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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

Case #15-251-00224

1853 7th Street NW

License Number 81030

ANC 1B

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Wednesday, March 16, 2016

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

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2 CHAIRPERSON:

3 DONOVAN W. ANDERSON, Presiding

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5 OTHER PERSONS PRESENT:

6 NICK ALBERTI, BOARD MEMBER

7 RUTHANNE MILLER, BOARD MEMBER

8 JAMES SHORT, BOARD MEMBER

9 MIKE SILVERSTEIN, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: All right. The next
3 case on our calender is Case Number 15-251-00224, Mesobe
4 Restaurant and Deli, License Number 81030. Will the
5 parties please approach. Can -- can the parties please
6 identify themself for the record please.

7 MS. ZANIEL: Good morning. Maureen Zaniel
8 on behalf of the District of Columbia.

9 CHAIRPERSON ANDERSON: Good morning,
10 Ms. Zaniel.

11 MR. CHURNET: Good morning. Workneh Churnet
12 on behalf of Mesobe.

13 [The witness, Ms. Debebe speaking through an
14 interpreter.]

15 MS. DEBEBE: Addis Debebe.

16 CHAIRPERSON ANDERSON: I'm sorry. I did not
17 hear.

18 MS. DEBEBE: Addis Debebe.

19 CHAIRPERSON ANDERSON: And you are?

20 MS. DEBEBE: The Mesobe Restaurant owner.
21 Mesobe Restaurant owner.

22 CHAIRPERSON ANDERSON: All right. And can

1 you raise your right hand please -- your interpreter
2 please. Do you affirm that you will faithfully
3 interpret this from -- what's the language again --

4 THE INTERPRETER: Amharic.

5 CHAIRPERSON ANDERSON: -- Amharic into
6 English from and from English into Amharic to the best
7 of your ability?

8 THE INTERPRETER: I do.

9 CHAIRPERSON ANDERSON: All right. Thank
10 you. All right. Are there any preliminary matters?

11 MS. ZANIEL: Yes. We have an Offer in
12 Compromise we recommend to The Board. It is in writing,
13 and I believe the board members have been furnished a
14 copy of it. The District believes this is an
15 appropriate compromise to address the issues that
16 resulted in the summary suspension and would recommend
17 that The Board accept this.

18 CHAIRPERSON ANDERSON: Can you -- can you --
19 I would like you to -- for the record I would like you
20 to state what the Offer in Compromise is. So -- because
21 I do have a copy of it, but I need -- I need to it to be
22 in the record.

1 MS. ZANIEL: Certainly. I -- do you want me
2 to read it in its entirety?

3 CHAIRPERSON ANDERSON: Yes, please. Yes.
4 Yes, please.

5 MS. ZANIEL: Okay. This Offer in
6 Compromise -- all right. In addition to the suspension
7 currently being served they stand summarily suspended at
8 the moment. The Offer in Compromise consists of the
9 following terms: Debebe Addis trading as Mesobe
10 Restaurant and Deli Market, the licensee agrees to cease
11 operating an after hours club and to operate solely as a
12 restaurant and deli market within the terms of its
13 license and in conformance with the following: The
14 establishment shall stop the sale, service, and
15 consumption of alcohol no later than midnight each day
16 of the week. The establishment shall have a menu and
17 food available during all hours of operation until
18 closing time. The establishment shall meet the
19 necessary food sales requirements of a restaurant set
20 forth under D.C. Code Section 25113. The failure to
21 meet the statutory food sales requirements two quarters
22 in a row starting with the second quarter of 2016 shall

1 result in the automatic, indefinite suspension of the
2 license. The establishment shall not charge a cover
3 charge or offer entertainment. The establishment shall
4 operate only when the owner or a certified ABC manager
5 is present. Mr. Mastawal C. Brosh shall not be
6 permitted to act as an ABC manager or manage the
7 establishment. Licensee shall comply with all
8 applicable statutes and regulations in Title 25 of the
9 D.C. Official Code and Title 23 of the D.C. Municipal
10 Regulations. Licensee shall receive an additional 20
11 days suspension stayed for one year. Any primary or
12 secondary violation shall result in the 20 days -- 20
13 stayed days being immediately implemented. The licensee
14 shall pay a fine of \$4,000 within 120 days of this
15 agreement being approved. The fine is broken down as
16 \$2,000 for Charge 1, \$2,000 for Charge 2, and a written
17 warning for Charge 3. The licensee's failure to pay the
18 fine within 120 days as outlined above shall result in
19 the automatic suspension of the license. This
20 compromise shall be reviewed at a status review hearing
21 within six months of the date this compromise is
22 approved, and consideration shall be given to removing

1 the curtailment on the hours of alcohol sale, service,
2 and consumption.

