 if you could identify yourselves for the record.

20 (Off the record comments)

21 CHAIR MILLER: So if you could state
22 your names for the record.

1 MS. WORKU: Sure. My name is Hanna
2 Worku.

3 CHAIR MILLER: What is it?

4 MS. WORKU: Hanna, first name, last
5 name Worku, W-O-R-K-U.

6 FEMALE PARTICIPANT: It's right here.

7 CHAIR MILLER: It doesn't match.

8 FEMALE PARTICIPANT: It's right here.

9 CHAIR MILLER: Oh, okay. Thank you.
10 Okay.

11 MR. TEKLE: My name is Mahdere Tekle.

12 CHAIR MILLER: Okay. And are you the
13 owners of this license?

14 MR. TEKLE: I was the owner of the
15 liquor, but --

16 CHAIR MILLER: Can you speak a little
17 louder, or is your mike on on your table?

18 MEMBER ALBERTI: Into the microphone.
19 There's a little green light right there.

20 MR. TEKLE: Oh, okay.

21 MEMBER ALBERTI: It helps us.

22 CHAIR MILLER: Okay.

1 MR. TEKLE: Okay. I was owner of the
2 liquor, but I over transferred to her.

3 CHAIR MILLER: You gave -- You what?

4 MR. TEKLE: Yes, transferred it to --

5 CHAIR MILLER: Transferred it to her?

6 MALE PARTICIPANT: Okay.

7 CHAIR MILLER: Through the process of
8 this Agency or just --

9 MR. TEKLE: Yes, it was already done.

10 CHAIR MILLER: Okay. So you are the
11 owner of this license?

12 MS. WORKU: I am actually a co-owner.

13 CHAIR MILLER: Co-owner, okay.

14 MS. WORKU: And my partner is not
15 here. I mean he is --

16 CHAIR MILLER: Okay. Who is your
17 partner?

18 MS. WORKU: Meharei Alemayhu.

19 CHAIR MILLER: Okay.

20 MS. WORKU: His name is in there.

21 CHAIR MILLER: It's on, yes, okay.

22 Okay, so this is called a fact finding hearing so

1 it's not like a hearing, you know, where there is
2 evidence and testimony or you did anything wrong
3 necessarily.

4 This is just a type of hearing to
5 gather information from you and we are holding a
6 few hearings with respect to licenses that have
7 been in safekeeping for a long time and we want
8 to know what your plans are for using that
9 license and when and why it's been not used for a
10 long time, because licenses should be used or not
11 used basically.

12 MS. WORKU: Correct. I can only speak
13 for a month and a half. I only had this license
14 for a month and a half.

15 CHAIR MILLER: Okay.

16 MS. WORKU: And I am writing right now
17 a business plan and in the meantime looking for a
18 property.

19 CHAIR MILLER: Okay. Where are you
20 looking?

21 MS. WORKU: Around Northwest area.

22 CHAIR MILLER: Okay. So you've only

1 had it a month and a half, do you have like a
2 plan, well you're working on your business plan,
3 I know, but if you could explain to us as far as,
4 you know, by when you hope to find a property or
5 anything like that?

6 MS. WORKU: Currently I am working
7 with a real estate agent.

8 CHAIR MILLER: Okay, good.

9 MS. WORKU: And he hasn't gotten the
10 store, I don't want a big store, I want a small
11 store about 150 square feet, and in the meantime
12 wherever -- I want to open the store in the area
13 also.

14 So my difficulty is looking for a
15 small and then -- The only property I could find
16 is bigger than, 200 square feet is too much for
17 me. So by January I am sure I will get
18 something.

19 CHAIR MILLER: Okay. So by January
20 you hope to find your space?

21 MS. WORKU: Correct.

22 CHAIR MILLER: And that's probably the

1 biggest part. I mean by when do you think that
2 you'll be able to actually open if you find it by
3 January?

4 MS. WORKU: Once I get the store, I
5 mean to locate the area, within the month.

6 CHAIR MILLER: Yes, okay. Because you
7 are already working on your plans for the store
8 anyway, right, your business plan and all that?

9 (No audible response)

10 CHAIR MILLER: Okay. Others have
11 questions?

12 MEMBER SILVERSTEIN: So you are
13 saying, Ms. Worku, is that if we were extend your
14 license in safekeeping through March 31st that if
15 you were, you know, you would have had something
16 by then or you would at least be able to come
17 back and have something definite.

18 MS. WORKU: Correct. By then if I
19 don't open the store you would have a written --

20 MEMBER SILVERSTEIN: A lease or
21 something like that?

22 MS. WORKU: Correct.

1 MEMBER SILVERSTEIN: All right, very
2 well.

3 CHAIR MILLER: But you will have your
4 business plan, too, for sure, correct?

5 MS. WORKU: Yes, I will.

6 CHAIR MILLER: Okay. Yes, Mr.
7 Alberti?

8 MEMBER ALBERTI: Ms. Worku, when did
9 you apply for a transfer?

10 MS. WORKU: When was it?

11 MR. TEKLE: It must have been like one
12 and a half or two months, I don't remember.

13 MEMBER ALBERTI: Okay.

14 MS. WORKU: It's in July.

15 MEMBER ALBERTI: So you applied for
16 the transfer in July?

17 MS. WORKU: Yes.

18 MEMBER ALBERTI: And do you know what
19 the status of that is?

20 MS. WORKU: A lawyer --

21 MR. TEKLE: The lawyer?

22 MS. WORKU: No, no, no. You remember

1 the guy who transferred, your lawyer?

2 MR. TEKLE: Yes, yes, yes.

3 MS. WORKU: The lawyer has all the
4 information.

5 MR. TEKLE: Yes, okay.

6 MS. WORKU: But when that happened I
7 wasn't the one who is taking care of it, my
8 partner is, so I don't have the exact --

9 MEMBER ALBERTI: So you don't know
10 whether it's been approved or not?

11 MS. WORKU: It is approved.

12 MR. TEKLE: It's approved, yes.

13 MALE PARTICIPANT: By the Board?

14 MEMBER ALBERTI: The transfer is
15 approved by the Agency?

16 MR. TEKLE: Yes.

17 MS. WORKU: That's what the lawyer
18 said.

19 MEMBER ALBERTI: That's what the
20 lawyer said, okay. I just want to make sure.
21 We'll be checking our records to make sure that's
22 the case.

1 MS. WORKU: Sorry.

2 MEMBER ALBERTI: I mean since we're
3 here and -- Well, I just want to make sure we're
4 intact and I want to make sure you are notified
5 if in case there is something outstanding.

6 MS. WORKU: Got it. When I came here
7 the information, I had no information. In a
8 sense he was the one, my partner is the one
9 taking care of it.

10 MEMBER ALBERTI: Right, but we'll --

11 MS. WORKU: But since he's not here I
12 just put myself in this position without a lot of
13 information.

14 MEMBER ALBERTI: Sure. All right, so
15 we will check our records on this one.

16 MS. WORKU: Okay.

17 MEMBER SILVERSTEIN: And while you are
18 here, Ms. Worku, there is nothing to stop you
19 from asking our staff if it has in fact been
20 approved and they could go and check because this
21 is something that's vitally important to you.

22 MS. WORKU: Okay.

1 MEMBER SILVERSTEIN: We've had cases
2 involving this where people thought something was
3 approved and it wasn't because it wasn't properly
4 filled out or something like this.

5 MS. WORKU: Okay.

6 MEMBER SILVERSTEIN: It's always good
7 to double check and be sure.

8 CHAIR MILLER: And you're right here,
9 so actually I would agree with Mr. Silverstein.

10 MEMBER SILVERSTEIN: Yes.

11 CHAIR MILLER: You are right here, it
12 might be a good idea.

13 MS. WORKU: Okay, thank you.

14 CHAIR MILLER: Okay. So, others?

15 MEMBER SHORT: Well, I just wanted to,
16 if I could, just ask you to use a little caution.
17 You know, you have to abide by all the laws and
18 rules because if you rent a property and it's too
19 close to another alcohol establishment you'll
20 have problems, and if you are too close to a
21 school or too close to a park.

22 So is your real estate person familiar

1 with business in Washington, D.C.?

2 MS. WORKU: Yes, he is.

3 MEMBER SHORT: And you have an
4 attorney?

5 MS. WORKU: He has a lawyer, yes.

6 MEMBER SILVERSTEIN: Who has a lawyer?

7 MS. WORKU: My partner.

8 MEMBER SHORT: Okay.

9 MEMBER SILVERSTEIN: Just make sure
10 that lawyer --

11 MEMBER SHORT: I just wanted to ask
12 those questions because once you do get your
13 transfer then you come under all those laws and
14 rules.

15 MEMBER SILVERSTEIN: All of them, yes.

16 MS. WORKU: All of them.

17 MEMBER SILVERSTEIN: Yes. Mr. Short
18 is absolutely correct about that there are
19 prohibitions against putting two of these stores
20 too close to each other or putting one too close
21 to a school and things like that.

22 And, you know, you don't want to find

1 yourself in a situation where you've signed a
2 lease for a place that you can't use. And we
3 can't bend those laws because we are required to
4 follow them.

5 MS. WORKU: Yes.

6 MEMBER SILVERSTEIN: We don't make
7 them, we --

8 MEMBER ALBERTI: I think we should
9 tell them right now.

10 (Off the record comments)

11 MEMBER ALBERTI: Okay, so --

12 MS. WORKU: So once I find a store if
13 I ask them all those information I could get
14 here?

15 MEMBER SILVERSTEIN: I'm sorry, I
16 can't hear you.

17 MS. WORKU: I can get all those
18 information from here?

19 MEMBER SHORT: All the rules and
20 regulations, yes, they'll give you all of that.

21 MEMBER SILVERSTEIN: Yes.

22 MS. WORKU: Okay.

1 MEMBER SHORT: Once the transfer is
2 complete -- Well he should have it, the person
3 who is selling it to you should have those rules
4 and regulations.

5 MEMBER SILVERSTEIN: Yes, but just
6 make sure a buyer beware.

7 CHAIR MILLER: Well let --

8 MEMBER SILVERSTEIN: People will
9 promise you anything.

10 MEMBER ALBERTI: Yes.

11 MEMBER SILVERSTEIN: But they are not
12 the ones who have to fulfill the promise so they
13 can promise it and they don't have to deliver.
14 So just always, you know, always be careful. I'd
15 like to move --

16 MEMBER ALBERTI: May I continue before
17 --

18 MEMBER SILVERSTEIN: Oh, I'm sorry.
19 I'm sorry, yes.

20 CHAIR MILLER: Yes.

21 MEMBER ALBERTI: Are you guys done?

22 MEMBER SILVERSTEIN: Yes.

1 MEMBER ALBERTI: All right, great.

2 Ms. Worku, I have asked staff to check --

3 MS. WORKU: Okay.

4 MEMBER ALBERTI: -- and the answer I
5 got is there is not record of the transfer.

6 MS. WORKU: There is no record?

7 MEMBER ALBERTI: There is no record of
8 the transfer. Have either of you gotten -- So,
9 sir, can you understand English well enough then?

10 (No audible response)

11 MEMBER ALBERTI: A little bit. I'll
12 try to be very careful here.

13 MR. TEKLE: Okay.

14 MEMBER ALBERTI: Have either of you
15 gotten a letter telling you that you have to pay
16 a fee to keep this in safekeeping?

