

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

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IN THE MATTER OF:          :
                           :
Zemen M, LLC, t/a Sliced  :
and Brewed Restaurant    :
1915 9th Street NW       : Fact-finding
Retailer CT - ANC 1B     : Hearing
License #115871          :
Case #21-251-00033       :
                           :
(Chief of Police Hearing  :
Request)                  :
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Wednesday
 January 26, 2022

The Alcoholic Beverage Control Board
 met via Webex videoconference, Chairperson
 Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
 BOBBY CATO, JR., Member
 RAFI ALIYA CROCKETT, Member
 EDWARD S. GRANDIS, Member
 JENI HANSEN, Member
 JAMES SHORT, JR., Member

ALSO PRESENT:

RICHARD BIANCO, Licensees' Counsel
 CHRISTOPHER CONDON, DC ABRA Investigator
 SARAH FASHBAUGH, DC ABRA Staff
 OFFICER ALFONSO LOPEZ MARTINEZ, DC MPD
 MARTHA ZEMENFES, Licensee
 TAMERU ZEMENFES, Licensee

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

2 11:46 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is a fact-finding
5 hearing for Case Number 21-251-00033, Sliced and
6 Brewed Restaurant, License Number 115871.

7 Miss, can you please elevate the
8 rights of the parties in this case. It's
9 Investigator -- the ABRA Investigator. There
10 should also be MPD Officer Alfonso Lopez
11 Martinez, and the attorney for the licensee is
12 Richard Bianco.

13 MS. FASHBAUGH: Stand by. Richard
14 Bianco, your rights have been elevated. Tameru
15 Zemenfes, your rights have been elevated. Celo
16 is the OAG Attorney. Christopher Condon, your
17 rights have been elevated. Alfonso Lopez
18 Martinez, your rights have been elevated. That
19 is all, Mr. Chair.

20 CHAIRPERSON ANDERSON: All right.
21 Thank you very much. All right. Give me one
22 minute, please.

23 All right. This is a fact-finding
24 hearing that we're having this morning, and just
25 I would like the parties to introduce themselves

1 for the record. Let's start with the ABRA
2 Investigator.

3 MR. CONDON: Sure. Christopher
4 Condon. I'm an Investigator with the Alcohol
5 Beverage Regulation Administration.

6 CHAIRPERSON ANDERSON: Spell your name
7 for the record, please?

8 MR. CONDON: Sure. It's Christopher,
9 C-H-R-I-S-T-O-P-H-E-R, last name is Condon, C-O-
10 N-D-O-N.

11 CHAIRPERSON ANDERSON: All right.
12 Thank you. Mr. Bianco.

13 MR. BIANCO: Thank you, Mr. Anderson.
14 My name is Richard Bianco, R-I-C-H-A-R-D, B-I-A-
15 N-C-O. With me, I have the owners of the
16 establishment, Tameru and Martha Zemenfes, and I
17 will let them introduce themselves.

18 CHAIRPERSON ANDERSON: Can you please
19 spell and state your name for the record, please?

20 MR. ZEMENFES: My name is Tameru, T-A-
21 M-E-R-U, Zemenfes, Z-E-M-E-N-F-E-S.

22 CHAIRPERSON ANDERSON: And your wife?

23 MS. ZEMENFES: My name is Martha
24 Zemenfes, M-A-R-T-H-A, last name Z-E-M-E-N-F-E-S.

25 CHAIRPERSON ANDERSON: And what's your

1 relationship to the establishment, please, ma'am?

2 MS. ZEMENFES: Owner.

3 CHAIRPERSON ANDERSON: Let's have the
4 officer being present -- introduce yourself for
5 the record, please?

6 MR. LOPEZ MARTINEZ: Good morning.

7 CHAIRPERSON ANDERSON: I'm sorry. Who
8 -- yes, go ahead. I'm sorry. Go ahead, sir.
9 I'm sorry.

10 MR. LOPEZ MARTINEZ: Good morning.
11 Officer Lopez Martinez, L-O-P-E-Z, Martinez, M-A-
12 R-T-I-N-E-Z.

13 CHAIRPERSON ANDERSON: All right. So
14 this is a fact-finding hearing, and because we
15 have an attorney -- I'm not sure if Mr. Bianco
16 has explained to the owners this is a fact-
17 finding hearing. The Board is just trying to
18 gather information about an incident that
19 occurred. Because it's a fact-finding hearing,
20 no party will be under oath and as a fact-finding
21 hearing, the Board cannot order the parties to do
22 any specific action. The parties can volunteer
23 to do actions, but the Board cannot order the
24 parties to take any specific action.

