

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

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IN THE MATTER OF: :  
 :  
De Amigo, LLC :  
t/a Sesto Senso/Andulo/Spot/ :  
Lupe/MIA :  
1214 18th Street, N.W. : Show  
Retailer CT : Cause  
License No. 81092 : Hearing  
ANC 2B :  
Allowed the Establishment to :  
be Used for an Unlawful or :  
Disorderly Purpose, Failed to:  
Follow Security Plan :  
Case No. 11-251-00372 :  
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September 18, 2013

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
- DONALD BROOKS, Member
- HERMAN JONES, Member
- MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

- LOUISE PHILLIPS, OAG
- ABYIE GHENENE, Investigator, ABRA

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

11:46 a.m.

CHAIRPERSON MILLER: I'm going to call the case of MIA I guess. It's Case Number 11-251-00372 and the establishment's located at 1214 18th Street, N.W., License Number 81092 in ANC 2B and this is a show case hearing.

Would the parties introduce themselves for the record?

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia and my agency representative to my right will introduce himself.

INVESTIGATOR GHENENE: Abyie Ghenene, Investigator for the Alcoholic Beverage Regulation Administration.

CHAIRPERSON MILLER: Okay.

MR. MPRAS: Emanuel Mpras representing De Amigo, LLC trading as MIA.

MR. MEHDI: Mehdi Ben represent owner, managing owner.

1                   CHAIRPERSON MILLER: All right.  
2                   Sir, do you want to introduce yourself? Are  
3                   you with the party?

4                   MR. MBELEGIY: Jeremy Mbelegiy IV,  
5                   security manager.

6                   CHAIRPERSON MILLER: Did you get  
7                   that? You need to come to the microphone for  
8                   the court reporter.

9                   MR. MBELEGIY: Jeremy Mbelegiy IV,  
10                  security manager.

11                  CHAIRPERSON MILLER: Okay. Thank  
12                  you.

13                  MEMBER ALBERTI: Sir, would you  
14                  sign that white piece of paper so we --

15                  MR. MBELEGIY: I did.

16                  MEMBER ALBERTI: Okay. Great.  
17                  Thank you.

18                  CHAIRPERSON MILLER: Okay. I  
19                  understand there may be a preliminary matter  
20                  in this case. Is there?

21                  MR. MPRAS: Yes, ma'am.

22                  CHAIRPERSON MILLER: Yes. Okay.

1 MR. MPRAS: I submitted a motion  
2 to the Board with copy given to the  
3 Government. A motion to dismiss this case  
4 based on violation of 25-447. They received  
5 no police report, incident notice or any type  
6 of service within 90 days upon which the date  
7 the incident had occurred.

8 The written notice should be in  
9 front of you as I've given it to your General  
10 Counsel. Copies for all the Board.

11 CHAIRPERSON MILLER: Okay. The  
12 motion's in front of us. A motion to dismiss.

13 MR. MPRAS: Yes.

14 CHAIRPERSON MILLER: However, the  
15 Board certainly hasn't had any opportunity to  
16 read it.

17 MR. MPRAS: No, ma'am. Our motion  
18 would be for a continuance because our MPD  
19 witness did not appear.

20 CHAIRPERSON MILLER: Okay. Ms.  
21 Phillips, do you have responses to each of  
22 those?

1 MS. PHILLIPS: Did you just say --

2 CHAIRPERSON MILLER: Each motion.

3 Motion to continue and then there was the  
4 motion to dismiss. Which I said the Board's  
5 not going to rule on that right now. But --  
6 because we haven't read it.

7 However, if you have a comment you  
8 want to make. We're going to take this under  
9 advisement. We could hear that.

10 MS. PHILLIPS: Well, if you're  
11 going to take it under advisement and we're  
12 not going to go forward today, then I probably  
13 should write a written response to it since I  
14 just received it, you know, sometime after --

15 MR. MPRAS: Today.

16 MS. PHILLIPS: -- 11:30-ish. Of  
17 course, since I thought we were going to go  
18 forward, I have formulated comments, but I  
19 will reserve those comments until such time as  
20 can make them formal.

21 I would like to have -- let's see.  
22 I think it's a seven-day requirement for

1 responses.

2 MR. MPRAS: Five.

3 MS. PHILLIPS: Five. I will be  
4 going out of the office fairly soon. It's not  
5 going to be within five days I don't think.  
6 It's going to be within -- is it five business  
7 days or five --

8 CHAIRPERSON MILLER: I'm not sure  
9 that it is five days. I thought it was at  
10 least seven.

11 MR. MPRAS: Five -- five calendar  
12 days.

13 MS. PHILLIPS: Five calendar days.  
14 I will be out of the office next Wednesday  
15 until the following Wednesday. So, I would  
16 like to have an oral motion to have additional  
17 time to respond. So, maybe ten days after the  
18 first Wednesday in October. Which is either  
19 the second or the third.

