

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: :
: :
BK Events, LLC, :
t/a Flair Restaurant & :
Lounge :
2210 14th Street NW : Show Cause
Retailer CT - ANC 1B : Hearing
License No. 120179 :
Case #25-CIT-00256 :
: :
(Operating Afterhours) :
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Wednesday
March 25, 2026

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
RYAN JONES, Member
DAVID MEADOWS, Member
TERI JANINE QUINN, Member

ALSO PRESENT:

BELAKU AYALEW, Licensee
COLLIN CENCI, DC OAG
INVESTIGATOR MIKEA NELSON, DC ABCA
JOSE ORELLANA, DC ABCA Staff

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

2 10:46 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is case number 25-CIT-00256,
5 Flair Restaurant & Lounge, license number
6 120179.

7 Mr. Orellana, can you please elevate
8 the rights of the parties in this case?

9 MR. ORELLANA: Sure thing. Belaku
10 Ayalew, access elevated, Collin Cenci access
11 elevated, and investigator Mikea Nelson, access
12 elevated.

13 That is all, Chairman.

14 CHAIRPERSON ANDERSON: Thank you.

15 Good morning, Mr. Cenci. Can you
16 please spell and state your name for the record,
17 sir?

18 MR. CENCI: Good morning, Mr. Chair.
19 Collin Cenci, C-O-L-L-I-N C-E-N-C-I, Assistant
20 Attorney General of the Office of the Attorney
21 General for the District of Columbia.

22 CHAIRPERSON ANDERSON: Good morning,
23 sir.

24 Mr. Ayalew, can you please spell and
25 state your name for the record and your

1 relationship to this establishment, sir?

2 MR. AYALEW: Good morning, Mr.
3 Chairperson and everybody else. My name is
4 Ayalew, A-Y-A-L-E-W, first name Bekalu,
5 B-E-K-A-L-U. I'm the owner of Flair Restaurant
6 & Lounge.

7 CHAIRPERSON ANDERSON: Good morning,
8 sir.

9 All right. Mr. Cenci, this is a
10 show-cause hearing. Are there any preliminary
11 matters this morning?

12 MR. CENCI: No, there are not.

13 CHAIRPERSON ANDERSON: All right,
14 fine.

15 All right. So we're having a
16 show-cause hearing this morning. The way this
17 goes, Mr. Ayalew, is that the Government goes
18 first, so the Government will call a witness.
19 The witness will testify. Excuse me.

20 Once the witness testifies, you'll
21 have an opportunity to cross-examine that
22 witness. After the Government has presented its
23 case, you then, if you have any witnesses, then
24 you'll have that witness testify, or if you're
25 going to testify, I'll swear you in and you can

1 testify.

2 And the Government will have an
3 opportunity to cross-examine you and then the
4 board will ask questions of yourself or your
5 witnesses.

6 Once that's done, we'll have a
7 closing statement and I'll close the record.
8 You'll have -- the parties will have -- prior to
9 closing the record, the parties will have a
10 closing statement.

11 I will close the record and then the
12 board will have a -- will make a decision, which
13 we will issue, I think, in 90 days. Okay?

14 Any questions by either side before
15 we start?

16 MR. CENCI: None from the District.

17 CHAIRPERSON ANDERSON: All right.

18 Does the Government wish to make an opening
19 statement?

20 MR. CENCI: Yes.

21 CHAIRPERSON ANDERSON: Go ahead,
22 sir.

23 MR. CENCI: May it please the board.

24

25 We are here today in a show-cause

1 action in the matter of Flair Restaurant &
2 Lounge, a business located at 2210 14th Street
3 NW, Washington, D.C., 20009.

4 Today, the evidence is going to show
5 you that on April 6, 2025, the establishment
6 operated after its licensed hours of operation.

7 You're going to hear how
8 investigator Mikea Nelson noticed that there
9 were patrons standing outside of the
10 establishment, and upon entering the
11 establishment saw numerous patrons seated at the
12 bar drinking beverages and smoking hookah, more
13 than 30 minutes after the establishment was
14 supposed to have ceased operating.

15 It's because of this behavior that
16 ABCA has issued this notice of show-cause
17 against the establishment. The notice concerns
18 one simple charge, that the establishment
19 operated after its approved hours in violation
20 of D.C. Code 762-B13.

21 The District bears the burden of
22 proof in this case. We have to show you that
23 the Respondent has committed these violations by
24 substantial evidence in the record and we're
25 going to do that with the testimony of

1 investigator Mikea Nelson.

2 At the end of this hearing, it will
3 be clear the establishment did violate the terms
4 of its license by operating after its approved
5 hours.

6 It's because of that, at the end of
7 today's hearing, I'm going to ask that you find
8 in favor of the District of Columbia and issue a
9 penalty in accordance with the law.

10 Thank you.

11 CHAIRPERSON ANDERSON: Thank you,
12 sir.

13 Mr. Ayalew, do you wish to make an
14 opening statement now or do you wish to waive --
15 will you make your opening statement when you
16 present your case?