25 As I stated before, the Chief of

1 Police had requested that we have a fact-finding
2 because of an incident that occurred. We're
3 gathering information.

4 At the end of this hearing, these are
5 the options that the Board will consider. The
6 Board will either take no further action, or the
7 Board will refer this matter to the Attorney
8 General's Office for further investigation if it
9 was an act we believe there should -- there is
10 some type of infraction that occurred. Is that
11 clear to everyone?

12 All right. So I have our ABRA
13 Investigator -- I would like our Investigator to
14 just bring us up to date on this matter, please?

15 MR. LOPEZ MARTINEZ: Sure. So on
16 Tuesday, November 9, 2021, I was referred an MPD
17 CCN Number 21162629 that stated a shooting had
18 occurred in the 1800 block of 9th Street NW at
19 approximately 2:30 in the morning on Sunday,
20 November 7, 2021. The shooting had occurred and
21 basically a victim was shot. The CCN states that
22 on the listed date and time, MPD responded to the
23 listed location to investigate sounds of
24 gunshots. Once on scene, MPD members made
25 contact with victim 1, who was conscious and

1 breathing suffering from the listed injuries.

2 While being questioned, victim 1
3 stated that himself and subject 1 were walking
4 southbound on the 1800 block of 9th Street NW
5 when an unknown suspect, suspect 1, fired a
6 firearm in their direction striking victim 1.
7 There was no lookout for suspect 1 nor a last
8 known direction of travel. Victim 1 was
9 transported to the listed hospital via EMS.

10 That same day I also received a fact-
11 finding hearing request from the Chief of Police,
12 Robert Conti III, and the fact-finding hearing
13 stated the following. "The victim of the
14 shooting had been a patron at Sliced and Brewed
15 and shortly after leaving the establishment, was
16 shot by an unknown suspect or suspects. Most
17 concerning about this incident was that MPD was
18 conducting the preliminary investigation, the
19 employees at Sliced and Brewed refused to
20 cooperate or even speak with the detectives and
21 officers about the incident that had occurred.

22 On Tuesday, November 9, 2021, at
23 approximately 5:00 p.m., I queried ABRA's records
24 and determined that the owner was Tameru
25 Zemenfes, and we had an email and one phone

1 number on file for that individual, and I used
2 that phone number and email to make my contacts.
3 I tried to get a hold of him to kind of get his
4 side of the story. Tuesday, November 9, 2021, at
5 approximately 6:13 p.m., I left a voicemail for
6 the listed owner, Tameru Zemenfes, based on the
7 number that I had on file. I also sent an email
8 to him at 6:18 p.m. on that same day.

9 Two days later, on the 11th of
10 November 2021, I visited the establishment two
11 times, 6:00 p.m. and 7:45 p.m. Both occasions
12 the establishment was closed and the door was
13 locked, no lights on, totally closed.

14 Friday, November 12, 2021,
15 approximately 4:45 p.m., I telephonically
16 interviewed the sergeant on scene, David
17 Randolph, Badge Number S965. He stated that he
18 was assisting and helping the victim who was shot
19 in the 1800 block and heard through word of mouth
20 that the last known location of the victims was
21 Sliced and Brewed Restaurant. Officer --
22 Sergeant David Randolph stated that Officer Lopez
23 Martinez and the detective went to the
24 establishment to try to gain entry to gain
25 footage and to figure out exactly what occurred,

1 and he had heard that Officer Alfonso Lopez
2 Martinez and the detective could not gain access
3 to the establishment. He stated that he heard
4 that overall, the establishment was uncooperative
5 in MPD's initial investigation as to what exactly
6 occurred in regards to the victims being -- that
7 being their last known location.

