

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
: :
Solomon Enterprises, LLC :
t/a Climax Restaurant & Hookah :
Bar :
900 Florida Avenue, NW :
Retailer CT : Fact Finding
License No. 88290 : Hearing
ANC 1B :
Operating After Hours :
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July 11, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT

VINCENT PARKER, ABRA

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

2 2:08 p.m.

3 CHAIRPERSON MILLER: Good afternoon. We're
4 back on the record for a fact finding hearing. And
5 first of all, I want to say thank you very much for
6 waiting. I'm sorry we're starting this one a little
7 later because our morning went longer this morning.

8 Okay. So this is Case No. 12-CMP-00106,
9 Climax Restaurant & Hookah Bar, located at 900 Florida
10 Avenue, N.W., License No. 88290, and ANC 1B. Would the
11 -- looks like the party could come forward to the
12 table. And did you sign in? There's a piece of paper
13 there for you to sign in so we get the spelling of your
14 name right. And then could you identify yourself for
15 the record?

16 MR. YEGZAW: Right. I'm Solomon Yegzaw, the
17 owner of the Climax --

18 CHAIRPERSON MILLER: Okay.

19 MR. YEGZAW: -- Restaurant.

20 MR. NOPHLIN: Do me a favor. Put that
21 microphone up near you.

22 MR. YEGZAW: It's on. It's on. Right.

1 MR. NOPHLIN: Thank you.

2 CHAIRPERSON MILLER: Okay. And, Mr. Parker,
3 would you identify yourself?

4 MR. PARKER: My name is Vincent Parker. I'm
5 an ABRA investigator.

6 CHAIRPERSON MILLER: Okay. As I stated,
7 this is a fact finding hearing. We don't take evidence
8 or sworn testimony. At these types of hearings we just
9 take in information, statements people want to make, or
10 ask questions, to determine whether or not either no
11 further action should be taken, that we're settled that
12 this was okay, or whether we may send it to the Office
13 of Attorney General for them to determine whether a
14 Show Cause Hearing is necessary.

15 So for now, I think we'll start with our
16 investigator to hear what this is about. And you can
17 ask him questions and then the Board can ask him
18 questions. And then if you have any statements you want
19 to make, you'll have that opportunity too. Okay. Why
20 don't we start with Mr. Parker then?

21 MR. PARKER: Thank you, Madam Chair. On
22 Sunday, February 26th, 2012, at approximately 3:15 a.m.

1 I was driving in the area near Climax Restaurant &
2 Hookah Bar, located at 900 Florida Avenue, N.W. As I
3 was driving past the front of the establishment, I
4 observed two females enter the establishment and go up
5 the stairs to the second floor of the establishment. I
6 then parked my vehicle up the block near the gas
7 station and walked down towards Climax.

8 I got to the front door of the establishment
9 and there were three security guards standing outside.
10 I identified myself to the three security guards and
11 requested to see the ABC manager or owner. One of the
12 security guards immediately, upon seeing my badge and
13 hearing my identification, ran upstairs to the second
14 floor of the establishment. I followed up the -- up
15 the stairs to the second floor of the establishment.

16 And on the second floor of the establishment
17 I observed approximately 15 patrons inside the
18 establishment. There was a bottle of alcohol on the
19 table. I reached for my camera, tried to take a
20 picture. The people started to scurry out of the way
21 and move. It was relatively dark inside of the
22 establishment. But I did observe the alcoholic

1 beverage being consumed.

2 After I had snapped the picture, which is
3 attached to my report as Exhibit No. 2, I talked to the
4 security guard, who I had seen run up the stairs, and
5 asked him where was the ABC manager or owner. He
6 stated he did not know. I asked loudly to the group,
7 was the ABC manager or owner present. No one
8 responded. And then I turned to exit the
9 establishment. As I was exiting the establishment, I
10 indentified a male who I had met at Climax Restaurant &
11 Hookah previously.

12 I spoke to the male and asked him was the ABC
13 manager or owner present. He basically ignored my
14 question and stated he didn't know -- or he expressed
15 that he didn't understand my question when I had spoken
16 to him previously. So I just left the establishment.
17 The next day, being Monday, February 27th, I returned
18 to Climax Restaurant & Hookah. I entered the
19 establishment and I saw the same male who had ignored
20 my previous question on the night before or the
21 Saturday night before Sunday night.

22 I saw him at the establishment working. I

1 advised him that I was an ABRA investigator and asked
2 for the ABC manager or owner. He then telephoned a
3 male who identified himself as Mr. Solomon, last name,
4 Y-E-G-Z-A- W. Mr. Solomon stated that -- on the
5 telephone to me stated that he was the owner of the
6 establishment. And at that time I telephonically
7 notified Mr. Solomon that on the night before, Climax
8 was observed operating after the ABC Board -- ABC
9 Board-approved hours.

10 In addition to operating after the ABC Board-
11 approved hours, which end at 3:00 a.m., Climax
12 Restaurant & Hookah Bar were also in violation of the
13 voluntary agreement, which is on file for the
14 establishment. The voluntary agreement, which is on
15 file for Climax Restaurant & Hookah Bar was actually
16 signed by the previous owner, who operated the
17 establishment known as Bella.

18 On February 1st, 2012, there was a transfer
19 from Bella to Climax Restaurant & Hookah Bar. And as a
20 common practice, the voluntary agreement also
21 transferred as part of that transfer and does apply.
22 The voluntary agreement states that the applicant

1 agrees that the establishment will be shut down and
2 completely vacated, except for routine maintenance and
3 clean up, by closing time each night.

4 Applicant agrees that there will be no after-
5 hours activity in the establishment. And, like I said,
6 that voluntary agreement was signed by Michael, last
7 name, N-A-I-Z-G-H-I, who operated Bella at the same
8 location as Climax.

9 As I'm here today, I have Exhibit 2 in my
10 investigative report, which is the photograph. And it
11 appears that one of the males on the photograph is
12 sitting here next to me. And the male in the white
13 shirt's standing here. In the picture -- in the middle
14 of the picture is the gentleman who identified himself
15 as Mr. Solomon, sitting here now.

16 CHAIRPERSON MILLER: Does he have your
17 investigative report?

18 MR. PARKER: He would have been served with
19 the report when he was issued notice of this hearing.

20 CHAIRPERSON MILLER: Okay. Good. Mr.
21 Solomon, did you --

22 MR. YEGZAW: Yeah.

1 CHAIRPERSON MILLER: Okay. You saw the
2 report?

3 MR. YEGZAW: Right. I remember that day.

4 CHAIRPERSON MILLER: Do you want to him
5 questions or anything or do you want to just speak?

6 MR. YEGZAW: Well, yeah. I'll make an
7 assessment.

8 CHAIRPERSON MILLER: Oh, I'm sorry. Would
9 you hold on a minute? Mr. Alberti wants to ask Mr.
10 Parker some questions first.

11 MR. YEGZAW: Sure.

12 MR. ALBERTI: Mr. Parker, the picture that
13 you took that's attached to your report that was taken
14 the night of your first visit?

15 MR. PARKER: Yes, yes.

16 MR. ALBERTI: Okay.

17 MR. PARKER: At 3:15.

18 MR. ALBERTI: And the night of your second
19 visit -- and so then did this individual talk to you
20 that night?

21 MR. PARKER: Well, the second visit was
22 during the day on Monday.

1 MR. ALBERTI: No, but this first visit. Did
2 --

3 MR. PARKER: The first visit, the gentleman
4 in the white shirt I didn't talk to. I talked to the
5 other gentleman, who I had met previously at Climax.

6 MR. ALBERTI: Was it your impression that
7 this gentleman standing in this picture, who was not
8 only sitting here, was --

9 MR. PARKER: It's my impression now. At the
10 time, I didn't know he --

11 MR. ALBERTI: No. But that evening -- was it
12 your impression that evening that he heard you and was
13 aware of your presence?

14 MR. PARKER: Yes, sir. He was aware of my
15 presence. And he heard what I was saying.

16 MR. ALBERTI: Okay. Your second visit, was
17 that during operating hours?

18 MR. PARKER: There weren't any patrons inside
19 the establishment when I came back on Monday. There
20 was -- there was primarily staff. And they were, I
21 guess, cleaning or watching TV or something.

22 MR. ALBERTI: Okay. Thank you.

1 CHAIRPERSON MILLER: Other? I'll just ask a
2 couple right now then, too. Did you ask who was -- "Is
3 the owner here," or "Who's the owner," and

4 MR. PARKER: Yes. I asked it loudly to the
5 group. I initially asked the security guard, who I'd
6 seen run up the stairs. I asked him was the ABC
7 manager on the premises. He said he didn't know. Then
8 I asked the group, "Is the ABC manager on the present?"

9 CHAIRPERSON MILLER: Okay.

10 MR. PARKER: "Is anyone here the owner?
11 Who's in charge" --

12 CHAIRPERSON MILLER: Okay.

13 MR. PARKER: -- those kind of questions. And
14 there wasn't any response.

15 CHAIRPERSON MILLER: Okay. And then also you
16 said that there was alcohol being served?

17 MR. PARKER: Well, they were -- they were
18 sitting at the table consuming it.

19 CHAIRPERSON MILLER: And what was --

20 MR. PARKER: There was a -- there was a
21 bottle. The picture -- once I got there and started
22 taking pictures, people started moving around. And it

1 wasn't clear for me to get a picture of the alcoholic
2 beverage but they were consuming alcohol from a bottle
3 into cups - - in glasses.

4 CHAIRPERSON MILLER: Do you know what it was?

5 MR. PARKER: I don't recall.

6 CHAIRPERSON MILLER: I mean, do you think it
7 was, like, wine versus --

8 MR. PARKER: I think it was spirits. It was
9 possibly Johnnie Walker. I don't know. I'm not sure
10 of that.

11 CHAIRPERSON MILLER: Okay. Any other
12 questions? Okay. Mr. Jones?

13 MR. JONES: Thank you, Madam Chair. Was the
14 only activity going on upstairs in that area the
15 consumption of alcoholic beverage or were they engaged
16 in other activities as well, such as, perchance was
17 there a DJ? Was there music playing, any dancing, any
18 smoking, any activities other than what you noted?

19 MR. PARKER: I focused on the alcohol
20 service. But I -- it appears from the picture that
21 there are hookah pipes on the table. I don't remember
22 the music being playing -- being loud at that time.

1 MR. JONES: Okay.

2 MR. PARKER: Could have been background music
3 but I do observe the hookah pipes being in the picture.

4 MR. JONES: Okay. So there are hookah pipes
5 there. There are -- you -- are you making the
6 statement that you believe the hookah pipes were being
7 used?

8 MR. PARKER: Yes.

9 MR. JONES: Okay. So the activity engaged
10 in, consumption of alcoholic beverage, hookah pipes
11 were being engaged as well. So it seemed fairly clear,
12 in your estimation, that they were in operation?

13 MR. PARKER: Yes, sir. Definitely.

14 MR. JONES: Okay. Or at least they were in a
15 stance of being in operation?

16 MR. PARKER: Yes, sir.

17 MR. JONES: Okay. Thank you. Thank you,
18 Madam Chair.

19 MR. NOPHLIN: Madam Chair?

20 CHAIRPERSON MILLER: Yes, Mr. Nophlin?

21 PARTICIPANT: Oh, I'm sorry.

22 MR. NOPHLIN: Okay. And Vincent Parker, to

1 piggyback on the Board's question, so you -- would you
2 go over that again? You saw somebody run up the steps?

3 MR. PARKER: Yes, sir.

4 MR. NOPHLIN: And you followed them?

5 MR. PARKER: Yes, sir.

6 MR. NOPHLIN: And the person refused to talk
7 with you when you -- when you got up there?

8 MR. PARKER: Well, when I got to -- after I
9 had tried to get a picture of the people inside the
10 establishment, I then turned to the security guard and
11 asked him who was the ABC manager or owner. He stated
12 he didn't know.

13 MR. NOPHLIN: Okay. And --

14 MR. PARKER: And then --

15 MR. NOPHLIN: -- the security guard was there
16 at the top of the steps when you -- when you --

17 MR. PARKER: Yes. Yeah, well, he was still
18 upstairs while I was upstairs.

19 MR. NOPHLIN: Okay. And what happened after
20 that?

21 MR. PARKER: So after I asked him, then I
22 asked the group. So I just made a statement. It

1 wasn't -- that's why --

2 MR. NOPHLIN: The group -- the group in the
3 pictures here?

4 MR. PARKER: Yes. And there were -- there
5 were other patrons off to the right of this picture.
6 It's relatively dark in that area. So there are other
7 people inside this establishment other than the ones
8 sitting here. And I asked loudly or, you know, in a
9 clear voice, "Is the ABC manager or owner here," to the
10 group. And no one responded.

11 MR. NOPHLIN: About how many people would you
12 say were there?

13 MR. PARKER: I think it was close to 15 --
14 approximately 15.

15 MR. NOPHLIN: And so the facility itself was
16 upstairs, at least --

17 MR. PARKER: Well, there's an upstairs and a
18 downstairs.

19 MR. NOPHLIN: Was anybody downstairs?

20 MR. PARKER: No, sir.

21 MR. NOPHLIN: Oh, okay. And then the person
22 that's here now is a person that you saw there that was

1 in the picture?

2 MR. PARKER: Well, I'll say he appears to be
3 the same person that's photographed in my Exhibit 2.
4 He resembles the person in Exhibit 2. And I'd, like,
5 you know, to ask him if that was him.

6 MR. NOPHLIN: Okay. Did he indentify
7 himself?

8 MR. PARKER: No, he didn't. When I asked the
9 question to the group, he didn't say anything.

10 MR. NOPHLIN: He didn't say -- he didn't
11 respond to you?

12 MR. PARKER: No, this gentleman did not. No,
13 sir.

14 MR. NOPHLIN: Okay. Thank you, Madam Chair.

15 CHAIRPERSON MILLER: Thank you. And I want
16 to welcome Mr. Silverstein who has just joined us.

17 MR. SILVERSTEIN: Thank you, Madam Chair.

18 CHAIRPERSON MILLER: Okay. And so the
19 picture was taken around 3:15, 3:20, something like
20 that?

21 MR. PARKER: Yeah, it would be after 3:15.

22 CHAIRPERSON MILLER: After -- little after

1 3:15? Okay.

2 MR. PARKER: Yeah.

3 CHAIRPERSON MILLER: All right. Any other
4 questions? Okay. You pronounce your last name Yegzaw
5 or

6 MR. YEGZAW: Yeah.

7 CHAIRPERSON MILLER: Okay. So now, I'll turn
8 to you. You can ask Mr. Parker some questions. You
9 can tell us your side of the story, whatever -- however
10 you choose.

11 MR. YEGZAW: Yeah, the first question -- we
12 met before. I believe he knows me and that I know him,
13 which is before February 26th. So what I saw at that
14 time, he just walking upstairs with two -- I think two
15 other ABRA officers -- and two females, walking
16 upstairs, and start taking a photo. And we were taking
17 alcohols out of there. We had, like, 99, almost 100
18 people that night. It was about 3:09.

19 So we were taking -- we push all the people
20 out. And we were taking all the bottles -- we were
21 cleaning. You don't see any things up there. Probably
22 see six, seven peoples, which is -- those are my

1 managers, my promoters, and some assistant managers.
2 So there is no customers. It's still running security.
3 That's not -- nobody coming inside. That's why you saw
4 -- he saw three securities out there. I never run
5 after -- or I never serve liquor after my time.

6 So that was empty bottles. There is no
7 alcohol in it. So we just -- what we did always --
8 first, I take all the customers and then my promoters
9 and my peoples and then I take the letter. When I say,
10 "Letters," before I end at the time -- so it wasn't --
11 it wasn't after hour. And also, I didn't hear what he
12 sound, "Where is the manager? Where is the ABC
13 agents?"

14 BOARD MEMBER: Right.

15 MR. YEGZAW: I didn't heard that. And also,
16 security know me. I'm the owner. And he knows me.
17 I'm the ABC license manager, so -- which is Mr.
18 (inaudible) and him, they came many times over there.
19 We met them. So they definitely know me and then I know
20 them too. Security also know who's the owner and the
21 manager license but I don't know why that doesn't came
22 up.

1 I'm not -- I'm not sure. And also, I'm not
2 sure who he asked -- the girl. I'm not sure. But
3 everybody knows me who work over there. They know me.

4 CHAIRPERSON MILLER: Did you say you know --
5 you knew Mr. Parker?

6 MR. YEGZAW: Yeah, I know him before February
7 26th.

8 CHAIRPERSON MILLER: So -

9 MR. YEGZAW: Right. We met -- we met in the
10 Climax before that.

11 CHAIRPERSON MILLER: Okay. So when he came
12 up, you didn't go talk to him though?

13 MR. YEGZAW: As soon as he came, he took a
14 shot and then left immediately. And then I went back.
15 I went back. I said -- I asked the security and, "Were
16 are they go?" They park right in front of the door.
17 And they gear it. I'm trying to reach them. But they
18 left sort of quick. And he didn't even -- I mean, I
19 didn't even hear anything -- any words.

20 He say that he want to talk to a manager
21 license. I didn't even hear. What -- they spent
22 probably three or four seconds in there, take a picture

1 and left back. That's where I saw. And, no, so I
2 never refused any officers come through in Climax. I
3 always represent after that and before that too.

4 CHAIRPERSON MILLER: Now, Mr. Brooks?

5 MR. BROOKS: Yeah. Oh, thank you, Madam
6 Chair. I just want to be clear, sir. You said that the
7 people that he saw were your managers?

8 MR. YEGZAW: Yeah.

9 MR. BROOKS: Okay.

10 MR. YEGZAW: This is the manager (inaudible).

11 MR. BROOKS: And how many do you have?

12 MR. YEGZAW: Well, I have two.

13 MR. BROOKS: You have two managers?

14 MR. YEGZAW: Yeah.

15 MR. BROOKS: But now, he said he saw 15
16 people there.

17 MR. YEGZAW: I don't think so -- it was 15
18 people over there.

19 MR. BROOKS: Okay.

20 MR. YEGZAW: It might have included servers
21 and stuff like that but --

22 MR. BROOKS: Okay.

1 MR. YEGZAW: -- I don't see new people in the
2 picture.

3 MR. BROOKS: Right. And do you have a copy
4 of this picture?

5 MR. YEGZAW: I don't.

6 MR. BROOKS: Okay. Show him the picture.
7 Okay.

8 MR. YEGZAW: Yeah, that's all the people who
9 work --

10 MR. BROOKS: Is that you there --

11 MR. YEGZAW: Yeah.

12 MR. BROOKS: -- in the picture?

13 MR. YEGZAW: Yeah.

14 MR. BROOKS: Okay.

15 MR. YEGZAW: I was the one here taking --

16 MR. BROOKS: Yeah. And the rest of the
17 people there are your employees and managers?

18 MR. YEGZAW: Yeah, assistant manager and
19 promoter.

20 MR. BROOKS: And they're all sitting around
21 the table?

22 MR. YEGZAW: Sitting around the table, right.

1 MR. BROOKS: I see. Okay. Thank you, Madam
2 Chair.

3 CHAIRPERSON MILLER: Mr. Alberti?

4 MR. ALBERTI: All right. Is it Mr. Solomon?

5 MR. YEGZAW: Yes.

6 MR. ALBERTI: Is that your -- Mr. Solomon?
7 Okay. When Mr. Parker came in, did you recognize him?

8 MR. YEGZAW: Yeah, I did.

9 MR. ALBERTI: Okay. And did you know that he
10 was an ABRA employee --

11 MR. YEGZAW: Yeah.

12 MR. ALBERTI: -- an investigator?

13 MR. YEGZAW: Yeah.

14 MR. ALBERTI: So you knew that, right?

15 MR. YEGZAW: I knew.

16 MR. ALBERTI: All right. So he's standing
17 there, taking a picture obviously, right?

18 MR. YEGZAW: Right.

19 MR. ALBERTI: You agree with that, right?

20 MR. YEGZAW: Yeah.

21 MR. ALBERTI: You're in the picture. He was
22 taking a picture.

1 MR. YEGZAW: Right.

2 MR. ALBERTI: You knew he was an ABRA
3 investigator?

4 MR. YEGZAW: Well, I didn't expect that, I
5 mean

6 --

7 MR. ALBERTI: Wait, wait, wait, wait. You
8 knew he was an ABRA -- right?

9 MR. YEGZAW: Right.

10 MR. ALBERTI: And you want us to believe that
11 you did not engage him at that point? Is that what
12 you're asking us to believe?

13 MR. YEGZAW: No. The -- what I'm saying is -
14 -

15 MR. ALBERTI: Do you understand my question?

16 MR. YEGZAW: Yeah.

17 MR. ALBERTI: Okay. Go ahead.

18 MR. YEGZAW: Right. The first time when he
19 came upstairs -- and we were farther, from here up to
20 there. It was a little far. He right in front of the
21 door. And I was all the way in the corner between this
22 -- over that wall -- the distance. So he take the shot

1 and then left back with two (inaudible). So I was
2 standing and follow him out. That's why the picture is
3 -- I was standing to reach him.

4 So within two or three seconds to get in the
5 car and pull over. So that's why I was standing to
6 talk to him.

7 MR. ALBERTI: So Mr. Parker ran down the
8 stairs so quickly that you couldn't catch him?

9 MR. YEGZAW: I couldn't catch him.

10 MR. ALBERTI: All right.

11 MR. YEGZAW: Two, three seconds. Taking a
12 picture and he left, no sounds. I didn't even hear it.

13 MR. ALBERTI: I'll be honest with you, Mr.
14 Solomon. I'm not believing a word of it.

15 CHAIRPERSON MILLER: Mr. Parker, do you want
16 to respond at all --

17 MR. PARKER: One thing I'll --

18 CHAIRPERSON MILLER: -- to how long you were
19 there?

20 MR. PARKER: I was there probably -- it was
21 brief. But after I had made the request for a manager
22 or owner and there wasn't any response, I made a

1 determination it was time to leave. I was with two
2 training investigators, as he stated, who were the
3 females. They're not listed on the report because they
4 were trainees at the time.

5 But one thing I would like to add is that --
6 one to thing to clarify is he mentioned a female I
7 talked to but I actually spoke to a male, the male who
8 I met at Climax, who identified himself previously as
9 the manager. I don't remember Mr. Solomon. I remember
10 speaking to the male prior to February 26th, the other
11 male. I'm not sure if they're related or what. And
12 that was the one who I asked -- who I approached and
13 said, "Is the ABC manager or owner here?" And he said
14 he didn't know.

15 So I didn't talk to Mr. Solomon. I will
16 confirm that I wasn't there more than two minutes.
17 Once I got to the top of the stairs and started taking
18 pictures and people started moving around and I make
19 the request, "Is the ABC manager or owner here," the
20 security guard said he didn't know. I said it to the
21 group, "Is the ABC manager or owner here?" There
22 wasn't any response.

1 On my way out I saw the gentleman, who I knew
2 to be the manager. And I talked to him and said, "Is
3 the ABC manager or owner here?" Once he said he didn't
4 know, then I just made the determination that I had
5 enough evidence to leave at that time.

6 CHAIRPERSON MILLER: Okay. Do you know
7 anything -- Mr. Solomon, you know anything about those
8 people saying they didn't know if you were there?

9 MR. YEGZAW: No. The only -- the manager is
10 my brother. So he wasn't there at that time. So the
11 other manager --

12 CHAIRPERSON MILLER: He's the ABC manager
13 other than you; is that it?

14 MR. YEGZAW: The other manager --

15 CHAIRPERSON MILLER: Yeah.

16 MR. YEGZAW: -- who was sitting was me.

17 CHAIRPERSON MILLER: Uh-huh.

18 MR. YEGZAW: So I guess he didn't go to them
19 because they were with me.

20 MR. PARKER: Well, can I ask? When I came
21 back and they called you the day -- the next day, on
22 Monday, who was the person that called you? Was that

1 your brother?

2 MR. YEGZAW: Daytime?

3 MR. PARKER: On Monday, when they called you
4 and I told you that I came there because there was a
5 violation, you were after hours, when we talked on the
6 phone -- when I came to Climax on Monday, the next day,
7 and said -- I had them call you on the phone, who was
8 the person that called you on the phone? That was your
9 brother, right?

10 MR. YEGZAW: Really I don't remember but,
11 usually, if I'm not there, my brother is there.

12 MR. PARKER: Right. And he confirmed at the
13 time that he was there the night before. And I asked
14 him, "Why didn't you talk to me?" And he said -- well,
15 he wasn't answering any of my questions and he just
16 called you.

17 MR. YEGZAW: Well, we usually -- how we work
18 is if I'm there, he's gone home. If he's there, I'm
19 gone home. So, I mean, we work together.

20 CHAIRPERSON MILLER: Mr. Solomon, are you
21 familiar with the voluntary agreement that Mr. Parker
22 cites?

1 MR. YEGZAW: Yeah.

2 CHAIRPERSON MILLER: So it sounds like you
3 were doing more than -- well, do you think you were
4 compliant with that -- the provision that says,
5 "Applicant agrees that the establishment will be shut
6 down and completely vacated, except for routine
7 maintenance and clean up, by closing time each night?
8 Applicant agrees that there will be no after-hours
9 activities in the establishment?" So

10 MR. YEGZAW: Yeah, I agree with that.

11 CHAIRPERSON MILLER: You -- do you agree that
12 you were in compliance with that?

13 MR. YEGZAW: Right. But there is -- there is
14 no after-hour activities. But Avi was the (inaudible).

15 CHAIRPERSON MILLER: So --

16 MR. YEGZAW: But I didn't do any after-hour
17 activities.

18 CHAIRPERSON MILLER: You're saying --

19 MR. YEGZAW: I never did.

20 CHAIRPERSON MILLER: -- that the only thing
21 that was going on was routine maintenance and clean up
22 by your staff?

1 MR. YEGZAW: Mainly clean up and taking the
2 staffs away. I was one of those --

3 CHAIRPERSON MILLER: There were no patrons in
4 your establishment, no clients, no customers?

5 MR. YEGZAW: No, no customers, no clients. I
6 can bring those people. And they've been promote in DC
7 area for a long time. So --

8 MR. PARKER: I have -- I have a question.

9 MR. YEGZAW: -- we do --

10 CHAIRPERSON MILLER: Okay.

11 MR. YEGZAW: When we finish and we do the
12 paperwork together and then, you know, they get whoever
13 there with them.

14 CHAIRPERSON MILLER: What were you doing,
15 paperwork and what?

16 MR. YEGZAW: After we clean up and we do
17 paperwork, that's why we stay a little bit late with
18 them.

19 CHAIRPERSON MILLER: Okay.

20 MR. YEGZAW: So

21 CHAIRPERSON MILLER: Mr. Jones?

22 MR. JONES: Thank you, Madam Chair. So

1 you've seen this picture that we're referring to? It's
2 Exhibit -- or Item 2 of the report. Haven't you seen
3 the picture?

4 MR. YEGZAW: No, I haven't seen it.

5 MR. JONES: Okay. Mr. Investigator Parker -
6 do you mind?

7 MR. YEGZAW: I just -- I just saw it.

8 MR. JONES: Okay. So does this -- does this
9 picture -- is this picture representative of the second
10 floor of your establishment or the -- where the --
11 where Investigator Parker indicated he was talking a
12 picture? Does this look like -- does this look familiar
13 to you?

14 MR. YEGZAW: Yeah, yeah.

15 MR. JONES: Okay.

16 MR. YEGZAW: This is the wall where --

17 MR. JONES: Is this your establishment?

18 MR. YEGZAW: Yeah.

19 MR. JONES: This is the establishment of
20 which you are the owner?

21 MR. YEGZAW: Yeah.

22 MR. JONES: Okay. Do you recall Mr.

1 Investigator Parker being in your establishment, taking
2 this photograph?

3 MR. YEGZAW: Uh-huh.

4 MR. JONES: Okay. So we don't debate that at
5 all?

6 MR. YEGZAW: Right. I mean, yeah, I believe
7 he was there and then he took that picture.

8 MR. JONES: Did you see Investigator Parker
9 taking a picture of your establishment?

10 MR. YEGZAW: Yes.

11 MR. JONES: Does this look like your
12 establishment?

13 MR. YEGZAW: Yeah.

14 MR. JONES: Is this you in this picture?

15 MR. YEGZAW: Yeah.

16 MR. JONES: So are you debating that this is
17 representative of a picture of your establishment?

18 MR. YEGZAW: Well, I agree with that.

19 MR. JONES: Okay. Cool. So this is by --

20 Investigator Parker is indicating that he took this
21 picture after appropriate hours for the service of

22 alcohol. Okay? So that's his statement. When you saw

1 Investigator Parker, do you happen to remember what
2 time it was?

3 MR. YEGZAW: 2:09.

4 MR. JONES: It was 2:09?

5 MR. YEGZAW: It was 2:09. It wasn't 2:15.
6 It's not after 2:15. 2:09.

7 MR. JONES: Okay.

8 MR. YEGZAW: I remember that.

9 MR. JONES: All right.

10 MR. YEGZAW: And then I came in the next day.
11 And then we worked that -- 2:09 -- we have --

12 MR. JONES: And you know how?

13 MR. YEGZAW: How?

14 MR. JONES: Yes. How do you know -- how do
15 you definitely know that it was 2:09?

16 MR. YEGZAW: Because we always close 15
17 minutes early. We stop the music. We stop serving on
18 2:30. I mean, if it is 2:00, we stop the serving it at
19 1:30. So as you see, and nobody --

20 MR. JONES: So what time do you close that
21 night? What time --

22 MR. YEGZAW: 2:00.

1 MR. JONES: -- were you supposed to close
2 that night?

3 MR. YEGZAW: 2:00.

4 MR. JONES: 2:00?

5 MR. YEGZAW: Yeah.

6 MR. JONES: Okay. So it was 2:09?

7 MR. YEGZAW: 2:09.

8 MR. JONES: Okay. And you're also indicating
9 to me that all these individuals were employees of your
10 establishment?

11 MR. YEGZAW: Yeah, my promoters and my
12 employees, my assistant manager.

13 MR. JONES: Is your -- is a promoter an
14 employee of your establishment?

15 MR. YEGZAW: Yeah.

16 MR. JONES: He is -- or he or she is?

17 MR. YEGZAW: In the picture?

18 MR. JONES: Yes.

19 MR. YEGZAW: Yeah.

20 MR. JONES: Okay. So these are all employees
21 of your establishment?

22 MR. YEGZAW: All employees, right.

1 MR. JONES: So how many people were upstairs
2 that night or how many people were involved in this
3 activity that was occurring that night?

4 MR. YEGZAW: Five -- maybe five or six. No
5 more than six people.

6 MR. JONES: Not more than six?

7 MR. YEGZAW: Not more than six.

8 MR. JONES: Does that include yourself?

9 MR. YEGZAW: Including myself.

10 MR. JONES: Include yourself. Okay. So I
11 see - - at a minimum I'm counting seven people in the
12 photograph.

13 MR. YEGZAW: Let's see. One, two, three,
14 four, five, six.

15 MR. JONES: There are six people sitting, two
16 that are facing the camera, three with their backs to
17 the camera, and you standing.