17 MR. AYALEW: I'll wait.

18 CHAIRPERSON ANDERSON: All right,
19 thank you.

20 MR. AYALEW: Thank you.

21 CHAIRPERSON ANDERSON: Does the
22 Government have a witness they wish to call?

23 MR. CENCI: Yes, the District calls
24 Mikea Nelson.

25 CHAIRPERSON ANDERSON: Ms. Nelson,

1 can you raise your right hand, please?

2 Do you swear or affirm to tell the
3 truth and nothing but the truth?

4 MS. NELSON: I affirm.

5 CHAIRPERSON ANDERSON: Your witness,
6 sir.

7 MR. CENCI: Good morning. Can you
8 please state and spell your first and last name
9 for the record?

10 MS. NELSON: Good morning. Mikea
11 Nelson. That is M-I-K-E-A. Last name
12 N-E-L-S-O-N.

13 MR. CENCI: Where do you work, Ms.
14 Nelson?

15 MS. NELSON: The Alcoholic Beverage
16 and Cannabis Administration.

17 MR. CENCI: What's your position
18 there?

19 MS. NELSON: As -- I'm an
20 investigator.

21 MR. CENCI: What are your duties and
22 responsibilities as an investigator for ABCA?

23 MS. NELSON: I conduct inspections
24 and investigations of ABC-licensed
25 establishments within the District of Columbia.

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

3 MS. NELSON: Seven years.

4 MR. CENCI: I want to turn your
5 attention to today's case. Are you familiar
6 with an establishment located at 2210 14th
7 Street NW, Washington, D.C. 20009 known as Flair
8 Restaurant & Lounge?

9 MS. NELSON: Yes.

10 MR. CENCI: How are you familiar
11 with it?

12 MS. NELSON: I have conducted
13 investigations at this establishment.

14 MR. CENCI: Did you have reason to
15 visit this establishment on April 6, 2025?

16 MS. NELSON: Yes.

17 MR. CENCI: What were you doing at
18 approximately 3:26 a.m. that morning?

19 MS. NELSON: I was monitoring the
20 2200 block of 14th Street NW.

21 MR. CENCI: Did you see anything as
22 you were monitoring it at that time?

23 MS. NELSON: Yes. I noticed --

24 MR. CENCI: What did you see?

25 MS. NELSON: I noted a group of

1 patrons outside of Flair Restaurant & Lounge.

2 MR. CENCI: What did you do after
3 you saw those patrons standing outside of this
4 establishment?

5 MS. NELSON: I approached the
6 establishment and attempted to gain entry.

7 MR. CENCI: Were you able to enter
8 the establishment right away?

9 MS. NELSON: No.

10 MR. CENCI: Why not?

11 MS. NELSON: The door was locked.

12 MR. CENCI: Were you able to enter
13 the establishment at all?

14 MS. NELSON: Yes.

15 MR. CENCI: How?

16 MS. NELSON: The door was opened by
17 security and I was met by him at the front door.

18

19 MR. CENCI: Before we go any
20 further, did you memorialize what you saw at the
21 establishment that night?

22 MS. NELSON: Yes, I did.

23 MR. CENCI: As part of your
24 investigation, did you create a case report
25 documenting your investigation?

1 MS. NELSON: Yes, I did.

2 MR. CENCI: And as part of that
3 investigation, did you record any videos?

4 MS. NELSON: Yes, I did.

5 MR. CENCI: Did you attach the
6 videos you created to the case report as
7 exhibits?

8 MS. NELSON: Yes.

9 MR. CENCI: Mr. Chairperson, the
10 District would like to confirm for the record
11 that the Government's exhibit the case report
12 for Flair Restaurant & Lounge is already in
13 evidence under 23-DCMR-1713.10.

14 CHAIRPERSON ANDERSON: Yes, sir,
15 you're correct.

16 MR. CENCI: I'm sharing my screen.

17 CHAIRPERSON ANDERSON: Mr. Orellana,
18 allow Mr. Cenci to share his screen.

19 MR. ORELLANA: Access granted.

20 CHAIRPERSON ANDERSON: Thank you.

21 MR. ORELLANA: Collin, will your
22 video include audio?

23 MR. CENCI: It will not.

24 MR. ORELLANA: Okay.

25 MR. CENCI: Investigator, I'm

1 directing your attention to what is marked as
2 Exhibit 1 within your report.

3 Please watch it silently in its
4 entirety and then I will ask you questions about
5 it.

6 (Video played.)

7 MR. CENCI: All right.
8 Investigator, was that a video you recorded of
9 Flair Restaurant & Lounge on the morning of
10 April 5th -- April 6th, 2025?