8 Saturday, November 13th, at
9 approximately 2:08 p.m., I sent a second email to
10 listed owner, Tameru Zemenfes, requesting him to
11 contact me about this incident. On that same day
12 at approximately 2:19 p.m., I telephonically
13 interviewed Officer Alfonso Lopez Martinez, Badge
14 Number 4704, and Officer Alfonso Lopez Martinez
15 stated that they responded to a shooting at the
16 1800 block of 9th Street. He stated that himself
17 and Detective Domingues visited the establishment
18 to try to gain entry to obtain video footage. He
19 said upon arriving at the front entrance, the
20 door was locked, and there was two employees
21 inside, a female and a male, and they were
22 actually recording the officers through the
23 locked door. They waited there approximately 6
24 to 7 minutes trying to gain entry, and the
25 employees never unlocked the door. Detective

1 Domingues referred Officer Lopez Martinez to
2 contact ABRA, to which they did, in regards to
3 attempting -- in regards to the establishment
4 being uncooperative with their investigation.

5 Saturday, November 13th, at
6 approximately 3:10 and 6:15 p.m., I attempted to
7 visit the establishment again. Both times the
8 establishment was closed. So overall I made one
9 phone attempt, two email attempts, and four
10 attempts at visiting the establishment with no
11 attempt at getting touch with the owner.

12 So with my investigation as well as
13 the statements by the two officers and the CCM,
14 I've determined that the establishment interfered
15 with both MPD and ABRA's investigation.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you. Officer Lopez, can you provide what
18 interactions, if any, did you have with this
19 establishment and how were you -- how did you --
20 how were you aware of this establishment, sir?
21 Start from -- yes, please.

22 MR. LOPEZ MARTINEZ: Yes. So as the
23 Investigator stated, I was the primary officer on
24 the scene of the shooting at the 1800 block of
25 9th Street. And after conducting a preliminary

1 investigation, the victim and the witness, they
2 were both together, stated that the last known
3 location was the establishment, Sliced and
4 Brewed. So myself and Detective Domingues walked
5 a block away to see if we can access footage or
6 have any sort of lookout for the shooter, because
7 at the moment, the victim did not have a good
8 lookout, no information about the suspect. So we
9 walked over there to the establishment to see the
10 employees could give us anything, something that
11 we could identify the shooters.

12 Once we get -- we responded to the
13 location, we noticed that the door was locked,
14 and we saw two employees, a male and a female.
15 They were sitting behind the counter. Then as
16 soon as they saw us, they -- one of them -- the
17 male employee was doing this to us and -- which
18 we stated multiple times that we're conducting an
19 investigation, we just had a shooting, wanted to
20 interview them to see if they could help us, give
21 us anything, any sort of lookout in reference to
22 the incident or what led -- what took place
23 before the shooting happened. And they decided
24 no. They started recording us with their cell
25 phones. They shut the lights off, and they went

1 -- they just went away. And we just -- that's
2 when we decided to contact ABRA

3 CHAIRPERSON ANDERSON: Now let me ask
4 Officer Lopez Martinez, did you specifically
5 request entrance to the establishment from the
6 two employees?

7 MR. LOPEZ MARTINEZ: Yes, sir. We
8 knocked multiple times. Detective Domingues was
9 in plainclothes, because detectives don't wear a
10 uniform, and then that's when he -- I, myself,
11 went up to the door and I kept knocking at the
12 door, we made eye contact with the employees. I
13 showed my badge. I kept showing my badge. I
14 took my flash out -- my flashlight out and kept
15 shining it inside so they can see it was me.
16 They still would not open the door for us. We
17 stated multiple times that we just wanted to
18 interview them just to see if we had good access
19 to the TV cameras inside to see if we can get a
20 picture of the shooter, anything more than just -
21 - because at this point, we had nothing. All you
22 had was like a shooting, the victim, no lookout
23 for the suspect. And they never agreed to open
24 the door.

