

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)
)
Debebe Addis)
t/a Mesobe Restaurant and Deli Market)
)
Holder of a)
Retailer's Class CR License)
)
)
at premises)
1853 7th Street, N.W.)
Washington, D.C. 20001)
)
)
_____)

Case Nos.: 15-251-00224

License No.: ABRA-81030

Order No.: 2016-122

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ALSO PRESENT: Debebe Addis, t/a Mesobe Restaurant and Deli Market

Maureen W. Zaniel, Senior Assistant Attorney General, on behalf
of the District of Columbia

Workeh Churnet, on behalf of the Respondent

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

This matter arises from the Notice of Summary Suspension (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Debebe Addis, t/a Mesobe

Restaurant and Deli Market (Respondent) located at 1853 7th Street, N.W., Washington, D.C. 20001.

In Case No. 15-251-00224, the Board issued a Notice of Summary Suspension due to an altercation which occurred in front of the Respondent's establishment between the Respondent's ABC Manager, Mastewal Sebros, and a group of individuals on December 13, 2015. *ABRA Show Cause File No. 15-251-00224; Notice of Status and Show Cause Hearings [Notice]* at 2. The Metropolitan Police Department (MPD) officers traveling east along T Street, near the restaurant, observed a large group of people outside of the establishment arguing and then heard a glass break. *Id.*; *Notice* at 2. The MPD officers responded to scene to investigate, where they subsequently learned that the Respondent's Manager, Mr. Sebros, was involved in a verbal altercation with a group of individuals which then progressed to Mr. Sebros physically assaulting one male patron with his fists and striking another male patron with a glass bottle. *Id.*; *Notice* at 2.

MPD Police Chief Cathy Lanier issued a Notice of Closure against the Respondent on December 14, 2015, pursuant to D.C. Official Code § 25-827(b), closing the establishment for ninety-six (96) hours. *ABRA Show Cause File No. 15-251-00224*. In addition, MPD Police Chief submitted a written request to the Board, pursuant to D.C. Official Code § 25-827(a), requesting that it immediately revoke the Respondent's license. *Id.*; *Notice* at 4.

The Board subsequently issued a Notice of Show Cause and Status Hearings (Notice)¹ regarding the incident that occurred on December 13, 2015, in Case No. 15-251-00224, charging the Respondent with the following violations:

- Charge I: [On Sunday, December 13, 2015], [y]ou permitted the establishment to operate after hours in violation of D.C. Official Code § 25-723 . . .
- Charge II: [On Sunday, December 13, 2015], [y]ou made a substantial change in the nature of your establishment without the approval of the Board in violation of D.C. Official Code § 25-823 . . .
- Charge III: [On Sunday, December 13, 2015], [y]ou charged a cover charge without obtaining an entertainment endorsement approved by the Board in violation of 23 DCMR § 1002.1 . . .

ABRA Show Cause File No. 15-251-00224; Notice of Status Hearing and Show Cause Hearing, 2-5.

¹ On December 22, 2015, the Board issued Board Order No. 2015-595, granting the Parties' consent motion to continue to the Summary Suspension Hearing. The Board Order states that the Respondent waived its request to a Summary Suspension Hearing and that the Parties agreed to convert the matter to a Show Cause Hearing.

At the Show Cause Status Hearing held on March 16, 2016, the Government and the Respondent entered into an Offer-in-Compromise (OIC). The OIC is appended to this Order and resolves the charges set forth above.

ORDER

Therefore, the Board, on this 16th day of March, 2016, hereby **APPROVES** the OIC proffered by the Government and the Respondent on March 16, 2016, and **ORDERS** Debebe Addis, t/a Mesobe Restaurant and Deli Market, to comply with the terms of the OIC.

IT IS FURTHER ORDERED that the Respondent will remit the fine in the total of \$4,000, payable on or before July 14, 2016. If the fine is not paid by July 14, 2016, the license will be suspended until the fine is paid.

IT IS FURTHER ORDERED that the Respondent will cease operating an after-hours club, and will operate as a restaurant and deli market within the terms of its license and in conformance with the following:

- a. The Respondent shall stop the sale, service, and consumption of alcohol no later than midnight each day of the week;
- b. The Respondent shall have a menu and food available during all hours of operation until closing time;
- c. The Respondent shall meet the necessary food sales requirements of a restaurant set forth in D.C. Official Code § 25-113. The Respondent's failure to meet the statutory food sales requirements for two (2) consecutive quarters, starting with the second quarter of 2016, shall result in the automatic indefinite suspension of the Respondent's license;
- d. The Respondent shall not charge a cover charge or offer entertainment;
- e. The Respondent shall operate only when the owner or certified ABC Manager is present; and
- f. Mr. Mastewal Sebro shall not be permitted to serve as an ABC Manager or manage the establishment.

