

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Sunshine Bar & Lounge, LLC :
t/a Sunshine Bar & Lounge : Show
7331 Georgia Avenue, NW : Cause
Retailer CR - ANC-4B : Hearing
License No. 85239 :
Case #12-251-00243 :
: :
(Allowed the Establishment to :
be used for Unlawful or :
Disorderly Purpose, Failed to :
Allow MPD officers to enter :
the Establishment, Substantial :
Change without Board Approval, :
Failed to Comply with the :
Terms of Board Order No. :
2011-198) :
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November 13, 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:
WALTER ADAMS, OAG

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

(4:03 p.m.)

CHAIRPERSON MILLER: Are you ready to proceed with the next Sunshine Case?

MR. ADAMS: Absolutely.

CHAIRPERSON MILLER: All right. I'll find it. That is now Case No. 12-251-00243, Sunshine Bar & Lounge, 7331 Georgia Avenue, N.W., License No. 85239, in ANC-4B.

And I'm going to ask again if anybody is here from Sunshine Bar & Lounge? Okay. Not seeing anyone and I guess neither ABRA nor you, Mr. Adams, correct, have received any word from them regarding this case that they planned to be here?

MR. ADAMS: The District has received no word from this establishment regarding their presence at this hearing.

CHAIRPERSON MILLER: Okay. And this hearing was scheduled for 2:30. It is now 4:04 and we have not heard from them. So are you ready to proceed ex-parte?

1 MR. ADAMS: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MR. ADAMS: The District has the
4 right to proceed ex-parte.

5 CHAIRPERSON MILLER: Okay.

6 MR. ADAMS: All right. I'll say
7 just the only statements I have primarily for
8 this case. This case is a very -- regarding
9 a very serious matter involving an assault of
10 a patron by the, I guess, person who is
11 considered to be the owner, but is really the
12 ABC manager for the establishment.

13 And really, the evidence will show
14 that quite a violent event did occur at the
15 actual hands of the establishment and its
16 ownership. The evidence will also show --
17 because there are several charges here.

18 In terms of Charge 2, that the
19 establishment also failed to -- or sorry.

20 The first charge is that the
21 establishment did interfere with the
22 investigation. In this case, specifically,

1 the establishment did not identify a member of
2 a staff to police officers at a time of the
3 investigation.

4 And lastly, really Charges 3 and
5 4, the evidence will show that establishment
6 continued to violate the agreed to format for
7 its opening, which the establishment used the
8 second floor of the establishment as -- for
9 which it was already prohibited from using
10 pursuant to its voluntary agreement or sorry,
11 not voluntary agreement, pursuant to a Board
12 Order regarding the terms and conditions upon
13 this license.

14 The District will have three
15 witnesses today and at the outset, we will
16 state that the District seeks revocation of
17 this establishment's license based upon the
18 facts in this matter.

19 CHAIRPERSON MILLER: Okay. I also
20 want to put on the record that notice was
21 served, according to my notes, on the
22 establishment July 24th -- it was issued on

1 July 24, 2013 and served on the respondent on
2 August 1, 2013.

3 MR. ADAMS: Okay. And if I may,
4 Your Honor, I mean Madam Chairman, the
5 establishment did -- was present for the
6 Status Hearing for this case, so they were
7 aware of the date of the hearing.

8 CHAIRPERSON MILLER: Okay. All
9 right. Thank you.

10 MR. ADAMS: Oh, sorry.

11 CHAIRPERSON MILLER: No, go ahead
12 whenever you are ready.

13 MR. ADAMS: The District would
14 like to call its first witness. I know that
15 normally the Board wants to hear, I guess, the
16 law enforcement member first. So the District
17 calls Officer Michael Beeler to the stand.

18 CHAIRPERSON MILLER: Good
19 afternoon.

20 Whereupon,

21 OFFICER MICHAEL BEELER
22 was called as a witness by Counsel for the

1 Government, and having been first duly sworn,
2 assumed the witness stand and was examined and
3 testified as follows:

4 CHAIRPERSON MILLER: Thank you.

5 DIRECT EXAMINATION

6 MR. ADAMS: Good afternoon,
7 Officer Beeler.

8 OFFICER BEELER: Good afternoon.

9 MR. ADAMS: Could you, please,
10 state your name and spell it for the record?

11 OFFICER BEELER: Officer Michael
12 Beeler, B-E-E-L-E-R.

13 MR. ADAMS: All right. And,
14 Officer Beeler, you are currently employed by
15 the Metropolitan Police Department?

16 OFFICER BEELER: Yes.

17 MR. ADAMS: And you are assigned
18 to the 4th District?

19 OFFICER BEELER: Yes.

20 MR. ADAMS: All right. And with
21 in your PSA -- what's your PSA again?

22 OFFICER BEELER: 401.

1 MR. ADAMS: 401. Within the PSA
2 401 lies the establishment Sunshine Bar &
3 Lounge?

4 OFFICER BEELER: Yes.

5 MR. ADAMS: All right. And have
6 you had occasions to have been called to
7 respond to this establishment for different
8 occasions?

9 OFFICER BEELER: Yes.

10 MR. ADAMS: All right. Turning to
11 specifically the day of July, I apologize, 13,
12 2012, were you on duty?

13 OFFICER BEELER: Yes.

14 MR. ADAMS: When you were on duty
15 on that occasion, did there become a time that
16 you were present on -- at Sunshine Bar &
17 Lounge?

18 OFFICER BEELER: Yes. I received
19 a radio-run for an assault.

20 MR. ADAMS: Okay. All right. And
21 once you received the radio-run, what did you
22 do, at that point?

1 OFFICER BEELER: I responded to
2 the location.

3 MR. ADAMS: Okay. What did you
4 observe once you responded to the location?

5 OFFICER BEELER: I observed an
6 ambulance without -- with a victim inside.
7 Also, two witnesses and the owner/manager.

8 MR. ADAMS: All right.

9 OFFICER BEELER: With a group of
10 other individuals outside.

11 CHAIRPERSON MILLER: Is it
12 possible for you to speak up a little more?

13 OFFICER BEELER: Yes, it is.

14 CHAIRPERSON MILLER: Thank you.

15 MR. ADAMS: All right. So when
16 you first arrived, so then you said that an
17 ambulance was already there. Do you recollect
18 who was the person who was within the
19 ambulance?

20 OFFICER BEELER: Yes, the victim.
21 I don't remember her name exactly.

22 MR. ADAMS: Okay. All right. And

1 what did you do? What was your role once you
2 arrived there?

3 OFFICER BEELER: To interview the
4 victim, the suspect and the witnesses.

5 MR. ADAMS: All right. Now, did
6 you interview everyone, one person at a time?

7 OFFICER BEELER: Yes.

8 MR. ADAMS: Okay. And so once you
9 started on your roll, who -- I mean, what did
10 you do? Did you first start interviewing
11 people immediately?

12 OFFICER BEELER: Yes.

13 MR. ADAMS: Okay. And so who did
14 you interview first?

15 OFFICER BEELER: I interviewed the
16 victim first.

17 MR. ADAMS: Okay. And when you
18 say the victim -- actually, it has been over
19 a year since this case took place. Is that
20 correct?

21 OFFICER BEELER: Yes.

22 MR. ADAMS: And at the end of your

1 investigation that night, did it result into
2 a report?

3 OFFICER BEELER: Yes.

4 MR. ADAMS: And did you -- what
5 role, if any, did you have in drafting the
6 contents of that report?

7 OFFICER BEELER: Um, I did
8 everything in the report except for the notes.
9 My partner did the notes.

10 MR. ADAMS: Okay. I'm going to
11 approach the witness --

12 CHAIRPERSON MILLER: Okay.

13 MR. ADAMS: -- with what is marked
14 as Exhibit No. 1 for purposes of
15 identification. Exhibit No. 1.

16 (Whereupon, the document was
17 marked as Government Exhibit 1 for
18 identification.)

19 MR. ADAMS: Officer Beeler, do you
20 recognize that document in front of you?

21 OFFICER BEELER: Yes.

22 MR. ADAMS: And what is it?

1 OFFICER BEELER: My police report.

2 MR. ADAMS: Okay. And as part of
3 that police report was -- is there a
4 narrative?

5 OFFICER BEELER: Yes.

6 MR. ADAMS: All right. Now, there
7 is an area that is blacked out. Do you know
8 what area is blacked out there? Can you
9 identify that area?

10 OFFICER BEELER: The home address
11 and date of birth of the victim.

12 MR. ADAMS: All right. But the
13 name of the victim is there?

14 OFFICER BEELER: Yes.

15 MR. ADAMS: Is that Mahider
16 Tekeste?

17 OFFICER BEELER: Yes.

18 MR. ADAMS: All right. So at that
19 evening you said that you interviewed Ms.
20 Tekeste. Is that the victim that you are
21 talking about?

22 OFFICER BEELER: Yes.

1 MR. ADAMS: Okay. And so what
2 were you -- what was reported to you at that
3 time?

4 OFFICER BEELER: The victim stated
5 that she was involved with an argument with
6 the owner, Sammy. The security guard
7 assaulted her, poked her in the face. At that
8 point, they kicked her out of the
9 establishment and once they were outside of
10 the establishment, the owner Sammy pushed her
11 off the curb and she fell and injured her
12 wrist.

13 MR. ADAMS: Okay. And what
14 observations did you make regarding her at the
15 time she was in the ambulance?

16 OFFICER BEELER: At the time she
17 was in the ambulance, she was upset and
18 nervous and scared.

19 MR. ADAMS: Okay. And was there
20 anything that was done at the time to
21 corroborate what she stated on that?

22 OFFICER BEELER: There was another

1 witness, another female that was with her who
2 said the exact same thing.

3 MR. ADAMS: Okay. And
4 specifically after you spoke -- was that the
5 extent of your conversation with the victim?

6 OFFICER BEELER: Yes.

7 MR. ADAMS: Okay. And so what did
8 you do after that?

9 OFFICER BEELER: I interviewed the
10 female witness who told the same story as the
11 victim. I also interviewed another gentleman
12 who was a witness who had injuries to his face
13 that the victim told me was also assaulted by
14 the owner, Sammy. But the witness said Sammy
15 didn't assault him.

16 MR. ADAMS: So in terms of this
17 person's face, I mean, was there obvious
18 injuries to the person's face?

19 OFFICER BEELER: Yes, yes.

20 MR. ADAMS: And can you describe
21 how the person's face looked, at that point?

22 OFFICER BEELER: Very beat up,

1 swelling and bleeding.