25 CHAIRPERSON ANDERSON: So Officer

1 Lopez Martinez, were you wearing a uniform -- I
2 know you said the detective -- but were you
3 wearing your police uniform?

4 MR. LOPEZ MARTINEZ: Yes, sir, full
5 uniform, badge, everything. I was on duty. I
6 flashed my light, my issued flashlight to them,
7 to my uniform, to my badge. I kept pointing at
8 my badge. No response from the employees.

9 CHAIRPERSON ANDERSON: So I just want
10 to the record to be clear that it was obvious to
11 anyone who saw you that they knew that you're a
12 police officer, is that correct?

13 MR. LOPEZ MARTINEZ: Yes, sir. And we
14 stated multiple times to the employees that we
15 was MPD, we needed help. We stated from them,
16 you know, no response. And we also made eye
17 contact, and that's when they decided to take out
18 their cell phones and start recording us, myself
19 and Detective Domingues, which in my opinion made
20 it clear that they knew it was MPD.

21 CHAIRPERSON ANDERSON: So they were
22 recording you through the locked door?

23 CHAIRPERSON ANDERSON: Yes, sir, yes.

24 CHAIRPERSON ANDERSON: So is it --
25 what type of door -- can you describe the type of

1 door that this establishment has, sir?

2 MR. LOPEZ MARTINEZ: It's -- the door,
3 the front -- the whole front of the store is
4 clear -- it's a clear glass.

5 CHAIRPERSON ANDERSON: Okay.

6 MR. LOPEZ MARTINEZ: Yes, sir. And --

7 CHAIRPERSON ANDERSON: So -- I'm sorry.
8 So it was clear to you that there were two
9 employees were inside the property, is that
10 correct?

11 MR. LOPEZ MARTINEZ: Yes, sir. And
12 just to state, I was recording the whole
13 interaction with my BWC, so everything, it's on
14 camera when it comes to the interaction that I
15 had with the employees of the establishment.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you very much. All right. Investigator
18 Condon, do you know -- was it at this -- I know
19 you stated that you had gone to the establishment
20 several times. It was non-responsive. Do you
21 know whether or not t his place was -- once you
22 started to contact them, do you know whether or
23 not this place was closed, or do you know what
24 was going on, whether or not this establishment
25 was open or closed? Do you have any idea?

1 MR. CONDON: I'm not sure. Every time
2 I visited, the establishment was closed. I could
3 not get in touch with the owner, so I really
4 wasn't sure what was going on as to why the
5 establishment was closed every time I visited and
6 why I couldn't get in touch with the owner. It
7 was definitely kind of strange as I couldn't get
8 in touch with anyone, and the establishment never
9 reopened from what I knew after that incident.

10 CHAIRPERSON ANDERSON: Now do you know
11 whether or not this establishment -- what type of
12 establishment, what type of license do they have?

13 MR. CONDON: They have a tavern
14 license.

15 CHAIRPERSON ANDERSON: Now do you know
16 whether or not they have a security plan?

17 MR. CONDON: That is unknown.

18 CHAIRPERSON ANDERSON: Do you know
19 whether or not they have --

20 MR. CONDON: I'm sorry. I apologize,
21 Mr. Anderson. They do not have a security plan.

22 CHAIRPERSON ANDERSON: Do you know
23 whether or not they have any settlement
24 agreement?

25 MR. CONDON: They do not have a

1 settlement agreement.

2 CHAIRPERSON ANDERSON: All right. Any
3 questions by any Board members of the
4 Investigator and Officer Lopez Martinez?

5 MEMBER SHORT: First, MR. Chair, if
6 it's okay, I'd like to ask --

7 CHAIRPERSON ANDERSON: Yes, Mr. Short.
8 Go ahead.

9 MEMBER SHORT: Officer, thank you for
10 your service. You stated you did record
11 everything on your police camera, correct?

12 MR. LOPEZ MARTINEZ: Yes, sir. The
13 whole interaction from the start of the shooting
14 to the end of the interaction with the
15 establishment, it's on record, it's recorded on
16 BWC, yes, sir.

