

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
The Fab Lounge, Inc. :
t/a Safari Restaurant :
and Lounge :
4306 Georgia Ave NW : Show Cause
Retailer CT - ANC 4C : Hearing
License No. 90424 :
Case #22-CMP-00056 :
 :
(Failed to Follow a :
Board Order) :
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Wednesday
February 8, 2023

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:

JOSE ORELLANA, DC ABRA Staff
FREZ TEAME, Applicant
COLLIN CENCI, DC OAG
JOVAN MILLER, Witness

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

2 1:31 p.m.

3 CHAIRPERSON ANDERSON: Welcome to the
4 afternoon session of the ABC Board. My name is
5 Donovan Anderson, I'm Chairman of the Board, and
6 joining us this afternoon for our afternoon
7 session, joining us at this time is Mr. James
8 Short, Ms. Rafi Crockett, Ms. Jeni Hansen, Mr.
9 Edward Grandis, Edward currently has five members
10 in attendance, and that constitutes a quorum. I
11 believe that Mr. Cato, Member Cato, will join us
12 shortly. We have five members in attendance, and
13 we do have a quorum to move forward with our
14 hearings today. Member Cato has now joined us.

15 There are five cases that are
16 currently scheduled for our afternoon session.
17 Before we get underway with this hearing, -- I
18 need to make a few instructions very clear so
19 that the conduct of this hearing is understood by
20 everyone.

21 As stated, there are five cases in our
22 schedule that are listed on our afternoon
23 calendar. Once the case is called, I will take a
24 moment for our IT Specialist to elevate rights to
25 each party to enable their camera and microphone.

1 Then and only then will you have the ability to
2 enable your permit. If your case has not been
3 heard, you will remain mute and your camera will
4 be disabled.

5 At the conclusion of each case the
6 parties will have the option to leave. If their
7 party chooses to stay, all cameras and
8 microphones for the concluded case will be
9 disabled.

10 -- consistency of the hearing, please
11 submit them using the question and answer
12 feature.

13 Our first case for the afternoon is a
14 show cause hearing, and it's Case #22-CMP-00056,
15 Safari Restaurant and Lounge, License No. 90424.

16 Mr. Orellana, good afternoon. Can you
17 please elevate the rights of the Government and
18 the licensee in this case, please, and also
19 there's an investigator.

20 MR. ORELLANA: Good afternoon. Collin
21 Cenci, your access has been elevated. Frez
22 Teame, your access has been elevated. Jovan
23 Miller, your access has been elevated. That is
24 all, Chairman.

25 CHAIRPERSON ANDERSON: Thank you. Mr.

1 Teame, do you have a camera you can turn on, sir?

2 MR. TEAME: Yes, my camera is on, and
3 my speaker is --

4 CHAIRPERSON ANDERSON: Excuse me, sir.
5 I can hear you, but I'm not seeing you.

6 Okay. All right. Good afternoon,
7 everyone. Welcome to our afternoon session. Mr.
8 Cenci, can you please spell and state your name
9 for the record, please.

10 MR. TEAME: Frez Teame.

11 CHAIRPERSON ANDERSON: Not you, sir.
12 I want the Government first.

13 MR. TEAME: Okay.

14 MR. CENCI: Good afternoon,
15 Chairperson. This is Collin Cenci, C-O-L-L-I-N
16 C-E-N-C-I, Assistant Attorney General with the
17 Office of the Attorney General for the District
18 of Columbia, representing the District today.

19 CHAIRPERSON ANDERSON: For some
20 strange reason your volume is not as loud as it
21 needs to be, so maybe you can turn your volume
22 up, please, sir.

23 MR. CENCI: One moment.

24 CHAIRPERSON ANDERSON: Much better.
25 Thanks. Mr. Teame, can you please spell and

1 state your name for the record and your
2 relationship.

3 MR. TEAME: Yes. Good afternoon,
4 everyone. My name is Frez Teame, first name F-R-
5 E-Z, and last name T-E-A-M-E.

6 CHAIRPERSON ANDERSON: And what's your
7 relationship to this establishment?

8 MR. TEAME: I'm the owner of this
9 establishment, Safari Restaurant and Lounge.

10 CHAIRPERSON ANDERSON: Good afternoon,
11 sir.

12 Mr. Cenci, are there any preliminary
13 matters in this case?

14 MR. CENCI: There is one preliminary
15 matter, Chairperson Anderson. On Monday
16 afternoon Mr. Teame submitted some documentary
17 evidence I believe he intends to use in today's
18 hearing. The District is going to move in limine
19 to have that evidence excluded. First of all,
20 under the regulations that govern these hearings
21 all evidence needs to be submitted seven days in
22 advance of the hearing, but moreover, besides
23 that, the evidence is simply not relevant to
24 today's case. I have reviewed the evidence that
25 Mr. Teame has submitted, and what he has

1 submitted are some emails that are referring to
2 MPD reimbursable details for various dates across
3 the past two years. The evidence in this case is
4 going to show today that this is a case about one
5 specific incident on July 10, 2022, and none of
6 the emails that Mr. Teame has submitted refer to
7 that date. So, the emails are not relevant
8 because they are not going to be referring to the
9 dates actually at issue here.

10 CHAIRPERSON ANDERSON: So, you're
11 saying you have two objections. One, because
12 they were not sent timely within the seven days,
13 and secondly, even if they were sent timely your
14 position is that they are untimely and secondly
15 they are not relevant for this hearing because
16 they do not cover the period of the infraction
17 for this case, is that correct, sir?