2 MR. ADAMS: Bleeding from his
3 face?

4 OFFICER BEELER: Yes.

5 MR. ADAMS: Did he -- so he -- did
6 he ask for care or anything of that sort?

7 OFFICER BEELER: No. He did not
8 cooperate with us at all.

9 MR. ADAMS: All right. When you
10 say he didn't want to cooperate, I mean, did
11 he give his name or anything?

12 OFFICER BEELER: He gave his name,
13 but he wouldn't give any information about the
14 assault or what he witnessed.

15 MR. ADAMS: All right. And so did
16 you ask him why he wouldn't provide
17 information?

18 OFFICER BEELER: Yes, and he
19 wouldn't tell us.

20 MR. ADAMS: All right. What care
21 did he receive, at that time? Did he receive
22 any medical care, at that time?

1 OFFICER BEELER: No.

2 MR. ADAMS: Okay. And why not?

3 OFFICER BEELER: I don't know. He
4 just wasn't cooperating.

5 MR. ADAMS: Okay. You stated that
6 other people did say that something did occur?

7 OFFICER BEELER: Yes.

8 MR. ADAMS: Okay. And what was
9 said that occurred to this gentleman with the
10 bleeding?

11 OFFICER BEELER: That Sammy, the
12 owner or the manager of Sunshine, and a group
13 of other gentlemen beat him up.

14 MR. ADAMS: Okay. And did they
15 describe how he was beaten up?

16 OFFICER BEELER: They just all
17 beat him up, jumped him.

18 MR. ADAMS: Okay. Did you
19 interview anyone else on this occasion?

20 OFFICER BEELER: Yes, the suspect,
21 Sammy.

22 MR. ADAMS: Okay. And describe --

1 I mean, describe your conversation with him.
2 What did you ask him?

3 OFFICER BEELER: I asked him what
4 was his involvement in the assault and what
5 happened that night before we got there.

6 MR. ADAMS: And what was his
7 response?

8 OFFICER BEELER: He said that he
9 kicked the victim out of the establishment and
10 then she began to kick the front glass door.
11 And once she shattered the glass door and
12 after that he didn't give any information that
13 I remember.

14 MR. ADAMS: He stopped giving
15 information?

16 OFFICER BEELER: Right. He just
17 said that she kicked the glass door.

18 MR. ADAMS: Did you ask him any
19 other information about what occurred?

20 OFFICER BEELER: Yes. Because the
21 victim stated that the security guard was the
22 one that poked her in the face. I asked him

1 where was the security guard's information and
2 he wouldn't tell me.

3 MR. ADAMS: Could he provide a
4 name for his security guard?

5 OFFICER BEELER: No.

6 MR. ADAMS: Did you ask him to
7 provide a name for his security guard?

8 OFFICER BEELER: Yes.

9 MR. ADAMS: Did you -- and the
10 security guard, did he confirm that he worked
11 for that -- his establishment or for Sunshine
12 Bar & Lounge?

13 OFFICER BEELER: Yes, Sammy stated
14 that he used the guy for security.

15 MR. ADAMS: Okay. And did he tell
16 you what he did for the establishment?

17 OFFICER BEELER: Not specifically
18 that I can remember.

19 MR. ADAMS: But --

20 OFFICER BEELER: He is for
21 security.

22 MR. ADAMS: And did you ask -- how

1 can I say it, did -- was it -- was the
2 credibility of -- did you or any other
3 officers on-scene test or challenge the
4 credibility of his statement of not knowing
5 the identity of the security guard concerning
6 that he works for his establishment?

7 OFFICER BEELER: Yes, but in
8 previous occasions, we have known him to say
9 that he doesn't know his employees' names.

10 MR. ADAMS: Is there a certain
11 type of occasion where he tends to not
12 remember his employees' names?

13 OFFICER BEELER: Other assaults or
14 other ABRA violations that we have had there.

15 MR. ADAMS: And did you -- what
16 other interviews did you make on that or what
17 else did you do on that occasion, on that
18 night in terms of this case?

19 OFFICER BEELER: We placed Sammy
20 under arrest for the assault.

21 MR. ADAMS: And then you completed
22 the police report?

1 OFFICER BEELER: Yes.

2 MR. ADAMS: All right. And in
3 terms of police reports, outside of the area
4 that is blacked out or that was deleted/
5 omitted, is this a true and accurate version
6 of the report that you completed on July 13,
7 2012?

8 OFFICER BEELER: Yes.

9 MR. ADAMS: All right. I would
10 like to move what is marked as District's
11 Exhibit No. 1 into evidence.

12 CHAIRPERSON MILLER: Do we have
13 it? I'm sorry. Do we have it at all?

14 MR. ADAMS: Oh, I don't think you
15 do.

16 MEMBER ALBERTI: Is this the
17 police report?

18 MR. ADAMS: Yes, the police
19 report.

20 CHAIRPERSON MILLER: Is it
21 attached to the investigative?

22 MEMBER ALBERTI: It's attached to

1 the --

2 MR. ADAMS: Yes, it is. It's part
3 of the investigative report.

4 CHAIRPERSON MILLER: Okay.

5 MR. ADAMS: I thought I gave it to
6 you. Oh, actually, I have it right here. But
7 it is part of the investigative report.

8 CHAIRPERSON MILLER: Okay. All
9 right. That's admitted then.

10 (Whereupon, the document marked as
11 Government Exhibit No. 2 was
12 received in evidence.)

13 MR. ADAMS: I have no further
14 questions for Officer Beeler.

15 CHAIRPERSON MILLER: Okay. Are
16 there any Board questions?

17 MEMBER ALBERTI: Yes.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: Officer Beeler,
20 was the front plate glass window on the door,
21 was it shattered?

22 OFFICER BEELER: Yes. It had

1 cracks in it.

2 MEMBER ALBERTI: It had cracks in
3 it when you arrived?

4 OFFICER BEELER: Yes.

5 MEMBER ALBERTI: Okay. Thank you.
6 No further questions.

7 CHAIRPERSON MILLER: Others?
8 Could you just clarify for me, did you find
9 that both Sammy and the security officer
10 assaulted patrons or just one of them?

11 OFFICER BEELER: Both.

12 CHAIRPERSON MILLER: Both of them
13 did. And they assaulted the woman victim that
14 was in the ambulance?

15 OFFICER BEELER: Yes.

16 CHAIRPERSON MILLER: And they
17 assaulted the man who didn't want to give you
18 much information?

19 OFFICER BEELER: As far as the
20 guy, I don't know if the security guard was
21 involved in that assault for sure. I don't
22 know.

1 CHAIRPERSON MILLER: Okay. But
2 they both -- two of them assaulted the woman?

3 OFFICER BEELER: Yes.

4 CHAIRPERSON MILLER: Okay. Did
5 you say also that there was a man whose face
6 looked like he had been assaulted?

7 OFFICER BEELER: Yes, that's the
8 witness.

9 CHAIRPERSON MILLER: Okay, that's
10 the witness. Okay.

11 OFFICER BEELER: Yes.

12 CHAIRPERSON MILLER: But he didn't
13 say that he was assaulted. Is that it?

14 OFFICER BEELER: Correct.

15 CHAIRPERSON MILLER: But he
16 witnessed the other assault. Okay. Thank
17 you. Okay. Any other questions? Thank you
18 very much.

19 MR. ADAMS: One question for
20 redirect.

21 CHAIRPERSON MILLER: Okay.

22 MR. ADAMS: We're using the name

1 Sammy, his formal name is Yeneneh Hailu. Is
2 that correct?

3 OFFICER BEELER: Yes.

4 MR. ADAMS: Okay. And that's who
5 you mean by Sammy?

6 OFFICER BEELER: Yes.

7 MR. ADAMS: All right. Thank you
8 very much.

9 CHAIRPERSON MILLER: Thank you.

10 OFFICER BEELER: Thank you.

11 (Whereupon, witness was excused.)

12 CHAIRPERSON MILLER: Okay.

13 MR. ADAMS: The District's second
14 witness is Ms. Mahider Tekeste. And I'll ask
15 her to approach. Hi.

16 CHAIRPERSON MILLER: Hi.

17 Whereupon,

18 MAHIDER TEKESTE

19 was called as a witness by Counsel for the
20 Government, and having been first duly sworn,
21 assumed the witness stand and was examined and
22 testified as follows:

1 CHAIRPERSON MILLER: Okay. Thank
2 you. And we just need you to speak up,
3 because we sometimes have trouble hearing from
4 there. But you can have a seat. Make
5 yourself comfortable.

6 DIRECT EXAMINATION

7 MR. ADAMS: Good afternoon, Ms.
8 Tekeste.

9 MS. TEKESTE: Hi.

10 MR. ADAMS: Could you, please,
11 state your name and spell your name for the
12 record?

13 MS. TEKESTE: Sure. It's Mahider
14 Tekeste, M-A-H-I-D-E-R last name is T-E-K-E-S-
15 T-E.

16 MR. ADAMS: All right. Okay. Ms.
17 Tekeste, I believe that -- now, I know that
18 you are currently employed, I believe. What's
19 your current occupation?

20 MS. TEKESTE: I'm a hotel manager,
21 night manager.

22 MR. ADAMS: Okay. And at the

1 Hilton Hotel here in --

2 MS. TEKESTE: Yes.

3 MR. ADAMS: -- the District? In
4 the DC area?

5 MS. TEKESTE: Silver Spring,
6 Maryland.

7 MR. ADAMS: Silver Spring,
8 Maryland. All right. And, Ms. Tekeste, first
9 of all, I want to thank you for your patience
10 for -- because I know it has been a long
11 afternoon waiting.

12 Ms. Tekeste, are you familiar -- I
13 apologize. Let me make sure. Are you
14 familiar with an establishment called Sunshine
15 Bar & Lounge?

16 MS. TEKESTE: Yes.

17 MR. ADAMS: You are?

18 MS. TEKESTE: Yes.

19 MR. ADAMS: All right. And how
20 are you -- how did you become familiar with
21 that establishment?

22 MS. TEKESTE: A friend of mine.

1 I've been there a couple of times.

2 MR. ADAMS: I'm going to ask you
3 to speak loudly into the mike.

4 MS. TEKESTE: Sure. Yes.

5 MR. ADAMS: Because to make sure
6 that it gets caught by the microphone.

7 MS. TEKESTE: Okay. I know the
8 place because of some friends. Yes.

9 MR. ADAMS: All right. And so you
10 said that you have been there two or three
11 times?

12 MS. TEKESTE: About three times,
13 yes.

14 MR. ADAMS: All right. And prior
15 to this incident, did you like going to the
16 establishment?

17 MS. TEKESTE: Yeah, it was okay,
18 yeah.

19 MR. ADAMS: And why did you, in
20 particular, go to Sunshine Bar?

21 MS. TEKESTE: It's closer from
22 home.

1 MR. ADAMS: All right.

2 MS. TEKESTE: Yes.

3 MR. ADAMS: Very well. And so
4 now, were you at Sunshine Bar & Lounge -- you
5 were at Sunshine Bar & Lounge on July 13,
6 2012, correct?