IT IS FURTHER ORDERED that the Respondent shall comply with all applicable statutes and regulations in Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations.

IT IS FURTHER ORDERED that the Respondent shall serve a twenty (20) day suspension with twenty (20) days stayed for one year. Any primary or secondary

violation committed by the Respondent shall result in the twenty (20) stayed days being implemented immediately.

IT IS FURTHER ORDERED that a Status Hearing will be held on September 14, 2016, to determine the Respondent's compliance with the terms of this OIC, and consideration shall be given to removing the curtailment on the hours of alcohol, sale, and consumption.

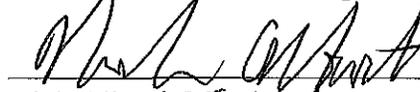
IT IS FURTHER ORDERED that the suspension imposed on December 18, 2015, will be lifted and the license returned to the Respondent effective 6:00 p.m. on Wednesday, March 16, 2016.

A copy of this Order and the OIC shall be sent to the Respondent and to the Government.

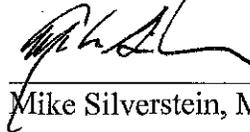
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member

Ruthanne Miller, Member

James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Public Interest Division
Civil Enforcement Section

OFFER IN COMPROMISE¹

In the Matter of: Debebe Addis t/a Mesobe Restaurant and Deli Market

Officer/owner: Debebe Addis, Sole Owner

Case number: 15-251-00179. Hearing Date: March 16, 2016

Incidents occurring on: December 13, 2015.

For the Charge of: Charges detailed in Notice of Status and Show Cause Hearings.

Statutory Authority: 23 DCMR §1604.5

This offer in compromise (OIC) will be presented to the Alcoholic Beverage Control Board (ABC Board) by the Assistant Attorney General at the Notice to Show Cause status proceeding. Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

In addition to the suspension currently being served, the offer in compromise consists of the following terms:

- (1) Debebe Addis t/a Mesobe Restaurant and Deli Market (Licensee) agrees to CEASE operating an after-hours club, and to operate solely as a restaurant and deli market within the terms of its license and in conformance with the following:
 - The establishment shall stop the sale, service and consumption of alcohol no later than midnight each day of the week.
 - The establishment shall have a menu and food available during all hours of operation until closing time.
 - The establishment shall meet the necessary food sales requirements of a restaurant set forth under D.C. Code § 25-113.
 - The failure to meet the statutory food sales requirements two quarters in a row, starting with the second quarter of 2016, shall result in the automatic indefinite suspension of the license.
 - The establishment shall NOT charge a cover charge or offer entertainment.

 - The establishment shall operate only when the owner or a certified ABC manager is present.
 - Mr. Mastewal Sebros shall not be permitted to act as an ABC manager or manage the establishment.

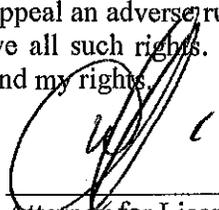
¹ Authorized under 23 DCMR 1604.5 (2008).

- (2) Licensee shall comply with all applicable statutes and regulations in Title 25 of the D.C. Official Code and Title 23 of the DC Municipal Regulations (DCMR).
- (3) Licensee shall receive an additional twenty day suspension stayed for one year; any primary or secondary violation shall result in the twenty stayed days being immediately implemented.
- (4) Licensee shall pay a fine of \$4,000.00 within one hundred twenty days of this agreement being approved. The fine is \$2,000.00 for charge I and \$2,000.00 for Charge II and a written warning for Charge III.
- (5) The licensee's failure to pay the fine within one hundred and twenty days as outlined above shall result in the automatic suspension of the license.
- (6) This compromise shall be reviewed at a status review hearing within six months of the date this compromise is approved, and consideration shall be given to removing the curtailment on the hours of alcohol sell, service, and consumption.

CONSENT

By this settlement agreement I agree to accept and perform its terms. I acknowledge the validity of the settlement and waive a hearing to which I would have a right under D.C. Official Code § 25-826 (2012 Repl.). I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this settlement agreement without reservation, and I fully understand its meaning and my rights.

Adrian DeHoro 03/16/2016
Licensee


02/16/2016
Attorney for Licensee