17 MEMBER SHORT: And that would
18 definitely reflect that they were uncooperative?

19 MR. LOPEZ MARTINEZ: Yes, sir. You
20 could -- and I actually reviewed my video to see,
21 and you can see both employees inside the
22 location recording us and from the start of the
23 interaction to the ending, everything's on
24 record, yes, sir.

25 MEMBER SHORT: So rather than

1 cooperating, they recorded you --

2 MR. LOPEZ MARTINEZ: Yes, sir.

3 MEMBER SHORT: -- instead of opening
4 the door?

5 MR. LOPEZ MARTINEZ: I'd say like they
6 were either making fun of us or like they just --
7 I don't know exactly why was the reason they were
8 recording us. Maybe because we were so
9 obnoxiously trying to get in -- make contact with
10 them. I think that's why they started recording
11 us, because we were, both myself and Detective
12 Domingues, were trying like really hard, knocking
13 the door. I was flashing light on their faces to
14 make sure, hey, this is police, please open the
15 door and --

16 MEMBER SHORT: Do you have the time
17 when you initially got there to that door, the
18 time?

19 MR. LOPEZ MARTINEZ: I can review my
20 BWC but not -- no, not the exact time, sir, no.

21 MEMBER SHORT: Okay. All right.
22 Thank you very much. This is for Investigator
23 Condon. Investigator Condon, what hours does
24 this CT have?

25 MR. CONDON: You said the hours on the

1 license?

2 MR. CONDON: Yes.

3 MR. CONDON: I'm unsure, sir.

4 MEMBER SHORT: What time did you --
5 what time did you visit the establishment?

6 MR. CONDON: I visited a total of --
7 I wasn't on scene when the incident occurred. I
8 got the case approximately two days after the
9 incident. But I visited on multiple occasions
10 throughout the day trying to touch base with the
11 establishment to gain further information.

12 MEMBER SHORT: But you don't know
13 whether or not the hours were -- of operation
14 were, know if they should have been open or --
15 you don't know anything about the operation
16 hours, is that correct?

17 MR. CONDON: Yes. I visited various
18 hours throughout the day, in the evenings
19 throughout the day and overall, they were closed
20 every visit that I visited.

21 MEMBER SHORT: What is the earliest
22 hour you went and what's the last hour you went?

23 MR. CONDON: The earliest I visited,
24 let me see, it looks like 3:10 in the afternoon,
25 Saturday, November 13th. I also visited that

1 same day at approximately 6:15 p.m. I visited at
2 7:45 p.m. on a Tuesday, so that would be the
3 latest, sir, that I visited, would be 7:45 p.m.

4 MEMBER SHORT: Okay. Thank you.
5 That's all I have, Mr. Chair. Thank you very
6 much.

7 CHAIRPERSON ANDERSON: All right.
8 Thank you. Any other questions by any other
9 Board members of either the officer of the
10 investigator?

11 MR. LOPEZ MARTINEZ: Excuse me. This
12 is Officer Lopez. I just reviewed my BWC again
13 and to Mr. James Short, the initial time of the
14 interaction by myself and Detective Domingues was
15 at 3:14 in the morning.

16 MEMBER SHORT: Thank you very much --
17 thank you very, very much.

18 MR. LOPEZ MARTINEZ: No problem, sir.

19 CHAIRPERSON ANDERSON: So when was
20 this incident again? I'm sorry. What date was
21 this again?

22 MR. LOPEZ MARTINEZ: November 7, 2021,
23 sir.

24 CHAIRPERSON ANDERSON: Thank you very
25 much. Mr. Condon, what dates again did you went

1 to visit the establishment?

2 MR. CONDON: I visited Thursday,
3 November 11th. I visited -- so Thursday,
4 November 11th and Saturday, November 13th are the
5 days that I visited the establishment.

6 CHAIRPERSON ANDERSON: All right.
7 Thank you. Mr. Bianco, do you have any questions
8 for either party?

9 MR. BIANCO: I do have just a couple,
10 Mr. Anderson. I could start with Investigator
11 Condon. In the course of your investigation, did
12 you speak with Inspector -- I'm sorry --
13 Detective Domingues directly?