20 I will be out of the office for a  
21 week. My daughter is getting married. So, I  
22 will have my brain operating on another level.

1 CHAIRPERSON MILLER: Is there any  
2 objection to that?

3 MR. MPRAS: Just to clarify the  
4 date, Madam Chair.

5 CHAIRPERSON MILLER: Yes.

6 MS. PHILLIPS: October 9th.

7 Anyway --

8 CHAIRPERSON MILLER: Okay.

9 MS. PHILLIPS: -- he said the 9th  
10 was the day. I will agree. Wednesday is the  
11 2nd when I return and the 9th is the following  
12 Wednesday. I would rather have longer than  
13 that. Say maybe the 15th.

14 CHAIRPERSON MILLER: Okay. I'm  
15 going to tell you that the date that we have  
16 in mind to continue this hearing would be  
17 October 24th at 1:30 p.m.

18 So, I just want to let you know  
19 that date so that you can evaluate the  
20 reasonableness of the filing for opposition to  
21 the motion.

22 MR. MPRAS: I have no objection.

1 I would like it by the 9th so I would have  
2 time to respond prior to the hearing, but if  
3 you really need another week, then I'm not  
4 going to object.

5 MS. PHILLIPS: Well, October 24th,  
6 so, that's a Thursday. You're considering  
7 working an extra day --

8 CHAIRPERSON MILLER: That's  
9 correct. Actually, that's not a mistake.  
10 That's actually correct.

11 MS. PHILLIPS: Right. I'm just  
12 looking at my calendar now.

13 CHAIRPERSON MILLER: Okay.

14 MS. PHILLIPS: It's not quite as  
15 good as Mr. Mpras', but I --

16 CHAIRPERSON MILLER: Are you --

17 MS. PHILLIPS: I'd still prefer  
18 the 15th. That would give the Board over a  
19 week to review it. I don't know whether he's  
20 entitled to a reply.

21 MR. MPRAS: I am. I have three  
22 days from the time the Board -- from your

1 response.

2 MS. PHILLIPS: Okay. Civil rules  
3 don't allow -- in Superior Court don't allow  
4 for a reply unless by motion in court. So, I  
5 assume he's making a motion if it's not in the  
6 rules.

7 CHAIRPERSON MILLER: We have been  
8 allowing replies.

9 MS. PHILLIPS: All right. So,  
10 that will give him time. It was 15th.  
11 Sixteenth. It would be due by the 18th and  
12 then that would give you four days to review  
13 -- three days to review it.

14 MR. MPRAS: Um-hum.

15 CHAIRPERSON MILLER: That would  
16 give --

17 MS. PHILLIPS: I just don't know  
18 what --

19 CHAIRPERSON MILLER: Is that the  
20 Friday -- is that the Friday before the  
21 Thursday or when is that? I don't --

22 MS. PHILLIPS: The 15th is a

1 Tuesday. The 18th would be a Friday.

2 CHAIRPERSON MILLER: Okay.

3 MS. PHILLIPS: And your --

4 CHAIRPERSON MILLER: And the  
5 hearing is Thursday.

6 MS. PHILLIPS: And the hearing is  
7 Thursday.

8 MR. MPRAS: So, I wouldn't get in  
9 front of them until Wednesday.

10 MS. PHILLIPS: I don't know that.

11 MR. MPRAS: Yes.

12 CHAIRPERSON MILLER: I didn't hear  
13 that.

14 MS. PHILLIPS: Mr. Mpras said that  
15 you wouldn't get it until Wednesday, the  
16 motion, but I know that sometimes you review  
17 motions, you know, on days that you're not in  
18 the office as it were. So, I don't know  
19 what --

20 CHAIRPERSON MILLER: Correct.  
21 Correct. Right.

22 MS. PHILLIPS: It's the Board's

1 preference. I'm asking.

2 CHAIRPERSON MILLER: All right.  
3 So, thus the date that you're asking for is  
4 the 15th for the opposition and the 18th for  
5 the reply and the hearing the 24th.

6 MR. MPRAS: Yes, ma'am.

7 CHAIRPERSON MILLER: Okay. Board  
8 Members have any objections to that? Okay.  
9 And not hearing any objections -- yes.