7 MS. TEKESTE: Yes.

8 MR. ADAMS: Okay. And
9 particularly on July 13th why did you decide
10 to go there?

11 MS. TEKESTE: A friend of mine
12 asked me, so I was off.

13 MR. ADAMS: Okay.

14 MS. TEKESTE: You know.

15 MR. ADAMS: Very well. And did
16 you just want to go there for a couple of
17 drinks?

18 MS. TEKESTE: Yes.

19 MR. ADAMS: And to smoke the
20 hookahs as well?

21 MS. TEKESTE: Yes.

22 MR. ADAMS: All right. And when

1 you went there, did you go by yourself?

2 MS. TEKESTE: No, with a friend of
3 mine.

4 MR. ADAMS: Okay. The friend of
5 yours, was her name Melika, I apologize, the
6 Board's indulgence, Mahlet Zeleke?

7 MS. TEKESTE: Mahlet, yes.

8 MR. ADAMS: Mahlet. All right.
9 And so when -- approximately, what time did
10 you arrive at the establishment?

11 MS. TEKESTE: I don't know the
12 exact time. I would say about 11:00.

13 MR. ADAMS: Okay. 11:00.

14 MS. TEKESTE: 11:00, yes.

15 MR. ADAMS: 11:00 or so. In terms
16 of Mahlet going to the establishment, was
17 there any particular reason why she went to
18 the establishment?

19 MS. TEKESTE: She is a friend of
20 Sammys.

21 MR. ADAMS: All right. In terms
22 of Mahlet, approximately at the time that you

1 went there, approximately, how old was she
2 when she went?

3 MS. TEKESTE: 19.

4 MR. ADAMS: 19 or so?

5 MS. TEKESTE: Yeah.

6 MR. ADAMS: All right. And in
7 terms of any of the operations or practices of
8 Sunshine, was there any reason that Mahlet
9 liked going to Sunshine, in particular?

10 MS. TEKESTE: She didn't get IDed
11 over there.

12 MR. ADAMS: All right.

13 CHAIRPERSON MILLER: Could you
14 repeat that?

15 MS. TEKESTE: She didn't -- they
16 don't ID Mahlet.

17 CHAIRPERSON MILLER: They don't ID
18 her?

19 MS. TEKESTE: Yes.

20 CHAIRPERSON MILLER: Okay.

21 MR. ADAMS: And was that the first
22 time you went together with Mahlet?

1 MS. TEKESTE: Yes.

2 MR. ADAMS: Okay. So when you
3 showed up at Sunshine was it crowded there?
4 Were there other patrons there within the
5 establishment?

6 MS. TEKESTE: No, it was just us.

7 MR. ADAMS: Okay.

8 MS. TEKESTE: It was just us and
9 the DJ and his girlfriend.

10 MR. ADAMS: And were you joined,
11 at any time, by any other patrons?

12 MS. TEKESTE: Yes, later on that
13 night we were joined by a male friend.

14 MR. ADAMS: Okay. And his name
15 was Mike Zewde? Is that who?

16 MS. TEKESTE: Mike Zewde, yes.

17 MR. ADAMS: Zewde, all right. All
18 right. So once you -- so can you explain to
19 the Board you got there about 11:30 or so with
20 your friend Mahlet, what did you do?

21 MS. TEKESTE: We got there,
22 ordered some drinks, a hookah, just hang out.

1 Then one of my friends joined me, Mike Zewde,
2 and we were just having a good time. And
3 Sammy came and, you know, asked to dance. I
4 declined. Then he brought down a Moet bottle,
5 he brought down, and he said it's free, go
6 ahead and drink. So he poured us some drinks.
7 Then everybody started dancing. He asked for
8 a dance.

9 Mike -- when I declined again,
10 Mike and him got into it a little bit. Then
11 after an hour or so, he told us it's closed.
12 We have to leave. So when we were trying to
13 pay, he added the bottle to the check. So the
14 bill came around \$300.

15 MR. ADAMS: Now, I want you to
16 back up just a bit. So originally you came
17 in. I guess you ordered -- you and Mahlet had
18 a drink or two?

19 MS. TEKESTE: Yes.

20 MR. ADAMS: Is that right? All
21 right. And so when did you first -- now, when
22 you state Sammy, who do you mean? What do you

1 mean by Sammy? Who is Sammy?

2 MS. TEKESTE: Sammy, the owner. I
3 believe he is the owner and manager.

4 MR. ADAMS: Okay. All right. So
5 to your knowledge, Sammy is the owner and
6 manager. So when did you see him? Was it
7 immediately as soon as you came in or later
8 that you saw Mr. --

9 MS. TEKESTE: I did see him
10 outside coming in.

11 MR. ADAMS: Okay.

12 MS. TEKESTE: Then I saw him
13 upstairs when I went to talk on my phone.
14 Then I saw -- he came to our table later on
15 that night, yes.

16 MR. ADAMS: So he came to your
17 table. So what did he -- what occurred when
18 he first came to your table? Actually, when
19 he came to your table, was it like about half
20 hour after you came there?

21 MS. TEKESTE: Yes.

22 MR. ADAMS: All right.

1 MS. TEKESTE: After we ordered a
2 drink.

3 MR. ADAMS: So what did he say
4 once he came to your table?

5 MS. TEKESTE: He was just trying
6 to flirt and was just, you know, give us -- I
7 don't know. He wanted to join our table.

8 MR. ADAMS: He wanted to join your
9 table?

10 MS. TEKESTE: Yes.

11 MR. ADAMS: So can you describe
12 what he was doing at the time that he came up
13 to you? Was he himself -- I mean, was he
14 acting as a host or was he drinking alcoholic
15 beverages himself at the time?

16 MS. TEKESTE: Yes, he was
17 drinking, too.

18 MR. ADAMS: He was drinking, at
19 that time?

20 MS. TEKESTE: Yes.

21 MR. ADAMS: All right. All right.
22 So once he started coming over to your table,

1 you said that he was flirting.

2 MS. TEKESTE: Yes.

3 MR. ADAMS: Is that correct? All
4 right. So I mean, when he initially came,
5 what was he saying to you guys?

6 MS. TEKESTE: He asked for a
7 dance. Then upstairs when I went to talk on
8 the phone, he asked me if everything is okay?
9 If I need anything.

10 MEMBER ALBERTI: Please speak up a
11 little louder.

12 MS. TEKESTE: If I need anything
13 to ask him.

14 MR. ADAMS: All right.

15 MS. TEKESTE: Yes.

16 MR. ADAMS: So now you stated that
17 you -- now, at some point -- so after he asked
18 you to dance, you said I don't want -- you
19 refused to dance with you -- to him -- with
20 him. And when you refused to dance with him,
21 at what point did he bring alcoholic
22 beverages?

1 MS. TEKESTE: I would say 20, 30
2 minutes later.

3 MR. ADAMS: All right.

4 MS. TEKESTE: Yeah.

5 MR. ADAMS: And what exactly was
6 it that he brought?

7 MS. TEKESTE: It was a Moet
8 bottle.

9 MR. ADAMS: Okay. And so -- and
10 by the way, did your friend, Mahlet, have a
11 drink at that point?

12 MS. TEKESTE: Yes.

13 MR. ADAMS: Okay. And so did he
14 give you -- when he had the Moet bottle, what
15 did he do with the Moet bottle?

16 MS. TEKESTE: He was holding it in
17 his hand just pouring it.

18 MR. ADAMS: Okay. Did he give you
19 glasses?

20 MS. TEKESTE: Yes. There was
21 already glasses on the table.

22 MR. ADAMS: Okay.

1 MS. TEKESTE: Yes.

2 MR. ADAMS: So what was going --
3 so in terms of your table, it was you, Mike
4 and Mahlet?

5 MS. TEKESTE: Mahlet.

6 MR. ADAMS: Was there anyone else?

7 MS. TEKESTE: No.

8 MR. ADAMS: Okay. Did he sit down
9 at your table at any point?

10 MS. TEKESTE: No, he didn't, no.

11 MR. ADAMS: Okay. So he was
12 pouring out drinks. Were you all drinking
13 together?

14 MS. TEKESTE: Yes. We were drink
15 -- I took a couple of sips. Yes, we were all
16 drinking.

17 MR. ADAMS: Okay. You took a
18 couple of sips of the Moet?

19 MS. TEKESTE: Moet, yes.

20 MR. ADAMS: And Mahlet, did she
21 drink at all?

22 MS. TEKESTE: Yes, she was

1 drinking, yeah. She was drinking.

2 MR. ADAMS: Okay.

3 MS. TEKESTE: Yeah.

4 MR. ADAMS: And so was he first
5 speaking with you or with Mahlet or what --

6 MS. TEKESTE: He comes to talk to
7 Mahlet. Then he talks to me, yes.

8 MR. ADAMS: Okay. And so was he
9 flirting with Mahlet as well?

10 MS. TEKESTE: Yeah, he was
11 flirting, yes. Yeah.

12 MR. ADAMS: Okay.

13 MS. TEKESTE: He was flirting.

14 MR. ADAMS: So afterwards -- so
15 after he talked to Mahlet, what did he say to
16 you afterwards?

17 MS. TEKESTE: He want -- he asked
18 for a dance. Later on again he asked for a
19 dance when we all were dancing, when I was
20 dancing with Mike.

21 MR. ADAMS: Okay.

22 MS. TEKESTE: Yes.

1 MR. ADAMS: And Mike, was he your
2 boyfriend? Was he just a friend of yours?

3 MS. TEKESTE: A guy friend.

4 MR. ADAMS: A guy friend.

5 MS. TEKESTE: Yes.

6 MR. ADAMS: Okay. So he -- so
7 later he wanted to dance with you while you
8 were dancing.

9 MS. TEKESTE: Yes.

10 MR. ADAMS: And so what --

11 MS. TEKESTE: He was dancing with
12 Mahlet. I was dancing with Mike.

13 MR. ADAMS: Okay.

14 MS. TEKESTE: So he wanted to take
15 me from Mike and dance with me.

16 MR. ADAMS: And so what happened?
17 Describe what occurred.

18 MS. TEKESTE: So when I said no,
19 Mike kind of got upset and they kind of had
20 this -- you know, they just exchanged some
21 words. Then Sammy left us alone. Then Mike--
22 we came back to our table. After 30 minutes,

1 45 minutes, he told us it's time to go.

2 MR. ADAMS: Now, turn to the
3 reaction. What was Sammy's reaction once
4 Mike, I guess, asked -- I guess refused --

5 MS. TEKESTE: He didn't like the
6 no answer.

7 MR. ADAMS: Okay. He did not like
8 that.

9 MS. TEKESTE: Yeah.

10 MR. ADAMS: All right. So you
11 said that -- so at a certain point he tells
12 you guys to leave. What exactly did he do
13 when he asked you to leave?

14 MS. TEKESTE: He told us to leave
15 and he went upstairs and we followed him. We
16 all followed him.

17 MR. ADAMS: Okay.

18 MS. TEKESTE: Up the stairs.

19 MR. ADAMS: Upstairs to the first
20 floor?

21 MS. TEKESTE: Yeah.

22 MR. ADAMS: All right. So at some

1 point you said you received a bill. When did
2 that occur?

