

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF:
Kezira, Inc.
t/a Kezira Lounge
3013 Georgia Ave NW
Retailer CR - ANC 1E
License No. 117490
Case #23 CMP 00007
(Operating After Hours,
Interfered with an ABCA
Investigation, Provided
False or Misleading
Information)
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Wednesday
January 31, 2024

The Alcoholic Beverage and Cannabis Board met via
WebEx videoconference, Chairperson Donovan W.
Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
MEKEDES YESHUALASHET, Applicant
MESKEREM BALKEW, Interpreter
CHRIS SOUTHCOTT, DC OAG
INVESTIGATOR MARK RUIZ

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

2 (12:11 p.m.)

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case Number
5 23-CMP-00007. Kezira Lounge. License Number
6 117490. Excuse me. Mr. Orellana, can you please
7 elevate the rights of the State Government, and
8 the licensee, and the -- excuse me -- the
9 investigator if there are any witnesses for this
10 case. Thank you.

11 MR. ORELLANA: Chris Southcott, your
12 access has been elevated. Investigator Mark
13 Ruiz, your access has been elevated. Mekedes,
14 your access has been elevated. Meskerem Balkew,
15 your access has been elevated. That is all,
16 Chairman.

17 CHAIRPERSON ANDERSON: All right. Is
18 Ms. Balkew, are you the -- the interpreter?

19 MS. BALKEW: Yes.

20 CHAIRPERSON ANDERSON: All right. Can
21 you raise your right hand, please? Can -- Can
22 you identify yourself for the record? Please
23 spell and state your name for the record, ma'am.

24 MS. BALKEW: Meskerem Balkew.
25 M-e-s-k-e-r-e-m, first name. Last name,

1 B-a-l-k-e-w. Amharic interpreter.

2 CHAIRPERSON ANDERSON: Hi. Can you
3 raise your right hand please?

4 Do you swear or affirm that you will
5 faithfully translate these proceedings from
6 English into Amharic and from Amharic into
7 English?

8 MS. BALKEW: I do.

9 CHAIRPERSON ANDERSON: All right. Can
10 you tell the licensee that they need to turn
11 their camera on please?

12 (Discussion in Amharic.)

13 CHAIRPERSON ANDERSON: All right.
14 Good afternoon. Mr. Southcott, can you please
15 identify yourself for the record please?

16 MR. SOUTHCOTT: Good afternoon,
17 members of the Board. My name is Chris
18 Southcott. First name, C-h-r-i-s. Last name,
19 S-o-u-t-h-c-o-t-t. From the DC's Attorney
20 General's Office representing the District.

21 CHAIRPERSON ANDERSON: And Ms.
22 Yeshualashet, I apologize, but can you please
23 spell -- ask her to please spell and state her
24 name for the record please.

25 MS. YESHUALASHET: Mekedes

1 Yeshualashet. M-e-k-e-d-e-s.

2 Y-e-s-h-u-a-l-a-s-h-e-t.

3 CHAIRPERSON ANDERSON: And what is her
4 relationship to this establishment?

5 MS. YESHUALASHET: I am the owner.

6 CHAIRPERSON ANDERSON: All right.

7 Thank you. All right. This is a show cause
8 hearing. Mr. Southcott, are there any
9 preliminary matter in this case?

10 MR. SOUTHCOTT: No preliminary matters
11 from the Government.

12 CHAIRPERSON ANDERSON: All right. So,
13 basically what we -- we will -- this is a show
14 cause hearing. The Government has the burden.
15 The way the process will work, the Government
16 will make -- The Government will go first. So,
17 we'll have an opening statement. The Government
18 can make an opening statement. Then the Licensee
19 can make an opening statement.

20 Once the Government -- once they've
21 had their opening statements, then the
22 Government, who has the burden, the Government
23 will call its witnesses. Once the Government has
24 called its witness, ask questions, the Licensee
25 has the opportunity to cross examine the witness.

1 And then the Board will ask questions of the
2 witness.

3 Once the Government has presented its
4 case, then if the Licensee has witnesses, then
5 they will call their witnesses to present their
6 case.

7 Do you have any questions, ma'am,
8 before we start?

9 MS. YESHUALASHET: No, I don't have.

10 CHAIRPERSON ANDERSON: All right. Mr.
11 Southcott, do you wish to do an opening
12 statement?

13 MR. SOUTHCOTT: Good morning, and may
14 I please the Board. Members of the Board, there
15 is a number that I'd like you to have in your
16 mind. And that number is twenty-two minutes.
17 Twenty-two minutes is about the average length of
18 a sitcom episode. You can tell an entire story
19 in twenty-two minutes. Twenty-two minutes is a
20 long time.

21 CHAIRPERSON ANDERSON: Mr. Southcott
22 --

23 MR. SOUTHCOTT: Yeah --

24 CHAIRPERSON ANDERSON: Remember --

25 (Simultaneous speaking.)

1 MR. SOUTHCOTT: How much should I be
2 speaking before allowing the interpreter to --

3 CHAIRPERSON ANDERSON: Why don't you
4 ask her how much -- ask her how long can you
5 speak before she starts to interpret. So what --
6 what -- how much information can she absorb
7 before she -- before she can interpret.

8 So ma'am, how much information do you
9 -- can you absorb --

10 MS. BALKEW: I don't know. One or two
11 sentence at a time.

12 MR. SOUTHCOTT: Okay.

13 CHAIRPERSON ANDERSON: Okay.

14 MR. SOUTHCOTT: Should I continue?

15 CHAIRPERSON ANDERSON: Yes. Yeah.
16 She said one or two sentences, so, yeah. Maybe
17 after a couple of sentences then you stop. Yes.

18 MR. SOUTHCOTT: Thank you.

19 Twenty-two minutes is also how long it
20 took after ABCA investigators arrived at Kezira
21 Lounge before they were granted access inside.
22 The evidence will show that at 2:58 a.m. on
23 January 20, 2023, ABCA Investigator Mark Ruiz
24 tried to open the door to the Kezira Lounge to
25 conduct an after-hours regulatory inspection

1 after he heard music and saw patrons inside.

2 MS. BALKEW: You spoke more than four
3 sentence. So I'll try to say the first two and
4 you'll repeat the rest.

5 (Pause.)

6 MS. BALKEW: And the time and the date
7 your investigate went to there?

8 MR. SOUTHCOTT: 2:58 a.m. on January
9 20, 2023, ABCA Investigator Mark Ruiz tried to
10 open the door to conduct an after-hours
11 regulatory inspection.

12 But nobody came to open the door.
13 Despite consistently knocking on the front door
14 and announcing himself, Investigator Ruiz was
15 repeatedly denied entry while Kezira attempted to
16 usher patrons out the back entrance.

17 So, ABCA Investigator Christopher
18 Condon went to the lounge's back door, and by the
19 time he arrived, he too found it locked. And
20 despite him also repeatedly pounding on the door,
21 the door remained shut until 3:20 a.m.,
22 twenty-two minutes after investigators first
23 tried to enter.