10 MS. PHILLIPS: Just one other  
11 comment is I haven't looked at my calendar for  
12 the 24th. I'm sorry. I didn't bring it  
13 today. I will call, but my investigator  
14 doesn't have his calendar right here. So, if  
15 we could coordinate, I will get with Ms.  
16 Jenkins to make sure that day is good.

17 CHAIRPERSON MILLER: Okay. So, if  
18 there's a problem with that date, you will let  
19 her know?

20 MS. PHILLIPS: I will alert both  
21 Ms. Jenkins, my investigator, Mr. Mpras and I  
22 am sure Ms. Jenkins will alert the Board.

1 MR. MPRAS: So, ma'am, we have a  
2 tentative date then?

3 CHAIRPERSON MILLER: That's  
4 correct. So, we have a tentative date of  
5 October 24th at 1:30 p.m. and you will all be  
6 coordinating with Ms. Jenkins to make that  
7 firm. Okay. And the 15th for the opposition  
8 and the 18th for a reply.

9 MR. MPRAS: Yes, ma'am.

10 CHAIRPERSON MILLER: Okay. Good.  
11 Anything else? All right. Okay. Then we  
12 will see you on the 24th unless it's  
13 determined otherwise. All right. Thank you.

14 MS. PHILLIPS: Thank you.

15 MR. MPRAS: Thank you.

16 CHAIRPERSON MILLER: So, that  
17 concludes our morning calendar and the Board  
18 will adjourn until its 1:00 fact finding  
19 hearing.

20 (Whereupon, at 11:55 a.m., the  
21 hearing was adjourned.)