3 MS. TEKESTE: At the second floor.
4 He gave us a check and it was around \$300.

5 MR. ADAMS: All right. And when
6 you say second floor, are you talking about
7 the ground floor?

8 MS. TEKESTE: Yeah.

9 MR. ADAMS: Okay. So what was the
10 conversation at that point?

11 MS. TEKESTE: He keep asking Mike
12 to pay for it. Then I tried to look at the
13 check and, you know --

14 MR. ADAMS: Why was he asking Mike
15 to pay for it?

16 MS. TEKESTE: I don't know.

17 MR. ADAMS: Okay.

18 MS. TEKESTE: I don't know, yeah.

19 MR. ADAMS: And how was he asking
20 Mike to pay for it?

21 MS. TEKESTE: He was just like,
22 you know, go ahead and pay for it and Mike was

1 saying his wallet was downstairs. He left it
2 downstairs.

3 MR. ADAMS: Um-hum.

4 MS. TEKESTE: Yeah. Then that's
5 when I got involved and I start asking him why
6 it was \$300. We didn't order the bottle. And
7 he was even drinking from the bottle.

8 MR. ADAMS: Okay.

9 MS. TEKESTE: So we got in this
10 heated argument, exchanged some words. Then
11 that is when the security slapped me on the
12 face and told me not to talk to Sammy like
13 that.

14 MR. ADAMS: Okay. So the security
15 guard. Now, can you describe how the security
16 guard looked? Was he a big guy, small guy?

17 MS. TEKESTE: He was a big guy.
18 Yeah, tall.

19 MR. ADAMS: Okay.

20 MS. TEKESTE: Yes.

21 MR. ADAMS: So what exactly
22 happened? I mean, you were arguing or you are

1 talking? Well, let's say you were arguing
2 with, who we are calling, Sammy. You were
3 arguing with Sammy. How does he approach you?
4 Does he come in quickly?

5 MS. TEKESTE: He told me to stay
6 away, to stay out of it. It was between him
7 and Mike.

8 MR. ADAMS: The security guard is
9 telling you?

10 MS. TEKESTE: No, no, no, Sammy.

11 MR. ADAMS: Sammy is telling you
12 to stay out of it?

13 MS. TEKESTE: Yeah, then I kept --
14 well, I kept arguing with Sammy. Then we
15 start exchanging some words. Then that's when
16 the security slapped me and said don't talk to
17 Sammy like that.

18 MR. ADAMS: Okay. And so, in
19 fact, at some point you did speak with one of
20 our ABRA Investigators, Investigator Lawson.
21 Is that correct?

22 MS. TEKESTE: Yes.

1 MR. ADAMS: So there is a
2 statement "Bitch, don't talk to my friend like
3 that." Do you recognize that statement?

4 MS. TEKESTE: Yes.

5 MR. ADAMS: Okay. And what -- and
6 who stated that?

7 MS. TEKESTE: The security.

8 MR. ADAMS: All right. And when
9 you say he slapped you, I mean, what exactly
10 did he do?

11 MS. TEKESTE: He slapped me in my
12 face.

13 MR. ADAMS: Did he take an open
14 hand?

15 MS. TEKESTE: Yes.

16 MR. ADAMS: And take it across
17 your -- one of your cheeks?

18 MS. TEKESTE: Yes.

19 MR. ADAMS: Okay. And then what
20 occurred?

21 MS. TEKESTE: Then Mike got
22 involved. He got really upset. Then he start

1 -- you know, he start arguing with the
2 security and the security start pushing us out
3 the door. So I left my phone on the bar and
4 while he was pushing us out, Sammy snatched
5 the cash I had in my hands and he locked the
6 door. Then that's when I started kicking on
7 the door asking for my phone and I was really
8 angry.

9 MR. ADAMS: How much cash was it?

10 MS. TEKESTE: Close to \$200.

11 MR. ADAMS: All right. So he
12 snatched it out of your hand. So when you
13 said pushing, describe what you mean by
14 pushing.

15 MS. TEKESTE: He was just like
16 pushing us out.

17 MR. ADAMS: Was he putting his
18 hands on you?

19 MS. TEKESTE: His hands, yes. Me
20 and Mike.

21 MR. ADAMS: He put his hands on
22 you and Mike and he --

1 MS. TEKESTE: Yes.

2 MR. ADAMS: -- literally pushed
3 you physically with his hands --

4 MS. TEKESTE: Yes.

5 MR. ADAMS: -- out?

6 MS. TEKESTE: Yes.

7 MR. ADAMS: All right. So and
8 this is the front door. When you say the
9 front door, is this the door on the corner of
10 Georgia Avenue and Geranium Street?

11 MS. TEKESTE: Yes.

12 MR. ADAMS: Okay. All right. So
13 what did you do once you were pushed out the
14 door? Or what -- actually, what did they do
15 once he got you out of the establishment?

16 MS. TEKESTE: He locked the door.

17 MR. ADAMS: Okay. And were other
18 people within the establishment once he locked
19 the door?

20 MS. TEKESTE: It was him, his
21 mother, you know, the DJ and -- I believe the
22 DJ was there. I'm not sure, but it was just

1 me, Mahlet and Mike got kicked out and he
2 locked the door.

3 MR. ADAMS: Okay. So once he
4 locked the door, what did you do again?

5 MS. TEKESTE: I start kicking and
6 banging on the door.

7 MR. ADAMS: And why were you doing
8 that?

9 MS. TEKESTE: I wanted my phone.
10 And I was just mad that we --

11 MR. ADAMS: Was he there that he--
12 did Sammy or anyone else see you, could they
13 hear you?

14 MS. TEKESTE: Yes. They can hear
15 me. They were ignoring me, so I kept banging.

16 MR. ADAMS: And so you weren't --
17 so what happened to the door?

18 MS. TEKESTE: It cracked.

19 MR. ADAMS: You cracked it?

20 MS. TEKESTE: Yes.

21 MR. ADAMS: Okay. All right. So
22 what happened once you cracked the door?

1 MS. TEKESTE: Then Sammy came out
2 really mad. He came out. He was just coming
3 at me. Then Mike just jumped in. Then when
4 he jumped in, he hit Mike and a couple of guys
5 came out and they started jumping him.

6 MR. ADAMS: All right. So in
7 terms of, when you say he came out, did --
8 now, Sammy, did he come out through the front
9 door?

10 MS. TEKESTE: The front door, yes.
11 He came out the front door.

12 MR. ADAMS: And what did he say to
13 you?

14 MS. TEKESTE: He looked like he
15 wanted to attack me, but he jumped -- Mike
16 jumped in.

17 MR. ADAMS: Okay. So what exactly
18 did Sammy do to Mike?

19 MS. TEKESTE: He hit him in the
20 face and he fell. Then a couple of guys came
21 and they just started jumping him.

22 MR. ADAMS: All right. And so

1 when you say a couple, was it literally two
2 people who came?

3 MS. TEKESTE: About four people.

4 MR. ADAMS: All right. About
5 four?

6 MS. TEKESTE: Four people, yes.

7 MR. ADAMS: And where did they
8 come from?

9 MS. TEKESTE: I don't know. I
10 think from one of the houses from the back of
11 the restaurant.

12 MR. ADAMS: All right.

13 MS. TEKESTE: Yes.

14 MR. ADAMS: And so you said
15 jumping.

16 MS. TEKESTE: And the security was
17 involved, too.

18 MR. ADAMS: Okay. So the bouncers
19 was involved as well?

20 MS. TEKESTE: Yeah.

21 MR. ADAMS: All right. And so
22 what exactly was going on with -- when you say

1 jumping, what do you mean by jumping?

2 MS. TEKESTE: He --

3 MR. ADAMS: What actual actions?

4 MS. TEKESTE: He was curling up on
5 the floor and they were kicking him like from
6 the back, front, head. So I told Mahlet call
7 the police and I, basically, tried to take
8 Sammy off of him. So when I grabbed Sammy
9 from his -- from the back, he turned around
10 and just pushed me to the -- basically, from
11 the sidewalk to the street.

12 So when I -- I tried to hold
13 myself back and that's when I broke my wrist.

14 MR. ADAMS: All right. So when --
15 so well, you said that you had to pull back
16 Sammy. Why were you -- what was Sammy doing,
17 at that time?

18 MS. TEKESTE: Sammy was kicking
19 Mike in the face.

20 MR. ADAMS: He was kicking Mike in
21 the face?

22 MS. TEKESTE: Yes.

1 MR. ADAMS: All right. And how
2 many times was he kicking Mike in the face?

3 MS. TEKESTE: They were just going
4 at it and he was bleeding. Once I looked at
5 the blood, I just wanted to get him off of
6 him.

7 MR. ADAMS: Was Mike able to
8 defend himself, at this point?

9 MS. TEKESTE: He was just -- no.
10 He was just --

11 MR. ADAMS: He was on the ground?

12 MS. TEKESTE: Yes, he was on the
13 ground.

14 MR. ADAMS: All right. And so
15 when you said that you grabbed him, did you
16 put -- what exactly -- did you put your hands
17 on Sammy on the back?

18 MS. TEKESTE: Yeah. From the back
19 and I just tried to pull him off.

20 MR. ADAMS: And why were you doing
21 this?

22 MS. TEKESTE: Because I don't want

1 to have Mike to be hurt. I don't want him to
2 die, because --

3 MR. ADAMS: Did you have any fear
4 that Mike would die?

5 MS. TEKESTE: Yes, because they
6 were really, really like hitting him hard.

7 MR. ADAMS: So you said that Sammy
8 turned around and pushed you?

9 MS. TEKESTE: Yeah, he just turned
10 around and pushed me, so --

11 MR. ADAMS: So describe that. Did
12 he take two hands?

13 MS. TEKESTE: Two hands.

14 MR. ADAMS: Where did he place his
15 two hands?

16 MS. TEKESTE: On my chest.

17 MR. ADAMS: On your chest?

18 MS. TEKESTE: Yes.

19 MR. ADAMS: All right. And how
20 did you fall?

21 MS. TEKESTE: I literally jumped
22 from the sidewalk to Georgia Avenue street.

1 MR. ADAMS: So you went from the
2 sidewalk to Georgia Avenue, off the curb?

3 MS. TEKESTE: Yes. Off the curb,
4 yes.

5 MR. ADAMS: All right. And so
6 what occurred, what happened to you as a
7 result of falling off the curb?

8 MS. TEKESTE: I broke my right
9 hand, my wrist.

10 MR. ADAMS: So you broke your
11 wrist?

12 MS. TEKESTE: Yes.

13 MR. ADAMS: And so in terms of
14 breaking a wrist, I mean, are you -- as a
15 result of breaking your wrist, I mean, did you
16 have to go to the hospital that night?

17 MS. TEKESTE: Yes, I did stay in
18 the hospital overnight and ended up with
19 surgery.

20 MR. ADAMS: All right.

21 MS. TEKESTE: Yes.

22 MR. ADAMS: And how many surgeries

1 have you had as a result?