18 MR. CENCI: That's correct,
19 Chairperson Anderson.

20 CHAIRPERSON ANDERSON: Mr. Teame, as
21 you know, we had the show cause hearing status a
22 couple of weeks ago, and prior to closing the
23 case I informed both parties that you are
24 required to disclose documents and witnesses
25 seven days prior to the hearings. Seven days

1 prior to today's hearing was last week,
2 Wednesday. It's my understanding, sir, and I
3 have not seen the documents, but as raised by the
4 Government, that you did not comply with the
5 seven day requirement, that you disclosed the
6 documents this past Monday, which was two days
7 ago. So, why did you not comply with the
8 regulations and disclose the documents seven days
9 prior to the hearing, sir?

10 MR. TEAME: Absolutely, sir. And,
11 sir, the counsel is right. What happened is I
12 was hoping that I would resolve this issue with
13 the counsel. Unfortunately, we didn't come to an
14 agreement, that's why I submitted it, honestly,
15 like the counsel said we didn't -- but I was just
16 trying to build a substance why what happened
17 that day, so that's the reason. Thank you.

18 CHAIRPERSON ANDERSON: Any other
19 comment you want to make Mr. Cenci?

20 MR. CENCI: No, sir, Chairperson.

21 CHAIRPERSON ANDERSON: Is there
22 something else you want to say, Mr. Teame?

23 MR. TEAME: Yes. If I am given the
24 chance, I want to apologize for wasting the time
25 of the Board and the counsel and the Government

1 as well. This is what's happening. I'm here,
2 since COVID --

3 CHAIRPERSON ANDERSON: Hold on, sir.
4 We haven't started the cases yet.

5 MR. TEAME: Okay.

6 CHAIRPERSON ANDERSON: So, the
7 argument that we're having right here is whether
8 or not the documents that you disclosed on
9 Monday, whether or not the Board should consider
10 these documents in this particular case. So,
11 that's the only issue that we are being
12 discussed. I'd asked that the documents be
13 disclosed seven days prior. I guess, it's a
14 simple case, is this a matter that the parties
15 can settle or is this a matter that needs to go
16 to a hearing?

17 MR. CENCI: Is that a question for me,
18 Chairperson Anderson?

19 CHAIRPERSON ANDERSON: Well, I think
20 Mr. Teame was apologizing for wasting the Board's
21 time, so, that's what I'm trying to find out. Is
22 this a case that can be settled? Either side can
23 respond. I think from what I'm seeing here --
24 I'm not sure what was proposed, but what I'm
25 trying to find out, is this a case that can be

1 settled, or is this a case that we need to go to
2 hearing? I don't know.

3 MR. CENCI: I'll respond, Chairperson
4 Anderson. The Government has made its settlement
5 offer to Mr. Teame. As you can see, this is a
6 one charge case. The offer remains open, and Mr.
7 Teame was informed of that on the call that the
8 offer would remain open. Mr. Teame has refused
9 the Government's offer, and if he's not willing
10 to settle the matter we do have to go to a
11 hearing.

12 CHAIRPERSON ANDERSON: All right. So,
13 Mr. Teame, and I'm not going to get into the
14 specifics because that's why we're going to go to
15 the hearing. The Government made you a
16 settlement offer, sir. Are you willing to accept
17 the Government's offer, or do you want to go to a
18 hearing for the Board to determine whether or not
19 you're innocent or guilty and what fines, if any,
20 will the Board impose?

21 MR. TEAME: Yes. I didn't accept the
22 Government's offer. It is too hefty for the
23 penalty, that's why I'm coming to the Board to
24 explain the situation. I was not given a fair
25 chance to explain why what happened. That's why

1 I'm here at the hearing.

2 CHAIRPERSON ANDERSON: All right. So,
3 let me ask a few questions. Is it your position,
4 sir, that the infraction, the citation that was
5 given, are you saying that yes, it was given and
6 it's appropriate and that you disagree with the
7 fine amount and therefore, that's what I'm trying
8 to find out. Are you contending the fact that
9 are you innocent or guilty of this infraction?
10 Mr. Teame, I need you sir to stay in one location
11 because you're making me dizzy because you're
12 moving.

13 MR. TEAME: My network is bad, that's
14 why I'm --

15 CHAIRPERSON ANDERSON: All right. I
16 appreciate that, sir. All right. So, that's
17 what I'm saying. Is there agreement to say that
18 the infraction occurred, that the parties want to
19 argue what penalty, if any, should be imposed, or
20 is it that you're saying that I'm not guilty of
21 this infraction. I don't need you to explain,
22 just say yes or no. From your perspective sir,
23 is there agreement or disagreement about the
24 issuance of the citation?

25 MR. TEAME: I disagree on the

1 citation.

2 CHAIRPERSON ANDERSON: You disagree
3 with it?

4 MR. TEAME: Yes.

5 CHAIRPERSON ANDERSON: Okay. Fine.
6 So, we have to go to a hearing because you
7 disagree with it. So, you disagree that you are
8 guilty of the infractions? Correct?

9 MR. TEAME: Yes.

10 CHAIRPERSON ANDERSON: All right. So,
11 we'll have a hearing. What I'm going to do is
12 that I will reserve making a ruling on the
13 disclosure, therefore, once the licensee presents
14 his case, if he wants to rely on the documents
15 you can raise again your motion, and I will, the
16 Board will dispose of the motion at that
17 juncture. Are you still there, Mr. Cenci?

18 MR. CENCI: I apologize, --

19 CHAIRPERSON ANDERSON: So, what I said
20 is I'm going to reserve making a ruling on your
21 motion and once the licensee presents his case,
22 if he wants to rely on those documents then you
23 can, because I don't know if he's going to do
24 that. So, if once he decides to present his case
25 and if he decides that he wants to rely on these

1 documents you can, again, renew your motion, and
2 the Board will make a determination at that time.