18 MR. YEGZAW: Yeah, I was standing. One, two,
19 three, four, five, six. With the head of the other guy
20 in the back, seven. Yeah, well, I believe -- I know
21 those people -- those people.

22 MR. JONES: You know those people?

1 MR. YEGZAW: Yeah.

2 MR. JONES: Okay. And you're saying that all
3 these people were employees of your establishment?

4 MR. YEGZAW: Yeah.

5 MR. JONES: Okay. Could you do me a favor?
6 What I would like for you to do for me is identify by
7 name, first name and last name. Since they're
8 employees of your establishment, I'm assuming you pay
9 them in some form, whether it's check or otherwise, or
10 you have a W-2 or W-4 or some type of tax record
11 associated with their employment. I want you to
12 identify by first name and last name each one of the
13 individuals in this photograph.

14 MR. YEGZAW: Okay. Well, three of them, it's
15 the promoters.

16 MR. JONES: Identify each of them --

17 MR. YEGZAW: Okay. Let me start --

18 MR. JONES: -- by first name and last name.
19 Let's start with the individuals that are facing the
20 camera.

21 MR. YEGZAW: With the white shirt?

22 MR. JONES: So the individuals that are face

1 -- individuals -- I can see their faces. They're
2 facing the camera.

3 MR. YEGZAW: Okay. Marmay, Devon (ph).

4 MR. JONES: Which one is that?

5 MR. YEGZAW: Well, facing the camera with the
6 red shirt.

7 MR. JONES: Okay.

8 MR. YEGZAW: And next is me.

9 MR. JONES: Okay.

10 MR. YEGZAW: Next with the hair -- long hair
11 is Tizita Grima (ph). And next is Fifi. The next is -
12 -

13 MR. JONES: Last name?

14 MR. YEGZAW: -- Avi.

15 MR. JONES: Well, wait. You didn't give us
16 the last name.

17 MR. YEGZAW: The promoter? I only know --

18 MR. JONES: No, no, no, no. You -- the woman
19 with the red shirt with the long hair, is that the one
20 you were identifying?

21 MR. YEGZAW: Tizita Grima.

22 MR. JONES: Pardon?

1 MR. YEGZAW: Tizita Grima.

2 MR. JONES: Okay.

3 MR. YEGZAW: And Fifi.

4 MR. JONES: Last name?

5 MR. YEGZAW: Fifi. I don't remember her last
6 name.

7 MR. JONES: Who is she? Which one is she in
8 the picture?

9 MR. YEGZAW: She's the promoter in the red
10 shirt.

11 MR. JONES: So there are --

12 MR. YEGZAW: The red.

13 MR. JONES: -- three young ladies with red
14 shirts. Is she the one facing --

15 MR. YEGZAW: Was the --

16 MR. JONES: -- the camera?

17 MR. YEGZAW: Yeah.

18 MR. JONES: Okay. So Fifi?

19 MR. YEGZAW: Fifi.

20 MR. JONES: Okay. That's what you write on
21 the check when you write her a check?

22 MR. YEGZAW: She's a promoter.

1 MR. JONES: You don't pay her?

2 MR. YEGZAW: Well, we pay them when they
3 reach their bar maximum.

4 MR. JONES: Okay. How do you pay them?

5 MR. YEGZAW: I give them a check when they
6 reach

7 --

8 MR. JONES: Okay. Do you keep tax records of
9 what you pay them?

10 MR. YEGZAW: Yeah, I can try.

11 MR. JONES: Okay. So how do you keep
12 records? Is she -- is she a company? What's the name
13 of her company?

14 MR. YEGZAW: Yeah. Her -- I think Five Star
15 Entertainment Promoters.

16 MR. JONES: Okay. So you have a cancelled
17 check to that effect that will represent that?

18 MR. YEGZAW: Well, yeah. We usually give
19 them the cash. And then I present them the check.

20 MR. JONES: Okay. Did --

21 MR. YEGZAW: When there's more than 100
22 people, I give them the check.

1 MR. JONES: You're digging, but okay. Keep
2 going.

3 MR. YEGZAW: And Avi Pegeshall (ph), next in
4 the white shirt.

5 MR. JONES: Okay. So you've named how many
6 individuals? I've counted five so far.

7 MR. YEGZAW: Okay. And the other guy, his
8 name is Alex.

9 MR. JONES: Which other guy? There are two
10 other guys --

11 MR. YEGZAW: Okay.

12 MR. JONES: -- that haven't been named yet to
13 my knowledge.

14 MR. YEGZAW: I can't really see who's that
15 guy. I can't really --

16 MR. JONES: But he's an employee, correct?

17 MR. YEGZAW: Well, I have -- I can't even see
18 clearly his face. So I don't want to give you a wrong
19 name.

20 MR. JONES: Well, I see enough to know that
21 he's wearing glasses. He's black with a short haircut.
22 And he appears to be sitting behind a guy with a gray

1 shirt. So how many guys do you have on your staff that
2 kind of meet that profile?

3 MR. YEGZAW: Well, the promoters, it's a big
4 company. Sometimes it comes with different people.
5 They promote my establishment and they promote some
6 other -- some other --

7 MR. JONES: Okay. So you can't identify that
8 person?

9 MR. YEGZAW: I can't identify.

10 MR. JONES: Is that what you're telling me?
11 Okay. What about the gentleman that appears to be in
12 more of the foreground who has the gray shirt and his
13 head is turned?

14 MR. YEGZAW: Alex.

15 MR. JONES: Alex? Do you know his last name?

16 MR. YEGZAW: I don't know his last name.

17 MR. JONES: You know -- and he's one of your
18 promoters?

19 MR. YEGZAW: Yeah, one of my promoters.

20 MR. JONES: Okay. So of all these
21 individuals, how many of them are promoters?

22 MR. YEGZAW: The -- it's a company of

1 promoters but they --

2 MR. JONES: Of all the individuals that are
3 here, how many are promoters?

4 MR. YEGZAW: Three of them.

5 MR. JONES: Three of them?

6 MR. YEGZAW: Yeah.

7

8 MR. JONES: Okay. And what is the function
9 of the other individuals?

10 MR. YEGZAW: The guy -- he's Avi -- is
11 assistant manager.

12 MR. JONES: Okay.

13 MR. YEGZAW: And Tizita is -- she used to
14 work with me. And at --

15 MR. JONES: So she used to work with you?

16 MR. YEGZAW: Yeah.

17 MR. JONES: What is her role now at your
18 establishment?

19 MR. YEGZAW: I call her sometimes when I need
20 help.

21 MR. JONES: What is her role? Is she an
22 assistant manager? Is she a part owner?

1 MR. YEGZAW: No, server. Server.

2 MR. JONES: She's a server. Okay.

3 MR. YEGZAW: Yeah.

4 MR. JONES: That was her role that night?

5 MR. YEGZAW: Right. Yeah.

6 MR. JONES: Okay.

7 MR. YEGZAW: So I call her. When I need
8 help, I call her up.

9 MR. JONES: Okay.

10 MR. YEGZAW: Right.

11 MR. JONES: And there's one other person. So
12 you said three people were promoters?

13 MR. YEGZAW: Uh-huh.

14 MR. JONES: You've identified two employees,
15 yourself as the owner.

16 MR. YEGZAW: Yeah.

17 MR. JONES: So I need one more.

18 MR. YEGZAW: Right. Fifi also promoter.

19 MR. JONES: Oh, oh, so there's actually four
20 promoters?

21 MR. YEGZAW: Yeah, four, Marmay, Devon, Alex.

22 MR. JONES: Okay. And --

1 MR. YEGZAW: And --

2 MR. JONES: -- were any of these -- were any
3 of these individuals consuming alcoholic beverages?

4 MR. YEGZAW: No. We weren't drink.

5 MR. JONES: No drinks were being consumed?

6 MR. YEGZAW: After that time, no.

7 MR. JONES: After --

8 MR. YEGZAW: after 2:00.

9 MR. JONES: Okay. So were any drinks on the
10 table?

11 MR. YEGZAW: Empty bottles.

12 MR. JONES: Empty bottles?

13 MR. YEGZAW: Which is -- we -- yeah, which is
14 we'd taken them off, empty glass, empty bottles.

15 MR. JONES: You took -- you took them up
16 where?

17 MR. YEGZAW: To -- inside in the bar, which
18 is -- we were on the table. So we're not supposed to
19 be there.

20 MR. JONES: So are -- in this picture you're
21 saying there are no -- there are no glasses on the
22 table?

1 MR. YEGZAW: No. It is all glasses but all
2 empties, which is -- the servers coming around and
3 taking the stuff away.