17 MS. WORKU: Yes. He is paying the
18 lawyer.

19 MEMBER ALBERTI: Who got the letter?

20 MS. WORKU: Meharei, which is my
21 partner. He's not my partner, he is the one who
22 sold the, I mean who transferred the license.

1 CHAIR MILLER: Right.

2 MEMBER ALBERTI: Meharei is your
3 partner?

4 MR. TEKLE: Yes.

5 MS. WORKU: Yes.

6 MEMBER ALBERTI: Okay.

7 (Off the record comments)

8 MEMBER ALBERTI: Well, that's
9 interesting.

10 CHAIR MILLER: Yes.

11 MEMBER ALBERTI: Yes. Can I ask who
12 lives at -- Wait, did we make -- Who lives at, I
13 have an address in Virginia, it's a Seminary Road
14 address in Virginia.

15 MR. TEKLE: Me.

16 MEMBER ALBERTI: That's you?

17 MR. TEKLE: Yes.

18 MEMBER ALBERTI: I have a copy of a
19 letter, a notice that you were sent --

20 MR. TEKLE: Yes.

21 MEMBER ALBERTI: -- request to extend
22 safekeeping. So we've been sending those to you.

1 MR. TEKLE: Yes, this is before and --

2 MEMBER ALBERTI: So I'm a little

3 confused how Mehareai -- Is his last name --

4 That's his first name, right?

5 MS. WORKU: Correct, that's his first

6 name.

7 MEMBER ALBERTI: Okay. I'll use his

8 last name. How --

9 MS. WORKU: Alemayhu.

10 MEMBER SHORT: Right there it is.

11 MEMBER ALBERTI: May I? Please. I'm

12 a little confused how Mr. Alemayhu --

13 MR. TEKLE: Alemayhu.

14 MEMBER ALBERTI: I could be wrong,

15 right, but I'm going by what I'm getting from

16 staff here, I'm a little confused how Mr.

17 Alemayhu got notice to pay the fee when we don't

18 have his address.

19 As far as I know we don't have his

20 address on record because there has been no

21 transfer. So --

22 MS. WORKU: Okay. So --

1 MEMBER ALBERTI: I don't know where
2 this is going to go. I don't know -- I will tell
3 you, if we schedule another hearing --

4 MS. WORKU: Please do, yes.

5 MEMBER ALBERTI: I know. If we have
6 to schedule another hearing, I don't know what
7 the Chair is going to want to do, but if we
8 schedule another hearing on the safekeeping you
9 all better have it straightened out by then, all
10 right.

11 MS. WORKU: Okay.

12 MEMBER ALBERTI: Because, you know,
13 it's not on us to straighten this out. If you
14 want that transfer to go through you have to do
15 the paperwork and make sure that paperwork is in.

16 So I don't know what you've done. You
17 think you've done it, we don't seem to have it,
18 but we can't be talking to mister, at the next
19 hearing we can't be talking to Mr. Alemayhu, or
20 you, if we don't have a transfer application
21 that's been approved. We'd have to be talking to
22 Mr. Tekle.

1 CHAIR MILLER: That's you?

2 MEMBER ALBERTI: That's you.

3 MR. TEKLE: Yes.

4 CHAIR MILLER: Okay.

5 MEMBER ALBERTI: I mean we're going to
6 assume that Mr. Tekle's the owner until we have
7 the transfer application filed.

8 MS. WORKU: I remember -- The
9 conversation I had with my partner is he paid the
10 lawyer to do all things to process.

11 CHAIR MILLER: Okay.

12 MEMBER ALBERTI: So you need to have
13 him check with the lawyer and find out where it's
14 at.

15 MS. WORKU: Okay.

16 CHAIR MILLER: Okay.

17 MEMBER ALBERTI: But you should know
18 that what I am getting from staff, and you can
19 double check, I would come back maybe next week
20 and double check, but what I am getting from
21 staff is we don't have your application.

22 So, I mean hopefully that's helpful to

1 you to know that. Okay.

2 CHAIR MILLER: Okay. I just want to
3 say a few things. I mean I think it's good that
4 we had this hearing and that you are here because
5 it's not too late for you.

6 I don't want you to be upset like, you
7 know, oh, my God, but because we have Mr. Tekle
8 here, the license is in your name, you are here,
9 I don't have a problem extending the license in
10 safekeeping.

11 I don't know about others, but you are
12 here and the new potential owner is here, but it
13 sounds like we don't know whether your lawyer has
14 done what he is supposed to do, so you need to
15 get in touch with your lawyer for personal
16 reasons and then determine whether that's the
17 lawyer that should be handling the ABC work
18 because it's a very specific area of law.

19 And Mr. Silverstein was bringing up a
20 hurdle that you could've gotten into if he didn't
21 put you on notice and that is that this type of
22 license may not be allowed in certain areas and

1 you could go into a real estate agreement and not
2 be able to use your license.

3 So I would suggest that you, not that
4 I'm supposed to give you advice, but given that
5 you are having problems maybe with this lawyer
6 that you make sure you have a lawyer that's
7 versed in this type of law.

8 And so that, yes, six months from now
9 if you're not the owner then you won't be able to
10 open the store, will you?

11 MS. WORKU: Correct.

12 CHAIR MILLER: This has to transfer
13 officially within our agency, okay.

14 MEMBER SHORT: And one last thing,
15 Madam Chair.

16 CHAIR MILLER: Yes?

17 MEMBER SHORT: The very next time your
18 partner, who is going to be the owner with you,
19 should be here and you should bring all of the
20 paperwork with you that you have done with our
21 office here, with your attorney, any real estate
22 deals, so that we just don't have you talking to

1 us without any paperwork, because we won't be
2 able to do you any justice if we do not have the
3 paperwork, okay.

4 CHAIR MILLER: I want to say something
5 else, also. This is, I think, a pretty
6 community-friendly agency so you can call the
7 agency or our attorney, Martha Jenkins, if you
8 have questions anytime.

9 And, also, we have a lot of
10 information online if you want to check laws or
11 regulations they are online at ABRA.com, just put
12 ABRA in there and Google ABRA and it'll pull up
13 the website.

14 Okay. Do you have any other
15 questions?

16 MS. WORKU: Yes, we thank you very
17 much and very informative and I am sorry to come
18 here without any -- I didn't know.

19 CHAIR MILLER: Right. You didn't know
20 what to expect.

21 (Simultaneous speaking)

22 CHAIR MILLER: Exactly. Now you do.

1 MEMBER RODRIGUEZ: Bring your lawyer,
2 too.

3 MS. WORKU: Uh --

4 MEMBER RODRIGUEZ: Bring your lawyer,
5 too.

6 MS. WORKU: Okay.

7 CHAIR MILLER: All right. So does
8 anybody have a problem with granting the request
9 to keep the license in safekeeping until March
10 31, 2016?

11 MEMBER ALBERTI: Not at all.

12 (Multiple nos)

13 CHAIR MILLER: Okay. Then I move to
14 grant the extension of safekeeping until then.
15 Do I have a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIR MILLER: Mr. Silverstein
18 seconded the motion. All those in favor say aye?

19 (Multiple ayes)

20 CHAIR MILLER: All those opposed?

21 (No audible response)

22 CHAIR MILLER: Okay. All those

1 abstaining?

2 (No audible response)

3 CHAIR MILLER: Motion passes, 5-0-0.

4 Okay.

5 MS. WORKU: Thank you.

6 CHAIR MILLER: Thank you very much.

7 MR. TEKLE: Okay, thank you very much.

8 CHAIR MILLER: Good luck.

9 (Whereupon, the above-entitled matter
10 went off the record at 2:21 p.m.)

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