22

<p style="text-align: center;"><b>A</b></p> <p><b>ABRA</b> 1:25  <b>Abyie</b> 1:25 2:15  <b>additional</b> 6:16  <b>adjourn</b> 12:18  <b>adjourned</b> 12:21  <b>Administration</b>  2:17  <b>advisement</b> 5:9,11  <b>agency</b> 2:13  <b>agree</b> 7:10  <b>ALBERTI</b> 1:21  3:13,16  <b>Alcoholic</b> 1:2,15,16  2:16  <b>alert</b> 11:20,22  <b>allow</b> 9:3,3  <b>Allowed</b> 1:10  <b>allowing</b> 9:8  <b>Amigo</b> 1:6 2:20  <b>ANC</b> 1:10 2:7  <b>Anyway</b> 7:7  <b>appear</b> 4:19  <b>asking</b> 11:1,3  <b>Assistant</b> 2:12  <b>assume</b> 9:5  <b>Attorney</b> 2:12  <b>a.m</b> 2:2 12:20</p>	<p>12:17  <b>call</b> 2:4 11:13  <b>case</b> 1:13 2:4,4,7  3:20 4:3  <b>Cause</b> 1:9  <b>certainly</b> 4:15  <b>Chair</b> 7:4  <b>Chairperson</b> 1:17  1:20 2:3,18 3:1,6  3:11,18,22 4:11  4:14,20 5:2 6:8  7:1,5,8,14 8:8,13  8:16 9:7,15,19  10:2,4,12,20 11:2  11:7,17 12:3,10  12:16  <b>Civil</b> 9:2  <b>clarify</b> 7:3  <b>Columbia</b> 1:1 2:13  <b>come</b> 3:7  <b>comment</b> 5:7 11:11  <b>comments</b> 5:18,19  <b>concludes</b> 12:17  <b>considering</b> 8:6  <b>continuance</b> 4:18  <b>continue</b> 5:3 7:16  <b>Control</b> 1:2,15,16  <b>coordinate</b> 11:15  <b>coordinating</b> 12:6  <b>Copies</b> 4:10  <b>copy</b> 4:2  <b>correct</b> 8:9,10  10:20,21 12:4  <b>Counsel</b> 4:10  <b>course</b> 5:17  <b>court</b> 3:8 9:3,4  <b>CT</b> 1:9</p>	<p><b>determined</b> 12:13  <b>dismiss</b> 4:3,12 5:4  <b>Disorderly</b> 1:12  <b>District</b> 1:1 2:12  <b>DONALD</b> 1:21  <b>due</b> 9:11  <b>D.C</b> 1:17</p>	<p>7:15 8:4  <b>good</b> 8:15 11:16  12:10  <b>Government</b> 4:3  <b>Great</b> 3:16  <b>guess</b> 2:4</p>	<p><b>manager</b> 3:5,10  <b>managing</b> 2:22  <b>married</b> 6:21  <b>matter</b> 1:5 3:19  <b>ma'am</b> 3:21 4:17  11:6 12:1,9  <b>Mbelegiy</b> 3:4,4,9,9  3:15  <b>MEETING</b> 1:3  <b>Mehdi</b> 2:21,21  <b>Member</b> 1:21,21  1:22,22 3:13,16  <b>Members</b> 11:8  <b>met</b> 1:16  <b>MIA</b> 2:4,20  <b>MICHAEL</b> 1:22  <b>microphone</b> 3:7  <b>Miller</b> 1:18,20 2:3  2:18 3:1,6,11,18  3:22 4:11,14,20  5:2 6:8 7:1,5,8,14  8:8,13,16 9:7,15  9:19 10:2,4,12,20  11:2,7,17 12:3,10  12:16</p>
<p style="text-align: center;"><b>B</b></p> <p><b>based</b> 4:4  <b>Ben</b> 2:21  <b>Beverage</b> 1:2,15,16  2:17  <b>Board</b> 1:2,16 4:2  4:10,15 8:18,22  11:7,22 12:17  <b>Board's</b> 5:4 10:22  <b>brain</b> 6:22  <b>bring</b> 11:12  <b>BROOKS</b> 1:21  <b>Building</b> 1:17  <b>business</b> 6:6</p>	<p style="text-align: center;"><b>D</b></p> <p><b>date</b> 4:6 7:4,15,19  11:3,18 12:2,4  <b>daughter</b> 6:21  <b>day</b> 7:10 8:7 11:16  <b>days</b> 4:6 6:5,7,9,12  6:13,17 8:22 9:12  9:13 10:17  <b>De</b> 1:6 2:20</p>	<p style="text-align: center;"><b>E</b></p> <p><b>either</b> 6:18  <b>Emanuel</b> 2:19  <b>entitled</b> 8:20  <b>Establishment</b> 1:10  <b>establishment's</b> 2:5  <b>evaluate</b> 7:19  <b>extra</b> 8:7</p>	<p style="text-align: center;"><b>H</b></p> <p><b>hear</b> 5:9 10:12  <b>hearing</b> 1:9,17 2:8  7:16 8:2 10:5,6  11:5,9 12:19,21  <b>HERMAN</b> 1:22</p>	<p><b>Mbelegiy</b> 3:4,4,9,9  3:15  <b>MEETING</b> 1:3  <b>Mehdi</b> 2:21,21  <b>Member</b> 1:21,21  1:22,22 3:13,16  <b>Members</b> 11:8  <b>met</b> 1:16  <b>MIA</b> 2:4,20  <b>MICHAEL</b> 1:22  <b>microphone</b> 3:7  <b>Miller</b> 1:18,20 2:3  2:18 3:1,6,11,18  3:22 4:11,14,20  5:2 6:8 7:1,5,8,14  8:8,13,16 9:7,15  9:19 10:2,4,12,20  11:2,7,17 12:3,10  12:16  <b>mind</b> 7:16  <b>mistake</b> 8:9  <b>morning</b> 12:17  <b>motion</b> 4:1,3,12,17  5:2,3,4 6:16 7:21  9:4,5 10:16  <b>motions</b> 10:17  <b>motion's</b> 4:12  <b>MPD</b> 4:18  <b>Mpras</b> 2:19,19 3:21  4:1,13,17 5:15 6:2  6:11 7:3,22 8:15  8:21 9:14 10:8,11  10:14 11:6,21  12:1,9,15</p>
<p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 6:11,13  8:12 11:11,14</p>	<p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 12:18  <b>Failed</b> 1:12  <b>fairly</b> 6:4  <b>filing</b> 7:20  <b>finding</b> 12:18  <b>firm</b> 12:7  <b>first</b> 6:18  <b>five</b> 6:2,3,5,6,7,9,11  6:11,13  <b>Follow</b> 1:12  <b>following</b> 6:15 7:11  <b>formal</b> 5:20  <b>formulated</b> 5:18  <b>forward</b> 5:12,18  <b>four</b> 9:12  <b>Friday</b> 9:20,20  10:1  <b>front</b> 4:9,12 10:9</p>	<p style="text-align: center;"><b>I</b></p> <p><b>incident</b> 4:5,7  <b>introduce</b> 2:9,14  3:2  <b>investigator</b> 1:25  2:15,16 11:13,21  <b>IV</b> 3:4,9</p>	<p style="text-align: center;"><b>J</b></p> <p><b>Jenkins</b> 11:16,21  11:22 12:6  <b>Jeremy</b> 3:4,9  <b>JONES</b> 1:22</p>	<p style="text-align: center;"><b>N</b></p> <p><b>need</b> 3:7 8:3  <b>NICK</b> 1:21  <b>notice</b> 4:5,8  <b>Number</b> 2:5,7  <b>N.W</b> 1:8,17 2:6</p>
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