3 MR. CENCI: Understood.

4 CHAIRPERSON ANDERSON: Okay. All
5 right. Mr. Teame, if you're not speaking, put
6 your phone on mute, please. All right. So, the
7 way this works, Mr. Teame, is that the Government
8 goes first. The Government will call its
9 witness. Both parties will be given an
10 opportunity to give an opening statement. The
11 Government goes first. You can give an opening
12 statement, or you can reserve an opening
13 statement and give an opening statement and
14 present your case when your time is. But the
15 Government goes first, they'll call a witness.
16 The Government will ask question of his witness.
17 You will have an opportunity to cross examine the
18 witness about your report and what he testified
19 to.

20 Once the Government has presented its
21 witness the Government will rest, and then you
22 will have an opportunity to call, I don't know if
23 you have any witnesses or if you're just going to
24 call yourself as a witness. If you're going to
25 call yourself as a witness, then I'll swear you

1 in. You will testify. The Government will have
2 an opportunity to cross examine you on the
3 testimony, then the Board will have an
4 opportunity to ask questions of you of your
5 testimony.

6 Then we'll have closing statements,
7 and then the Board will take this matter under
8 advisement and make a determination at a future
9 date whether or not you are innocent or guilty of
10 the infraction, and what fines, if any, the Board
11 will impose.

12 Any questions before we start?

13 Does the Government wish to make an
14 opening statement?

15 MR. CENCI: Yes, Chairperson Anderson.

16 CHAIRPERSON ANDERSON: Okay. Go
17 ahead, please.

18 OPENING STATEMENT OF COLLIN CENCI, ESQ.

19 ON BEHALF OF THE GOVERNMENT

20 MR. CENCI: Good afternoon, Members of
21 the Board. We are here today in the show cause
22 matter of the Fab Lounge, Inc, t/a Safari
23 Restaurant and Lounge, located at 4306 Georgia
24 Avenue NW, Washington, D.C. 20011. This case is
25 about a licensed establishments willful and open

1 disregard for a Board order specifically tailored
2 to the establishment.

3 Today you're going to hear that on the
4 morning of July 10, 2022 the establishment was
5 providing DJ live entertainment at 12:20 a.m.
6 without the presence of an MPD reimbursable
7 detail in violation of a March 3, 2021 Board
8 order which requires the establishment to have
9 MPD reimbursable detail be present when any live
10 entertainment is being provided after 11:30 p.m.
11 and for at least an hour after the close of
12 business.

13 Show cause notice issue in this matter
14 concerns just one charge, the charge that the
15 licensee failed to follow a Board order in
16 violation of D.C. Code section 25.823(a)(6). The
17 District bears the burden of proof in this case.
18 We have to show that the respondent did fail to
19 follow the Board order by substantial evidence in
20 the record. We accept that burden, and we're
21 going to be able to meet it through the testimony
22 of our witness, ABRA Investigator Jovan Miller.

23 Investigator Miller will testify that
24 he visited Safari Restaurant and Lounge on July
25 10, 2022 just after midnight. You'll hear how he

1 waited outside of the establishment looking for
2 an MPD reimbursable detail, and after he could
3 not locate one he went inside and saw a DJ
4 playing music. The evidence will show that
5 Investigator Miller never located an MPD
6 reimbursable detail officer despite the Board
7 order requiring one to be present.

8 At the end of this hearing it will be
9 clear that the licensee failed to follow the
10 Board order, and the licensee cannot excuse
11 itself from the obligations that this Board has
12 duly placed upon its license. So, at the end of
13 today's hearing I will ask that you find in favor
14 of the District of Columbia and you apply a
15 penalty consistent with D.C. Code section 25 --
16 Thank you.

17 CHAIRPERSON ANDERSON: Mr. Teame, do
18 you wish to make an opening statement at this
19 juncture, or do you want to reserve it until
20 you're ready to present your case, sir?

21 MR. TEAME: Can you -- Chairperson?

22 CHAIRPERSON ANDERSON: I said, do you
23 want to make an opening statement at this
24 juncture, which is an overview of your case, or
25 do you want to wait until you present your case?

1 MR. TEAME: I can wait until I present
2 the case.

3 CHAIRPERSON ANDERSON: All right.
4 Fine. Does the Government have a witness that
5 they wish to call?

6 MR. CENCI: Yes, Chairperson Anderson.
7 The District Calls Investigator Jovan Miller.

8 CHAIRPERSON ANDERSON: Mr. Miller, can
9 you raise your right hand, please. Do you swear
10 or affirm to tell the truth and nothing but the
11 truth?

12 MR. MILLER: Yes, sir.

13 CHAIRPERSON ANDERSON: All right.
14 Your witness, sir.

15 DIRECT EXAMINATION

16 MR. CENCI: Thank you. Mr. Miller,
17 could you please state and spell your first and
18 last name for the record?

19 MR. MILLER: Jovan Miller, J-O-V-A-N
20 M-I-L-L-E-R.

21 MR. CENCI: Where do you work, sir?

22 MR. MILLER: The Alcoholic Beverage
23 Regulation Administration.

24 MR. CENCI: What's your position with
25 the Alcoholic Beverage Regulation Administration?

1 MR. MILLER: Investigator.

2 MR. CENCI: How long have you been an
3 investigator?

4 MR. MILLER: Four years.

5 MR. CENCI: What are some of the
6 duties and responsibilities that you have as an
7 investigator?

8 MR. MILLER: To conduct investigations
9 and inspections of ABC licensed establishments
10 within the District of Columbia.

11 MR. CENCI: Are you familiar with the
12 establishment located at 4306 Georgia Avenue NW,
13 Washington, D.C. 20011, Safari Restaurant and
14 Lounge?