14 CHAIRPERSON ANDERSON: I did not.

15 MR. BIANCO: Okay. Do you know
16 whether or not he visited the premises the day
17 following the incident on November the 8th?

18 MR. CONDON: Unaware of that if he did
19 or not.

20 MR. BIANCO: Okay. And I just wanted
21 to make sure I understood you correctly. You
22 were not on the scene on the night of the
23 incident? You found out about it a couple of
24 days later?

25 MR. CONDON: That's correct. I was

1 assigned the investigation on the 9th when we
2 received the fact-finding hearing request via the
3 Chief of Police.

4 MR. BIANCO: Okay. And now if I can
5 move over to you Officer, on the evening of this
6 incident, I think you indicated that you first
7 made contact with people inside the establishment
8 at 3:14 a.m. Do you recall whether the
9 establishment was open or closed at that time?

10 MR. LOPEZ MARTINEZ: The doors were
11 locked at that --

12 MR. BIANCO: Okay. Were you able to
13 see like customers inside? It's a pizza place so
14 did it look like they were serving food or people
15 drinking or anything like that?

16 MR. LOPEZ MARTINEZ: So there was one
17 -- the first time myself and Detective Domingues
18 were there, there was a person outside attempting
19 to enter the door, but we told him that it was
20 closed because of the ongoing investigation.

21 MR. BIANCO: Okay. Thank you. And
22 following the evening in question, did you ever
23 speak with Detective Domingues about the incident
24 -- about -- I'm sorry. Let me ask a more
25 specific question. Strike that, please.

1 Did you ever speak with Detective
2 Domingues about your efforts to enter the
3 premises on that evening?

4 MR. LOPEZ MARTINEZ: Not after the
5 incident, no, sir.

6 MR. BIANCO: Okay. So do you know
7 whether or not Detective Domingues visited the
8 premises on 11/8?

9 MR. LOPEZ MARTINEZ: I'm not aware of
10 that answer, no.

11 MR. BIANCO: Okay. So just one more
12 question. My clients and the owners of the
13 establishment are both here. They weren't the
14 individuals that you had contact with on the 7th
15 through the door, are they?

16 MR. LOPEZ MARTINEZ: No, sir, no.

17 MR. BIANCO: Okay. All right. Great.
18 Thank you very much. I don't have anything
19 further for you.

20 CHAIRPERSON ANDERSON: All right.
21 Thank you. All right. Mr. Bianco. What is that
22 you will have -- what responses, if any, does
23 your client have, sir?

24 MR. BIANCO: Sure. Thank you very
25 much, Mr. Anderson. And, you know, I think at

1 the end of the day, there was certainly an issue
2 on the evening in question. We don't
3 meaningfully dispute any of the facts that have
4 been put on the record thus far. They seem to be
5 accurate. I think there are some really
6 important context we would like to add here for
7 the Board's consideration. So if you'll indulge
8 me for a few minutes, I would like to put that on
9 the record, and the Board, if they have any
10 questions, you can then ask me thereafter, and I
11 will kick to my client on the operational issues
12 and try to answer any legal issues myself.

13 Tameru and Martha Zemenfes have been
14 pillars of the Little Ethiopian -- Little
15 Ethiopia community for 30 years. They've been
16 operating this particular establishment since
17 2019. They more recently got a liquor license
18 for this establishment, so I think an important
19 thing to understand is, you know, this isn't a
20 9th Street party place. This is a pizza place
21 and operates as such and operated for a long time
22 without a license at all.

23 And Tameru and Martha, although
24 they're young at heart, they're getting on in
25 years, and they are at a point where they can't

1 run the -- meet the demands of running a full-
2 service kitchen on their own. So what they have
3 done is they hired a contractor called Six Street
4 Eats to run the pizza/kitchen operation, and Six
5 Street Eats is a small two-person operation run
6 by someone named Daoud Hari and Ashley Blake, and
7 those two contractors were the people that were
8 at the establishment at 3:14 a.m. on November the
9 7th and the folks who answered the door, which my
10 client was able to ascertain by reviewing the
11 security footage for the evening in question.

