DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Zhou Hospitality Group, LLC
t/a Umaya
733 10th Street NW
Retailer CT - ANC 2C
License No. 94099
Case #19-251-00030
(Simple Assault)

Wednesday,
March 27, 2019


PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

CHRISTIAN MALLEA, Licensee's Manager
INVESTIGATOR COUNTEE GILLIAM, ABRA
11:21 a.m.

CHAIRPERSON ANDERSON: All right. We are back on the record. Our next case is a Fact-Finding Hearing, Case No. 19-251-00030, Umaya, License No. 94099.

Will the parties, please, approach and identify themselves for the record, please?

INVESTIGATOR GILLIAM: Countee Gilliam, ABRA Investigator.

CHAIRPERSON ANDERSON: Good morning, Mr. Gilliam.

INVESTIGATOR GILLIAM: Good morning.

MR. MALLEA: Christian Mallea, ABC Manager for Umaya.

CHAIRPERSON ANDERSON: What's your last name, sir?

MR. MALLEA: Mallea.

CHAIRPERSON ANDERSON: Mallea?

MR. MALLEA: Yes.

CHAIRPERSON ANDERSON: Do you have a Letter of Authorization, sir?
MR. MALLEA: I don't, but I spoke with somebody else where I might need it and you might have it before in the past where I submitted a letter.

CHAIRPERSON ANDERSON: But do you have this -- do you have --

MR. MALLEA: Anything on me right now? Sir, I don't.

CHAIRPERSON ANDERSON: When was the last thing you provided the Agency with some other information to say that you can represent this establishment?

MR. MALLEA: Probably a little over three months ago. Three or four months ago.

CHAIRPERSON ANDERSON: Yes? Yes, Mr. Gilliam?

INVESTIGATOR GILLIAM: DeeDee is actually checking to make sure they have it on record. She is doing that right now.

CHAIRPERSON ANDERSON: Right. We are going to check the record for that, but at the same time, sir, this is a serious event that
occurred at the establishment. And for the
establishment's own protection, we have also
referred this matter over to the Office of
Attorney General for them to make a determination
whether or not they are going to prosecute this
establishment for committing an ABRA violation.

So one of the reasons why I'm stating
this is that you might not want to say nothing,
because, you know, what you say can be held
against you later on in the afternoon, at another
point. And also, I don't know if -- if I don't
have something here today, I don't even know if
the owner knows that you are here representing
them.

MR. MALLEA: Yes.

CHAIRPERSON ANDERSON: And so if we
have a Letter of Representation, I will allow you
to speak. But at the same time, because we are
going to prosecute this matter, you might not say
anything or you might not -- you don't -- and I'm
not giving legal advice. I can't give you legal
advice. I'm just letting you know the posture of
the case.

   Normally, when we have a Fact-Finding
Hearing, we take information. We take the facts. We go through the report. We take the facts and
then at the end of the hearing, the Board will
determine whether or not we are going to take no
further action or whether or not we are going to
send it to the Office of the Attorney General to
-- for prosecution.

   In this particular case, we thought
the matter was egregious enough that we sent it
over there. So therefore, you need to know that
and then based on that, you need to know how to
respond.

   But if I do not have a letter, a
current letter saying that you can represent this
establishment, then we are not going to have this
hearing today. So I assume we are checking our
file. All right?

   MR. MALLEA: Yes.

   CHAIRPERSON ANDERSON: And just in the
future, if any time if you are coming here or any
person from this establishment who is not an
owner, if they are coming to represent the
Agency, that person needs to have a letter on the
letterhead from the owner stating that I
authorize this particular person to represent me
today in front of the ABC Board. Okay.

So we are off the record for -- until
we can see what is in our file.

(Whereupon, the above-entitled matter
went off the record at 11:26 a.m. and resumed at
11:28 a.m.)

CHAIRPERSON ANDERSON: Let me go back
on the record. We are back on the record.

All right. I'm not going to move
forward with this hearing. And the reason I'm
not going to move forward with this hearing, I do
not have a Letter of Representation in our file.

You are mister?