15 MR. MILLER: Yes, sir.

16 MR. CENCI: How are you familiar with
17 the establishment?

18 MR. MILLER: I conducted a case report
19 for the establishment.

20 MR. CENCI: We're going to talk about
21 that case report. Did you visit the
22 establishment on July 10, 2022?

23 MR. MILLER: Yes, sir.

24 MR. CENCI: Why?

25 MR. MILLER: I was sent there by my

1 supervisor, Mark Bashears, to ensure the
2 establishment was following through on the Board
3 order.

4 MR. CENCI: You mentioned this Board
5 order. Did you know what the Board order was
6 that was at issue?

7 MR. MILLER: I did.

8 MR. CENCI: What was it, to your
9 knowledge?

10 MR. MILLER: The establishment was
11 supposed to have MPD reimbursable detail after
12 11:30 for live entertainment.

13 MR. CENCI: For the record, can you
14 just briefly explain what an MPD reimbursable
15 detail is?

16 MR. MILLER: This is a public safety
17 initiative for MPD officers to patrol outside on
18 premise establishments for a time period.

19 CHAIRPERSON ANDERSON: Hold on, Mr.
20 Miller. Mr. Teame, are you there, sir? Mr.
21 Teame?

22 MR. TEAME: Yes, I'm here, sir.

23 CHAIRPERSON ANDERSON: I prefer for
24 you to be on camera because I need to make sure
25 that you're here, and I don't know if you are

1 there when you're not on camera because your name
2 could appear on my screen. I need to make sure
3 that you're here for the entire hearing, so I
4 need you to be on camera for the entire time. Do
5 you understand, sir?

6 MR. TEAME: I think I was muted by
7 your side.

8 CHAIRPERSON ANDERSON: I'm not aware
9 of that, sir. I just need to make sure that
10 you're always on camera for the hearing. All
11 right? Thank you. I apologize, Mr. Cenci. Go
12 ahead, Mr. Cenci.

13 BY MR. CENCI:

14 MR. CENCI: I'll re-ask my last
15 question. Investigator Miller, can you just
16 explain for the record what an MPD reimbursable
17 detail is.

18 MR. MILLER: This is a program for
19 public safety initiative by MPD to patrol outside
20 on premise establishments.

21 MR. CENCI: When did you arrive at the
22 establishment on July 10, 2022?

23 MR. MILLER: I arrived approximately
24 five minutes after 12:00.

25 MR. CENCI: When you arrived, did you

1 see an MPD reimbursable detail officer at the
2 establishment?

3 MR. MILLER: No, sir.

4 MR. CENCI: Did you see an MPD vehicle
5 outside of the establishment?

6 MR. MILLER: No, sir.

7 MR. CENCI: Did you go inside the
8 establishment as soon as you got there?

9 MR. MILLER: No, sir.

10 MR. CENCI: Why not?

11 MR. MILLER: I wanted to ensure that
12 there was no MPD reimbursable detail in the area.

13 MR. CENCI: About how long did you
14 wait outside the establishment before you went
15 inside?

16 MR. MILLER: Close to 15, 20
17 minutes.

18 MR. CENCI: And that whole time you
19 waited outside did you see an MPD reimbursable
20 detail?

21 MR. MILLER: No, sir.

22 MR. CENCI: Did you see an MPD vehicle
23 pull up to park outside the establishment?

24 MR. MILLER: No, sir.

25 MR. CENCI: So, about what time did

1 you enter the establishment?

2 MR. MILLER: 12:20 a.m.

3 MR. CENCI: When you got inside, what
4 did you see?

5 MR. MILLER: I saw patrons inside of
6 the establishment with a live DJ in the left side
7 of the establishment.

8 MR. CENCI: So, you say you saw a DJ.
9 Was that DJ playing music when you walked in?

10 MR. MILLER: Yes, sir.

11 MR. CENCI: How did you know that?

12 MR. MILLER: I could hear the music
13 from the speakers.

14 MR. CENCI: Did you take any pictures
15 of the DJ that you saw?

16 MR. MILLER: Yes, sir.

17 MR. CENCI: Before we go any further,
18 did you prepare a case report for this matter
19 detailing your findings?

20 MR. MILLER: Yes, sir.

21 MR. CENCI: Were those pictures that
22 you just mentioned included in that report?

23 MR. MILLER: Yes, sir.

24 MR. CENCI: Would you recognize a copy
25 of your report if I were to show it to you?

1 MR. MILLER: Yes, sir.

2 MR. CENCI: Mr. Chairperson,
3 permission to share my screen with the
4 Government's exhibit.

5 CHAIRPERSON ANDERSON: Mr. Orellana,
6 can you please allow Mr. Cenci to share his
7 screen, please?

8 MR. ORELLANA: Okay.

9 CHAIRPERSON ANDERSON: Go ahead, sir.

10 BY MR. CENCI:

11 MR. CENCI: Mr. Miller, I'm going to
12 scroll quickly through this document, so please
13 review it silently to yourself as I do.
14 Investigator Miller, do you recognize this
15 document?

16 MR. MILLER: Yes, sir.

17 MR. CENCI: What is it.

18 MR. MILLER: This is a case report I
19 authored.

20 MR. CENCI: Is it a part of your job
21 as an investigator to draft these case reports?

22 MR. MILLER: Yes, sir.

23 MR. CENCI: Mr. Chairperson, the
24 District would like to confirm for the record
25 that the Government's exhibit, the case report

1 for Safari Restaurant and Lounge, is already in
2 evidence pursuant to 23 DCMR section 1713.10.