12 And when they found out about what
13 happened and how Mr. Hari and Ms. Blake did not
14 allow the police in, Mr. Zemenfes was pretty
15 heated, and he confronted Mr. Hari, and they had
16 an unpleasant discussion, and it resulted in the
17 immediate termination of Six Street Eats and a
18 barring notice issued to them by MPD right away
19 to exclude them from the premises. And as a
20 result of that, Mr. Hari -- and I don't want to
21 put too many facts in because there is a pending
22 -- I'm sorry -- there is a civil matter that has
23 come out of this incident -- Mr. Hari assaulted
24 Mr. Zemenfes and when fought off, he was finally
25 pushed out of the establishment. And I'm saying

1 all this to express to the Board how seriously my
2 client took this incident. It's not how they do
3 business. They have an excellent relationship
4 with MPD, and Mr. and Mrs. Zemenfes have always
5 cooperated in all investigations, and when --
6 actually specifically in this case, the following
7 day, on 11/8, Detective Domingues came to the
8 premises. Tameru and Martha had just happened to
9 be there at that time, and they cooperated with
10 the detective at that point realizing it may have
11 been too little too late but did the best they
12 could once they found out what happened.

13 And I would like to also address
14 Investigator Condon's after the fact
15 investigation. Again, we don't dispute any of
16 that, but I think the reason why he found the
17 establishment closed iFebruary 6, 2022s because
18 it was for a period of approximately 10 days
19 following this incident and as a direct result of
20 this incident. And the reason why it was closed
21 for that period of time, completely closed is
22 because Tameru and Martha really couldn't take on
23 the burden of reopening the kitchen until they
24 hired new kitchen staff to run it. And they did
25 that and after about 10 days, they have reopened,

1 and they are there pretty much constantly, at
2 least supervising what's going on in the kitchen
3 with new employees. And there hasn't been any
4 incidents since.

5 And, you know, that's pretty much the
6 long and short of it. I would be glad to answer
7 any questions. But we're not hiding from the
8 facts here. The investigators did a fine job and
9 their reports accurately reflect the facts.

10 CHAIRPERSON ANDERSON: Mr. Bianco,
11 thank you for that presentation. Can you find
12 out from your client -- can your client tell us
13 exactly when is it that they were closed?

14 MR. BIANCO: Sure. Tameru, can you
15 say specifically the dates that you were closed
16 following the incident?

17 MR. ZEMENFES: We close since November
18 8th.

19 MR. BIANCO: Okay. And when did you
20 reopen again?

21 MR. ZEMENFES: What date you open?

22 MS. ZEMENFES: Eighteenth.

23 MR. ZEMENFES: November 18th.

24 MR. BIANCO: Okay. So approximately
25 10 days.

1 CHAIRPERSON ANDERSON: So what kind of
2 camera system, if any, do you have?

3 MR. BIANCO: Sure. Tameru, can you
4 describe your security camera system?

5 MR. ZEMENFES: -- camera system.

6 MR. BIANCO: And how many cameras?

7 MR. ZEMENFES: We got four camera.

8 MR. BIANCO: Okay. And where are they
9 located? Are they inside or outside of the
10 establishment?

11 MR. ZEMENFES: Inside -- in.

12 MR. BIANCO: Okay. Do you have any
13 cameras outside of the establishment?

14 MR. ZEMENFES: Outside we don't have
15 it.

16 MR. BIANCO: Okay. And inside the
17 establishment, where are they located?

18 MR. ZEMENFES: One is at the front,
19 one is kitchen, one in the back, and one upstairs.

20 MR. BIANCO: Okay. Sorry, Mr.
21 Anderson, I didn't mean to step on your questions
22 there. I just wanted to get the facts out.

23 CHAIRPERSON ANDERSON: That's fine.
24 I just ask them some questions I want to see. So
25 it's my understanding that Detective Domingues

1 went on the 8th. So did your clients share the
2 camera footage, if any existed, with the
3 detective?