2 MS. TEKESTE: I had one surgery
3 and I had a plate and eight screws put in.

4 MR. ADAMS: All right.

5 CHAIRPERSON MILLER: What did you
6 say?

7 MS. TEKESTE: I had a plate and
8 eight screws. Eight screws.

9 CHAIRPERSON MILLER: Eight screws,
10 okay.

11 MR. ADAMS: And based upon -- I
12 mean, how -- what's the impact of Sammy
13 pushing you off the curb? What's the impact
14 today? How does it affect you currently?

15 MS. TEKESTE: I don't have my --
16 it's not normal any more. It's just -- you
17 know, I still struggle with it.

18 MR. ADAMS: Are you talking about
19 your wrist?

20 MS. TEKESTE: Yes.

21 MR. ADAMS: Can you describe your
22 wrist? Do you -- what do you have in your

1 wrist right now?

2 MS. TEKESTE: It's a plate and
3 eight screws.

4 MR. ADAMS: All right. And I'll
5 ask you, can you hold up your right arm? And
6 do you still have a scar from --

7 MS. TEKESTE: Yes.

8 MR. ADAMS: -- that? All right.

9 MS. TEKESTE: Yes.

10 MR. ADAMS: Is the only reason you
11 have a scar -- did you have a scar prior to
12 this incident?

13 MS. TEKESTE: No.

14 MR. ADAMS: All right. Let me see
15 if I have any other questions. Now, at any
16 point, were you able to retrieve your phone?

17 MS. TEKESTE: Yes. The officer
18 got it for me.

19 MR. ADAMS: Okay. And the reason
20 that you are here is because, obviously, I
21 subpoenaed you for this hearing.

22 MS. TEKESTE: Yes.

1 MR. ADAMS: But did you have a
2 reason that you wanted to testify, in
3 particular, or why did you want to testify in
4 front of the Board?

5 MS. TEKESTE: Because a criminal
6 case, he become -- he was not guilty. He was
7 found not guilty. So I just wanted, you know,
8 justice, yeah.

9 MR. ADAMS: And in terms of the --
10 so in terms of -- and I'll get back to the
11 assault and while you were pushed. But in
12 terms of Mike, so, obviously, you are saying
13 that Sammy did kick him about his face and
14 there were three other people who were also
15 kicking him and punching him and things of
16 that sort?

17 MS. TEKESTE: Yes.

18 MR. ADAMS: All right. And you
19 believe that they came from within the
20 establishment?

21 MS. TEKESTE: I believe they came
22 from one of those houses.

1 MR. ADAMS: All right. And this
2 may have all resulted from the fact that you
3 didn't want to dance with, who you believe
4 was, the owner of the establishment?

5 MS. TEKESTE: I don't believe -- I
6 don't know if that's the main reason, but the
7 main reason for me was about the bill. The
8 bill was -- he charged us for the bottle.

9 MR. ADAMS: And it was over \$300?

10 MS. TEKESTE: Yes.

11 MR. ADAMS: All right.

12 MS. TEKESTE: Really.

13 MR. ADAMS: I have, let me see, no
14 further questions for Ms. Tekeste.

15 CHAIRPERSON MILLER: Okay. Are
16 there Board questions? Mr. Alberti?

17 MEMBER ALBERTI: Good afternoon,
18 Ms. Tekeste. Thank you for coming. So you
19 and your friends were served drinks at the
20 establishment?

21 MS. TEKESTE: Yes.

22 MEMBER ALBERTI: On which floor?

1 MS. TEKESTE: The lower floor.

2 MEMBER ALBERTI: On the lower
3 floor.

4 MS. TEKESTE: Yes.

5 MEMBER ALBERTI: I think you
6 testified that you had gone upstairs to talk
7 to somebody?

8 MS. TEKESTE: On the phone, yes.

9 MEMBER ALBERTI: On the phone.
10 Why did you go upstairs to talk --

11 MS. TEKESTE: The reception is not
12 good downstairs.

13 MEMBER ALBERTI: Okay. When you
14 went upstairs, what's upstairs?

15 MS. TEKESTE: It's where the bar
16 is. There is a bar and there is a kitchen
17 right behind it.

18 MEMBER ALBERTI: Okay. Were there
19 people being served upstairs?

20 MS. TEKESTE: No.

21 MEMBER ALBERTI: At that time?

22 MS. TEKESTE: No. It was just

1 only his mother sitting there.

2 MEMBER ALBERTI: Okay. So there
3 were no customers that you know of upstairs?

4 MS. TEKESTE: No.

5 MEMBER ALBERTI: Okay. Good.
6 Okay. Okay. So let's go down to you are
7 pretty angry and you are kicking at the door
8 and you shatter the glass. Was the glass
9 still in tact after you shattered it?

10 MS. TEKESTE: I didn't even know I
11 shattered it. I heard it while I was kicking
12 the door. I didn't even know I did it.

13 MEMBER ALBERTI: Okay.

14 MS. TEKESTE: Yes.

15 MEMBER ALBERTI: All right. Was
16 the door locked?

17 MS. TEKESTE: Yes, it was locked.

18 MEMBER ALBERTI: And that's why
19 you were banging it?

20 MS. TEKESTE: Yes, because my
21 phone was in there.

22 MEMBER ALBERTI: So the owner who

1 we are calling Sammy, how did he come out?

2 Through that front door? Through a side door?

3 How did he come out?

4 MS. TEKESTE: He came out the
5 front door.

6 MEMBER ALBERTI: How did he get
7 out if it was locked?

8 MS. TEKESTE: He opened it and
9 came out.

10 MEMBER ALBERTI: He unlocked it?

11 MS. TEKESTE: He unlocked it.

12 MEMBER ALBERTI: To come out?

13 MS. TEKESTE: Yes.

14 MEMBER ALBERTI: Okay. All right.
15 Did he at any point tell you that he called
16 the police?

17 MS. TEKESTE: To be honest with
18 you, to this day, I don't know who called the
19 police, because to me it seems like my own
20 friend was holding back from calling the
21 police on him.

22 MEMBER ALBERTI: Okay. So Sammy--

1 okay. So I'll take that as Sammy didn't tell
2 you he called the police.

3 MS. TEKESTE: No.

4 MEMBER ALBERTI: Is that correct?

5 MS. TEKESTE: No, he didn't tell
6 me, no.

7 MEMBER ALBERTI: Okay. Great.
8 Thank you. What's the first thing he did when
9 he came out?

10 MS. TEKESTE: He was just -- he
11 came out -- I think he was trying to hit me.

12 MEMBER ALBERTI: So the first
13 thing he --

14 MS. TEKESTE: When he unlocked the
15 door.

16 MEMBER ALBERTI: -- did was
17 approach you?

18 MS. TEKESTE: Yes. He was just
19 coming at me. Then Mike jumped in.

20 MEMBER ALBERTI: Okay. Did he say
21 anything to you, to your party when he first
22 came out?

1 MS. TEKESTE: No, no. He was just
2 so angry. He was just coming at me.

3 MEMBER ALBERTI: Okay.

4 MS. TEKESTE: Then after he hit
5 Mike, he was cursing at Mike while hitting
6 him.

7 MEMBER ALBERTI: Okay. I have no
8 further questions. Thank you.

9 CHAIRPERSON MILLER: Others? I
10 have a few. Thank you for coming in. I just
11 want to understand the time frame. When the
12 four -- you said there were like four people
13 that were beating up Mike?

14 MS. TEKESTE: Yes.

15 CHAIRPERSON MILLER: Was that
16 after they came out after you kicked the door
17 or --

18 MS. TEKESTE: After I kicked the
19 door.

20 CHAIRPERSON MILLER: Right.
21 After, okay. And you said they came from one
22 of those houses?

1 MS. TEKESTE: Yes.

2 CHAIRPERSON MILLER: What's that
3 mean?

4 MS. TEKESTE: They came out of
5 nowhere, like from the back of the restaurant.

6 CHAIRPERSON MILLER: Oh, okay.
7 And it sounds like you were the last ones to
8 leave. Is that right? Because you said
9 nobody else was there.

10 MS. TEKESTE: Nobody else was
11 there.

12 CHAIRPERSON MILLER: So what time
13 was it about? Was it closing time or before
14 that?

15 MS. TEKESTE: They close at 3:00
16 a.m., so what time we got there or what --

17 CHAIRPERSON MILLER: No.

18 MS. TEKESTE: -- time we leave?

19 CHAIRPERSON MILLER: No, that you
20 were the only ones left.

21 MS. TEKESTE: When we got there it
22 was just us.

1 CHAIRPERSON MILLER: Oh, okay.

2 MS. TEKESTE: Yeah. There was no
3 one, yeah.

4 CHAIRPERSON MILLER: There was no
5 one there, even though it was before closing?

6 MS. TEKESTE: Yeah. Yeah, it was
7 no one was there.

8 CHAIRPERSON MILLER: Okay. The
9 criminal case. Do you know why he was found
10 not guilty?

11 MS. TEKESTE: Because my friend,
12 she didn't want to show up because she was
13 underage drinking and she thought she would
14 get herself in trouble. And I don't know if
15 she was scared of him, because I know she did
16 get a couple of phone calls from him, so she
17 didn't show up. I didn't have no witness.

18 CHAIRPERSON MILLER: Oh, okay.

19 MS. TEKESTE: Yeah.

20 CHAIRPERSON MILLER: And what
21 happened to Mike? I mean, you were describing
22 that he was down on the ground.

1 MS. TEKESTE: Yeah.

2 CHAIRPERSON MILLER: And people
3 were kicking him and then you got pushed to
4 the curb or out --

5 MS. TEKESTE: Yes.

6 CHAIRPERSON MILLER: So how did it
7 end with him?

8 MS. TEKESTE: Mike, he was -- he
9 wanted me to press charges. After two weeks
10 passed, he told me I need to drop the charges.
11 So I don't know if they became friends. They
12 all backed out.

13 CHAIRPERSON MILLER: What happened
14 to him injury-wise?

15 MS. TEKESTE: Injury, he didn't
16 want to get treated. He didn't want to get
17 treatment. He just -- yeah.

18 CHAIRPERSON MILLER: He was okay?

19 MS. TEKESTE: Yeah. He had blood
20 all over his face, but he didn't want to get
21 help.

22 CHAIRPERSON MILLER: He had what,

1 blood all over his face?

2 MS. TEKESTE: He had blood over
3 his face, yes.

4 CHAIRPERSON MILLER: Okay. And
5 who talked to the police? Did you?

6 MS. TEKESTE: We all talked to the
7 police.

8 CHAIRPERSON MILLER: You all
9 talked to the police. Okay. Good. Okay.
10 That's pretty traumatic, I think. All right.
11 So, yes, I think your testimony is very
12 important in this case. So thank you very
13 much.

14 Do you have any follow-up?

15 MR. ADAMS: No follow-up.

16 CHAIRPERSON MILLER: Okay.

17 MR. ADAMS: Well, two follow-up
18 questions.

19 Now, you stated that you believe
20 that Sammy called Mahlet after the fact. How
21 do you know that?

22 MS. TEKESTE: She did tell me he

1 had called her.

2 MR. ADAMS: And do you -- what did
3 she say was the nature of that conversation?

4 MS. TEKESTE: He told her I got
5 what I deserved.

6 MR. ADAMS: Say what? Sorry. Can
7 you, please, say --

8 MS. TEKESTE: I did get what I
9 deserved. I deserve it, basically, what
10 happened to me.

11 MR. ADAMS: Okay.

12 MS. TEKESTE: Yes.

13 MR. ADAMS: And in terms of Mike,
14 do you -- now, you stated that he suddenly
15 changed his mind in terms of you pressing
16 charges. What do you know about that
17 relationship or whether or not Mike was
18 contacted by Sammy?

19 MS. TEKESTE: I don't know. The
20 last thing he told me is he doesn't want to
21 snitch. He is not a snitch.

22 MR. ADAMS: Okay.

1 MS. TEKESTE: And I believe they
2 are friends now. Yeah.

3 MR. ADAMS: All right. And the
4 last question and hopefully the Board lets me
5 -- gives me indulgence on this. Once you fell
6 to the ground, once you fell to the curb and
7 onto the ground, did you observe anything else
8 regarding Sammy once you fell?

9 MS. TEKESTE: He tried to hit me.

10 MR. ADAMS: He tried to hit you?

11 MS. TEKESTE: Yes.

12 MR. ADAMS: While you were on the
13 ground?

14 MS. TEKESTE: Yes.

15 MR. ADAMS: All right. I have no
16 further questions for Ms. Tekeste.

17 CHAIRPERSON MILLER: Okay.
18 Actually, I just want to ask you one other
19 question.

20 Do you have any reason to fear
21 from testifying here today?

22 MS. TEKESTE: Yes.

1 CHAIRPERSON MILLER: Do you want
2 to just say something?

3 MS. TEKESTE: I was clearly
4 scared, because he was not guilty, so if he
5 can get away with that, if he finds out I did
6 this or if he loses his liquor license, he
7 might get really mad and come after me,
8 basically.

9 CHAIRPERSON MILLER: Okay. Well,
10 thank you for coming.

11 MS. TEKESTE: Thanks.

12 CHAIRPERSON MILLER: Okay.

13 MR. ADAMS: All right. Thank you.

14 MS. TEKESTE: Thanks.

15 MR. ADAMS: And you are excused.

16 CHAIRPERSON MILLER: Best of luck.

17 MR. ADAMS: I'm sorry. Is she
18 excused?

19 CHAIRPERSON MILLER: She is
20 excused, yes.

21 (Whereupon, witness was excused.)

22 MR. ADAMS: Take care.

1 MS. TEKESTE: Thank you.

2 MEMBER ALBERTI: Thank you for
3 coming.

4 MR. ADAMS: The District's last
5 witness is Investigator Tyrone Lawson or
6 Tyrone Lawson, I should say.

7 MR.: Still investigator for
8 capacity.
9 Whereupon,

10 TYRONE LAWSON
11 was called as a witness by Counsel for the
12 Government, and having been first duly sworn,
13 assumed the witness stand and was examined and
14 testified as follows:

15 CHAIRPERSON MILLER: Okay. Good
16 to see you. Okay.

17 DIRECT EXAMINATION

18 MR. ADAMS: Mr. Lawson, can you
19 please state your name and spell it for the
20 record?

21 MR. LAWSON: Tyrone Lawson, T-Y-R-
22 O-N-E L-A-W-S-O-N.

1 MR. ADAMS: Mr. Lawson, you are
2 currently employed by the District of Columbia
3 Government, correct?

4 MR. LAWSON: Yes.

5 MR. ADAMS: And you currently are
6 with the Department of Consumer and Regulatory
7 Affairs?

8 MR. LAWSON: That's correct.

9 MR. ADAMS: As of July 2012, you
10 were employed by the Alcoholic Beverage
11 Regulation Administration. Is that correct?

12 MR. LAWSON: That's correct.

13 MR. ADAMS: And in terms of this
14 matter regarding Sunshine Bar & Lounge and
15 what occurred on July 13, 2012, you are
16 familiar with that case?

17 MR. LAWSON: Yes.

18 MR. ADAMS: Is that correct? All
19 right. So and, Investigator Lawson, on July
20 13, 2012, did you -- when did you go to the
21 establishment?

22 MR. LAWSON: Excuse me. I was

1 assigned to go to the establishment to
2 investigate a call we received or my
3 supervisor received from the Metropolitan
4 Police Department regarding an incident that
5 had occurred that morning.

6 MR. ADAMS: Okay. I'm going to
7 hand to Investigator Lawson what is marked as
8 -- for identification purposes as District's
9 Exhibit No. 2.

10 (Whereupon, the document was
11 marked as Government Exhibit No. 2
12 for identification.)

13 MR. ADAMS: Can I, please,
14 approach the witness?

15 CHAIRPERSON MILLER: Yes.

16 MR. ADAMS: Investigator Lawson,
17 do you recognize what is marked for
18 identification purposes as District's Exhibit
19 No. 2?

20 MR. LAWSON: Yes.

21 MR. ADAMS: And how do you
22 recognize it?

1 MR. LAWSON: This is the
2 investigative report that I prepared for the
3 Alcoholic Beverage Regulation Board for the
4 incident that occurred at Sunshine Bar &
5 Lounge on July 13, 2012.

6 MR. ADAMS: And after looking at
7 it, is it a true -- or is it a true and
8 accurate version of the Investigator report
9 that you completed in this matter?

10 MR. LAWSON: Yes.

11 MR. ADAMS: All right. I would
12 like to have what is marked as Exhibit No. 2
13 introduced as evidence.

14 CHAIRPERSON MILLER: Okay. It's
15 admitted.

16 (Whereupon, the document marked as
17 Government Exhibit No. 2 was
18 received in evidence.)

19 CHAIRPERSON MILLER: Could you
20 remind me what was Exhibit 1?

21 MR. ADAMS: Exhibit 1 was the
22 police report which was already -- it's a

1 police report that was signed by -- or was
2 done -- written by Officer Beeler, that was
3 Exhibit 1. But it's also an exhibit within
4 Exhibit 2 or as an attachment within Exhibit
5 2.

6 CHAIRPERSON MILLER: Okay. Right.

7 MR. ADAMS: So, Investigator
8 Lawson, did you arrive there much later that
9 day? Was it like 11:40 p.m.?

10 MR. LAWSON: Yes.

11 MR. ADAMS: All right.

12 MR. LAWSON: 11:40 in the
13 afternoon.

14 MR. ADAMS: and what did you
15 observe once you arrived at the establishment?

16 MR. LAWSON: Well, I went to the
17 establishment with Investigator, at that time,
18 Brian Molloy, and we entered Sunshine Bar &
19 Lounge and identified ourselves as ABRA
20 Investigators. As soon as we entered the
21 establishment, I noticed activity was going on
22 on the second floor, on the second level.

1 With my prior knowledge of this
2 establishment, I knew that they had a Board
3 Order denying them the use of the second floor
4 for alcohol entertainment.

5 MR. ADAMS: How did you know this
6 Board Order existed?

7 MR. LAWSON: Basically, from
8 previous cases I have held with the
9 establishment, particularly undercover
10 operations with the establishment to determine
11 if they were continuing with use of the second
12 floor.

13 MR. ADAMS: All right.

14 MR. LAWSON: For entertainment--

15 MR. ADAMS: Is that --

16 MR. LAWSON: -- and alcoholic
17 beverage service.

18 MR. ADAMS: Out of curiosity, did
19 you include this Board Order in your
20 investigative report?

21 MR. LAWSON: Yes.

22 MR. ADAMS: All right. Pardon me

1 for interrupting you on that. Okay. So what
2 -- so you noticed that there was stuff going
3 on the second floor. Then what did you --

4 MR. LAWSON: Yes, sir. We
5 proceeded to the second floor and I had myself
6 and Investigator Molloy gather, collect
7 evidence, take photographs and -- of the
8 activities that were occurring on the second
9 floor with regards to alcoholic beverage
10 sales, service and consumption and the
11 entertainment.

12 MR. ADAMS: And what did you
13 observe specifically?

14 MR. LAWSON: That they had a DJ.
15 They had -- actually had a person that was
16 manipulating disc jockey equipment and that
17 they were -- the patrons were -- or had been
18 provided hookahs and were smoking hookahs,
19 hookah pipes and alcoholic beverage
20 containers, open containers were on the tables
21 and being served, sold to patrons on the
22 second floor.

1 MR. ADAMS: All right. And what
2 did you do once you made that observation?

3 MR. LAWSON: We spoke to the
4 owner's son, Hailu Yeneneh, on the second
5 floor.

6 MR. ADAMS: Okay.

7 MR. LAWSON: And he, basically,
8 escorted us to the kitchen, so that we could
9 have a little more privacy, a little more --
10 less noise. And when we got down to the
11 kitchen, I observed the owner, Ms. Kidane,
12 behind the bar.

13 And once we went into the kitchen,
14 I asked to speak to Ms. Kidane. And I asked
15 her why was she having alcoholic beverages
16 sold, served and consumed on the second floor
17 and entertainment when her Board Order denied
18 her the use of the second floor. So she had
19 no comment about that.

20 MR. ADAMS: All right. Now, after
21 you spoke with Ms. Kidane, did you speak with
22 Mr. Yeneneh --

1 MR. LAWSON: Yes.

2 MR. ADAMS: -- specifically? All
3 right.

4 MR. LAWSON: Yes. I spoke with
5 Mr. Yeneneh regarding the assault or alleged
6 assault that had occurred that morning.

7 MR. ADAMS: All right. Now,
8 obviously, he gave you his side of the story.
9 He did confirm for you that there was a
10 dispute regarding a bill. Is that correct?

11 MR. LAWSON: Yes.

12 MR. ADAMS: All right. And that
13 there was an argument?

14 MR. LAWSON: Yes.

15 MR. ADAMS: All right. Now, what
16 did he say -- did you ask him regarding this
17 allegation that a security guard assaulted Ms.
18 Tekeste?

19 MR. LAWSON: Yes. I asked him
20 about it. His response was, basically, that
21 the security guy was there and Ms. Tekeste had
22 picked up a beer bottle off of the table and

1 appeared to be lifting it to strike, I can't
2 remember if it was, him or Mr. Houston, his
3 security personnel.

4 And so I think one of them grabbed
5 her wrist to prevent him from swinging or
6 hitting him with the bottle. She dropped the
7 bottle, but for some reason he said that after
8 this particular incident occurred, he
9 instructed the security person, Mr. Houston,
10 to end his tour of duty and leave the
11 premises.

12 MR. ADAMS: All right. Now, in
13 terms -- now, Mr. Houston, who is Mr. Houston?

14 MR. LAWSON: He was a security
15 officer or security staff that was on duty.

16 MR. ADAMS: And is this Mr.
17 Houston Brown? Is that his name?

18 MR. LAWSON: Yes.

19 MR. ADAMS: Why did he -- he
20 identified his name to you. Did he -- did you
21 discuss with him on the fact that -- I guess
22 was there any conversation regarding the

1 identification of Mr. Brown?

2 MR. LAWSON: Yeah, there was a
3 discussion with regards to him not identifying
4 Mr. Brown to the police.

5 MR. ADAMS: Oh, really? And what
6 was said?

7 MR. LAWSON: Police officers. He
8 said he told me he didn't tell the police
9 officers Mr. Brown's name.

10 MR. ADAMS: Why not?

11 MR. LAWSON: As I recall, he
12 mentioned something about not trusting the
13 police.

14 MR. ADAMS: All right. And
15 actually, I'm going to refer you to your
16 Investigator report.

17 MR. LAWSON: Um-hum.

18 MR. ADAMS: Somewhere midway in
19 that first paragraph, let me just one, two,
20 three, four, five, six. Okay. Seven lines up
21 on the first -- from the bottom of the first
22 paragraph. Are you with me?

1 MR. LAWSON: Okay.

2 MR. ADAMS: All right. So you
3 said he said that he did not trust police
4 officers. What else did he tell you, at that
5 time?

6 MR. LAWSON: What page are we on?
7 2?

8 MR. ADAMS: Page 3.

9 MR. LAWSON: Okay. And --

10 MR. ADAMS: Seven lines up from
11 the bottom of the first paragraph.

12 MR. LAWSON: From the first
13 paragraph?

14 MR. ADAMS: Yeah, the bottom, from
15 the bottom.

16 MR. LAWSON: Yeah. He stated that
17 he only told the police officers that Mr.
18 Brown had left the establishment and went
19 home. He said he didn't -- he told the police
20 he didn't know who Mr. Brown was.

21 MR. ADAMS: Okay. So he admits
22 this to you?

1 MR. LAWSON: Yes, he told me that.
2 He told me, he say, he admitted that he lied
3 to the police pretty much.

4 MR. ADAMS: I mean, was he --

5 MR. LAWSON: Because he told them
6 he didn't --

7 MR. ADAMS: -- joking at the time?

8 MR. LAWSON: -- know him.

9 MR. ADAMS: Is there anything to
10 indicate that he was joking with you?

11 MR. LAWSON: No.

12 MR. ADAMS: He was joshing with
13 you?

14 MR. LAWSON: No, he was serious.

15 MR. ADAMS: All right.

16 MR. LAWSON: He was serious. He
17 told me Mr. Brown's name, but he told me
18 specifically that he intentionally didn't tell
19 the police Mr. Brown's name.

20 MR. ADAMS: All right. That's why
21 I'm not going to have you go through
22 everything within your report regarding that.

1 Now, you also said, at some point,
2 you spoke with a gentleman named, I guess, and
3 this is page 4, Samew Mennoken?

4 MR. LAWSON: Yes.

5 MR. ADAMS: Who is he?

6 MR. LAWSON: Mr. Mennoken was
7 actually a witness that was listed on the
8 Metropolitan Police Department 251 report. He
9 was driving his taxi cab in the area when he
10 observed commotion of a bunch of people
11 disorderly and appeared to be fighting in
12 front of the establishment.

13 MR. ADAMS: All right. And what
14 did he observe in terms of what was going on
15 in front of the establishment?

16 MR. LAWSON: Basically, that that
17 was just it, that he observed. He did see a
18 female fall to the ground. He did say that.
19 He saw an unknown female fall to the ground.

20 MR. ADAMS: Did he also see a
21 male?

22 MR. LAWSON: Yeah, he saw -- yes,

1 he saw a male, I think a group of males, that
2 had been assaulting a male.

3 MR. ADAMS: Okay.

4 MR. LAWSON: Or appeared to be
5 assaulting a male.

6 MR. ADAMS: And who -- and when he
7 saw a female fall to the ground, did he
8 remember who pushed her to the ground?

9 MR. LAWSON: No. I specifically
10 asked him if he could identify and he said it
11 happened too fast and it was dark and he
12 couldn't identify. He just knows he saw a
13 female fall to the ground as if she was
14 forced.

15 MR. ADAMS: Okay. Now, within the
16 investigative report you have -- you include
17 exhibits, correct?

18 MR. LAWSON: Yes.

19 MR. ADAMS: All right. Exhibits
20 2, 3 and 4 of your report, what do we see in
21 those exhibits? And was this taken on the
22 night that you and Investigator Molloy went to

1 the establishment?

2 MR. LAWSON: Yes.

3 MR. ADAMS: All right.

4 MR. LAWSON: Yes.

5 MR. ADAMS: And what's the
6 significance of the photos?

7 MR. LAWSON: These are photographs
8 that were taken on the second floor after we
9 entered the establishment.

10 MR. ADAMS: Okay. Exhibit 2 is --
11 it looks like there is a few pages. Did you--
12 could you describe the establishment? I mean,
13 is this all on the second floor?

14 MR. LAWSON: Yes. This is a table
15 that was on the second floor. Just a close-up
16 view to show the open alcoholic beverage
17 containers and the hookah pipes.

18 MR. ADAMS: All right.

19 MR. LAWSON: Hookah pipe.

20 MR. ADAMS: Was it crowded or --

21 MR. LAWSON: In my opinion, it
22 was, yes.

1 MR. ADAMS: All right. And
2 Exhibit 4, what's in Exhibit 4?

3 MR. LAWSON: Exhibit 4 is a
4 photograph of the DJ equipment that was being
5 manipulated by a male who was standing behind
6 the equipment at the time. I don't think he
7 was there at the time this photograph was
8 taken.

9 MR. ADAMS: All right. Now, sir,
10 Exhibit 7, what are we seeing here?

11 MR. LAWSON: Exhibit 7 is a
12 photograph of the front entrance, the Georgia
13 Avenue and Geranium Street corner entrance of
14 Sunshine Bar & Lounge.

15 MR. ADAMS: All right. And that
16 just pretty much represents the photograph of
17 such?

18 MR. LAWSON: Yes.

19 MR. ADAMS: All right. And then
20 8, what -- why did you take a -- or what is 8?

21 MR. LAWSON: 8 is a close-up
22 picture of the front door, the glass that had

1 been, basically, shattered.

2 MR. ADAMS: I'm sorry. I
3 apologize. And when you were taking this, you
4 were taking the photo from inside pointing
5 out?

6 MR. LAWSON: Actually this was
7 outside pointing in.

8 MR. ADAMS: Outside pointing in?

9 MR. LAWSON: Yes.

10 MR. ADAMS: Okay. All right. Was
11 the door open at that time?

12 MR. LAWSON: No.

13 MR. ADAMS: Okay. Okay. All
14 right. And I guess Exhibits 9 and 10, what
15 are those?

16 MR. LAWSON: These are photographs
17 of the closed circuit TV monitor that was on
18 premises in the second floor. And No. 10 is
19 the same.

20 MR. ADAMS: And why did you take a
21 photo of those -- of the monitor, the security
22 monitor?

1 MR. LAWSON: Well, because at the
2 time, I didn't know whether the monitor was
3 working or not, so I wanted to have --
4 document that -- or documentation that they
5 did have a monitor on the premises and what
6 the monitor showed in terms of the camera
7 positions and locations inside the
8 establishment.

9 MR. ADAMS: Did you ask either Ms.
10 Kidane or Mr. Yeneneh --

11 MR. LAWSON: I spoke to Ms. Kidane
12 regarding the function of the closed circuit
13 TV camera system that was installed in
14 Sunshine Bar & Lounge. She told me that the
15 system did not record.

16 MR. ADAMS: The system did not
17 record?

18 MR. LAWSON: Did not record.

19 MR. ADAMS: Not even for one
20 minute or second. I have no further questions
21 for Mr. Lawson or Investigator Lawson.

22 CHAIRPERSON MILLER: Okay. Are

1 there Board questions? I do. I have one.
2 When you went to the second floor --

3 MR. LAWSON: Yes, ma'am.

4 CHAIRPERSON MILLER: -- did you
5 see actual service of drinks?

6 MR. LAWSON: Yes, ma'am.

7 CHAIRPERSON MILLER: Oh, you did.
8 Okay. Not just that there were open
9 containers.

10 MR. LAWSON: No. They were
11 serving. I'm trying to remember if actually
12 I saw Mr. Yeneneh serving alcohol, but I did
13 see there was a wait staff that was up on the
14 second floor that was actually serving.

15 CHAIRPERSON MILLER: Okay. You
16 took pictures of the monitor, so they could
17 see what was going on on the monitors, but it
18 wasn't recording. Is that it?

19 MR. LAWSON: Yes, ma'am.

20 CHAIRPERSON MILLER: Okay. And do
21 you know whether they have taken action to
22 correct that?

1 MR. LAWSON: They have not.

2 CHAIRPERSON MILLER: Okay.

3 MR. LAWSON: Well --

4 CHAIRPERSON MILLER: To your
5 knowledge?

6 MR. LAWSON: -- at the time this
7 report was written, I contacted Ms. Kidane
8 several times, because she told me that she
9 was going to speak to a technician to see if
10 she could have it functioning to record. And
11 on several occasions, she told me that it
12 hadn't been done. And the last time I spoke
13 with her regarding that, was that she said
14 that she was told it couldn't be done with the
15 kind of equipment that she had.

16 CHAIRPERSON MILLER: Okay. And
17 finally, the taxi driver that was the witness?

18 MR. LAWSON: Yes, ma'am.

19 CHAIRPERSON MILLER: Did you
20 identify him through the police?

21 MR. LAWSON: Yes, ma'am.

22 CHAIRPERSON MILLER: Okay.

1 MR. LAWSON: He was listed on the
2 police report as a witness and I spoke to him.
3 I called his telephone number. He actually
4 told me that, you know, he was a taxi cab
5 driver and he had no association with anything
6 that occurred at Sunshine Bar. He didn't
7 visit that night. He was just driving on
8 Georgia Avenue and saw.

9 I think he specifically said what
10 drew his attention was that he saw the female
11 fall to the ground pretty much on the street
12 in front of him. So he stopped and called the
13 police and attempted to render some
14 assistance.

15 CHAIRPERSON MILLER: And one other
16 thing. Do you know was ABRA contacted that
17 evening or after?

18 MR. LAWSON: I don't know what
19 time of day it was that they were contacted or
20 if -- as I recall I think from the police
21 report, they notified Chief Jackson that
22 morning.

1 CHAIRPERSON MILLER: Um-hum, okay.

2 MR. LAWSON: And it would have
3 been relayed to my team that was on the night
4 work assignment for that day. So when it
5 actually was, you know, communicated to my
6 superior, I don't know.

