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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

Debebe Addis

t/a Mesobe Restaurant and Deli Market :

1853 7th Street Northwest :

License #81030 :

Retailer CR ANC 1 B :

Wednesday, March 9, 2016 :

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Wednesday, March 9, 2016

Whereupon, the above referenced matter  
came on for hearing at the Alcoholic Beverage  
Control Board, Reeves Center, 2000 14th Street,  
N.W., Suite 400 S, Washington, D.C. 20009.

1 CHAIRPERSON: DONOVAN ANDERSON, Presiding

2

3 MEMBERS OF THE BOARD

4 NICK ALBERTI, BOARD MEMBER

5 RUTHANNE MILLER, BOARD MEMBER

6 JAMES SHORT, BOARD MEMBER

7 MIKE SILVERSTEIN, BOARD MEMBER

8

9 OTHER PERSONS PRESENT

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

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CHAIRPERSON ANDERSON: The next case is Case #15-CMP-00219, Mesobe Restaurant and Deli Market, License #81030. Will the parties please appear?

7

MR. TEKLE: Habtom Tekle, Interpreter.

8

MS. DESIA: Elizabeth Desia, Interpreter.

9

10

CHAIRPERSON ANDERSON: Hold on. Did you introduce yourself Ms. Phillips?

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MS. PHILLIPS: I did not. Louise

Phillips, Assistant Attorney General for the District of Columbia.

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CHAIRPERSON ANDERSON: All right. I would like. Could I have -- there are two interpreters right? Can you please stand and raise your hands, please. Do you solemnly affirm that you will faithfully and accurately interpret the proceedings in this matter from Anharic into English and from English back into Anharic to the best of your ability?

22

MS. DESIA: Yes.

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1 MS. TEKLE: Yes.

2 CHAIRPERSON ANDERSON: All right, thank  
3 you. You can have a seat please.

4 MR. SILVERSTEIN: Mr. Chairman, we have  
5 interpreters and several of us have difficulty  
6 hearing. So, we will ask, because you're going  
7 to be speaking, a lot of people are speaking, it  
8 may be difficult for us to hear, and what I would  
9 ask is anyone who testifies please speak loudly  
10 so that we can hear you over the interpreters who  
11 are whispering what's going on. Please make sure  
12 everyone knows that because it's important that  
13 we understand what you're saying.

14 MS. PHILLIPS: Thank you, Mr. Silverstein.  
15 I too have problems hearing sometimes.

16 CHAIRPERSON ANDERSON: All right thank  
17 you. We're here for a show cause hearing. Are  
18 there any preliminary issues in this case?

19 MR. CHURNET: Yes, your Honor. I'm  
20 appearing here for the first time in this case  
21 and this is my first day. I was contacted by  
22 Mesobe Restaurant and the owner yesterday. I'm

1 not familiar with the issues or anything else  
2 involving the case and I discussed the matter  
3 with counsel and asked her to support my request  
4 for continuance. One month continuance. I know  
5 it's very -- this is a show cause hearing and it  
6 might sound a little bit untimely but I had no  
7 choice but to ask that I be given an opportunity  
8 to familiarize myself with the issues and also to  
9 be able to reach and argument in the matter and  
10 to be given [inaudible 14:17]. Otherwise, if the  
11 board decides that the show cause hearing will  
12 continue, since I am not familiar with the issues  
13 I'm going to have to resort -- [inaudible ]  
14 presenting up to this point with the government  
15 presenting [inaudible ] just today decided to  
16 retain my services. I am representing them in  
17 some other -- some other suspension case with  
18 similar offenses of and trying to reach an  
19 agreement there. I know that has nothing to do  
20 with this case but I want to consult on this case  
21 if possible and to be given an opportunity to  
22 explore that possibility as well.

1 CHAIRPERSON ANDERSON: Ms. Phillips?

2 MS. PHILLIPS: May I be heard? Thank  
3 you. While I sympathize with Mr. Churnet's  
4 predicament here, I do, it's not like it hasn't  
5 happened to me or my colleagues. However, in  
6 this particular case this establishment was  
7 represented by an attorney for the entire time  
8 I've had this case, I believe it was assigned to  
9 me sometime in June. I've spoken to Mr. OBanion  
10 on a number of occasions throughout last year and  
11 have granted his requests for continuances for  
12 various and sundry reasons and then in -- I'm  
13 looking at my notes which are cryptic -- but in  
14 January sometime apparently Mr. OBanion contacted  
15 -- no I think it was Mr. Churnet who contacted  
16 Ms. Zaniel about a continuance on a summary  
17 suspension case and believed that the -- this  
18 counsel for this case had granted an extension  
19 through Ms. Zaniel. Ms Zaniel did not intend to  
20 convey or grant them an extension in that case in  
21 January when I talked to Mr. Churnet on other  
22 cases that I had against Mesobe he told me

1 personally he was not representing any other case  
2 other than the summary suspension case. So, I've  
3 consented to Mr. OBanion's continuances. I was  
4 usurped from consenting in January but there was  
5 a misunderstanding apparently in my office and  
6 Ms. Zaniels spoke to me about it and I said "no I  
7 didn't say that I continued your case but I think  
8 he thought I did." Mr. Obanion has never called  
9 me and told me that he was fired. I have never  
10 seen a praecipe withdrawing his appearance on  
11 this case that I recall, I don't see it in my  
12 file and I'm pretty good about putting things in  
13 my files so that I can -- with my faulty memory -  
14 - look at them to refresh my recollection, so I  
15 count this as about the fourth extension in a  
16 case that occurred almost exactly a year ago. It  
17 occurred on March 19th -- today is, what, the  
18 9th. And his second reason that Mr. Churnet gave  
19 me was that he needed to call a witness that was  
20 involved in a criminal case and so, of course, I  
21 had looked up that criminal case previously and I  
22 don't see the man's name here, and it's Mastewalt

1 T. Sebro. Criminal case#2015-CF3-17271. Sebro  
2 is S-E-B-R-O, Mastewalt is M-A-S-T-E-W-A-L-T as  
3 in Tom, Teshale which is T-E-S-H-A-L-E. Now, I  
4 just heard in my ear that that was a mistake and  
5 he didn't need to call that witness but that was  
6 my other objection because I don't see that man's  
7 name in this case file at all.

8 MR. CHURNET: It was a mistake. I  
9 apologize

10 MS. PHILLIPS: Okay. No worries. We all  
11 make mistakes. So, I can't in good conscience  
12 consent, and I can't in good conscience not say  
13 anything about the fact that there's been asked  
14 for continuance, when it looks like to me,  
15 whether it was intentional or not, is that you  
16 changed counsel all in order to have delays.  
17 Now, I know Mr. Churnet was probably not party to  
18 that because he just found out today, he tells  
19 me, and says he had told me personally that he  
20 didn't represent this establishment in any other  
21 cases but for the summary suspension case, I've  
22 no reason to doubt him so I've never met him

1 before and only talked to him now twice. But the  
2 district cannot allow such lengthy requests for  
3 continuances on a case that's getting old, and  
4 older and older. On the flip side of this, my  
5 understanding from Ms. Zaniel who is handling the  
6 summary suspension case, is that this license is  
7 still suspended and that it has remained  
8 suspended since whenever that occurred and I do  
9 not remember when that occurred.

10 MR. CHURNET: December.

11 MS. PHILLIPS: Another little voice in my  
12 ear said December but I can't verify that either.  
13 So, I -- that's the case that the district -- I  
14 just cannot consent and I can't fail to object.

15 CHAIRPERSON ANDERSON: Just - what --  
16 what's the qualm to the government if the board  
17 extends it or grants an extension, since the  
18 establishment is closed?

19 MS. PHILLIPS: That's why I said that on  
20 the flip side it is -- if the establishment is  
21 closed I can ask for nothing but fines and I mean  
22 for whatever reason it's still closed, that's

1 their problem with regard to the other case. The  
2 only reason that I suggest that the case could be  
3 getting stale is that I had to dismiss two other  
4 Mesobe cases, was it last week or the week  
5 before? I cannot remember. Because  
6 investigators are no longer with the agency.  
7 Now, that's why we don't delay cases because  
8 things get lost, investigators go elsewhere, and  
9 as we saw just a few minutes ago, not related to  
10 this case, older people move to Florida. So,  
11 that's the kind of prejudice that the government  
12 facies. If I have to drop another case because  
13 for some reason -- now I should say in another  
14 comment -- thank you for giving me the  
15 opportunity Mr. Chair -- that there are three  
16 investigators on this particular case. Only two  
17 of them remain in the agency. The third one has  
18 already moved on to someplace else. And so  
19 that's the prejudice that we face. Can I predict  
20 that it will happen? No. I don't have a crystal  
21 ball, Mr. Chair, I don't. But it's been a year.

22 MR. CHURNET: We would be asking for a

1 short continuance.

2 MS. PHILLIPS: And the problem with short  
3 continuances is the ABRA schedule and every now  
4 and then I have conflicts on days that ABRA has  
5 free.

6 MR. ALBERTI: Ms. Phillips, when did Mr.  
7 Churnet first contact you?

8 MS. PHILLIPS: It was after 12:00 noon  
9 because I was in a CLE until 12:00 noon and it  
10 was -- so maybe I got back to my office at 12:30,  
11 so it could have been 1:00. I didn't write the  
12 time down.

13 MR. ALBERTI: All right. And Mr. Churnet  
14 when were you retained?

15 MR. CHURNET: Exactly at 12:00.

16 MR. ALBERTI: Today?

17 MR. CHURNET: Today, yeah. And then I  
18 said "look I'm going to go to the board and beg  
19 the court to continue the case because I don't --  
20 I cannot get myself ready and prepared for the  
21 show of cause hearing. And I told them if I'm  
22 going to take money from them then I want to

1 represent you and not have that continuance then  
2 I'll have to [inaudible 23:14] would not be fair.  
3 When I'm not ready. So, a short continuance.  
4 The other case is continued until the 16th.  
5 March 16th. That's all that we have until March  
6 16th.

7 MR. ALBERTI: Well, Mr. Churnet, since  
8 you bring it up, I have no confidence that that  
9 case won't be continued once again which in  
10 itself has been continued several times, so  
11 hopefully you're gonna to [inaudible 23:45] on my  
12 lack of confidence in us going forward on the  
13 16th. I have no guarantees and you've given me  
14 none in the past.

15 CHAIRPERSON ANDERSON: All right. Yes?

16 MR. SILVERSTEIN: There's another issue  
17 here and it's one of prejudice against [inaudible  
18 24:00] and that is, I guess the best way to put  
19 it is there's a storm coming. All of our  
20 licenses, restaurant licenses, are coming up for  
21 renewal and our schedule which has been light up  
22 until now, soon will have -- it's once every

1 three years -- deluge of protest hearings and  
2 other things and we are going to be up to our  
3 eyeballs in work in another month and a half. We  
4 need to clear the decks and we need to get ready  
5 -- there is no excuse for any more delays.

6 CHAIRPERSON ANDERSON: As chairperson --  
7 does someone else?

8 MS. MILLER: I was just going to say, am  
9 understanding you correctly that you're asking  
10 for a one week continuance?

11 MR. CHURNET: No.

12 MS. MILLER: No? That doesn't interfere  
13 with our deluge. If we even have much time on  
14 the calendar I don't know.

