

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

p-----»
IN THE MATTER OF: :
: :
Amde Sofenias :
t/a Queen Makeda : Show Cause
1917 9th Street, NW : Hearing
Retailer CR - ANC-1B : (Status)
License No. 60510 :
Case #13-CMP-00249 :
(Trade Name Change Without :
Board Approval) :
Case #13-CMP-00220 :
(Failed to Comply with the :
Terms of Board Order 2013- :
145, Selling Alcohol Without :
a License, Trade Name Change :
Without Board Approval, No :
ABC Manager on Duty) :
p-----¼

October 2, 2013

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
HERMAN JONES, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT:
FERNANDO RIVERO, OAG

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

2 (10:20 a.m.)

3 CHAIRPERSON MILLER: Okay. The
4 next two cases. I'm going to call the next
5 two cases together. They are the same
6 parties. That's Case No. 13-CMP-00249 and
7 Case No. 13-CMP-00220 involving Queen Makeda
8 located at 1917 9th Street, N.W., License No.
9 60510, in ANC-1B.

10 The Board has received a Consent
11 Motion for a continuance of the Status
12 Hearings for these two cases to this afternoon
13 at 4:30 p.m. when the parties will be
14 appearing for another case.

15 So I would move that we approve
16 this Consent Motion for that continuance to
17 this afternoon.

18 Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks
21 has seconded the motion. Any comments?

22 All those in favor then of

1 granting the continuance that applies to both
2 these Status Hearings say aye.

3 ALL: Aye.

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

7 (Whereupon, at 10:22 a.m. a recess
8 until 7:19 p.m.)

9 CHAIRPERSON MILLER: That is Case
10 No. 13-CMP-00249 and Case No. 13-CMP-00220.
11 We have, let's see, scheduled them for
12 hearing, November 20, 2013 at 1:30 p.m. and
13 2:30 p.m.

14 MEMBER ALBERTI: Ms. Miller?

15 CHAIRPERSON MILLER: Yes?

16 MEMBER ALBERTI: Can we confirm
17 that the licensee was served, read and
18 understood those notices?

19 MR. MPRAS: We confirm that we
20 understand them now. As far as service, the
21 licensee has not provided me with whatever
22 service they have received in these cases.

1 Did you receive service, sir?

2 MEMBER ALBERTI: Whoa. So we
3 definitely --

4 CHAIRPERSON MILLER: What are you
5 talking about now?

6 MEMBER ALBERTI: -- need to go
7 through that whole thing of whether the
8 licensee has been served, has read the notice,
9 understands it.

10 CHAIRPERSON MILLER: Oh.

11 MEMBER ALBERTI: I mean, we
12 definitely need to go through this now.

13 CHAIRPERSON MILLER: You are
14 right. Okay.

15 MEMBER ALBERTI: I know I'm right.

16 CHAIRPERSON MILLER: Okay. Sorry,
17 it's 7:20 p.m. Let's go back then.

18 This is a Show Cause (Status)
19 Hearing for both cases. Mr. Mpras, did your
20 client receive notice of these two Status
21 Hearings?

22 MR. MPRAS: Regrettably, ma'am, I

1 have not been forwarded such notice from my
2 client. Give me one second.

3 CHAIRPERSON MILLER: Okay.

4 MR. MPRAS: Madam Chair?

5 CHAIRPERSON MILLER: Yes?

6 MR. MPRAS: I apologize. My
7 client has relayed to me that they can't
8 answer the question.

9 CHAIRPERSON MILLER: Okay.

10 MR. MPRAS: They aren't certain.

11 CHAIRPERSON MILLER: All right.

12 So our records indicate that notice was served
13 on respondent on August 15, 2013. You don't
14 remember, is that it?

15 MR. MPRAS: Yes, ma'am.

16 CHAIRPERSON MILLER: Okay. Do you
17 have the notice now?

18 MR. MPRAS: I do not.

19 CHAIRPERSON MILLER: No?

20 MR. MPRAS: I do not have the
21 notice. They have not been given to me.

22 CHAIRPERSON MILLER: Well, let me

1 check and see if we have copies. Okay. So
2 our records indicate that you were served.
3 However, we want to make sure that you have
4 notice and that you have read it and
5 understood it before we leave today.

6 So our general counsel is going to
7 pull our files and give you the notice again
8 today.

9 MR. MPRAS: Thank you, Madam
10 Chair.

11 CHAIRPERSON MILLER: And then we
12 will go through that. In the meantime then,
13 in light of the fact that we will be having a
14 deliberation in closed session, I'm going to
15 read the instructions for that with respect to
16 the Show Cause Hearing that we just conducted
17 while we are waiting for the notice. Okay.

18 (Whereupon, at 7:23 p.m. a recess
19 until 7:27 p.m.)

20 MR. RIVERO: If I may? I would
21 like the record of the Status Hearings to
22 reflect that the ABC manager who was just

1 testifying sign for both, that person's
2 signature who is sitting in the back of the
3 room right now.

4 CHAIRPERSON MILLER: Okay.

5 MR. RIVERO: The Government's
6 position is that there is sufficient service
7 and that we are ready to move to a hearing on
8 November 20th. We have no offer in compromise
9 in either of these cases.

10 CHAIRPERSON MILLER: Thank you.
11 Okay. We have copies in our record now that
12 you have received the service form.

13 MEMBER JONES: Is your mike on?

14 MR. MPRAS: Yes.

15 CHAIRPERSON MILLER: No. Thank
16 you. Okay. So I am now looking at the file
17 with the form, service forms, that show
18 service. And it appears that it's of the ABC
19 manager here.

20 MR. MPRAS: Okay.

21 CHAIRPERSON MILLER: Are you
22 contesting that?

1 MR. MPRAS: We are not contesting
2 that.

3 CHAIRPERSON MILLER: Okay. So all
4 right.

5 MR. MPRAS: I just had not seen
6 them and I couldn't --

7 CHAIRPERSON MILLER: Right.

8 MR. MPRAS: -- attest to that.

9 CHAIRPERSON MILLER: Okay. All
10 right. So now you have seen the notice?

11 MR. MPRAS: We have seen the
12 notice. I have reviewed it with my client
13 just now. He does understand it.

14 CHAIRPERSON MILLER: Okay.

15 MR. MPRAS: And we do not have
16 anything to discuss, at this time.

17 CHAIRPERSON MILLER: Okay. So you
18 don't have any objections to that being
19 recognized as part of the record? The
20 service --

21 MR. MPRAS: No.

22 CHAIRPERSON MILLER: -- of notice

1 form?

2 MR. MPRAS: No, no.

3 CHAIRPERSON MILLER: Okay. So
4 your client has had notice.

5 MR. MPRAS: Yes.

6 CHAIRPERSON MILLER: Okay. All
7 right. So that being said, we are going to
8 schedule these two cases for November 20, 2013
9 at 1:30 p.m. and 2:30 p.m. Okay.

10 I think we are done, unless there
11 is anything I forgot. Good. All right.
12 Thank you very much. Have a good evening.

13 MR. RIVERO: Thank you.

14 MR. MPRAS: You, too. Thank you.

15 CHAIRPERSON MILLER: And that
16 concludes our cases on the afternoon hearing
17 calendar. And the Board will recess and
18 return for its agenda.

19 (Whereupon, the Show Cause
20 (Status) Hearing in the above-entitled matter
21 was concluded at 7:31 p.m.)