4 MR. BIANCO: They promised to provide
5 it to him when the technician arrived, and by the
6 time that happened the following day, Detective
7 Domingues, we learned later, no longer needed the
8 footage. So we offered to provide it, had it
9 downloaded and ready to hand to him and
10 ultimately, he did not show up to pick it up, but
11 we cooperated with him to the extent that we
12 could, albeit after the fact and after they
13 should have.

14 CHAIRPERSON ANDERSON: Now what are
15 the hours of operation for this business?

16 MR. BIANCO: Sure. They close at
17 2:30.

18 CHAIRPERSON ANDERSON: So during the
19 time in question, it was -- what's the time --
20 what's the period?

21 CHAIRPERSON ANDERSON: So the time of
22 the incident was -- I think the time of the
23 shooting was 2:27, and the time that MPD arrived
24 at the front door was 3:14. So they had been
25 closed for 40 minutes, and the only two people

1 left in the building were Mr. Daoud and Ms.
2 Blake. And the only thing I can say about them
3 is I've had some contact with them in the civil
4 matter and, you know, the recording of MPD is
5 really odd but it's on message for them. When we
6 made arrangements for them to pick up their
7 stuff, obviously, my clients weren't going to be
8 there given the physical assault, so I supervised
9 it myself, and they saw fit to videotape me as I
10 was helping them get the stuff out of the
11 establishment. So I agree very strange but
12 seemingly operating procedure for these two
13 folks.

14 CHAIRPERSON ANDERSON: All right.
15 Thank you. Any questions by any parties, the
16 officer and the Board members, Mr. Condon, of the
17 licensee?

18 All right. Prior to closing this
19 case, Mr. --

20 MEMBER SHORT: Mr. Chair?

21 CHAIRPERSON ANDERSON: I'm sorry.
22 Who's that? Yes, Mr. Short.

23 MEMBER SHORT: I would like to ask the
24 licensee if the footage is still available if I
25 ever wanted to get a copy of it.

1 MR. BIANCO: I believe that it is. So
2 Tameru, can you confirm that you still have the
3 video of the evening in question?

4 MR. ZEMENFES: Yes, we do, yes.

5 MR. BIANCO: We're happy to provide it
6 if requested. It can be delivered or picked up.

7 MEMBER SHORT: Mr. Chair, I think that
8 it would be helping, especially the ABRA
9 investigator, to have a copy of it for the
10 record.

11 CHAIRPERSON ANDERSON: All right. So
12 Mr. -- if the footage -- I'm not quite sure if
13 the agency still requires it, but if the agency
14 requires it, then if it's still available, I --
15 Mr. Bianco said that he can provide that to the
16 agency. So that's fine. All right. Thank you.
17 Any other questions by any other parties? Or if
18 no other questions, any final comments you want
19 to make, Mr. Bianco?

20 MR. BIANCO: Nothing from the
21 licensee, Mr. Anderson.

22 CHAIRPERSON ANDERSON: Investigator --
23 I'm sorry -- Officer Lopez Martinez?

24 MR. LOPEZ MARTINEZ: No further
25 questions, sir.

1 CHAIRPERSON ANDERSON: All right. Mr.
2 Condon?

3 MR. CONDON: No further questions, Mr.
4 Anderson.

5 CHAIRPERSON ANDERSON: All right.
6 Thank you very much. I want to thank everyone
7 for their presentation today. Thank you very
8 much, Officer, for being here, Investigator, the
9 licensee, and the Board will take this matter
10 under advisement, and we will inform you of
11 whether or not we will do an NFA or whether or
12 not we will submit this to the Office of Attorney
13 General for further investigation if we believe
14 that there was some type of ABRA violation. All
15 right. But again, thank everyone for their
16 presentation today and have a great day. Thank
17 you.

18 MR. BIANCO: Thank you, Mr. Anderson.
19 Thank you, members of the Board.

20 MR. ZEMENFES: Thank you so much.

21 MS. ZEMENFES: Thank you.

22 CHAIRPERSON ANDERSON: You're both
23 welcome.

24 (Whereupon, the above-entitled matter
25 went off the record at 12:19 p.m.)

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In the matter of: Sliced and Brewed Restaurant

Before: DCABRA

Date: 01-26-22

Place: teleconference

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Court Reporter

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