15 CHAIRPERSON ANDERSON: As the chairperson  
16 of the Alcoholic Beverage Regulation  
17 Administration for the District of Columbia and  
18 in accordance with D.C. Official Code section  
19 2574 B of the Open Meetings Act I move that ABC  
20 Board hold a closed meeting for the purpose of  
21 seeking legal advice from our counsel on case  
22 #15-CMP-00219, Mesobe Restaurant and Deli Market,

1 for the purpose pursuant to D.C. Official Code  
2 section 2574 B of the Open Meetings Act and  
3 deliberation upon Case #15-CMP-00219, Mesobe  
4 Restaurant and Deli for the reasons cited in to  
5 D.C. Official Code section 2574 B13 of the Open  
6 Meetings Act. Is there a second?

7 MR. ALBERTI: Second.

8 CHAIRPERSON ANDERSON: Mr. Alberti has  
9 seconded the motion. I will now take a roll call  
10 vote on the motion before us now that it's been  
11 seconded. Ms. Miller? Agree. Mr. Alberti? MS.

12 DESIA: The interpreter saw you leaving and now  
13 it's really hard to --

14 CHAIRPERSON ANDERSON: I'm sorry.  
15 Basically -- let me finish and I'll explain what  
16 I just did. Mr. Short? I agree. Mr.  
17 Silverstein? I agree. As it appears that the  
18 motion has passed I hereby give notice that the  
19 ABC Board will recess its proceedings and hold a  
20 closed meeting in the ABC Conference room  
21 pursuant to section 2574 B of the Open Meetings  
22 Act.

1           What I'm going to do, I'm going to recess  
2 until 5:00 for us to go back and discuss whether  
3 or not we should -- we're going to grant the  
4 motion or whether or not we're going to move  
5 forward. So, we will be in a recess until 5:00  
6 okay? Thank you.

7 [Off the record]

8 [On the record]

9           CHAIRPERSON ANDERSON: Okay we're back on  
10 the record for Case #15-CMP-00219, Mesobe  
11 Restaurant and Deli Market. We have discussed  
12 this case and the board -- we have not made a  
13 decision whether or not we're going to grant the  
14 motion; however, what we are going to do, we do  
15 have another case scheduled. We will give the  
16 parties an opportunity to speak and we will  
17 recall the case after our next case and then  
18 we'll see what the parties are able to -- if not,  
19 we'll make a determination whether we're going to  
20 grant the motion or not. All right, thank you.

21 [On the record]

22           We will recall Case #15-CMP-00219, Mesobe

1 Restaurant and Deli Market. We had postponed. I  
2 know that there was a request for a continuance.  
3 The board has not made a decision but -- but are  
4 there any preliminary matters in this case?

5 MS. PHILLIPS: Yes there are, Mr. Chair.

6 CHAIRPERSON ANDERSON: And what is it?

7 MS. PHILLIPS: I'll tell you. The  
8 parties have an offer in compromise to present to  
9 the board and we have agreed with new counsel and  
10 time for discussion, which we appreciate, and  
11 interpreters, which we appreciate. There are two  
12 charges. There is a second primary and a first  
13 secondary and the offer in compromise will be  
14 \$2250 and 90 days to pay -- that's the --  
15 actually within the range but the minimum  
16 allowable under the statute, and we think in this  
17 instance it's fair.

18 CHAIRPERSON ANDERSON: But -- how -- I  
19 thought there were two charges, so how are they  
20 broken?

21 MS. PHILLIPS: Didn't I say? I'm sorry.  
22 \$2000 for one and \$250 for the other.

1 CHAIRPERSON ANDERSON: Ah -- okay. So  
2 you said \$2250 --

3 MS. PHILLIPS: No, that's the total.

4 CHAIRPERSON ANDERSON: Right, but --

5 MS. PHILLIPS: And the minimums are \$2000  
6 for a primary and \$250 for -- I'm sorry I didn't  
7 make it clear. Is it clear? Are we good?

8 CHAIRPERSON ANDERSON: Yes.

9 MS. PHILLIPS: Good.

10 CHAIRPERSON ANDERSON: So, do you  
11 understand that there is an offer in compromise  
12 for total payment, payment on charge 1 of \$2000  
13 and charge 2 is \$250 payable in 90 days. Are you  
14 aware that by -- is this your understanding of  
15 the offer in compromise?

16 MR. CHURNET: Correct, your Honor.

17 CHAIRPERSON ANDERSON: And are you aware  
18 that by agreeing to the offer in compromise that  
19 you are giving up your right to a hearing? And  
20 on behalf of your client that by accepting this  
21 offer in compromise that you're giving up your  
22 right to appeal this matter?

1 MR. CHURNET: Correct.

2 CHAIRPERSON ANDERSON: I then make a  
3 motion that the board accept this offer in  
4 compromise of a fine of \$2250 payable in 90 days.  
5 If it is not payable in 90 days, the license will  
6 be suspended, in this particular case it will be  
7 suspended. Is there a second?

8 MR. SHORT: Second

9 CHAIRPERSON ANDERSON: I'll it to Mr.  
10 Short. Is there any discussion? Yes, Mr.  
11 Alberti?

12 MR. ALBERTI: I am reluctantly going to  
13 agree to this offer in compromise, for a couple  
14 of reasons. One, because we've already cost the  
15 government [inaudible Audio 0146 - 04:14] a great  
16 deal of money and I just don't want to continue  
17 doing that. Usually, I [inaudible ] because  
18 really the person who is costing the city and  
19 everybody's time are you, the licensee, and I'm  
20 not impressed. All right? I'm very concerned  
21 about the way you operated and the way you  
22 cooperated with the -- or the way you upheld your

1 end on the requirements as a licensee. You have  
2 delayed this case and you have delayed many other  
3 cases. However, you put yourself in a really  
4 tough position here by having only hired an  
5 attorney today. But, you were willing to  
6 cooperate and negotiate an OIC which is saving  
7 everybody time. So, that's the only reason, that  
8 and saving the government money are the only two  
9 reasons I'm agreeing to this OIC. I will tell  
10 you, be careful, because I will have little  
11 sympathy for future violations by your  
12 establishment. You have not proven that you take  
13 seriously your responsibilities as a licensee.

14 CHAIRPERSON ANDERSON: Are there any  
15 other comments by any other board members. I'm  
16 hearing none.

17 MS. PHILLIPS: Mr. Donovan, before -- I  
18 want to just correct -- I thought you said that  
19 charge 1 was the primary and charge 2 was the  
20 secondary.

21 CHAIRPERSON ANDERSON: I did not. I did  
22 not.

1 MS. PHILLIPS: Because it's reversed.

2 CHAIRPERSON ANDERSON: Right, I did not.

3 MS. PHILLIPS: I just mis-under-heard you  
4 (sic).

5 MR. ALBERTI: I have one other question.  
6 So, if the fine isn't paid in 90 days what  
7 happens?

8 MS. PHILLIPS: Well, if the license is  
9 back you take it away I guess.

10 MR. ALBERTI: Is it suspended?

11 MS. PHILLIPS: Yes, he said that it was.

12 CHAIRPERSON ANDERSON: Okay. I -- I did  
13 state that -- although I'm aware it's obvious but  
14 I did say I know that the license is in  
15 suspension mode based on another case, but I did  
16 state on the record that if it's not paid within  
17 90 days then it will be suspended in this case.  
18 Thanks for that clarification. With that said,  
19 All those in favor say aye. [chorus of ayes]  
20 Those opposed? The matter passed 5-zero-zero.  
21 Ms. Walker will give you -- will provide -- I'm  
22 sorry, M. Jenkins will provide you with the

1 order.

2 I want to thank the parties for working  
3 together to resolve this matter. I am  
4 sympathetic to the fact that the counsel is new  
5 to this case but I think that it appears that to  
6 move this along it's in the best interests of the  
7 government and the citizens of the District of  
8 Columbia for us to accept this offer in  
9 compromise, so again thank you for working  
10 together and I hope that whatever cases that are  
11 on the docket are taken care of expeditiously.  
12 Okay? Thank you very much. Have a good day.  
13 (Whereupon the above-entitled matter was  
14 concluded.)