7 CHAIRPERSON MILLER: Okay. All
8 right. Thank you. This was really a very
9 excellent report.

10 MR. LAWSON: Thank you very much.

11 CHAIRPERSON MILLER: Thank you
12 very much. Okay. Anybody else? Okay. Any
13 follow-up?

14 MR. ADAMS: No. It was an
15 excellent report. I have no further
16 questions.

17 CHAIRPERSON MILLER: Thank you.
18 You are excused.

19 MR. LAWSON: Thank you very much.

20 (Whereupon, witness was excused.)

21 CHAIRPERSON MILLER: Okay.

22 MR. ADAMS: All right. They all

1 were. I assume -- well, do you want me to
2 pursue --

3 CHAIRPERSON MILLER: Does that
4 conclude your --

5 MR. ADAMS: I'm sorry, that
6 concludes the District's case.

7 CHAIRPERSON MILLER: Your
8 witnesses and your exhibits?

9 MR. ADAMS: And my exhibits.

10 CHAIRPERSON MILLER: Okay.

11 MR. ADAMS: Everything.

12 CHAIRPERSON MILLER: And let me
13 see. Okay. Do you have a closing?

14 MR. ADAMS: Yes, I do.

15 CHAIRPERSON MILLER: Okay.

16 MR. ADAMS: I have a closing
17 argument.

18 CHAIRPERSON MILLER: Okay.

19 MR. ADAMS: Well, I mean, frankly,
20 I think it is high time that this case has
21 come here. Frankly, I have had -- we have had
22 three -- we have several cases on this

1 establishment and there is two more pending,
2 but, obviously, this is the most serious of
3 the cases.

4 Obviously, it's high time for this
5 case -- this establishment's license to be
6 revoked. I mean, there may be things outside
7 of this hearing that may be at play, but
8 regarding the -- why this establishment's
9 owners are not being represented at this
10 hearing, but nevertheless, in a very short
11 period, this establishment has committed
12 several primary tier violations and has had
13 more than one run-in with the police
14 department regarding silly issues like this.

15 In summary, I would say that this
16 establishment is owned by Ms. Kidane, but
17 although it's owned by Ms. Kidane, it's not
18 really managed by Ms. Kidane. And
19 unfortunately the person that it is managed
20 by, manages it as if similarly to a petulant
21 little child who loses his -- who once he
22 loses his temper decides who can come in and

1 out of the establishment and this includes
2 police officers as well.

3 The Board can -- as noted in the
4 notice, the Board should take notice,
5 administrative notice of the fact that where
6 the Board did make a warning to this
7 establishment, granted this did happen after
8 this incident occurred, but the warn the
9 establishment based upon access that occurred
10 on April 1, 2012.

11 And this is where Mr. Hailu or Mr.
12 Yeneneh engaged in a violent incident with
13 police officers, including refusing them
14 access to the establishment for whatever his
15 reasons were at the time.

16 However, you see that there is a
17 pattern that Mr. Yeneneh has a temper. He has
18 a temper from when he doesn't get his way and
19 from when people do not participate with him
20 on certain things.

21 So the first charge here was
22 whether or not the establishment was used for

1 unlawful, disorderly purpose. And I believe
2 that there is sufficient evidence to make that
3 finding.

4 You have heard the testimony from
5 both -- from Ms. Tekeste, which was quite
6 compelling, regarding what occurred. That she
7 went there with her underage -- her friend,
8 who happens to be under the legal drinking
9 age, that both of them were served at the
10 establishment. That Mr. Yeneneh who held
11 himself out to be the owner of the
12 establishment, you know, tried to engage with
13 them socially and served them alcohol, alcohol
14 that they had not ordered.

15 That once he was -- his -- certain
16 advances were rejected and a friend tried to
17 protect the female patron in a certain way,
18 again, he reacted impishly and decided to
19 become angry regarding the situation and as a
20 result tried to charge these patrons \$300 and
21 some odd dollars or over \$300 for alcoholic
22 beverages.

1 So and then after he charged them,
2 well, naturally, you would think there would
3 be some form of dispute would occur after you
4 have been rejected by a female. He was then
5 confronted. While it is not challenged here
6 by the establishment, but it appears as though
7 the patron, the female patron was slapped by
8 the security guard in the face.

9 And that both her and her friends,
10 the male patron, Mike, and another female
11 patron, were physically pushed from the
12 establishment by this bouncer, had their hands
13 placed upon them. Now, granted there was a
14 dispute.

15 There was yelling. There was
16 cursing, but still, nevertheless, this is all
17 caused in the end by this person who is
18 essentially the manager/owner, who again was
19 drinking at that time, who really wasn't
20 acting in that term of being a protector of
21 the establishment, but more or less trying to
22 have his own social -- more of a social role

1 in terms of what he was doing.

2 So he does that. He locks the
3 front door. The persons had wallets and cell
4 phones within -- still within the
5 establishment. They, of course, she might not
6 have been right for kicking the door until it
7 shattered, but, obviously, naturally she was
8 angered by what occurred.

9 But again, what occurred is that
10 the owner/manager of this establishment came
11 out to physically assault a female patron.
12 And once someone protected her, he, along with
13 others who apparently were compatriots,
14 physically assaulted a male patron. And
15 particularly kicking someone in the head to
16 appoint injury and then turning around and
17 pushing Ms. Tekeste into Georgia Avenue, by
18 the way, and to the extent that she broke her
19 wrist, in which she is still recuperating from
20 the effects of what Mr. Hailu did that day.

21 We will never know why the male
22 patron wouldn't participate, but even with him

1 saying that he wasn't attacked by Mr. Hailu,
2 it seems pretty clear that he had injuries to
3 his face and his bleeding, that something
4 happened to him. So we have that
5 corroboration from the very fact that the
6 person appeared with injuries to the face.

7 But the thing that is very
8 important which goes to Charge 2 is another
9 primary tier offense.

10 During a hot investigation, during
11 a current investigation about what occurred
12 and why there was a crowd of people on the --
13 in front of the establishment and why a male
14 patron was on the ground and why he was
15 bleeding and why Ms. Tekeste will insist that
16 she was assaulted, he was asked a very simple
17 question. It's like well, who is this
18 bouncer? Who -- you know, for right or wrong,
19 who is the bouncer?

20 This so-called owner tells the
21 police department that he was not -- that he
22 did not know the name of the person that

1 worked for him, which is by far incredible.
2 But unfortunately, it was even alluded to in
3 Officer Beeler's testimony, it was routine.
4 A routine thing of obstruction and, for lack
5 of a better term, tomfoolery that was engaged
6 in by this owner/manager.

7 And then this owner/manager then
8 admits to the Investigator -- actually
9 admitting would be the wrong term. Just bold-
10 facially tells our Investigator that he
11 doesn't trust the police officers, so during
12 the investigation it wasn't important for him
13 to identify the name of the person who was
14 involved in the situation.

15 So even though he -- this owner/
16 manager does not actually own the license, he
17 pretty much could put -- really gives you a
18 reason why a kibosh has to be placed upon this
19 license, regardless of what's going on. This
20 license has to be taken from or eliminated so
21 that this, how can I say it, record of
22 silliness does not start somewhere else.

1 And so for Charge 3, which is very
2 simple, Investigator Lawson was able to see
3 that there was, again, entertainment coming
4 from the second floor, which was in direct
5 violation of the Board's Order.

6 I don't think I can say it
7 strongly enough. This establishment has shown
8 a history or this license has shown a history
9 of being completely unreliable, completely
10 ignorant of the rules, completely -- taking
11 actions that completely are inconsistent with
12 public safety.

13 Even though this happened a year
14 ago, I think with it being including the other
15 case that was heard by the Board today, the
16 Board finds both those cases to be -- have
17 merit, that would be the fifth primary tier
18 violation, is appropriate for this license to
19 be revoked.

20 CHAIRPERSON MILLER: Thank you. I
21 have a question for you.

22 MR. ADAMS: Sure.

1 CHAIRPERSON MILLER: I just want
2 to know is it your view that lying to the
3 police is interference with an investigation?

4 MR. ADAMS: It is indeed. I
5 believe that is almost inherently interference
6 in an investigation, especially in the sense
7 of this case. The question was consistent to
8 further this investigation of an assault.

9 If the victim stated that she was
10 assaulted and they asked the name of the
11 person pursuant to an assault, in this case,
12 it blocked the police department from being
13 able to further investigate, at the time, the
14 person could have been counted upon.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. All right. I'm going to close the
17 record, at this time.

18 And do you wish to file proposed
19 findings of fact and conclusions of law?

20 MR. ADAMS: The District does not
21 believe that filing any -- that filing post-
22 hearing pleadings would be necessary.

1 CHAIRPERSON MILLER: Okay. Yes,
2 um-hum. Thank you. We have a pretty thorough
3 report here and witnesses. Okay.

4 And that completes this case. And
5 we are going to be issuing an order within 90
6 days.

7 MR. ADAMS: Thank you.

8 CHAIRPERSON MILLER: Thank you.
9 And so now, I'm going to read the instructions
10 and take the vote on deliberating the two
11 cases in closed session.

12 As Chairperson of the Alcoholic
13 Beverage Control Board for the District of
14 Columbia and in accordance with Section 405 of
15 the Open Meetings Amendment Act of 2010, I
16 move that the ABC Board hold a closed meeting
17 for the purpose of seeking legal advice from
18 our counsel on Cases No. 12-CMP-00054 and No.
19 12-251-00243, both involving Sunshine Bar &
20 Lounge, per Section 405(b)(4) of the Open
21 Meetings Amendment Act of 2010, and
22 deliberating upon these cases for the reasons

1 cited in Section 405(b)(13) of the Open
2 Meetings Amendment Act of 2010.

3 Is there a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks
6 has seconded the motion. I'll now take a roll
7 call vote on the motion before us now that it
8 has been seconded.

9 Mr. Brooks?

10 MEMBER BROOKS: I agree.

11 CHAIRPERSON MILLER: Mr. Alberti?

12 MEMBER ALBERTI: I agree.

13 CHAIRPERSON MILLER: Ms. Miller
14 agrees.

15 Mr. Silverstein?

16 MEMBER SILVERSTEIN: I agree.

17 CHAIRPERSON MILLER: Mr. Jones?

18 MEMBER JONES: I agree.

19 CHAIRPERSON MILLER: It appears
20 that the motion has passed by a 5-0-0 vote.
21 I hereby give notice that the ABC Board will
22 hold a closed meeting in the ABC Board

1 conference room today or next week pursuant to
2 the Open Meetings Amendment Act of 2010 and
3 issue an order within 90 days.

4 Okay. Thank you very much.

5 MR. ADAMS: Thank you very much.

6 Have a good evening.

7 CHAIRPERSON MILLER: Thank you.

8 You, too. So that, oh, wait a second,
9 completes our hearings for this afternoon.

10 (Whereupon, the Show Cause Hearing
11 in the above-entitled matter was concluded at
12 5:20 p.m.)

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