22

<p style="text-align: center;">A</p> <p>a.m 2:2 3:7 ABC 1:14 6:22 7:18 above-entitled 9:20 abstaining 3:5 afternoon 2:12,17 9:16 agenda 9:18 ALBERTI 1:22 3:14,16 4:2,6,11 4:15 Alcohol 1:12 Alcoholic 1:2,17,17 Amde 1:6 ANC-1B 1:8 2:9 answer 5:8 apologize 5:6 appearing 2:14 appears 7:18 applies 3:1 Approval 1:10,13 approve 2:15 attest 8:8 August 5:13 aye 3:2,3</p> <hr/> <p style="text-align: center;">B</p> <p>back 4:17 7:2 Beverage 1:2,17,17 Board 1:2,10,12,13 1:17 2:10 9:17 Brooks 1:22 2:19 2:20 Building 1:18</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 9:17 call 2:4 case 1:9,10 2:6,7,14 3:9,10 cases 2:4,5,12 3:22 4:19 7:9 9:8,16 Cause 1:6 4:18 6:16 9:19 certain 5:10 Chair 5:4 6:10</p>	<p>Chairperson 1:19 1:21 2:3,20 3:4,9 3:15 4:4,10,13,16 5:3,5,9,11,16,19 5:22 6:11 7:4,10 7:15,21 8:3,7,9,14 8:17,22 9:3,6,15</p> <p>Change 1:9,13 check 6:1 client 4:20 5:2,7 8:12 9:4 closed 6:14 COLUMBIA 1:1 comments 2:21 Comply 1:11 compromise 7:8 concluded 9:21 concludes 9:16 conducted 6:16 confirm 3:16,19 Consent 2:10,16 contesting 7:22 8:1 continuance 2:11 2:16 3:1 Control 1:2,17,17 copies 6:1 7:11 counsel 6:6 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:18 definitely 4:3,12 deliberation 6:14 discuss 8:16 DISTRICT 1:1 DONALD 1:22 Duty 1:14</p> <hr/> <p style="text-align: center;">E</p> <p>either 7:9 evening 9:12</p> <hr/> <p style="text-align: center;">F</p> <p>fact 6:13 Failed 1:11 far 3:20 favor 2:22 FERNANDO 1:25</p>	<p>file 7:16 files 6:7 forgot 9:11 form 7:12,17 9:1 forms 7:17 forwarded 5:1</p> <hr/> <p style="text-align: center;">G</p> <p>general 6:6 give 5:2 6:7 given 5:21 go 4:6,12,17 6:12 going 2:4 6:6,14 9:7 good 9:11,12 Government's 7:5 granting 3:1</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,18 3:12 4:19 6:16 7:7 9:16,20 Hearings 2:12 3:2 4:21 6:21 HERMAN 1:23</p> <hr/> <p style="text-align: center;">I</p> <p>indicate 5:12 6:2 instructions 6:15 involving 2:7</p> <hr/> <p style="text-align: center;">J</p> <p>JONES 1:23 7:13</p> <hr/> <p style="text-align: center;">K</p> <p>know 4:15</p> <hr/> <p style="text-align: center;">L</p> <p>leave 6:5 let's 3:11 4:17 License 1:8,13 2:8 licensee 3:17,21 4:8 light 6:13 located 2:8 looking 7:16</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 4:22 5:15</p>	<p>Madam 5:4 6:9 Makeda 1:6 2:7 manager 1:14 6:22 7:19 matter 1:5 9:20 mean 4:11 MEETING 1:3 Member 1:22,22 1:23,23 2:19 3:14 3:16 4:2,6,11,15 7:13 met 1:17 mike 1:23 7:13 Miller 1:19,21 2:3 2:20 3:4,9,14,15 4:4,10,13,16 5:3,5 5:9,11,16,19,22 6:11 7:4,10,15,21 8:3,7,9,14,17,22 9:3,6,15 motion 2:11,16,21 3:5 move 2:15 7:7 Mpras 3:19 4:19,22 5:4,6,10,15,18,20 6:9 7:14,20 8:1,5 8:8,11,15,21 9:2,5 9:14</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:18 2:8 Name 1:9,13 need 4:6,12 NICK 1:22 notice 4:8,20 5:1,12 5:17,21 6:4,7,17 8:10,12,22 9:4 notices 3:18 November 3:12 7:8 9:8 NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:25 objections 8:18 October 1:15 offer 7:8 Oh 4:10</p>	<p>Okay 2:3 4:14,16 5:3,9,16 6:1,17 7:4,11,16,20 8:3,9 8:14,17 9:3,6,9 opposed 3:5 Order 1:12</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1 p.m 2:13 3:8,12,13 4:17 6:18,19 9:9,9 9:21 part 8:19 parties 2:6,13 passes 3:6 person's 7:1 position 7:6 PRESENT 1:21,25 presiding 1:19 provided 3:21 pull 6:7</p> <hr/> <p style="text-align: center;">Q</p> <p>Queen 1:6 2:7 question 5:8</p> <hr/> <p style="text-align: center;">R</p> <p>read 3:17 4:8 6:4 6:15 ready 7:7 receive 4:1,20 received 2:10 3:22 7:12 recess 3:7 6:18 9:17 recognized 8:19 record 6:21 7:11 8:19 records 5:12 6:2 Reeves 1:18 reflect 6:22 Regrettably 4:22 relayed 5:7 remember 5:14 respect 6:15 respondent 5:13 Retailer 1:8 return 9:18</p>
--	--	---	--	---

reviewed 8:12	think 9:10	2013 1:12,15 3:12		
right 4:14,15 5:11	time 8:16	5:13 9:8		
7:3 8:4,7,10 9:7	today 6:5,8	20th 7:8		
9:11	Trade 1:9,13			
RIVERO 1:25 6:20	two 2:4,5,12 4:20			
7:5 9:13	9:8			
room 1:18 7:3				
Ruthanne 1:19,21				
	U			
	understand 3:20	4-0-0 3:6		
	8:13	4:30 2:13		
S	understands 4:9	400S 1:18		
schedule 9:8	understood 3:18			
scheduled 3:11	6:5			
second 2:18,19 5:2				
seconded 2:21	V	6		
see 3:11 6:1		60510 1:8 2:9		
seen 8:5,10,11				
Selling 1:12	W			
served 3:17 4:8		7		
5:12 6:2	waiting 6:17	7:19 3:8		
service 3:20,22 4:1	want 6:3	7:20 4:17		
7:6,12,17,18 8:20	Washington 1:18	7:23 6:18		
session 6:14	Whoa 4:2	7:27 6:19		
show 1:6 4:18 6:16		7:31 9:21		
7:17 9:19	X			
sign 7:1				
signature 7:2	Y			
SILVERSTEIN				
1:23	Z			
sir 4:1		8		
sitting 7:2	0			
Sofenias 1:6		9		
Sorry 4:16	1	9th 1:7 2:8		
Status 1:8 2:11 3:2	1:30 3:12 9:9			
4:18,20 6:21 9:20	10:20 2:2			
Street 1:7,18 2:8	10:22 3:7			
sufficient 7:6	13-CMP-00220			
Suite 1:18	1:10 2:7 3:10			
sure 6:3	13-CMP-00249 1:9			
	2:6 3:10			
	145 1:12			
T	14th 1:18			
t/a 1:6	15 5:13			
talking 4:5	1917 1:7 2:8			
Terms 1:12				
testifying 7:1	2			
t 1:4,14	2 1:15			
Thank 6:9 7:10,15	2:30 3:13 9:9			
9:12,13,14	20 3:12 9:8			
thing 4:7	2000 1:18			
	20009 1:19			