3 CHAIRPERSON ANDERSON: Yes, sir, it's
4 a part of the record.

5 MR. CENCI: Thank you, Chairperson
6 Anderson.

7 Investigator Miller, I'm going direct
8 your attention to page 7 of this PDF, the
9 photograph with the sticker that says Government
10 Exhibit 1. Do you see this picture on screen?

11 MR. MILLER: Yes, sir.

12 MR. CENCI: I'm going to zoom out just
13 a little bit so we can see more of it. So,
14 Investigator Miller, did you take this picture?

15 MR. MILLER: Yes, sir.

16 MR. CENCI: What does this picture
17 show us?

18 MR. MILLER: That's the photograph I
19 had taken of the DJ at the establishment.

20 MR. CENCI: What equipment was the DJ
21 using in this picture?

22 MR. MILLER: The DJ had a laptop, he
23 had a turntable, and two speakers.

24 MR. CENCI: Was he actively using that
25 equipment while you were inside?

1 MR. MILLER: Yes, sir.

2 MR. CENCI: If you direct your
3 attention to page 8 of the PDF, the photograph
4 with the sticker that says Government Exhibit,
5 are you able to see that?

6 MR. MILLER: Yes, sir.

7 MR. CENCI: Did you take this picture
8 also?

9 MR. MILLER: Yes, sir.

10 MR. CENCI: What does this picture
11 show us?

12 MR. MILLER: That is an extension of
13 the first picture. I took pictures of the laptop
14 and turntables that the DJ was utilizing.

15 MR. CENCI: This equipment that we're
16 seeing in this picture that wasn't in the first
17 one, was the DJ using this while you were present
18 inside the establishment as well?

19 MR. MILLER: Yes, sir.

20 MR. CENCI: I'm going to stop sharing
21 my screen now. Investigator Miller, once you
22 were inside the establishment, did you see an MPD
23 reimbursable detail officer in there?

24 MR. MILLER: No, sir.

25 MR. CENCI: Besides taking those

1 pictures we just looked at, did you do anything
2 else inside the establishment?

3 MR. MILLER: I looked for the ABC
4 manager or owner for the establishment.

5 MR. CENCI: Were you able to find an
6 ABC manager or owner?

7 MR. MILLER: Yes, sir.

8 MR. CENCI: Who did you find?

9 MR. MILLER: I found the ABC manager,
10 I can't remember her name though.

11 MR. CENCI: That's all right. Would
12 you like to have your recollection refreshed,
13 sir?

14 MR. MILLER: Yes, sir. Actually, I
15 have it here. I spoke with Ms. Wan Witson,
16 excuse me if I pronounced her name wrong.

17 MR. CENCI: All right. So, when you
18 spoke with Ms. Wan Witson, how were you able to
19 tell that she was an ABC manager?

20 MR. MILLER: I asked her to provide
21 her ABC manager license.

22 MR. CENCI: Did she do so?

23 MR. MILLER: Yes, sir.

24 MR. CENCI: What did you say to her
25 after you started speaking with her?

1 MR. MILLER: I asked her about the
2 reimbursable detail officer that was supposed to
3 be at the establishment during live
4 entertainment.

5 MR. CENCI: How did she respond when
6 you asked her about the reimbursable detail
7 officer?

8 MR. MILLER: She stated she did not
9 know about the reimbursable detail officer being
10 needed.

11 MR. CENCI: Did that concern you when
12 the establishment's ABC manager told you she
13 didn't know about a requirement to have a
14 reimbursable detail officer present?

15 MR. MILLER: Can you ask the question
16 again?

17 MR. CENCI: Did it concern you when
18 the ABC manager for the establishment told you
19 that she didn't know she needed to have a
20 reimbursable detail officer present?

21 MR. MILLER: No, sir.

22 MR. CENCI: How did it strike you when
23 she told you that?

24 MR. MILLER: I believe that the owner
25 and the ABC manager, excuse me, let me backtrack.

1 The ABC manager is a liaison between me and the
2 owner, so any information as far as court orders
3 or any other regulations that were not
4 communicated to the ABC manager is supposed to be
5 passed down from the owner, not from ABRA.

6 MR. CENCI: Would it be your
7 expectation that the ABC manager would be aware
8 of the establishment's requirements imposed by
9 the Board?

10 MR. MILLER: Yes, sir.

11 MR. CENCI: So, after you spoke with
12 the ABC manager, did you do anything else inside
13 the establishment?

14 MR. MILLER: I took pictures of the DJ
15 for the two exhibits, and also went over the
16 Board order with the ABC manager.

17 MR. CENCI: How did the ABC manager
18 respond when you showed her the Board order?

19 MR. MILLER: She stated again that she
20 did not know about this information.

21 MR. CENCI: So, the entire time that
22 you were inside that establishment, did you ever
23 see an MPD reimbursable detail officer?

24 MR. MILLER: No, sir.

25 MR. CENCI: When you were leaving the

1 establishment, did you see an MPD reimbursable
2 officer outside?

3 MR. MILLER: No, sir.

4 MR. CENCI: We've talked about this
5 Board order that's at issue a lot. Were you ever
6 able to locate a copy of that Board order that
7 was at issue?

8 MR. MILLER: I did. I had a copy for
9 myself.

10 MR. CENCI: Chairperson, asking
11 permission to share my screen with the already
12 admitted exhibit.

13 CHAIRPERSON ANDERSON: I believe you
14 probably should still have permission.

15 MR. CENCI: Mr. Miller, are you able
16 to see that?

17 MR. MILLER: Yes, sir.

18 MR. CENCI: I'm directing your
19 attention to page 9 of the order, which is page
20 17 of the PDF. What section of the Board order
21 did you find that the establishment violated on
22 July 10, 2022?

23 MR. MILLER: On page 9 under order,
24 number 4.

25 MR. CENCI: Can you read that section

1 aloud for the record?

2 MR. MILLER: Yes, sir. No live
3 entertainment shall occur after 11:30 p.m. unless
4 the establishment hires the Metropolitan Police
5 Department reimbursable detail to present while
6 entertainment is provided and for at least one
7 hour after the close of business.

8 MR. CENCI: I'm going to stop sharing
9 my screen now. Investigator Miller, this might
10 seem obvious, but the entire time you were at the
11 establishment on July 10, 2022, was it after
12 11:30 p.m.?

13 MR. MILLER: Yes, sir.

14 MR. CENCI: During that time, was the
15 establishment providing live entertainment?

16 MR. MILLER: Yes, sir.

17 MR. CENCI: Across the entire time
18 that you were outside and inside of the
19 establishment, did you see any evidence at all
20 that the establishment had an MPD reimbursable
21 detail officer present?

22 MR. MILLER: No, sir.

23 MR. CENCI: Thank you, Investigator.
24 Chairperson Anderson, I have no further
25 questions.

1 CHAIRPERSON ANDERSON: Thank you. Mr.
2 Teame, do you have any questions of the
3 investigator?

4 MR. TEAME: The question that I have
5 to the investigator is -- thank you, Investigator
6 Miller. I didn't get a fair chance to explain,
7 call to the office, what is the situation, so the
8 case was going to strike to the Board, that's why
9 I am here because it's not fair --

10 CHAIRPERSON ANDERSON: Mr. Teame?

11 MR. TEAME: Yes?

12 CHAIRPERSON ANDERSON: At this stage,
13 you need to ask the questions of the
14 investigator. If you do not have a question for
15 the investigator --

16 CROSS EXAMINATION

17 MR. TEAME: Yes. My question to the
18 investigator is why I'm not getting a fair chance
19 or get a phone call from the office to explain my
20 violation.

21 MR. MILLER: Good afternoon. For the
22 question that you stated, the reason for ABC
23 managers is for them to be the liaison between
24 ABRA and the owner when you're not present. So,
25 any information that is given to the ABC manager,

1 it is their duty to relay that information over
2 to the owner. Hopefully that answered your
3 question.

4 CHAIRPERSON ANDERSON: Do you have any
5 other questions that you wish to ask?

6 MR. TEAME: No, sir. Thank you.

7 CHAIRPERSON ANDERSON: Any questions
8 by the Board of the investigator?

9 Mr. Miller, once you had a
10 conversation with the ABC manager, did you write
11 that citation?

12 MR. MILLER: No, sir.

13 CHAIRPERSON ANDERSON: When was the
14 citation issued for this case?

15 MR. TEAME: I have one more question
16 for the investigator.

17 CHAIRPERSON ANDERSON: Mr. Teame, I
18 asked you if you didn't have any questions. I'm
19 sorry, do you have a question you want to ask,
20 sir? What's the question you want to ask Mr.
21 Miller?

22 MR. TEAME: Yes, Investigator Miller,
23 you have only a picture of the DJ, you don't have
24 any other pictures. Why?

25 MR. MILLER: Pictures as far as? What

1 other pictures?

2 (Simultaneous speaking)

3 MR. TEAME: -- how many people were in
4 there that indicates that there was a live event.

5 MR. MILLER: The definition of live
6 entertainment is anything mixing music or
7 instruments, so I didn't need to take pictures of
8 patrons to be in violation of the Board order
9 because you had a DJ regardless if you had
10 patrons or no patrons.

11 CHAIRPERSON ANDERSON: Do you have any
12 other questions, sir?

13 MR. TEAME: No, I'll put it in my
14 case.

15 CHAIRPERSON ANDERSON: I guess the
16 question I'm asking, Mr. Miller, so, when was the
17 licensee advised that there was a citation?

18 MR. MILLER: I don't believe the
19 licensee was notified of a citation. I think
20 this was a primary tier.

21 CHAIRPERSON ANDERSON: That's not the
22 question I'm asking you, sir. Did you explain to
23 the ABC manager that they were in violation of
24 the Board order and that you were going to take
25 this back for possible citation? I'm trying to

1 find out, once you saw what occurred, what
2 conversation did you have with the ABC manager?

3 MR. MILLER: I notified them of the
4 violation, and I also, I believe, if I'm not
5 mistaken, I did forward her the Board order so
6 she could have it, and I also notified her to let
7 her know that they were in violation of the Board
8 order.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you. Any other questions by any other
11 Board members?

12 Mr. Teame, do you have any questions?:

13 MEMBER SHORT: Mr. Chair?

14 CHAIRPERSON ANDERSON: Yes, Mr. Short?

15 MEMBER SHORT: I have a question of
16 the investigator. Good afternoon, Investigator
17 Miller

18 MR. MILLER: Good afternoon, Mr.
19 Short.

20 MEMBER SHORT: Other than your
21 official duties, when you went there to
22 investigate the Safari Lounge, was there any
23 other reason for you to be there other than to do
24 your official duties?

25 MR. MILLER: I'm sorry, sir, you broke

1 up.

2 MEMBER SHORT: You were there on the
3 evening that you investigated and found that
4 there was no MPD detail outside, reimbursable
5 detail, and that was a violation, and you wrote
6 it up, is that correct?

7 MR. MILLER: Yes, sir.

8 MEMBER SHORT: Is that what you were
9 sworn to do when you took the job as
10 investigator?

11 MR. MILLER: Yes, sir.

12 MEMBER SHORT: Did you have any other
13 reason to go there other than for official
14 business?

15 MR. MILLER: No, sir.

16 MEMBER SHORT: Thank you, that's all
17 I have, Mr. Chair.

18 CHAIRPERSON ANDERSON: Thank you. Any
19 other questions from any of the Board members?

20 Mr. Teame, do you have any questions

21 --

22 MR. TEAME: No, sir.

23 CHAIRPERSON ANDERSON: All right. Any
24 redirect, Mr. Cenci?

25 MR. CENCI: May Investigator Miller be

1 excused?

2 CHAIRPERSON ANDERSON: Yes. Thank you
3 very much for your testimony, Mr. Miller. You
4 are excused. Thank you. Have a great day.

5 Does the Government have another
6 witness?

7 MR. CENCI: No, Chairperson Anderson,
8 the Government rests its case.

9 CHAIRPERSON ANDERSON: Mr. Teame, this
10 is your opportunity to present your case. Do you
11 have a witness you wish to call, sir? Are you
12 the only witness?

13 MR. TEAME: I can't hear you, sir?

14 CHAIRPERSON ANDERSON: Can you hear
15 me, Mr. Teame? Can you hear me, sir?

16 MR. TEAME: Yes, a little bit now.

17 CHAIRPERSON ANDERSON: Can everyone
18 hear me, or is it just Mr. Teame? Mr. Teame,
19 everyone says they can hear me, so you're the
20 only one not hearing me.

21 MR. TEAME: It probably is my
22 connection, sir.

23 CHAIRPERSON ANDERSON: Can you raise
24 your right hand, sir? Do you swear or affirm to
25 tell the truth and nothing but the truth?

1 MR. TEAME: I do.

2 CHAIRPERSON ANDERSON: Now you can
3 speak. You can present your case, sir.

4 MR. TEAME: Am I given the chance?

5 CHAIRPERSON ANDERSON: This is your
6 opportunity, sir.

7 DIRECT EXAMINATION

8 MR. TEAME: Yes, sir. Thank you so
9 much. Thank you, Chairperson, counsel, and all
10 Board members. This is the situation. This is a
11 monthly event that we have. Since COVID the
12 business at Safari DC -- so we have only one
13 event held every month the second Saturday of the
14 month, and for all the months the MPD detailed
15 service is submitted for -- July because all the
16 -- the host decided to cancel this event. The
17 MPD detailed service was not submitted.
18 Unfortunately, a DJ that was coming to play, he
19 came all the way from New York, and he wanted to
20 play music. That's why I asked the Inspector,
21 there was nobody in the room except his two
22 friends, my bar manager, and a bartender. It was
23 only five people. It was an empty place. I
24 allowed the DJ to play his music. That's why I
25 was asking for the inspector, he was doing his

1 job, he comes and he sees a DJ playing, obviously
2 that's a violation. But if the establishment was
3 given a fair chance to explain why, how, and all
4 that it changes the whole thing. That's why has
5 a license holder and a relationship with ABRA we
6 should be like partners, we should give a fair
7 share, call to the office and explain the
8 situation before we are penalized. That's why I
9 am asking the Board sign today and say we don't
10 have no violation at all. We always submit it
11 and get a detail service, we pay on time, and all
12 that. For the event that was cancelled, I did
13 it, I am the one who submitted with -- that
14 handles the detail service, sent an email, and
15 get a response , and that's how it works. So,
16 this is what I'm saying. For us, it is not a
17 violation for business that we hardly do any
18 business, we open only Friday and Saturday
19 because of the situations. And also, we have
20 only an event once a month, and on this
21 particular day the event was cancelled. The
22 spike on COVID -- and all that. That's why I was
23 asking for the Board and for the counsel to be
24 fair and to give us a warning to make us learn
25 from this because for me it was an honest and

1 wrong judgment I took to allow the DJ to play.
2 As a matter of fact, before the inspector came
3 into the establishment I walked out to the --
4 down the street from me to get some salad, and
5 when I came back I was notified by my manager
6 that ABRA was here.

7 So, this is all of that. Again, I
8 want to apologize, essentially, because I
9 followed the rules. I've been in this business
10 for almost 20 something years, I run two
11 businesses. I have a few violations in the past
12 beyond my control and all that, and I learn from
13 it, and I'm doing my best to comply with the
14 laws, and to do that, and that's why I am asking
15 this Board to be fair, and punish the
16 establishment if it needs to be punished or just
17 give us a warning but learn from it. This is the
18 story of it, and this is the honest truth.

19 Thank you so much for listening.

20 CHAIRPERSON ANDERSON: Thank you, sir.
21 Mr. Cenci, any questions of Mr. Teame?

22 MR. CENCI: No cross examination.

23 CHAIRPERSON ANDERSON: Any questions
24 by the Board members? All right. Does the
25 Government wish to make a closing statement?

1 MR. CENCI: Yes, Chairperson Anderson.
2 May I proceed?

3 CHAIRPERSON ANDERSON: Go ahead.

4 CLOSING STATEMENT OF COLLIN CENCI, ESQ.

5 ON BEHALF OF THE GOVERNMENT

6 MR. CENCI: Members of the Board, this
7 case has been about a licensed establishment
8 willfully disregarding a Board order that applies
9 only to it. Today the District met it's burden
10 and proved by substantial evidence that the
11 licensee did, in fact, fail to follow a Board
12 order. Substantial evidence is not a high
13 burden, it's not beyond a reasonable doubt, it's
14 not even preponderance of the evidence, just a
15 degree of relevant evidence to which a reasonable
16 person considering the record as a whole might
17 accept as adequate to support a conclusion even
18 if others might disagree. The District has
19 certainly met that burden today.

20 The testimony of Investigator Miller,
21 his case report, Mr. Teame's own statements have
22 all confirmed it for us. Investigator Miller got
23 up on the stand, and he told us that he visited
24 the establishment on the morning of July 10,
25 2022. When he was there he did not see MPD

1 reimbursable detail. When he went inside, he did
2 not see a reimbursable detail. When he took
3 pictures of the DJ that was playing at the
4 establishment he did not see that reimbursable
5 detail. He spoke to the ABC manager, left the
6 establishment, and as he was leaving, still
7 outside, he did not see a reimbursable detail.
8 He even went beyond and he waited 15 minutes
9 outside before he even went inside the
10 establishment, and all that time he never saw the
11 MPD reimbursable detail. The entire time he was
12 there it was after 11:30 p.m.

13 We all looked at the Board's order
14 together. We saw that the Board's order does not
15 have carve outs, it does not have exceptions.
16 The requirement for the establishment is to have
17 an MPD reimbursable detail be present at the
18 establishment if it is providing live
19 entertainment the entire time that the
20 entertainment is being provided and up to an hour
21 after the establishment is closed. The
22 establishment was open when Investigator Miller
23 was present. Meaning that not only was there the
24 violation for the MPD detail not being present at
25 that time, but the MPD detail couldn't have been

1 there for an hour after close as was also
2 required.

3 The establishment had this obligation,
4 and it knew it had this obligation. Mr. Teame
5 just said during his own case that he knew, of
6 course, that's a violation when Investigator
7 Miller saw the DJ playing. He confirmed that the
8 MPD detail was not there in his statement, that
9 the MPD detail had cancelled because of the
10 cancellation of a different event. But he also
11 confirmed for us that the DJ was coming down from
12 New York, was going to play at the establishment,
13 and Mr. Teame allowed that to happen. Letting
14 this happen, regardless of how many people are in
15 the establishment, is a violation of the Board
16 order.

17 Mr. Teame wants there to be
18 exceptions, wants there to be changes made for
19 his circumstances, but the only circumstances
20 that he brought before us today were that there
21 were not a sufficient number of people in the
22 establishment. He's given us no evidence that
23 there only a few people in the establishment.
24 He's given us no evidence that he made a request
25 of MPD reimbursable detail to be present, and

1 that they simply did not show up. All that we
2 heard today is that we should take it easy on Mr.
3 Teame.

4 But this Board's order was violated.
5 Board's order that was formed after a separate
6 fact finding and investigation and a hearing.
7 The Board does not issue these orders with no
8 rationale behind them. The rationale here is
9 help provide security when live entertainment is
10 being provided at the establishment. Here live
11 entertainment was being provided. Mr. Teame knew
12 that but did not have the reimbursable detail
13 present like he was supposed to do. The
14 violation here is clear. There is no other
15 outcome but one in favor of the District. We ask
16 that you apply a penalty consistent with the DC
17 MR and DC Code. Thank you.

18 CHAIRPERSON ANDERSON: Thank you, sir.
19 Mr. Teame, any final comments you want to make?

20 CLOSING STATEMENT OF FREZ TEAME, APPLICANT

21 MR. TEAME: I mean, I'm just
22 explaining the situation and circumstances. So,
23 I hope the Board will consider this and make a
24 right decision with the counsel. Thank you so
25 much for your time, again.

1 CHAIRPERSON ANDERSON: Thank you.
2 Chairperson of the Alcoholic Beverage Control
3 Board for the District of Columbia in accordance
4 with DC Official Code, Section 2575 of the -- I
5 move that ABC Board hold a closed meeting for the
6 purpose of seeking legal advice from our counsel
7 -- before I say that. The record is now closed.
8 The Board will issue decision in 90 days.

9 As Chairperson of the Alcoholic
10 Beverage Control Board for the District of
11 Columbia in accordance with DC Official Code,
12 Section 2575 of the Open Meetings Act, I move
13 that ABC Board hold a closed meeting for the
14 purpose of seeking legal advice from our counsel
15 on Case #22-CMP-00056, Safari Restaurant and
16 Lounge, pursuant to DC Official Code, Section
17 2575(b)(4)(A) of the Open Meetings Act and
18 deliberate upon case #22-CMP-00056, Safari
19 Restaurant and Lounge for the reasons cited in DC
20 Official Code, Section 2575(b)(13) of the Open
21 Meetings Act. Is there a second?

22 (No audible response.)

23 CHAIRPERSON ANDERSON: Mr. Grandis and
24 Mr. Short have seconded the motion. I will now
25 take a roll call vote under motion before us now

1 that they've been second. Mr. Short?

2 MEMBER SHORT: Mr. Short, I agree.

3 CHAIRPERSON ANDERSON: Mr. Cato?

4 MEMBER CATO: Bobby Cato, I agree.

5 CHAIRPERSON ANDERSON: Ms. Crockett?

6 MEMBER CROCKETT: Rafi Crockett, I

7 agree.

8 CHAIRPERSON ANDERSON: Ms. Hansen?

9 (No audible response.)

10 CHAIRPERSON ANDERSON: Mr. Grandis?

11 MEMBER GRANDIS: Edward Grandis, I

12 agree.

13 CHAIRPERSON ANDERSON: Mr. Anderson,

14 I agree. As it appears that the motion has

15 passed 6-0-0, I hereby give notice that ABC Board

16 will recess this proceeding to hold a closed

17 meeting pursuant to section 2575 of the Open

18 Meetings Act. Thank you very much for your

19 presentation today. The Board will take this

20 matter under advisement and issue a decision

21 accordingly.

22 (Whereupon, the above-entitled matter

23 went off the record at 2:21 p.m.)

24

25

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In the matter of: Safari Restaurant

Before: DC ABRA

Date: 02-08-23

Place: teleconference

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Court Reporter

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