24 During those twenty-two minutes,
25 you'll hear that ABCA investigators told the

1 establishment that they would call the Fire
2 Marshall to break the doors down going to the
3 hazard of locking patrons inside.

4 And when investigators did get inside,
5 you will hear how the owner provided misleading
6 statements to obstruct ABCA's investigation.
7 When Investigator Condon asked for identification
8 and asked who the manager was, the owner, Ms.
9 Mekedes Yeshualashet refused to provide identity
10 or to identify herself as the owner, and instead
11 told Investigator Condon that the manager has
12 left.

13 Once the front door was eventually
14 opened, you'll see that Investigator Ruiz
15 entered, and immediately identified Ms.
16 Yeshualashet as the owner. Yet she still did not
17 admit to owning the establishment. Only after
18 repeated questioning by ABCA investigators did
19 Ms. Yeshualashet identify as the owner.

20 So, the District seeks to bring three
21 charges against Kezira Lounge. One charge for
22 extending the hours of operation in violation of
23 DC Code Section 25-762(a) and (b)(13), and two
24 charges for failing to cooperate with an ABCA PD
25 investigation.

1 The extending hours of operation
2 charge is simple. You will see evidence that the
3 establishment's licensed hours of operation for
4 Thursdays is 8:30 a.m. to 2:00 a.m. Yet by the
5 time ABCA investigators arrived and announced
6 themselves, Kezira Lounge was still operating at
7 almost 3:00 a.m.

8 The interference charges are similarly
9 simple. The District will show that one of those
10 charges stems from the establishment's refusal to
11 allow ABCA investigators and MPD officers to
12 enter the premises for twenty-two minutes. This,
13 despite the mandate of DC Code Section
14 25-823(a)(5)(A), that establishments are to allow
15 inspections without delay.

16 The District will show that the other
17 charge stems from the owner's dishonest conduct
18 by violating DC Code Section 25-823(a)(5)(C),
19 where she told Investigator Condon that the
20 manager had left, refused to identify herself,
21 and then only after she was discovered by
22 Investigator Ruiz, told ABCA investigators that
23 everyone inside the establishment was an employee
24 despite investigators witnessing dozens of people
25 inside.

1 So, the District asks that at the
2 conclusion of this evidentiary hearing, that the
3 Board find Kezira Lounge liable for the three
4 charges. Thank you.

5 CHAIRPERSON ANDERSON: Ma'am, do you
6 wish to make an opening statement now, or do you
7 want to defer until you present your case?

8 MS. YESHUALASHET: Yes. I want to
9 make a statement.

10 CHAIRPERSON ANDERSON: Okay. Go
11 ahead.

12 MS. YESHUALASHET: (Speaking Amharic.)

13 CHAIRPERSON ANDERSON: Hold on. Hold
14 on. Hold on. I do not want the gentleman,
15 either he's representing you, or he's not. If
16 he's representing you, he can speak. I do not
17 want to have you having communication with anyone
18 when you're talking to me, ma'am.

19 MS. YESHUALASHET: He was present at
20 that time. That's why he's here.

21 CHAIRPERSON ANDERSON: No, no, no.
22 No. That's not what I'm saying. Only -- I can't
23 have him telling her what to say. She's
24 speaking. If she wants him to testify later on
25 as a witness, he can. But while -- while she is

1 making any statement, he should not be whispering
2 things in her ear. That's what I'm asking.

3 MS. YESHUALASHET: Okay.

4 CHAIRPERSON ANDERSON: Go ahead,
5 ma'am.

6 MS. YESHUALASHET: First of all, I
7 didn't sell -- sold alcohol after -- after hours.
8 I didn't.

9 On that day, it was a birthday --
10 birthday celebration at the establishment. There
11 was a loud music, so that's why I didn't hear
12 them when they are knocking. And I never said --
13 say I don't remember, even a name, or saying I
14 won't show ID. I don't -- I don't remember even
15 saying that.

16 CHAIRPERSON ANDERSON: All right.
17 Okay. That's all she -- Okay. This is a -- This
18 is an opening statement. So she's going to get
19 an opportunity later on, she can call witnesses,
20 but I just want to say, that she -- this was just
21 our opening statement, as was done by the
22 Government.

23 MS. YESHUALASHET: Yes.

24 CHAIRPERSON ANDERSON: Yes what. I
25 don't -- What did she say?

1 MS. YESHUALASHET: This is my opening
2 statement.

3 CHAIRPERSON ANDERSON: Thank you,
4 ma'am.

5 All right. Mr. Southcott, do you have
6 -- do -- do you have a witness you wish to call?

7 MR. SOUTHCOTT: Yes, I do. The
8 district wishes to call Investigator Mark Ruiz.

9 MS. BALKEW: What's the name of the
10 investigator again? I'm sorry.

11 MR. SOUTHCOTT: Mark Ruiz.

12 CHAIRPERSON ANDERSON: Mark Ruiz,
13 ma'am. It's on the screen.

14 MS. BALKEW: Okay.

15 CHAIRPERSON ANDERSON: Mr. Ruiz, can
16 you raise your right hand please?

17 Do you swear or affirm to tell the
18 truth and nothing but the truth?

19 INVESTIGATOR RUIZ: I do.

20 CHAIRPERSON ANDERSON: And I just want
21 to remind both -- both the attorney and the
22 witness that this has been translated. So please
23 be mindful in your questions and your answers.

24 MR. SOUTHCOTT: Good afternoon, Mr.
25 Ruiz. Could you please identify yourself for the

1 Board?

2 INVESTIGATOR RUIZ: Yes. I am ABCA
3 Investigator Mark Ruiz. M-a-r-k. R-u-i-z.

4 MR. SOUTHCOTT: And how long have you
5 been an investigator for ABCA?

6 INVESTIGATOR RUIZ: Four years and
7 eleven months.

8 MR. SOUTHCOTT: And what are your
9 duties in that role as investigator?

10 INVESTIGATOR RUIZ: To conduct
11 inspections and investigations of ABC licensed
12 establishments within the District of Columbia.

13 MR. SOUTHCOTT: Investigator, do you
14 receive training on how to identify violations of
15 various provisions of the DC Code?

16 INVESTIGATOR RUIZ: Yes.

17 MR. SOUTHCOTT: Are you familiar with
18 Kezira Lounge?

19 INVESTIGATOR RUIZ: Yes.

20 MR. SOUTHCOTT: How are you familiar
21 with them?

22 INVESTIGATOR RUIZ: I conducted
23 several investigations involving this
24 establishment.

25 MR. SOUTHCOTT: I'll focus on the of

1 the incident in question. Did you intend to
2 conduct an investigation of Kezira Lounge in the
3 early morning hours of January 20, 2023?

4 INVESTIGATOR RUIZ: Yes.

5 MR. SOUTHCOTT: Can you describe how
6 you came to start the investigation?

7 INVESTIGATOR RUIZ: Yes. Myself and
8 ABCA Investigator Condon were traveling back to
9 the office down Georgia Avenue when we passed the
10 establishment and observed patrons entering the
11 establishment and we heard music.

12 MR. SOUTHCOTT: Approximately what
13 time did this occur?

14 INVESTIGATOR RUIZ: 2:55 a.m.

15 MR. SOUTHCOTT: Did you contact the
16 Metropolitan Police Department?

17 INVESTIGATOR RUIZ: Yes.

18 MR. SOUTHCOTT: About how long after
19 you contacted them were they on the scene?

20 MS. BALKEW: Would you mind to repeat
21 the question?

22 MR. SOUTHCOTT: Approximately how long
23 after you contacted MPD were they present?

24 MS. BALKEW: At the present?

25 MR. SOUTHCOTT: No, ma'am. Were they

1 at the establishment.

2 CHAIRPERSON ANDERSON: Uh, rephrase
3 the question. She's not getting what you're
4 saying. So, I understand, but she's not
5 understanding the question you're asking, sir.

6 MS. BALKEW: Yeah. I don't -- but I
7 didn't hear the last word.

8 MR. SOUTHCOTT: How long did it take
9 for MPD to arrive?

10 INVESTIGATOR RUIZ: Five, six minutes.

11 MR. SOUTHCOTT: So, just so we're
12 clear here. This instance occurred early on a
13 Friday morning, but for the purposes of
14 determining the hours of sale and operation, did
15 you look to the hours of operation for Friday or
16 for Thursday?

17 INVESTIGATOR RUIZ: Thursday.

18 MR. SOUTHCOTT: At this time, I'd like
19 to direct the Board, its attention to the case
20 report and share my screen so I can have the
21 investigator read from a portion of it.

22 CHAIRPERSON ANDERSON: Mr. Orellana,
23 if you could allow Mr. Southcott to share his
24 screen.

25 Thank you.

1 MR. SOUTHCOTT: Can the Board see
2 this?

3 CHAIRPERSON ANDERSON: Yes, sir.

4 MR. SOUTHCOTT: Investigator Ruiz,
5 what is this document?

6 INVESTIGATOR RUIZ: It's settlement
7 agreement.

8 MR. SOUTHCOTT: Does this document
9 list the establishment's hours of operation?

10 INVESTIGATOR RUIZ: Yes.

11 MR. SOUTHCOTT: What are the
12 establishment's hours of operation for Thursdays?

13 INVESTIGATOR RUIZ: 8:30 a.m. to 2:00
14 a.m.

15 MR. SOUTHCOTT: Thank you. So if the
16 establishment is operating after 2:00 a.m., then
17 is it in violation of its obligation to operate
18 only until 2:00 a.m.?

19 INVESTIGATOR RUIZ: Yes.

20 MR. SOUTHCOTT: Does the establishment
21 need to be selling alcohol in order to be
22 operating in violation of its hours?

23 INVESTIGATOR RUIZ: No.

24 MR. SOUTHCOTT: So, by the time you
25 arrived, it was close to an hour after the

1 establishment's hours of operation for Thursdays.
2 Correct?

3 INVESTIGATOR RUIZ: Yes.

4 MR. SOUTHCOTT: When you arrived at
5 Kezira Lounge, did the establishment appear to be
6 in operation, and how could you tell?

7 INVESTIGATOR RUIZ: Yes. We indicated
8 it to be operating by what appeared to be patrons
9 entering the establishment as well as music being
10 played, and disco lights being observed flashing
11 throughout the establishment.

12 MR. SOUTHCOTT: Did the individuals
13 inside Kezira Lounge appear to be employees or
14 patrons?

15 INVESTIGATOR RUIZ: Appeared to be
16 patrons.

17 MR. SOUTHCOTT: Based on your
18 knowledge and experience as a ABCA Investigator,
19 do you believe the establishment was operating
20 outside of its licensed hours?

21 INVESTIGATOR RUIZ: Yes.

22 MR. SOUTHCOTT: At some point after
23 arriving, did you start taking a video of the
24 establishment on your phone?

25 INVESTIGATOR RUIZ: Yes.

1 MR. SOUTHCOTT: Why did you start
2 recording?

3 INVESTIGATOR RUIZ: Due to the delay
4 of the opening of the door, to document what was
5 going on inside the establishment.

6 MR. SOUTHCOTT: So what happened when
7 you first arrived at the establishment and tried
8 to enter?

9 INVESTIGATOR RUIZ: The -- The front
10 door was found to be locked. And at that time,
11 with MPD present, began to knock and identify
12 ourselves as ABCA and MPD.

13 During which time knocking, with no
14 one answering, the establishment's music was
15 turned off.

16 MR. SOUTHCOTT: Would you recognize
17 the video that you took from outside of the
18 establishment looking inwards?

19 (No audible response.)

20 MR. SOUTHCOTT: At this point, I'd
21 like to pull up what's marked as Exhibit 1 in the
22 case report, which is Investigator Ruiz's video
23 footage.

24 Investigator Ruiz, do you recognize
25 this video?

1 INVESTIGATOR RUIZ: Yes.

2 MR. SOUTHCOTT: So, I'm going to
3 attempt to play this, and hopefully we can also
4 get the audio that's associated with it. Members
5 of the Board, if you could let me know if you can
6 hear what is happening in the video.

7 (Video played.)

8 MR. SOUTHCOTT: Was that -- Could
9 individuals hear that on your end?

10 CHAIRPERSON ANDERSON: No.

11 MR. SOUTHCOTT: One moment.

12 (Pause.)

13 MR. SOUTHCOTT: I'm going to try
14 again.

15 CHAIRPERSON ANDERSON: No, sir. I
16 cannot hear any volume.

17 MR. SOUTHCOTT: That's frustrating.
18 I can hear it on my end. I -- I don't know why
19 it's not being conveyed over. I am attempting to
20 share my -- my computer's audio. And obviously
21 --

22 (Pause.)

23 MR. SOUTHCOTT: Could members hear
24 that?

25 CHAIRPERSON ANDERSON: No. I haven't

1 heard anything.

2 MR. SOUTHCOTT: At this point, I guess
3 I'd -- I'd like to ask the Board how they want me
4 to proceed with this. I was planning on going
5 through video footage where you can very clearly
6 hear individual conversations, and -- which is
7 relevant to -- to these charges.

8 I know that Investigator Ruiz has
9 reviewed this footage, and so I can have him
10 testify to it. But if we can't seem to get the
11 audio working, I would appreciate some sort of --
12 some guidance from the Board on how to proceed.

13 CHAIRPERSON ANDERSON: Well, if you
14 can't -- Why don't you have -- have the witness
15 -- Did the witness take the video? Or was it --
16 which witness had this video?

17 MR. SOUTHCOTT: The witness --

18 CHAIRPERSON ANDERSON: I'm sorry.

19 MR. SOUTHCOTT: The witness took this
20 video.

21 CHAIRPERSON ANDERSON: So why don't
22 you ask -- ask the witness about the video? Let
23 the witness describe the video if he took the
24 video.

25 MR. SOUTHCOTT: I can do that.

1 Investigator Ruiz, have you reviewed
2 that video prior to today's proceedings?

3 INVESTIGATOR RUIZ: Yes.

4 MR. SOUTHCOTT: That video, and when
5 you were conducting this, were you repeatedly,
6 saying open the door, it's ABRA and MPD?

7 INVESTIGATOR RUIZ: Yes.

8 MR. SOUTHCOTT: Do you recall seeing
9 individuals go out the back of the establishment
10 and recording that in the video?

11 INVESTIGATOR RUIZ: Yes. They were
12 being ushered out by security staff.

13 MR. SOUTHCOTT: Approximately how many
14 people were inside the establishment when you
15 started recording?

16 INVESTIGATOR RUIZ: I would estimate
17 approximately forty plus.

18 MR. SOUTHCOTT: Do you recall in your
19 review of the video you saying that it's just
20 interference?

21 INVESTIGATOR RUIZ: Yes. While
22 knocking on the door, you would be able to see in
23 the video I was -- individuals looking at the
24 door while I'm knocking and yelling, as well as
25 peering, peeking around a corner watching us.

1 MR. SOUTHCOTT: And why does that
2 behavior constitute interference?

3 INVESTIGATOR RUIZ: They were
4 purposely delaying our entry into the
5 establishment.

6 MR. SOUTHCOTT: Does an establishment
7 have an obligation to allow ABCA and MPD
8 Investigators inside without delay?

9 INVESTIGATOR RUIZ: Yes.

10 MR. SOUTHCOTT: Do you think it's
11 possible that employees in the establishment
12 simply could not have heard ABCA knocking on the
13 door and announcing themselves?

14 INVESTIGATOR RUIZ: No.

15 MR. SOUTHCOTT: Did you see people
16 inside the establishment cleaning up while you
17 were recording?

18 INVESTIGATOR RUIZ: Yes. While
19 patrons were exiting, they were knocking tables
20 and chairs over, and I observed an individual
21 picking them up as well as picking and moving
22 hookah.

23 MR. SOUTHCOTT: Investigator Ruiz, as
24 a part of your investigation, did you review any
25 body worn camera footage?

1 MS. BALKEW: Would you mind repeat
2 that?

3 MR. SOUTHCOTT: Investigator Ruiz, as
4 part of your investigation, did you review any
5 body worn camera footage?

6 (Pause.)

7 MR. SOUTHCOTT: Body worn camera.

8 MS. BALKEW: Would you mind rephrasing
9 that? I don't understand.

10 MR. SOUTHCOTT: It's a -- It's a
11 particular term. It's a term that references the
12 type of camera that MPD officers wear so that
13 they are holding a camera. It's just attached to
14 them. That's called a body worn camera.

15 INVESTIGATOR RUIZ: Yes.

16 MR. SOUTHCOTT: Would you recognize
17 that footage?

18 INVESTIGATOR RUIZ: Yes.

19 MR. SOUTHCOTT: I am going to once
20 more attempt to pull up footage. I will again
21 attempt to get the audio on this. If the audio
22 is not working, then I think I will just play
23 footage and -- so that members of the Board can
24 see what is occurring, and then have
25 Investigatory Ruiz testify as to what is being

1 said during that time period, if that works for
2 the Board.

3 Investigator Ruiz, is this the body
4 worn camera footage that you reviewed?

5 INVESTIGATOR RUIZ: Yes.

6 MR. SOUTHCOTT: Is there -- The sound
7 should have just kicked in. At least it did on
8 my -- on my end.

9 INVESTIGATOR RUIZ: Yes.

10 CHAIRPERSON ANDERSON: Yes. Yes it
11 did. The sound kicked in.

12 MR. SOUTHCOTT: Great.

13 Investigator Ruiz, is there a
14 timestamp on this footage?

15 INVESTIGATOR RUIZ: Yes.

16 MR. SOUTHCOTT: What is the timestamp?

17 INVESTIGATOR RUIZ: 2:57 a.m.

18 MR. SOUTHCOTT: Thank you.

19 I am not going to play the entirety of
20 this thirty-three minute video. But I did want
21 to highlight some particular segments.

22 Investigator Ruiz, what is the
23 timestamp here?

24 INVESTIGATOR RUIZ: 2:58.

25 MR. SOUTHCOTT: Do you recognize the

1 two individuals in this still?

2 INVESTIGATOR RUIZ: Yes. That is
3 myself and ABCA Investigator Chris Condon.

4 MR. SOUTHCOTT: Okay. I'm going to
5 play the video.

6 (Video played.)

7 MR. SOUTHCOTT: Investigator Ruiz, can
8 you describe what -- what we saw in that footage?

9 INVESTIGATOR RUIZ: At the time that's
10 me identifying and instructing them to open the
11 door. As well as, you can also hear the music
12 playing from the establishment.

13 MR. SOUTHCOTT: And without showing
14 all of the footage of you standing around
15 knocking on the door, did you continue to
16 announce yourself and knock on the door for
17 several minutes?

18 INVESTIGATOR RUIZ: Yes.

19 MR. SOUTHCOTT: At some point, did
20 Investigator Condon and an MPD officer go to the
21 back of the establishment and try and enter
22 through the back door?

23 INVESTIGATOR RUIZ: Yes.

24 MR. SOUTHCOTT: For the Board's
25 convenience, I'm going to skip ahead.

1 Investigator Ruiz, what is the
2 timestamp on this?

3 INVESTIGATOR RUIZ: 3:07.

4 (Video played.)

5 MR. SOUTHCOTT: Investigator Ruiz, can
6 you describe what you saw in that segment of
7 video footage?

8 INVESTIGATOR RUIZ: Yes. That was
9 Investigator Condon and the officer arriving to
10 the rear of the establishment, with Investigator
11 Condon knocking on the door, which he made the
12 announcement.

13 MR. SOUTHCOTT: Is that door?

14 INVESTIGATOR RUIZ: Yes. That is the
15 rear door of the establishment.

16 MR. SOUTHCOTT: Why would Investigator
17 Condon reference calling the Fire Marshalls?

18 INVESTIGATOR RUIZ: Due to the safety
19 hazard of them holding the patrons inside the
20 establishment with the doors locked without free
21 access in and out.

22 MR. SOUTHCOTT: Does the Fire Marshall
23 have the authority to break down doors where the
24 doors are locked and patrons are inside?

25 INVESTIGATOR RUIZ: Yes. They do.

1 MR. SOUTHCOTT: We're going to skip
2 ahead slightly.

3 Investigator Ruiz, what is the
4 timestamp here?

5 INVESTIGATOR RUIZ: 3:09.

6 MR. SOUTHCOTT: Could you describe
7 what occurred in that clip?

8 INVESTIGATOR RUIZ: Investigator
9 Condon continuing to open the door -- to request
10 them to open the door, again, alerting to the
11 potential to the Fire Marshall arriving.

12 MR. SOUTHCOTT: Would you describe
13 Investigator Condon as knocking on the door
14 loudly, softly, -- How aggressively is he
15 knocking?

16 INVESTIGATOR RUIZ: I would describe
17 it as loudly, banging, force.

18 MR. SOUTHCOTT: Do you believe it's
19 plausible that somebody inside the establishment
20 would not be able to hear Investigator Condon
21 knocking on the door in such a manner?

22 INVESTIGATOR RUIZ: No.

23 MR. SOUTHCOTT: Does Investigator
24 Condon continue knocking on the door for several
25 minutes?

1 INVESTIGATOR RUIZ: Yes.

2 MR. SOUTHCOTT: For the sake of
3 expedience, while I do believe there is some
4 value to the Board witnessing the length of time
5 passing between investigators arriving and the
6 door actually being open, I will skip ahead to
7 when the door itself actually does get opened.

8 (Video played.)

9 MR. SOUTHCOTT: Investigator Ruiz,
10 what is the timestamp here?

11 INVESTIGATOR RUIZ: 3:20.

12 MR. SOUTHCOTT: Is this the first time
13 the door has been opened since ABCA investigators
14 arrived at the scene?

15 INVESTIGATOR RUIZ: Yes.

16 MR. SOUTHCOTT: And ABCA investigators
17 arrived and knocked and announced themselves at
18 2:58. Correct?

19 INVESTIGATOR RUIZ: That's correct.

20 MR. SOUTHCOTT: So how much time had
21 lapsed between ABCA investigators first getting
22 at the scene and the door actually being opened?

23 INVESTIGATOR RUIZ: Twenty-two
24 minutes.

25 MR. SOUTHCOTT: Thank you. I'm going

1 to continue playing.

2 (Video played.)

3 MR. SOUTHCOTT: Could you describe
4 what occurred in that clip?

5 INVESTIGATOR RUIZ: Yes, that's an
6 individual has opened door and Investigator
7 Condon asking him several questions about opening
8 the door and then entering into the kitchen area
9 of the establishment.

10 MR. SOUTHCOTT: Did Investigator
11 Condon ask for IDs?

12 INVESTIGATOR RUIZ: Yes.

13 MR. SOUTHCOTT: Does management of an
14 establishment have an obligation to provide
15 identification to ABCA investigators?

16 INVESTIGATOR RUIZ: Yes, I do.

17 MR. SOUTHCOTT: I'm going to continue
18 playing.

19 (Video played.)

20 MR. SOUTHCOTT: Can you identify the
21 individuals on the right?

22 INVESTIGATOR RUIZ: Yes, that's the
23 owner, Ms. Yeshualashet.

24 MR. SOUTHCOTT: Does she identify
25 herself to Investigator Condon?

1 INVESTIGATOR RUIZ: No.

2 (Video played.)

3 MR. SOUTHCOTT: Could you,
4 Investigator Ruiz -- what is the timestamp on
5 this clip?

6 INVESTIGATOR RUIZ: Three twenty-two.

7 MR. SOUTHCOTT: Did Investigator
8 Condon ask for a manager?

9 INVESTIGATOR RUIZ: (Audio
10 interference.)

11 MR. SOUTHCOTT: And what was the
12 owner's response?

13 INVESTIGATOR RUIZ: He's not there.
14 I think he left.

15 MR. SOUTHCOTT: Based on your
16 knowledge that this individual is the owner of
17 this establishment, do you believe that an owner
18 telling an investigator that the manager left is
19 obstructing an ABCA investigation?

20 INVESTIGATOR RUIZ: Yes (audio
21 interference.)

22 MR. SOUTHCOTT: I'm going to skip
23 ahead slightly. At some point, does Investigator
24 Condon ask the owner to open the front door?

25 INVESTIGATOR RUIZ: (Audio

1 interference.)

2 (Video played.)

3 MR. SOUTHCOTT: Investigator Ruiz,
4 could you describe what happened in that clip?

5 INVESTIGATOR RUIZ: Yes. The owner
6 opens the front door, allows us to come in,
7 which, when I entered, I recognized her as being
8 the owner.

9 MR. SOUTHCOTT: How did you recognize
10 her as being the owner?

11 INVESTIGATOR RUIZ: I've had prior
12 interactions with her in the past, regular with
13 inspections where she was identified as an owner.

14 MR. SOUTHCOTT: In this clip,
15 immediately after you identify her as the owner,
16 does she confirm that she is the owner?

17 INVESTIGATOR RUIZ: Yes.

18 MR. SOUTHCOTT: Skip ahead slightly.

19 (Video played.)

20 MR. SOUTHCOTT: Investigator Ruiz,
21 what's the timestamp on this clip?

22 INVESTIGATOR RUIZ: (Audio
23 interference.)

24 MR. SOUTHCOTT: Could you describe
25 what occurred in this clip?

1 INVESTIGATOR RUIZ: It was a
2 conversation, at which time the owner identified
3 herself as the owner.

4 MR. SOUTHCOTT: Did the owner try to
5 justify why there were individuals inside the
6 establishment at this time?

7 INVESTIGATOR RUIZ: She stated they
8 were employees, I believe.

9 MR. SOUTHCOTT: Investigator Ruiz,
10 what is the timestamp for this clip?

11 INVESTIGATOR RUIZ: Three twenty-five.
12 (Video played.)

13 MR. SOUTHCOTT: Investigator Ruiz, can
14 you describe what happened in that clip?

15 INVESTIGATOR RUIZ: Yes. The owners,
16 Investigator Condon was asking about what was
17 going on the owner indicating that everybody
18 there was employees, waitresses, et cetera.

19 MR. SOUTHCOTT: Do you believe that
20 this statement constitutes interfering with an
21 ABCA investigation by providing false and
22 misleading statements?

23 INVESTIGATOR RUIZ: I believe she was
24 being truthful as far as what it was occurring
25 in the establishment at that time. It was a

1 building full of people that appeared to be
2 enjoying a nightclub setting. It did not appear
3 to be any employees other than who was left.

4 MR. SOUTHCOTT: I'm going to stop
5 sharing the video. Based on your knowledge and
6 experience as an ABCA investigator, do you
7 believe that the establishment interfered with
8 your investigation?

9 INVESTIGATOR RUIZ: Yes.

10 MR. SOUTHCOTT: I have no further
11 questions.

12 CHAIRPERSON ANDERSON: All right.
13 Before I have the licensee ask questions, do the
14 cross examination, how many more witnesses do you
15 have, sir?

16 MR. SOUTHCOTT: This is the only
17 witness for the government.

18 CHAIRPERSON ANDERSON: Ms.
19 Yeshualashet, how many witnesses, when you
20 present your case, how many witnesses do you have
21 to call?

22 MS. YESHUALASHET: Only one.

23 CHAIRPERSON ANDERSON: Only one. All
24 right. Okay. Thank you. All right. You have
25 an opportunity now, ma'am, to ask questions of

1 the investigator. Do you have any questions that
2 you want to ask the investigator?

3 MS. YESHUALASHET: Only one.

4 CHAIRPERSON ANDERSON: Go ahead.

5 MS. YESHUALASHET: Okay.

6 CROSS EXAMINATION

7 BY MS. YESHUALASHET

8 MS. YESHUALASHET: First of all, my
9 door shoe was not supposed to be broken. There
10 was no crime committed in my establishment.

11 CHAIRPERSON ANDERSON: Hold on, ma'am.
12 This is cross examination. Does she have any
13 questions, any direct, ask her. This is her
14 opportunity to ask questions of the investigator.
15 Does she have any specific questions of the
16 investigator based on the testimony he just gave?

17 BY MS. YESHUALASHET

18 MS. YESHUALASHET: Why did you call
19 the fire marshals and broke my door?

20 INVESTIGATOR RUIZ: You are confusing
21 this case with another case. Fire Marshals did
22 not respond to the location on this night.

23 MS. YESHUALASHET: Which case are we
24 talking about? I have permission to work through
25 the morning.

1 CHAIRPERSON ANDERSON: I'm sorry. Go
2 ahead, ma'am. I'm sorry.

3 MS. YESHUALASHET: I have permission
4 to work through the morning, but the
5 investigators are still coming to my
6 establishment. And the question is, which case
7 are we talking about today?

8 CHAIRPERSON ANDERSON: All right, this
9 case is, the incident occurred on January 20,
10 2023. This is this case. Case number
11 23-CMP-00007. I mean, we just had the testimony.
12 She looked at the video. Does she know when this
13 occurred?

14 MS. YESHUALASHET: Okay, confused. I
15 am confused because the investigators are in my
16 establishment several times. I'm just confused.

17 CHAIRPERSON ANDERSON: She doesn't
18 know what case this is? She doesn't know what
19 case she's preparing for?

20 MS. YESHUALASHET: Okay. Now I
21 understand.

22 CHAIRPERSON ANDERSON: Does she have
23 any specific questions of this investigator based
24 on what he just testified? If she doesn't have
25 any, we can move on.

1 MS. YESHUALASHET: Okay. I don't have
2 a question, but I have some statements.

3 CHAIRPERSON ANDERSON: No, there's no
4 statements. This is not the time for statements.
5 If she has no questions, then we can move on.
6 She has no questions of this investigator. Is
7 that correct?

8 INTERPRETER: Yes.

9 MS. YESHUALASHET: No, I don't have
10 any. I don't have any questions.

11 CHAIRPERSON ANDERSON: Thank you.
12 Does any board member have any questions of this
13 investigator? Go ahead, Mr. Short.

14 REDIRECT EXAMINATION

15 BY MR. SHORT

16 MR. SHORT: Investigator Ruiz, we
17 thank you for an excellent report, and thank you
18 for the video, and we thank you for your direct
19 testimony answering the ABRA.

20 INVESTIGATOR RUIZ: You're welcome.

21 MR. SHORT: Investigator Ruiz, the
22 doors being locked, with the number of people we
23 saw exiting once we got the rear door open, did
24 that pose a danger to them?

25 INVESTIGATOR RUIZ: Yes.

1 MR. SHORT: You called the fire
2 marshal's office. What could have happened with
3 people locked in and being --

4 (Simultaneous speaking.)

5 INVESTIGATOR RUIZ: Any number of
6 things could happen from a fire in the kitchen
7 that would cause a blockage of door to any major
8 or violent incident that may cause panic in
9 individuals being obstructed from fleeing to
10 safety.

11 MR. SHORT: Investigator Ruiz, we
12 thank you for your service. And my last question
13 is a yes or no. Did these three violations of
14 ABRA pose a direct and distinct danger to public
15 safety in the District of Columbia.

16 INVESTIGATOR RUIZ: Yes.

17 CHAIRPERSON ANDERSON: Do you have any
18 more questions, Mr. Short?

19 BY MR. SHORT

20 MR. SHORT: Did I get an answer from
21 Investigator Ruiz about would this directly and
22 distinctly a danger to public safety in the
23 District of Columbia?

24 INVESTIGATOR RUIZ: I'm sorry. I said
25 yes.

1 MR. SHORT: I do thank you very much
2 for your testimony. That's all I have, Mr. Chair.

3 INVESTIGATOR RUIZ: Thank you.

4 CHAIRPERSON ANDERSON: Ma'am. Okay,
5 go ahead. Go ahead, Mr. Grant.

6 BY MR. GRANT

7 MR. GRANT: One question first. Good
8 afternoon to all the participants in the hearing.
9 Mr. Ruiz, did you observe any camera devices that
10 would have given the establishment the ability to
11 see you or the other investigator outside the
12 building?

13 INVESTIGATOR RUIZ: Yes, the
14 establishment has multiple cameras, including
15 camera outside as well.

16 MR. GRANT: No further questions, Mr.
17 Chair.

18 CHAIRPERSON ANDERSON: Thank you, Mr.
19 Grant. Ms. Yeshualashet, do you have any
20 questions to ask the investigator based on the
21 questions that Mr. Short and Mr. Grant just asked
22 him?

23 MS. YESHUALASHET: No, I don't have
24 any.

25 CHAIRPERSON ANDERSON: Mr. Southcott,

1 do you have any redirect that you wish to make,
2 sir?

3 MR. SOUTHCOTT: Nothing for, no
4 redirect. And at this time, the government rests.

5 CHAIRPERSON ANDERSON: All right, I'm
6 going to take a ten minute break, and when I take
7 the ten minute break, then you can present your
8 case. All right, so we're going to take a ten
9 minute break, and then you can call your first
10 witness, ma'am, when we come back.

11 MS. YESHUALASHET: Okay.

12 CHAIRPERSON ANDERSON: It's 1:38 p.m.
13 So we'll come back on the record at 1:50 p.m.
14 Okay, so we'll come back on the record at 1:50
15 p.m. We'll come back on the record at 1:50 p.m.

16 MS. YESHUALASHET: (Speaking for
17 herself) Okay.

18 CHAIRPERSON ANDERSON: All right,
19 thank you. We have the record until 1:50 p.m.
20 All right, thanks.

21 (Whereupon, the above-entitled matter
22 went off the record at 1:38 p.m. and resumed at
23 1:50 p.m.)

24 CHAIRPERSON ANDERSON: All right,
25 where's the licensee? Now, how is she -- do you

1 wish to call a witness, ma'am? Are you making a
2 statement? Tell me how you're going to present,
3 defend yourself in this case?

4 MS. YESHUALASHET: I want to present
5 my witness. I also want to make a statement.

6 CHAIRPERSON ANDERSON: So who's the
7 witness?

8 MS. YESHUALASHET: (Speaking for
9 herself) Anthony, my manager.

10 INTERPRETER: My manager.

11 CHAIRPERSON ANDERSON: All right.

12 MR. SOUTHCOTT: At this time, I would
13 object to this individual testifying. The
14 District was not provided with any list of
15 witnesses or exhibits. If the owner wants to
16 make a statement herself, that is fine. But this
17 individual has not been identified to me and the
18 establishment has an obligation to provide its
19 witnesses and exhibits to the District within
20 seven days before the hearing.

21 MS. YESHUALASHET: (Speaking for
22 herself) Okay.

23 CHAIRPERSON ANDERSON: Ma'am, so you
24 are, at the show-cause status hearing. I
25 specifically advised both sides that seven days

1 before the hearing, if you're going to call any
2 witnesses or if you're going to rely on
3 documents, you have to exchange those seven days
4 before. What the government is saying, this was
5 not done. Can you tell us why did you not do
6 that, ma'am?

7 MS. YESHUALASHET: I don't know
8 anything about the law or the procedure.

9 CHAIRPERSON ANDERSON: I'm sorry,
10 ma'am. I'm not going to allow you to say you
11 don't know nothing about the law or the procedure
12 because I specifically instructed you at the
13 show-cause hearing status what the procedures
14 were. And we have also been in a hearing before
15 so I'm not going to have you say you don't know
16 anything about the law. And also ma'am -- and
17 also --

18 MS. YESHUALASHET: I don't know
19 anything about that. I thought that I have a
20 chance to present my witness today. That's why
21 I'm here.

22 CHAIRPERSON ANDERSON: But I
23 specifically informed you at the show-cause
24 hearing status hearing, when we had it, that if
25 you were going to call a witness you had to alert

1 the government and ABCA legal seven days before
2 the hearing. I specifically asked you and
3 informed you about that and you told me that you
4 understood, ma'am.

5 MS. YESHUALASHET: I don't understand
6 that.

7 CHAIRPERSON ANDERSON: What did she
8 say?

9 MS. YESHUALASHET: I don't know. I
10 don't understand.

11 CHAIRPERSON ANDERSON: But I
12 specifically asked you. It was translated. I
13 asked you if you have any questions. I asked you
14 if you understood and you said yes, I had no
15 questions and I understand that I have to do
16 that.

17 And also, in a previous case that we
18 had, you called a witness and you exchanged
19 documents, the witness, because you did that in a
20 previous case that we have. So I'm not going to
21 have you say that you did not understand the
22 process, because I want to make sure that the
23 record is clear that at the protest here, I'm
24 sorry, the show-cause hearing status, I
25 specifically provided the instructions and you

1 specifically stated you understood that if you're
2 going to call a witness, you had to do that seven
3 days before the hearing.

4 All right, I'm going to allow you,
5 ma'am, to put your statement on the record. I'm
6 going to swear you in and you can put your
7 statement in the record, but I'm not going to
8 allow you to have a witness testify who you did
9 not disclose who was going to testify today.

10 MS. YESHUALASHET: Okay.

11 CHAIRPERSON ANDERSON: Can you raise
12 your right hand, please? Do you swear or affirm
13 to tell the truth and nothing but the truth? THE
14 WITNESS: Yes, I do.

15 The witness was called to testify,
16 duly sworn, and provided the following testimony

17 CHAIRPERSON ANDERSON: Go ahead, ma'am.

18 CROSS EXAMINATION

19 THE WITNESS: Okay. I am operating,
20 abiding by the law, according to the law. At
21 that time, me, my friends and my employers were
22 at the establishment at that day at that time. I
23 think at that date it was a (audio interference)
24 tournament and the friends, we were gathering
25 there. So there was food and drinks and we were

1 -- I mean the friends and family were there, and
2 employees.

3 We didn't hear them knocking. We
4 opened the door for them at the back. The front
5 door was locked because there are --

6 THE INTERPRETER: What do you call it?
7 Holograms?

8 THE WITNESS: -- are there and always
9 giving us a hard time. We didn't hear them
10 knocking.

11 If I break the law, I was supposed to
12 be given a warning or remanded according to the
13 law. Why my door is broken. Because of that, I
14 had a lot of problems. And no criminal activity
15 was conducted in my establishment.

16 To tell you the truth, I didn't sell
17 any alcohol or anything. There were food. We
18 were enjoying ourselves. Nothing criminal
19 happened. And me and my friends were there and
20 my employees. Nobody else. That's all I am
21 saying. We didn't hear the knocking because there
22 was music, loud music. That's all I have to say.

23
24 CHAIRPERSON ANDERSON: Thank you. Mr.
25 Southcott, do you have any questions of her?

1 CROSS EXAMINATION

2 BY MR. SOUTHCOTT

3 MR. SOUTHCOTT: First, you are the
4 owner of Kezira Lounge, correct?

5 THE WITNESS: Yes.

6 MR. SOUTHCOTT: So why didn't you
7 identify yourself as the owner when Investigator
8 Condon asked for representatives from the
9 establishment?

10 THE WITNESS: I did say that because
11 I have limited English proficiency, there might
12 be a misunderstanding. But when he asked me who
13 these people are, I told him that these are my
14 friends and my workers. Employees.

15 MR. SOUTHCOTT: How many employees
16 work for you?

17 THE WITNESS: I have around ten the
18 working shifts. All of them and their friends
19 are there because we have special occasion.

20 MR. SOUTHCOTT: I have no further
21 questions.

22 CHAIRPERSON ANDERSON: Any questions
23 by any board members? Hear none. Thank you. Do
24 you rest, ma'am? Is this it? Is this your
25 presentation of your case?

1 THE WITNESS: I don't have any.

2 That's it.

3 CHAIRPERSON ANDERSON: Mr. Southcott,
4 do you wish to make a closing?

5 CLOSING STATEMENT

6 MR. SOUTHCOTT: Yes, I do. Thank you,
7 members of the board. The evidence has shown
8 that the District has proven the three charges
9 that it brings today.

10 The first charge relates to extending
11 the hours of operation in violation of DC Code
12 Section 25-762(a) and (b)(13). You heard
13 Investigator Ruiz testify and you saw the
14 settlement agreement which indicates that the
15 establishment's hours of operation on Thursdays
16 are from 8:30 a.m. to 2:00 a.m.

17 You saw Investigator Ruiz testify that
18 there was music playing and he saw patrons inside
19 the establishment at 3:00 a.m. which is what led
20 him to initiate an investigation.

21 Importantly, it does not matter
22 whether alcohol was actually sold at those hours.
23 It matters that the establishment was in
24 operation. And we know that it was in operation
25 because of the music that was playing and the

1 number of individuals that were in there.

2 In response, the establishment argues
3 that they were not operating because they were
4 just having some friends and other employees that
5 were present in the establishment. The owner
6 said that there are approximately ten employees
7 who work for Kezira Lounge and that they work in
8 shifts. Yet Investigator Ruiz said that there
9 were at least 40 people that were inside the
10 establishment. Even being generous to the
11 establishment and assuming that ten of those
12 people were employees, that's still more than 30
13 individuals who were there, and it does not
14 matter that they are friends of the
15 establishment. The establishment was open. It
16 had music playing. It was entertaining patrons.
17 The relationship between those people and the
18 establishment's owner has no bearing on whether
19 the establishment was operating past its licensed
20 hours of operation.

21 And if that were the only charge, this
22 case wouldn't be such a big deal. But it is a
23 big deal because of the two other charges that
24 are associated with this, namely the charges of
25 interfering with an investigation.

1 One of those charges is for
2 interfering by not granting access to the inside
3 of the establishment for more than 20 minutes,
4 for 22 minutes, and for locking the doors,
5 keeping patrons inside the establishment.

6 You heard Investigator Ruiz testify to
7 knocking on the door and announcing himself on
8 several occasions, including getting the
9 attention of people inside the establishment.

10 And you heard him testify that at a certain
11 point, the music shut off and he's still knocking
12 and still did not have anybody from the
13 establishment come and let him in.

14 You saw footage of Investigator Condon
15 pounding on the back door of the establishment,
16 loudly pounding and announcing himself, shouting
17 into the restaurant, and yet there was still no
18 response. Despite all this pounding and shouting
19 that went on for 22 minutes, the establishment
20 would have us believe that they simply could not
21 hear anybody from either the front or the back
22 and could not see anybody in the front, despite
23 the fact that they have working video cameras and
24 despite the fact that investigators were loudly
25 pounding and announcing themselves for a

1 substantial period of time.

2 And you heard about the dangers posed
3 by locking patrons inside an establishment and
4 not giving them any way to leave. Investigator
5 Condon talked about calling a fire marshal to
6 break the doors down. You heard Mr. Ruiz testify
7 that the fire marshals have the authority to
8 break down doors when patrons are locked inside.
9 And based on the questioning of Mr. Short, you
10 heard about the dangers associated with locking
11 individuals in where a fire can happen or some
12 other event can occur which prevents people from
13 being able to leave the establishment in case of
14 an emergency. And yet despite these dangers, the
15 establishment kept its doors locked for 22
16 minutes before they finally allowed ABCA
17 investigators access into the establishment.

18 But once investigators got inside,
19 this brings us to our third charge of impeding an
20 investigation, which is the false or misleading
21 statements provided by the owner to ABCA
22 investigators. In the owner's opening statement,
23 she said that she didn't remember the
24 investigators asking for them to show ID, yet in
25 the video footage, you can see Investigator

1 Condon immediately asking for identification from
2 the owner and another employee, and yet no
3 identification was provided to him.

4 Beyond that, when asked to identify a
5 manager, again, the owner did not identify
6 herself to Investigator Condon, but instead said
7 that she thinks that the manager had previously
8 left. This is in violation of the requirement
9 that an owner identify themselves to ABCA
10 investigators to ensure that the ABCA
11 investigators know who they are talking to. And
12 she refused to identify herself as the owner. It
13 wasn't until a couple of minutes later, when the
14 front door was opened and Investigator Ruiz came
15 inside the establishment, that Investigator Ruiz
16 identified Ms. Yeshualashet as the owner. But
17 even at that point, she didn't admit to being the
18 owner until a minute later, after repeated
19 questioning from other investigators finally led
20 her to concede that she was the owner of the
21 establishment.

22 But the misleading statements
23 continued because the owner identified everybody
24 inside, not as friends, but rather as employees,
25 and told the investigator that everybody who was

1 present was an employee. The owner claims that
2 there's perhaps some messages that were lost in
3 translation and some miscommunications. But the
4 investigators were repeatedly clear in their
5 questioning about what they were asking for, and
6 she understood them well enough to answer their
7 questions. She just didn't answer their
8 questions in a truthful fashion.

9 So the District asked this board to
10 find the defendant liable for the charges of
11 operating after hours for interfering with an
12 investigation by refusing to open their doors for
13 22 minutes and for interfering with an
14 investigation by providing false or misleading
15 statements to ABCA investigators. The owner
16 stated that she was operating and abiding by the
17 law at this proceeding. But the facts make clear
18 that she was not abiding or operating by the law.
19 And so we ask you to protect District residents
20 by finding them liable on these three charges.
21 Thank you.

22 CHAIRPERSON ANDERSON: What is it that
23 the licensee want us to do? So we have
24 presented, the government has presented its case.
25 She has presented her case. So what decision

1 does the licensee want the board to make?

2 THE WITNESS: I really apologize to
3 the board and for what happened to everybody. So
4 I want the board to pardon me. I apologize for
5 the mistakes I did because I didn't hear them
6 when they are knocking. So to pardon me. That's
7 what I'm asking.

8 CHAIRPERSON ANDERSON: Okay. All
9 right. Thank you. The record is now closed. So
10 let me close the record. Let me close this case.
11 I apologize.

12 As chairperson of the Alcoholic
13 Beverage and Cannabis board for the District of
14 Columbia, and in accordance with DC Official Code
15 Section 2575 of the Open Meetings Act, I move
16 that the ABCA board hold a closed meeting for the
17 purpose of -- I move that the ABCA board hold a
18 closed meeting for the purpose of seeking legal
19 advice from our counsel on case number
20 23-CMP-00007 Kezira Lounge pursuant to DC
21 Official Code Section 2575(b)(4)(a) off the Open
22 Meetings Act, deliberating upon case number
23 23-CMP-00007 Kezira Lounge for the reasons cited
24 in DC Official Code Section 2575(b)13 off the
25 Open Meetings Act.

1 Is there a second?

2 Mr. Short has seconded the motion.

3 Mr. Short has seconded the motion. I will now
4 take a roll call vote on the motion before us now
5 that it has been properly seconded. Mr. Short?

6 MR. SHORT: (No audible response)

7 CHAIRPERSON ANDERSON: Mr. Grant?

8 MR. GRANT: (No audible response)

9 CHAIRPERSON ANDERSON: Mr. Anderson?

10 Mr. Anderson, I agree.

11 As it appears that the motion has
12 passed, I hereby give notice that the ABCA board
13 will recess its proceedings to hold a closed
14 meeting pursuant to Section 2575 of the Open
15 Meetings Act. Thank you. Thank everyone for
16 their participation today and we will issue a
17 decision in 90 days.

18 MR. SOUTHCOTT: Thank you. Thank you
19 again to the board. And also thank you to the
20 translator for your services.

21 Have a nice day.

22 CHAIRPERSON ANDERSON: Then we're
23 done. Thank you.

24 (Whereupon, the above-entitled matter
25 went off the record at 2:27 p.m.)

A

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This is to certify that the foregoing transcript

In the matter of: Kezira Lounge

Before: DC ABCA

Date: 01-31-24

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