4 MR. JONES: So if the servers are coming
5 around and taking the stuff away, I'm just -- I'm just
6 trying to follow the sequence -- why are there still
7 glasses on the table? Because you mentioned one person
8 was your server. Of all the people that you named, one
9 person was the server. And if it appears as if that
10 person is sitting down. It doesn't appear that that
11 person is actively clearing the table.

12 MR. YEGZAW: Well, beside these people, we --
13 I have, like, four or five servers.

14 MR. JONES: Oh, so this isn't representative
15 of everyone that was there that night?

16 MR. YEGZAW: No. They represent but they
17 promoters. After they promote, we sit over there.
18 They don't clean. They don't take the stuff away.
19 Servers -- other servers, they do their job.

20 MR. JONES: Okay. So are they here?

21 MR. YEGZAW: Clean --

22 MR. JONES: Were they here that night?

1 MR. YEGZAW: Uh-huh. Yeah, they were there.

2 MR. JONES: And they were here at this time?

3 MR. YEGZAW: Yeah.

4 MR. JONES: So why at 2:09 were the tables
5 not clear if the servers were doing their job?

6 MR. YEGZAW: That -- yeah, that's why they're
7 trying to do. Because a lot of people -- only four
8 servers try to take the stuff away. That's why.

9 MR. JONES: Say that one more --

10 MR. YEGZAW: We had more peoples that night
11 who hadn't (inaudible) so it took us a little more time
12 to clean up. That's why they get them a little bit
13 late.

14 MR. JONES: Okay. Thank you, Madam Chair.

15 CHAIRPERSON MILLER: Uh-huh. Any other
16 questions?

17 MR. ALBERTI: I guess I'm confused, Madam
18 Chair.

19 CHAIRPERSON MILLER: Yeah, go ahead.

20 MR. ALBERTI: Mr. Solomon, these people were
21 cleaning up -- helping you clean up?

22 MR. YEGZAW: No, no. This -- the other

1 servers

2 --

3 MR. ALBERTI: How?

4 MR. YEGZAW: The other servers, they're
5 working -- they -- we're just sitting over there and
6 they come and get it.

7 MR. ALBERTI: All right. But they were
8 consuming alcohol, right?

9 MR. YEGZAW: No, no. We -- after 2:00 we
10 didn't order alcohol. We didn't drink. This has been
11 before that. We order before 2:00 but it's still
12 sitting there until we get a server to get it.

13 MR. ALBERTI: Okay. Mr. Parker, I'm a bit
14 confused. Your report says, "3:15."

15 MR. PARKER: Yeah, he's -- may say, "2:00."
16 But he's -- I think he means 3:00 because it was a
17 Saturday night.

18 MR. YEGZAW: Yeah.

19 MR. ALBERTI: Mr. Solomon?

20 MR. YEGZAW: I mean to say 3:00 --

21 CHAIRPERSON MILLER: Okay.

22 MR. YEGZAW: -- when I -- yeah, I'm so sorry.

1 MR. ALBERTI: Okay. Great.

2 MR. YEGZAW: 3:09.

3 CHAIRPERSON MILLER: Mr. Parker, did you
4 actually see someone drinking alcohol?

5 MR. PARKER: Yes, I did. Yes, I did.

6 CHAIRPERSON MILLER: Who?

7 MR. PARKER: So as I got to the top of the
8 stairs, the people were -- I don't know the description
9 of what they were doing -- obviously scurrying, you
10 know, moving the -- because the security guard had
11 gotten to the top of the stairs. And I guess he
12 advised everyone of my presence. So I got to the top
13 of the steps right after him. And everyone was moving
14 around.

15 And I observed patrons drinking from a glass.
16 So at that time I did observe -- there were -- there
17 were bottles -- when I got to the top of the steps,
18 there were bottles and glasses on this table with ice
19 in them. But as Mr. Solomon described, there were
20 other patrons -- or other individuals inside the
21 establishment at this time, which got to my number of
22 15.

1 And those people were going to clear the
2 table and get rid of some of the alcoholic beverages
3 that were on the table. So

4 CHAIRPERSON MILLER: Okay. So I asked you
5 this before. I just want to ask you one more time.
6 You say that they were alcohol but you couldn't tell me
7 what kind of alcohol. So how do you know it was
8 alcohol as opposed to something else?

9 MR. PARKER: I observed the -- they had a
10 bottle on the table, a bottle of spirit. There was --
11 like I said, of course, the photograph is -- doesn't
12 display. It was dark in the establishment at this time.
13 So this picture was taken actually with my flash.

14 So the bottle was -- by the time I walked
15 over to the table, the bottle wasn't there because of
16 the individuals moving around clean -- clearing the
17 table, cleaning up the establishment, trying to -- I
18 don't know the description -- scurry or clean up
19 whatever they were doing before I got up there.

20 CHAIRPERSON MILLER: So you saw a bottle from
21 a distance that looked like --

22 MR. PARKER: Yes.

1 CHAIRPERSON MILLER: Well, and you said you
2 thought it was spirits?

3 MR. PARKER: Yes.

4 CHAIRPERSON MILLER: Because spirits are in a
5 certain shaped bottle?

6 MR. PARKER: Well, I just identified it being
7 a clear bottle. And it had the -- I believe it had the
8 pourer on the top of the bottle. That's why I made the
9 determination that was some of spirit. The jizzer
10 [sic], I think, is the name for it bartenders use --
11 I'm sure of the exact name -- but the shot-measuring
12 device.

13 CHAIRPERSON MILLER: Yes.

14 MR. YEGZAW: I don't see where is the bottle
15 is. But I see the bottle watering cups. But I don't
16 see where is the -- a bottle in the -- in the picture.

17 CHAIRPERSON MILLER: Right. I think Mr.
18 Parker said it was removed while he was trying to --

19 MR. YEGZAW: After he took the picture or
20 before
21 --

22 CHAIRPERSON MILLER: Before.

1 MR. YEGZAW: -- he took the picture?

2 MR. PARKER: It was probably -- it must have
3 -- it could have been after I'd taken the picture or
4 before. I take -- I've taken -- I took more than this
5 picture on that night. But since it was dark, I'm
6 flashing my camera. All the pictures weren't
7 presentable for a case but this one was. So this is
8 the one I included.

9 MR. YEGZAW: If it is after the picture, it
10 should be in that picture -- the bottle. But I don't
11 see no bottle. But I see plastic cup, plastic -- water
12 and some cups. I don't -- I don't see where is the
13 bottle. I don't see where is the alcoholic.

14 CHAIRPERSON MILLER: But what -- do you
15 recollect what was being drunk?

16 MR. YEGZAW: A glass --

17 CHAIRPERSON MILLER: And --

18 MR. YEGZAW: -- and a cup was there, but no
19 drink on it.

20 CHAIRPERSON MILLER: And what was in the
21 cups?

22 MR. YEGZAW: Yeah. And see, two cups in here

1 and --

2 MR. ALBERTI: No. I think the question was,
3 "What was in -- what was in the cups?"

4 MR. YEGZAW: It was alcohol on it but when we
5 allowed to serve.

6 CHAIRPERSON MILLER: Oh, right.

7 MR. YEGZAW: But after that, completely all.

8 MR. ALBERTI: But there

9 CHAIRPERSON MILLER: Okay. So your testimony
10 is that there was some alcohol in those cups that were
11 being

12 --

13 MR. YEGZAW: Served.

14 CHAIRPERSON MILLER: -- cleaned up -- to be
15 cleaned up? It was old from before 2:00 -- 3:00; is
16 that correct?

17 MR. YEGZAW: Yeah.

18 CHAIRPERSON MILLER: Okay. And just to be
19 clear, Mr. Parker, did you see any patrons coming into
20 the establishment?