MR. MALLEA: Christian Mallea.

CHAIRPERSON ANDERSON: Mr. Mallea.

Although Mr. Mallea is the general manager, you
are the ABC Manager who was mentioned in the
report, he does not have a letter from the
ownership. I'm sorry, from the licensee
authorizes him -- authorizing him today to speak
on behalf of the licensee.

Because the ABC Board has decided to
have referred this case over to the Office of
Attorney General prior to this Fact-Finding, I do
not believe that without having a letter from the
licensee, I'm not going to allow -- we are not
going to move forward with this hearing today.

I am not going to state that the
licensee did not show up, because the licensee
did show up today, but I would prefer that -- so
what I'm going to do is that -- and I'll -- Mr.
Mallea, who is here, I'll recommend that you
don't -- you just -- you don't need to respond.

So I'll have Mr. Gilliam, he will tell
us since we are here, just tell us about the
incident and we will leave the record at that.

So why don't you let us know about the
incident that occurred.

INVESTIGATOR GILLIAM: Okay. On
Tuesday, January 1, 2019, at approximate 2:27 in the morning, a simple assault occurred at Umaya.

During the course of the investigation, I interviewed Mr. Mallea and Mr. Mallea stated that some of the victims actually requested to play two more songs from the DJ. Mr. Mallea advised that he told the DJ go on and play the songs.

Mr. Mallea then exited the area, but he didn't know at that time, that the DJ had already unplugged his equipment and it was impossible for him to play the two songs.

Members of the victim's party started to tell the waitress, which Ms. Yanez listed in the report, and they became irate with her and telling them that Mr. Mallea told him to play two more songs. She in turn alerted the suspect, which was a security employee at the establishment.

The security employee approached the party who was making gestures. Then he took it upon himself to take his left hand and actually
moosh one of the victims, Mr. Alexander, in the face with so much force that the victim fell down to the floor and actually slid back.

After that happened, members of the -- other members of the establishment security actually came and started escorting people out. And then the female security officer -- excuse me, her name was --

CHAIRPERSON ANDERSON: It's in the report.

INVESTIGATOR GILLIAM: -- Ms. Sherman.

CHAIRPERSON ANDERSON: Go ahead.

INVESTIGATOR GILLIAM: And she actually was listed in the MPD report as a victim. She stated that her hair got pulled. Upon reviewing the video surveillance, I couldn't see where her hair actually got pulled, but I'm not saying that it didn't occur. It just wasn't captured on video surveillance.

While they was moving the parties to the exit door, one of the -- somebody in the opposing party with the victim barely pushed her
like generally a tap and she responded with two
punches striking and striking the victim.

And because of that, the -- after
reviewing all the video surveillance footage, I
felt like they used the establishment for
unlawful and disorderly purpose.

CHAIRPERSON ANDERSON: Any questions
by any Board Members of the Investigator?

You said unlawful purpose. Why did
you come to that conclusion?

INVESTIGATOR GILLIAM: Because both of
the employees actually assaulted two victims, two
different victims.

CHAIRPERSON ANDERSON: Okay. I'm just
going to ask just one question just -- Mr.
Mallea, this one you can answer.

These two employees who allegedly did
this action, are they still employed with the
establishment?

MR. MALLEA: No.

CHAIRPERSON ANDERSON: No? Okay. All
right. All right. So I'm going to adjourn this
hearing.

The Office of the Attorney General might or might not prosecute it, because the process is that we send it over and they will decide whether or not they believe that there is a violation to prosecute.

If they decide to prosecute, you will -- the licensee will be -- the same way they were notified about this hearing. If you are going to come or if someone else is going to come who is not the owner, who is meaning that if their name is not here at ABRA, then whoever shows up needs to come with a letter stating that they are authorized to represent the licensee in any matters prior to ABRA.

Okay. Thank you for coming here today. All right. We are adjourned. So the Board then is in recess until our 1:30 hearing.

(Whereupon, the Fact-Finding Hearing was concluded at 11:34 a.m.)
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In the matter of: Umaya

Before: DC ABRA

Date: 03-27-19

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter