DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + + MEETING

IN THE MATTER OF: :

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Romyo, LLC,

t/a Ambassador Restaurant:

1907 9th Street NW

License # 90422 : Summary Suspension
Retailer CR - ANC 1C : Hearing (Status)

Case # 21-CMP-00002

:

(The Alcoholic Beverage : Control Board Closure - : January 22, 2021) :

Wednesday February 3, 2021

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 REMA WAHABZADAH, Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff ROMESGED KIDANE, Licensee STEPHEN ORTIZ, DC OAG HABTOM TEKLE, Interpreter

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

2:12 p.m.

CHAIRPERSON ANDERSON: All right, the next case on our calendar is Case Number -- I'm sorry, there's no number on our calendar but it's Case Number 21-CMP-00002, the Ambassador Restaurant, license number 90422.

Ms. Andrews, could you please elevate the rights of the Government and also Mr....I couldn't pronounce his name but the licensee, please.

MS. ANDREWS: Sure, standby. Mr. Ortiz, your rights have been elevated. Mr. or Ms. Kidane, your rights have been elevated.

And we also have an interpreter for this case. The interpreter's rights have been elevated.

That's all, Mr. Chair.

CHAIRPERSON ANDERSON: Thank you. Can I have the licensee and the interpreter, can you open your microphone and open your camera if you do have a camera?

MR. TEKLE: Good afternoon, Mr. Chairperson, this is the interpreter Habtom Tekle.

1	CHAIRPERSON ANDERSON: Hold on, what
2	language was this, sir?
3	MR. TEKLE: Amharic.
4	CHAIRPERSON ANDERSON: Can you raise
5	your right hand, sir?
6	Do you swear or affirm that you will
7	faithfully translate these proceedings from
8	English into Amharic and from Amharic into
9	English?
10	MR. TEKLE: I do.
11	CHAIRPERSON ANDERSON: Thank you. Mr.
12	Kidane, do you have a camera? Can you ask him if
13	he has a camera, if he can turn his camera on?
14	MR. TEKLE: (Foreign language spoken.)
15	MR. KIDANE: (Foreign language
16	spoken.)
17	MR. TEKLE: I have turned it on but I
18	cannot hear the sound.
19	Mr. Chairperson, Mr. Kidane was
20	speaking the Amharic language and I don't know if
21	you need to swear me in that language as well.
22	CHAIRPERSON ANDERSON: Can you ask him
23	what language you're translating for him?
24	MR. TEKLE: (Foreign language spoken.)
	inti inti (l'ololgii languago pronont)

1 spoken.) 2 MR. TEKLE: Tigrinya. 3 CHAIRPERSON ANDERSON: Let's start 4 over again. 5 Can you raise your right hand, sir? Do you swear or affirm that you will faithfully 6 7 translate these proceedings from English into 8 Tigrinya and from Tigrinya into English? 9 MR. TEKLE: I do, Mr. Chairperson. CHAIRPERSON ANDERSON: And thanks for 10 your flexibility, I'm not familiar with the 11 12 languages but I appreciate the fact that you're 13 supposed to translate one language and you're 14 quickly going to translate another one so I do 15 appreciate that. 16 MR. TEKLE: My pleasure. 17 CHAIRPERSON ANDERSON: So, can I have 18 the parties introduce themselves for the record, 19 starting with the Government and the spelling of 20 your name? 21 (Foreign language spoken.) MR. TEKLE: 22 MR. ORTIZ: Good morning, Mr. 23 Chairperson and Board Members, this is Stephen Ortiz on behalf of the District of Columbia. 24 25 That's S-T-E-P-H-E-N, O-R-T-I-Z.

1	MR. TEKLE: (Foreign language spoken.)
2	CHAIRPERSON ANDERSON: Can you have
3	Mr. Kidane please identify himself for the record
4	with the spelling of his name also, please?
5	MR. TEKLE: (Foreign language spoken.)
6	MR. KIDANE: Romesghed Kidane,
7	ROMESGHED. My last name is K-I-D-A-N-E.
8	CHAIRPERSON ANDERSON: Thank you. Mr.
9	Ortiz, this is a summary suspension hearing. Are
10	there any preliminary matters in this case?
11	MR. TEKLE: (Foreign language spoken.)
12	MR. ORTIZ: Yes, the parties have
13	agreed on the offer of compromise that we would
14	like to present to the Board today.
15	MR. TEKLE: (Foreign language spoken.)
16	CHAIRPERSON ANDERSON: So, what is the
17	offer in compromise, Mr. Ortiz?
18	MR. TEKLE: (Foreign language spoken.)
19	MR. ORTIZ: The OIC terms are as
20	follows.
21	MR. TEKLE: (Foreign language spoken.)
22	MR. ORTIZ: Number 1, suspension.
23	Respondent shall serve a 15-day suspension of its
24	ABC license.
25	MR. TEKLE: (Foreign language spoken.)

	m. okiiz. The dates of the 15 day
2	suspension to be served shall be Friday, January
3	22, 2021 through Saturday, February 6, 2021.
4	MR. TEKLE: (Foreign language spoken.)
5	MR. ORTIZ: Which includes time served
6	during the summary suspension period.
7	MR. TEKLE: (Foreign language spoken.)
8	MR. ORTIZ: The ABC license suspension
9	shall be lifted at 8:00 a.m. on Sunday, February
10	7, 2021 provided all other applicable
11	requirements in this OIC have been satisfied by
12	the Respondent.
13	MR. TEKLE: (Foreign language spoken.)
14	MR. ORTIZ: Number 2, masks.
15	MR. TEKLE: (Foreign language spoken.)
16	MR. ORTIZ: Except when eating or
17	drinking while seated, during the public health
18	emergency
19	MR. TEKLE: (Foreign language spoken.)
20	MR. ORTIZ: Respondent shall require
21	that all owners and employees of the
22	establishment wear a mask or face covering while
23	present on the license premises regardless of
24	whether they are on duty.
25	MR. TEKLE: (Foreign language spoken.)

1	MR. ORTIZ: The Respondent shall also
2	require patrons during the public health
3	emergency to wear masks or face coverings prior
4	to entering or while waiting outside of the
5	license premises.
6	MR. TEKLE: (Foreign language spoken.)
7	MR. ORTIZ: While traveling to use the
8	restroom or until they are seated or eating or
9	drinking.
10	MR. TEKLE: (Foreign language spoken.)
11	MR. ORTIZ: Number 3, music and
12	entertainment.
13	MR. TEKLE: (Foreign language spoken.)
14	MR. ORTIZ: Respondents shall not
15	offer live music or entertainment including disc
16	jockeys, or allow activities that require patrons
17	to be in close proximity to one another,
18	including pool.
19	MR. TEKLE: (Foreign language spoken.)
20	MR. ORTIZ: While the District of
21	Columbia remains subject to Mayor's order 2020-
22	067, Mayor's order 2020-075, Mayor's order 2020-
23	080, Mayor's order 2020-119, and in accordance
24	with the Board's notice of the ninth emergency
25	rulemaking.

1	MR. TEKLE: (Foreign language spoken.)
2	MR. ORTIZ: The Respondent shall only
3	offer recorded or background music that is played
4	at a conversational level that is not heard in
5	the homes of the District residents.
6	MR. TEKLE: (Foreign language spoken.)
7	MR. ORTIZ: Number 4, operating hours.
8	MR. TEKLE: (Foreign language spoken.)
9	MR. ORTIZ: Respondent shall not sell,
LO	serve, or permit the consumption of alcoholic
L1	beverages past 10:00 p.m.
L2	MR. TEKLE: (Foreign language spoken.)
L3	MR. ORTIZ: But may operate for
L 4	patrons until midnight during any day of the week
L5	while the District of Columbia remains subject to
L6	Mayor's order 2020-067, Mayor's order 2020-075,
L 7	Mayor's order 2020-080, Mayor's order 2020-119,
L8	and in accordance with the Board's rulemaking.
L9	MR. TEKLE: (Foreign language spoken.)
20	CHAIRPERSON ANDERSON: Hold on, Mr.
21	Ortiz. Mr. Tekle, can you tell Mr. Kidane to
22	mute his microphone, please?
23	MR. TEKLE: (Foreign language spoken.)
24	CHAIRPERSON ANDERSON: Go ahead, Mr.
5	Ortig

1	MR. ORTIZ: Number 5, dining activity.
2	MR. TEKLE: (Foreign language spoken.)
3	MR. ORTIZ: Respondents shall only
4	serve food and alcoholic beverages seated at
5	tables while the District of Columbia remains
6	subject to Mayor's order 2020-067, Mayor's order
7	2020-075, Mayor's order 2020-119, and in
8	accordance with the Board's rulemaking.
9	MR. TEKLE: (Foreign language spoken.)
10	MR. ORTIZ: Tables shall be placed so
11	that patrons in different parties are placed at
12	least six feet apart from one another, with no
13	more than six patrons per table.
14	MR. TEKLE: (Foreign language spoken.)
15	MR. ORTIZ: Respondent shall have a
16	menu in use containing a minimum of three
17	prepared food items available for purchase and
18	shall require patrons to purchase one or more
19	prepared food items per table.
20	MR. TEKLE: (Foreign language spoken.)
21	MR. ORTIZ: Patrons shall not be
22	permitted to walk around the establishment with
23	food and/or alcoholic beverages.
24	MR. TEKLE: (Foreign language spoken.)
25	MR. ORTIZ: Number 6, bar activities.

1	MR. TEKLE: (Foreign language spoken.)
2	MR. ORTIZ: Respondents shall not seek
3	patrons at indoor or outdoor bars that are being
4	stacked or utilized by a bartender.
5	MR. TEKLE: Interpreter requests a
6	repeat, please.
7	MR. ORTIZ: Yes. Respondent shall not
8	seat patrons at indoor or outdoor bars that are
9	being staffed or utilized by a bartender.
10	MR. TEKLE: (Foreign language spoken.)
11	MR. ORTIZ: Patrons shall not be
12	permitted to stand at an indoor or outdoor bar to
13	order food or alcoholic beverages.
14	MR. TEKLE: (Foreign language spoken.)
15	MR. ORTIZ: Number 7, contact tracing
16	system.
17	MR. TEKLE: (Foreign language spoken.)
18	MR. ORTIZ: Respondent shall implement
19	a reservation system by phone, online, or on-site
20	and keep customer logs to facilitate contact
21	tracing by D.C. Health.
22	MR. TEKLE: (Foreign language spoken.)
23	MR. ORTIZ: Number 8, capacity.
24	MR. TEKLE: (Foreign language spoken.)
25	MR. ORTIZ: Respondent shall limit its

1	indoor capacity to no more than 25 percent of the
2	lowest occupancy load or seating capacity on a
3	certificate of occupancy.
4	MR. TEKLE: (Foreign language spoken.)
5	MR. ORTIZ: This is excluding
6	employees and outdoor seating while the District
7	of Columbia remains subject to Mayor's order
8	2020-119 or Mayor's order 2020-075, whichever
9	applies in accordance with the Board's
10	rulemaking.
11	MR. TEKLE: (Foreign language spoken.)
12	MR. ORTIZ: Number 9, social
13	distancing walkthrough.
14	MR. TEKLE: (Foreign language spoken.)
15	MR. ORTIZ: Prior to lifting the
16	suspension of the establishment's alcoholic
17	beverage license, an ABRA investigator shall
18	conduct a walkthrough of the licensed
19	establishment.
20	MR. TEKLE: (Foreign language spoken.)
21	MR. ORTIZ: This walkthrough is with
22	Respondent to evaluate the establishment's
23	compliance with the District's social distancing
24	requirements.
25	MR. TEKLE: (Foreign language spoken.)

1	MR. ORTIZ: This evaluation shall
2	include an assessment of the Respondent's
3	compliance with Mayor's order 2020-075, Mayor's
4	order 2020-080, and 23 DCMR Section 810.2.
5	MR. TEKLE: (Foreign language spoken.)
6	MR. ORTIZ: Number 10, show cause.
7	MR. TEKLE: (Foreign language spoken.)
8	MR. ORTIZ: This matter will be
9	referred to the Office of the Attorney General
10	for possible show-cause proceedings.
11	MR. TEKLE: (Foreign language spoken.)
12	MR. ORTIZ: And this concludes the
13	terms of the OIC.
14	MR. TEKLE: (Foreign language spoken.)
15	CHAIRPERSON ANDERSON: Mr. Ortiz, is
16	it your view that if the Board was to adopt this
17	offer in compromise, it would address the issues
18	that gave rise to the summary suspension hearing?
19	MR. TEKLE: (Foreign language spoken.)
20	MR. ORTIZ: Yes, Mr. Chairperson.
21	MR. TEKLE: (Foreign language spoken.)
22	CHAIRPERSON ANDERSON: Mr. Kidane,
23	have you heard the recitation of the offer in
24	compromise?
25	MR. TEKLE: (Foreign language spoken.)

1	MR. KIDANE: Yes.
2	CHAIRPERSON ANDERSON: Are these the
3	terms that you are in agreement with?
4	MR. TEKLE: (Foreign language spoken.)
5	MR. KIDANE: Yes.
6	CHAIRPERSON ANDERSON: Are you aware
7	by accepting an offer in compromise that you are
8	giving up your right to a hearing?
9	MR. TEKLE: (Foreign language spoken.)
10	MR. KIDANE: Yes.
11	CHAIRPERSON ANDERSON: Are you aware
12	that by accepting an offer in compromise you give
13	up your right to a hearing?
14	MR. TEKLE: (Foreign language spoken.)
15	MR. KIDANE: Yes.
16	CHAIRPERSON ANDERSON: Are you also
17	aware that by accepting an offer in compromise
18	you're giving up your right to appeal this
19	matter?
20	MR. TEKLE: (Foreign language spoken.)
21	MR. KIDANE: Yes.
22	CHAIRPERSON ANDERSON: Do you have any
23	questions, sir?
24	MR. TEKLE: (Foreign language spoken.)
25	MR. KIDANE: No.

1	CHAIRPERSON ANDERSON: Are there any
2	questions by any Board Members?
3	MR. TEKLE: (Foreign language spoken.)
4	CHAIRPERSON ANDERSON: Hearing none,
5	I'm going to make a motion that the Board accept
6	the offer in compromise.
7	MR. TEKLE: (Foreign language spoken.)
8	CHAIRPERSON ANDERSON: Is there a
9	second?
10	MEMBER CROCKETT: Ms. Crockett
11	seconds.
12	MR. TEKLE: (Foreign language spoken.)
13	CHAIRPERSON ANDERSON: Ms. Crockett
14	has seconded the motion so we'll have a roll call
15	vote on the motion that has been properly
16	seconded by Ms. Crockett.
17	MR. TEKLE: (Foreign language spoken.)
18	Mr. Short?
19	MEMBER SHORT: I agree.
20	CHAIRPERSON ANDERSON: Mr. Cato?
21	MEMBER CATO: I agree.
22	CHAIRPERSON ANDERSON: Ms. Wahabzadah?
23	MEMBER WAHABZADAH: I agree.
24	CHAIRPERSON ANDERSON: Ms. Crockett?
25	MEMBER CROCKETT: I agree.

1	CHAIRPERSON ANDERSON: Ms. Hansen?
2	MEMBER HANSEN: I agree.
3	CHAIRPERSON ANDERSON: Mr. Grandis?
4	MEMBER GRANDIS: I agree.
5	CHAIRPERSON ANDERSON: Mr. Anderson,
6	I agree.
7	MR. TEKLE: (Foreign language spoken.)
8	CHAIRPERSON ANDERSON: The matter
9	passes 7-0-0.
10	MR. TEKLE: (Foreign language spoken.)
11	
12	CHAIRPERSON ANDERSON: I would like to
13	thank the parties for coming to an agreement on
14	this matter and this matter is now concluded.
15	MR. TEKLE: (Foreign language spoken.)
16	CHAIRPERSON ANDERSON: Have a good
17	day, everyone, thank you very much.
18	MR. ORTIZ: Thank you, Mr.
19	Chairperson, and all the Board Members have a
20	good day.
21	MR. TEKLE: Is there any other matter
22	that requires my services?
23	CHAIRPERSON ANDERSON: You are excused
24	and thank you very much for your interpretation,
25	although I did not understand.

1	But thank you very much for your
2	flexibility in the sense that you thought it was
3	one language but it was a different one. I don't
4	know how close the languages are but thank you
5	very much.
6	MR. TEKLE: You're welcome, Mr.
7	Chairman, and all the Board Members. Bye.
8	CHAIRPERSON ANDERSON: Have a great
9	day, thank you.
10	(Whereupon, the above-entitled matter
11	went off the record at 2:39 p.m.)
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<u>C E R T I F I C A T E</u>

This is to certify that the foregoing transcript

In the matter of: Ambassador Restaurant

Before: DCABRA

Date: 02-03-21

Place: teleconference

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

Court Reporter

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