3 CHAIRPERSON ANDERSON: I think -- I'm sorry.

4 MS. ZANIEL: I will -- sorry. I just wanted
5 to make The Board aware that the interpreter was
6 available with the licensee's attorney to go over the
7 document prior to this moment.

8 CHAIRPERSON ANDERSON: All right. Thank
9 you. Do you agree -- is this -- is this just off the
10 Offer in Compromise that was received between the
11 parties?

12 MR. CHURNET: We do agree, and we have
13 [inaudible 18:00] signature to that effect. But the
14 preliminary matter because my client has firmly insisted
15 on bringing this matter to the attention of The Board.
16 I would like to say a few words although we have agreed
17 basically. It's about the second charge for which the
18 fine is \$2,000. The second charge is for changing the
19 nature of the establishment. And my client feels that
20 this changed occurred online, on a web page. It's not
21 even her web page. It is the web page of a person
22 associated with the establishment. And she's saying

1 that this change did not occur in reality. The -- the
2 name of the restaurant is still Mesobe Ethiopian
3 Restaurant. On his online activities this person
4 associated with the -- her advertised that he calls that
5 restaurant with a different name and provides different
6 services. But that's online, it's not in the real
7 world. And that what we're being fined for \$2,000 for
8 something that happened online. It may not be
9 admissible evidence because it's free speech and it's
10 something that happened online. And so we ask The Board
11 to consider that and hopefully dismiss the second
12 charge.

13 MS. ZANIEL: It appears we don't have an
14 agreement. I'm happy to go to a hearing on this matter.

15 MR. CHURNET: Not so. We're not willing to
16 risk that. If -- if we have to accept that fine, we'll
17 have to. But it's just because they strongly feel about
18 it, they feel that it is unconscionable for the
19 government to -- to impose a fine for something that
20 happened online not in the real world. So we basically
21 agree, the agreement, we have signed on it. But we ask
22 The Board to take that into consideration and show some

1 leniency with respect to that charge.

2 CHAIRPERSON ANDERSON: Well, it's -- the
3 parties negotiate a matter and so therefore The Board
4 either have to accept the matter or there's no
5 agreement. I appreciate -- and if you want -- your
6 representation was made, it's a part of the record. But
7 I think at the end of the day you need to let me know so
8 I can consult with the board members whether or not -- I
9 know that you have some strong disagreements with --
10 with Number 4 regarding the charge of the name change.
11 But I think without listen to any information and just
12 the representation that you're making, apparently it
13 would appear to me that this was someone that was an
14 employee of the establishment. I think the applicant
15 has to -- the licensee has to be more cognisant of the
16 authority that's given to your -- to -- of someone who's
17 employed in your employment. And so therefore you need
18 to make sure that if -- if someone who works for you, if
19 they make certain representation, it's on you. And so
20 you -- as soon as you're aware of that you have to make
21 that change. So I just want to say that. But at the
22 end of the day you need to let many know whether or not

1 you're asking The Board to -- I -- I've heard your --
2 the representation that you have made, but you have to
3 let me know whether or not you want us to accept this
4 entire OIC or you're not in agreement and so we need to
5 have a hearing. So you have to let me know that, sir.
6 What's the position?

7 MR. CHURNET: Okay. Give me a second.

8 CHAIRPERSON ANDERSON: Sure. I mean if you
9 want to take five minutes to discuss it, we'll be off
10 the record for five minutes so you can discuss it. But
11 we -- we have to either accept the terms or go to a
12 hearing.

13 MR. CHURNET: Okay. We apologize, and we
14 are ready now to accept the agreement.

15 CHAIRPERSON ANDERSON: No. I'm -- I'm
16 saying you don't have to apologize, sir. The bottom
17 line is that it's -- you have -- you know, we go to
18 Court and folks make decisions, but you just -- you want
19 to let the Court know what your position is on certain
20 issues. However, this is my position, but in order
21 to -- to come to an agreement I'm going to -- I want to
22 state that for the record. And we have heard your

1 position and it's in the record. But at the end of the
2 day we can't -- we can't separate the agreement. It's
3 either agreement in total or it's no agreement at all.

4 MR. CHURNET: Yeah. That's -- that's
5 precisely why -- why that we have to accede to the
6 argument, accept the argument because we don't want to
7 take a chance. If -- if we ask a hearing -- this is --
8 this is our -- if we ask a hearing we cannot have that
9 hearing in the near future and not even have it within
10 six months. Because this individual was associated with
11 this restaurant is criminally being prosecuted, and we
12 cannot bring him here to testify because to jeopardize
13 his criminal prosecution. So -- so if we continue
14 the -- if we ask for a hearing, we're asking the
15 suspension of the business -- the suspension of the
16 license on the business until the conclusion of the
17 criminal prosecution. So that's why -- now if the
18 government would agree with us to strike that Paragraph
19 4 of the argument and alas we'll agree to the rest of
20 the paragraphs. Now, it would -- it would be great.
21 And --

22 CHAIRPERSON ANDERSON: As I've said before I

1 appreciate the representation. And -- and one cannot
2 state, sir, that you're not zealously representing your
3 client. So you're -- I don't think you would ever face
4 a matter going to the D.C. Bar because your client has
5 stated that you have not zealously represented their
6 interest. But at the end of the day as I said before do
7 we have agreement that there's -- that this is an Offer
8 in Compromise in the written agreement that's before The
9 Board today that you're client will accept?

10 MR. CHURNET: We do.

11 CHAIRPERSON ANDERSON: All right. All
12 right. Thank you. I then make a motion -- well, let me
13 put it -- I make a motion that the Offer in Compromise
14 be accepted. Is there a second?

15 MR. SILVERSTEIN: I second, Mr. Chairman.

16 CHAIRPERSON ANDERSON: Mr. Silverstein has
17 seconded the motion. Is there any conversation? Go
18 ahead, Ms. Miller.

19 MS. MILLER: I just wanted to ask the
20 Assistant Attorney General as this Offer in Compromise
21 has come out of a summary suspension in which the
22 license was suspended because of an imminent danger to

1 the public safety of the public. If you could just very
2 briefly -- I know you've read about each provision, but
3 be able to state why this OIC either eliminates or
4 mitigates any danger to the public.

5 MS. ZANIEL: It seemed that primarily what
6 was happening is that there was an after hours club
7 going on there. The person who was running it it's my
8 belief and the facts show is the son of the licensee,
9 and he apparently had regulars. And there was a dispute
10 on the sidewalk on the pertinent day. The person -- the
11 son of the licensee used liquor bottles to smash
12 somebody in the head. We believe by cutting back on the
13 liquor hours until midnight on every night as well as
14 the directive that there not be an after hours club and
15 that there also be a directive that it be run as a
16 restaurant with food and a menu available up until
17 closing will seek to eliminate that particular concern.
18 And of course the -- if the individual is not allowed to
19 manage or a be a part of the club -- the restaurant
20 rather.

21 MS. MILLER: Okay. Thank you very much.

22 CHAIRPERSON ANDERSON: Do we have any other

1 questions? Hearing none all those in favor say aye.
2 [Chorus of ayes.] Those opposed. [No audible
3 response.] Thank you. The Offer in Compromise has been
4 accepted. We -- we will issue a Board order.

5 MS. ZANIEL: May I tender the signed
6 agreement?

7 CHAIRPERSON ANDERSON: Yes, please. And
8 Mr. -- I'm sorry -- Mr. Churnet --

9 MR. CHURNET: Yes.

10 CHAIRPERSON ANDERSON: -- thank you for your
11 representation, sir. I do appreciate the fact that you
12 zealously represent the interests of your client which
13 is what every lawyer should do. And I -- I don't know
14 you, but at least your client should feel that you are
15 making the arguments that a lawyer should make on behalf
16 of a client. But at the end of the day that's why it's
17 an Offer in Compromise because you -- when you go to a
18 trial you have no idea what the end result is. And so
19 therefore we make decisions that in the -- you believe
20 in the -- in the larger interest satisfies everyone. So
21 I want to thank you for your zealous representation.

22 MR. CHURNET: Thank you.

1 CHAIRPERSON ANDERSON: And thank you, Ms.
2 Zaniel, for drafting this matter and negotiating this on
3 behalf of the government and for us to come to an
4 agreement that we believe is in the best interest of the
5 citizens of the District of Columbia.

6 MS. ZANIEL: Thank you.

7 CHAIRPERSON ANDERSON: Okay. Thank you very
8 much.

9 MR. CHURNET: Thank you.

10 (Whereupon the above-entitled matter was
11 concluded.)

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