21 MR. PARKER: What triggered my attention to
22 the establishment was two females entering the

1 establishment at 3:15.

2 CHAIRPERSON MILLER: Right.

3 MR. PARKER: So that's why initially stopped.

4 The security guards being out front wouldn't have been

5 that much of a red flag for me as much as the patrons.

6 And when I saw two females enter the establishment,

7 that's when I parked there and went in.

8 CHAIRPERSON MILLER: Right. Mr. -- is it

9 Yegzaw or Solomon? How should we --

10 MR. YEGZAW: Either.

11 CHAIRPERSON MILLER: Either one? Okay. Go

12 ahead.

13 MR. YEGZAW: All right. Where are they? Are

14 those two peoples coming in inside or where'd they go,

15 those two people you saw?

16 MR. PARKER: I don't recall what they had on

17 that night.

18 MR. YEGZAW: So you following them and then

19 you go upstairs with them, right? So

20 MR. PARKER: Well, the security guard ran

21 upstairs first. And then I followed them.

22 MR. YEGZAW: So did they join us or did they

1 go somewhere else?

2 MR. PARKER: They went upstairs into the
3 establishment. They didn't come out.

4 MR. YEGZAW: So they're not here in the
5 picture?

6 MR. PARKER: I'm not sure what they had on on
7 the night that I saw them. I was just driving when I
8 saw them -- when I parked. Because that's when I made
9 contact with the security guard and then he ran
10 upstairs.

11 MR. YEGZAW: Well, I don't think -- I never
12 let after we closed -- security never let anybody
13 unless officers. Nobody comes after we close, which is
14 after operating hours. So I don't know. I don't know.
15 He's talking about two females. I don't see them --
16 those people. They were before over there but I don't
17 see nobody's coming after 3:00.

18 CHAIRPERSON MILLER: Okay. And Mr. Parker,
19 you didn't see them again? You saw them come in. That
20 got your attention. And then you don't know what
21 happened to them?

22 MR. PARKER: Well, I didn't focus on those

1 two once I got inside.

2 CHAIRPERSON MILLER: Uh-huh.

3 MR. PARKER: I was trying to -- to be honest,
4 I was trying to get a picture, advise of a violation to
5 leave. So I wasn't focused on where those two females
6 had gone. I just noticed that they weren't security
7 guards and they were going into the establishment. So
8 I parked there and went in.

9 CHAIRPERSON MILLER: And did you try to find
10 the bottle that you were trying to take a picture of?

11 MR. PARKER: At that time, no. I'd observed
12 the alcoholic beverage. So I attempted to photograph
13 it the best I could. But I just documented the
14 violation on my phone. So that time-stamped it. And
15 then I left the establishment, after I didn't get a
16 response from the ABC manager.

17 CHAIRPERSON MILLER: Okay. Mr. Jones?

18 MR. JONES: Thank you, Madam Chair. Mr.
19 Investigator Parker, how did you get in?

20 MR. PARKER: The door was open to the
21 establishment. So there -- like I said, there were
22 three security guards. I presented my ID to the group

1 of three. I asked for the ABC manager or owner. One
2 of the three security guards outside ran up the stairs
3 so that - - you can get to the stairs immediately from
4 the street. There was door which goes to the first
5 floor of the establishment and there's a door which
6 just goes directly to a stairwell to the second floor
7 of the establishment.

8 So one of the male security guards
9 immediately ran into the doorway, up the stairs. And I
10 followed up the stairs.

11 MR. JONES: Okay. So as you approached the
12 establishment, was the door open or was it unlocked, I
13 guess?

14 MR. PARKER: It was unlocked.

15 MR. JONES: Unlocked. Okay.

16 MR. PARKER: Yeah.

17 MR. JONES: So as you approached the front
18 door of the -- or the front of the establishment, there
19 are three security individuals out in front of the
20 establishment. When you identified yourself as an
21 investigator with ABRA, at that point one of the
22 security individuals proceeded to go upstairs, through

1 the door that led to the upstairs area?

2 MR. PARKER: Yes, sir.

3 MR. JONES: Correct? Did the doors have to
4 be unlocked -- for either doors, did they have to be
5 unlocked?

6 MR. PARKER: No, they didn't have to be
7 unlocked.

8 MR. JONES: Didn't have to be unlocked.
9 Okay. And this was at -- what time are you saying you
10 approached?

11 MR. PARKER: 3:15.

12 MR. JONES: 3:15. You approached the
13 establishment at 3:15?

14 MR. PARKER: Well, I observed the females at
15 3:15. And then I probably parked within a minute and
16 was at the door within a few seconds.

17 MR. JONES: Within a few seconds, so roughly
18 around 3:15 --

19 MR. PARKER: Yes.

20 MR. JONES: -- to 3:20 --

21 MR. PARKER: Yes.

22 MR. JONES: -- you were entering the

1 establishment through unlocked doors?

2 MR. PARKER: Yes, sir.

3 MR. JONES: Okay. Thank you. When you
4 close, what's your procedure?

5 MR. YEGZAW: When we close, we have to close
6 -- we have to shut it down 3:00. Then after we close,
7 we're supposed to clean up and do the paperworks.
8 That's what we always do.

9 MR. JONES: So clarification question, if you
10 think you close at 3:00 -- and do you feel it's your
11 responsibility to have all of your patrons out of your
12 establishment by 3:00 or do you feel like it's okay to
13 have your establishment -- your patrons out by 3:15?

14 MR. YEGZAW: I'm not familiar with the word,
15 that patrons but --

16 MR. JONES: Your customers.

17 MR. YEGZAW: Yeah, customers. Yeah.

18 MR. JONES: So what time must they be out of
19 the establishment?

20 MR. YEGZAW: Before 3:00.

21 MR. JONES: Before 3:00?

22 MR. YEGZAW: Yeah.

1 MR. JONES: And at what point do you close?

2 MR. YEGZAW: Like, we shut down the musics
3 2:30 and the alcohol 2:30.

4 MR. JONES: Right.

5 MR. YEGZAW: So we let the people -- then
6 after that, we let them pay. Some people have a
7 problem with the credit card, debit card, stuff like
8 that. So that's why we give them 30 minutes to pay
9 their tabs. Then by 3:00 -- between 2:30 to 3:00, the
10 -- everybody has to go.

11 MR. JONES: Oh, so everyone's out of the
12 establishment? The only people that are left are
13 employees, correct?

14 MR. YEGZAW: The employ --

15 MR. JONES: At what point do you lock the
16 doors?

17 MR. YEGZAW: Oh, at 3:00.

18 MR. JONES: You lock the doors at 3:00?

19 MR. YEGZAW: Yeah, we always lock the door.

20 MR. JONES: So why was it that the doors were
21 not locked when Investigator Parker went up to the
22 doors at 3:15, according to his statements?

1 MR. YEGZAW: In that point, I'm not sure how
2 did he get in. Because I was after still sitting there
3 but the door is downstairs. Security is over there.
4 Security stay there until we go out, which is -- they
5 wait, like, 20-30 minutes. So I'm not sure I can tell
6 you how did he get in. He might knocked the door and
7 showed the badge or securities -- one of the securities
8 might even open the door.

9 MR. JONES: Okay. Understood. But you're
10 saying at 3:00 the doors should have been locked? So
11 if Investigator Parker was able to get in through an
12 unlocked door, then something wasn't happening there
13 that is in accordance with your procedure?

14 MR. YEGZAW: Well, it should be locked. But
15 it might -- some servers might leave early. When they
16 do their paperwork -- or leave -- they leave early.
17 Maybe -

18 -

19 MR. JONES: Understood. But if they leave
20 through a locked door, I'm assuming that the door would
21 be locked after they left.

22 MR. YEGZAW: Yeah, it should be locked.

1 MR. JONES: Should be locked, right?

2 MR. YEGZAW: Should be locked, right.

3 MR. JONES: So that's one inconsistency that
4 I'm seeing in terms of what your procedure is and what
5 Investigator Parker observed and what he was able to
6 do. Did you observe Investigator Parker inside of your
7 establishment on that night?

8 MR. YEGZAW: Yeah, in -- I saw him inside.

9 MR. JONES: Okay. And you're saying that you
10 observed him inside of your establishment at 2:09?

11 MR. YEGZAW: 2:09. I mean, 3:09.

12 MR. JONES: So this was after -- was -- would
13 have been after which -- 3:09, sorry -- which would
14 have been after 3:00, which should have been after the
15 time that the doors were closed -- or should have been
16 locked?

17 MR. YEGZAW: It should be locked but I can't
18 tell you how he did get in.

19 MR. JONES: Understood. I'm just --

20 MR. YEGZAW: He -- officers -- I mean, my
21 securities, when he showed them his badge, they always
22 come in. Police, ABRA officers, they always come in.

1 So I don't know how he get in.

2 MR. JONES: Okay. Understood. And I'm just
3 trying to get -- I know Board Member Alberti asked you
4 this question but I guess I didn't get a clear enough
5 answer. Did you hear Investigator Parker ask for the
6 owner or ABC manager?

7 MR. YEGZAW: I swear, I never heard.

8 MR. JONES: You never heard?

9 MR. YEGZAW: I didn't hear it.

10 MR. JONES: Okay.

11 MR. YEGZAW: If I heard him, I'll represent.

12 MR. JONES: How far away was Investigator
13 Parker from you --

14 MR. YEGZAW: Well, my lounge is --

15 MR. JONES: -- when you observed him?

16 MR. YEGZAW: Okay. My lounge is about this
17 and that door. That's too -- it's too big. So we were
18 right here in the corner. He was right there.

19 MR. JONES: Where is right there, I'm sorry?
20 Are you saying where those individuals are sitting --

21 MR. YEGZAW: Probably --

22 MR. JONES: -- in the back?

1 MR. YEGZAW: Probably he were -- right. The
2 first of the chair over there. That's how much far is
3 between I am him.

4 MR. JONES: Okay. And you're saying that you
5 recognized him as Investigator Parker --

6 MR. YEGZAW: Yeah.

7 MR. JONES: -- as an ABC manager?

8 MR. YEGZAW: Yes.

9 MR. JONES: And you had no reason in your
10 mind, as the owner of a licensed establishment, to
11 inquire as to why Investigator Parker was in your
12 establishment?

13 MR. YEGZAW: Well, I recognized him and then
14 I stand up. And, you know, as you see, three peoples
15 were in front of me. So I have to jump them -- or I
16 have to make a way to go out. That's why you see me on
17 the picture standing. Because I saw him and trying to
18 reach him. It's like this block -- three peoples were
19 in front of me. So I have to find some ways to go.
20 And I find some ways.

21 By that time, when I go downstairs on -- down
22 the stairs, he left.

1 MR. JONES: Okay. Thank you.

2 MR. YEGZAW: I saw his cars -- white cars
3 driving over.

4 MR. JONES: Okay.

5 MR. YEGZAW: But I can't -- I couldn't reach
6 him.

7 MR. JONES: And Investigator Parker, what
8 type of camera were you using?

9 MR. PARKER: The aberration (ph) camera. So,
10 I'm sorry, I --

11 MR. JONES: Was it a -- did it have a
12 telephoto lens on it?

13 MR. PARKER: This picture's not zoomed but it
14 was a digital camera.

15 MR. JONES: Okay.

16 MR. PARKER: It did have capability, yes.

17 MR. JONES: So it wasn't zoomed?

18 MR. PARKER: No, sir.

19 MR. JONES: So approximately how far away
20 were you from the owner of the establishment when you
21 took this picture?

22 MR. PARKER: Approximately from where I'm

1 sitting to the dais, I would say, where you --

2 MR. JONES: From where you are to me?

3 MR. PARKER: Yes, sir.

4 MR. JONES: Okay. Thank you. Thank you,
5 Madam Chair.

6 CHAIRPERSON MILLER: Okay. Anybody else?

7 MR. YEGZAW: Can I say something -- one
8 question?

9 CHAIRPERSON MILLER: Yeah, sure.

10 MR. YEGZAW: All right. Well, this is --
11 this is my first business in DC. It's been, like,
12 eight months since I established this business. So
13 even though this happens only one time, the -- always,
14 you know, police officers, ABRA license come all the
15 time, they never see anything. They always wear me
16 down. Everything's clear. But in eight months almost
17 they come two, three times a week. They never see
18 anything moving in my establishment.

19 This is the first happened that they saw.
20 But always I'm doing by the law, never involved after
21 hour. I don't

22 CHAIRPERSON MILLER: Okay. You're back.

1 Okay. I think, you know, we've heard the facts. And at
2 least, you know, for this level, we're just gathering
3 facts. We're not making any findings about whether
4 you're guilty or not guilty or exactly what happened.

5 The only determination is, you know, is there
6 enough to send this to the Office of Attorney General
7 for them to look into whether or not this should be a
8 Show Cause against you for violation of, you know,
9 either serving alcohol after hours or -- basically
10 that's the major one -- or violation of your voluntary
11 agreement.

12 So -- and we haven't heard any testimony
13 under oath or anything like that. Okay. And I can
14 look at your picture and hear what you're saying and
15 come to -- that there's a reasonable possibility that
16 the alcohol was there before or you weren't -- neither
17 -- that you were there with promoters and no patrons
18 and employees. And therefore, you weren't violating,
19 you know, the voluntary agreement or whatever.

20 And then there are all these unanswered
21 questions about why did the two young ladies get in at
22 that hour and, you know, and Mr. Parker's testimony

1 about seeing a bottle there and then taken away. And,
2 you know, so it's just -- I think -- well, I would say
3 to you at this point I wouldn't say you're guilty, you
4 know -- just based on what I hear -- you're guilty at
5 all.

6 But I think it's the sentiment of the Board
7 that there's enough question that this should just go
8 to the Office of Attorney General and they can look at
9 it further. It's not like we'd looked at it and, oh,
10 we understand everything and, you know, we're sure
11 about that there's nothing. So, you know, that being
12 said, you know -- and I really, really -- you know, and
13 I understand what you're saying.

14 I think just it's the sentiment of the Board,
15 that I will move on behalf of the Board that we send
16 this to Show Cause for the Attorney General to
17 investigate further.

18 MR. SILVERSTEIN: Second.

19 CHAIRPERSON MILLER: Okay. Mr. Silverstein
20 seconded that motion. Does anybody else want to make
21 any comments? Okay. Then this motion has been
22 seconded.

1 All those in favor, say aye?

2 (Chorus of ayes.)

3 CHAIRPERSON MILLER: All those opposed?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those abstaining?

6 (No audible response.)

7 CHAIRPERSON MILLER: I got it from Mike.

8 Okay. Then the vote is 6-0-0. The -- we're just going
9 to send it to the Office of Attorney General and let
10 them look further into the matter. Okay. Thank you.

11 (WHEREUPON, at 3:00 p.m., the hearing was
12 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, NATALIA THOMAS, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing transcript was
6 recorded by me and thereafter reduced to typewriting
7 under my direction; that said transcription is a true
8 record of the testimony given by said parties; that I
9 am neither counsel for, related to, nor employed by any
10 of the parties to the action in which this was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.

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NATALIA THOMAS

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Notary Public in and for

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DISTRICT OF COLUMBIA

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

Date
MIRANDA PENNACHI
Transcriptionist

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