11 MS. NELSON: Yes.

12 MR. CENCI: Investigator, what does
13 that video show us?

14 MS. NELSON: That video shows me
15 entering the establishment.

16 MR. CENCI: I'm directing your
17 attention to timestamp three seconds within the
18 video.

19 Investigator, who are these
20 individuals on the left-hand side of the video
21 frame?

22 MS. NELSON: That is the group of
23 patrons that I saw on the -- from the 2200 block
24 of 14th Street outside of the establishment.

25 MR. CENCI: You said this video shows

1 you entering the establishment. What did you
2 see once you entered the establishment?

3 MS. NELSON: I was met by the
4 establishment's security at the front door, and
5 then I saw patrons sitting at the bar.

6 MR. CENCI: Directing your attention
7 to time stamp 25 within Exhibit 1.

8 Investigator, are these the
9 individuals that you saw seated at the bar that
10 morning?

11 MS. NELSON: Yes.

12 MR. CENCI: What did they appear to
13 be doing as you entered the establishment?

14 MS. NELSON: They appeared to be
15 smoking hookah and consuming what appeared to be
16 alcoholic beverages.

17 MR. CENCI: I will stop sharing my
18 screen.

19 Investigator, did you record any
20 other videos besides that one?

21 MS. NELSON: Yes.

22 MR. CENCI: Directing your attention
23 now to Exhibit -- what's marked within your
24 report as Exhibit 2. Same thing as before.
25 Please just watch it silently and then I will

1 ask you some questions about it.

2 (Video played.)

3 MR. CENCI: All right.

4 Investigator, what did that video show us?

5 MS. NELSON: That showed patrons
6 sitting at the establishment's first floor bar
7 area consuming what appeared to be alcoholic
8 beverages and smoking hookah.

9 MR. CENCI: We are at the zero
10 timestamp of the video right as the video
11 starts. The patrons that are depicted in this
12 frame, what are they doing?

13 MS. NELSON: They appear to be
14 having alcoholic beverages in their possession
15 and sitting at the bar.

16 MR. CENCI: How were you able to
17 determine they were alcoholic beverages?

18 MS. NELSON: The glass -- the
19 patrons had liquid with alcohol in it, liquid in
20 glass cups. There weren't any soda cans or
21 plastic cups to indicate that it was not
22 alcohol.

23 MR. CENCI: And directing your
24 attention to time stamp of three seconds within
25 the video. What are these patrons doing?

1 MS. NELSON: They are consuming
2 hookah.

3 MR. CENCI: All right.
4 Investigator, in this video do you observe
5 anybody with their phones out?

6 MS. NELSON: No.

7 MR. CENCI: As far as you can
8 recall, while you were at the establishment that
9 morning, did you observe anyone with their
10 phones out?

11 MS. NELSON: No, not that I recall.

12 MR. CENCI: I'll stop sharing my
13 screen.

14 Investigator, were you able to
15 review this establishment's ABC license?

16 MS. NELSON: Yes, I was.

17 MR. CENCI: What are the hours of
18 operation for this establishment on Saturdays?

19 MS. NELSON: From 11 a.m. until 3
20 a.m.

21 MR. CENCI: So you said until 3 a.m.
22 Would those Saturday hours control operation on
23 Sunday mornings?

24 MS. NELSON: Yes, it would.

25 MR. CENCI: Was April 6, 2025, a

1 Sunday?

2 MS. NELSON: Yes.

3 MR. CENCI: You said those were the
4 hours of operation. What is supposed to happen
5 after the hours of operation for an
6 establishment at --

7 MS. NELSON: All operations should
8 cease at 3 a.m. at this establishment.

9 MR. CENCI: When you say that, can
10 patrons remain inside of the establishment
11 smoking hookah?

12 MS. NELSON: No, sir.

13 MR. CENCI: Can they remain inside
14 the establishment consuming alcoholic beverages?

15 MS. NELSON: No, sir.

16 MR. CENCI: Can they remain inside
17 of the establishment consuming any beverages at
18 all?

19 MS. NELSON: No, sir.

20 MR. CENCI: Can the patrons remain
21 in the establishment for any reason?

22 MS. NELSON: No.

23 MR. CENCI: Thank you very much,
24 Investigator. I have no further questions.

25 MS. NELSON: Thank you.

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

4 MR. AYALEW: Hi, Mr. Chairperson.
5 Ayalew is the name.

6 CHAIRPERSON ANDERSON: Ayalew.
7 Pardon me.

8 MR. AYALEW: Good morning, Ms.
9 Nelson.

10 Just my question for the
11 investigator was that when she approached the
12 door, she saw the people that stand outside.
13 She said that they were trying to come in. They
14 were -- they were actually waiting for their
15 Uber transportation outside the door.

16 CHAIRPERSON ANDERSON: Mr. -- Mr.
17 Ayalew, you have to ask her a question. So you
18 can -- if you want to make a statement later on,
19 you can. But whatever you're asking, you have
20 to frame it in -- in -- in a question format,
21 okay? So --

22 MR. AYALEW: Yeah, that's what I was
23 going to do. That's what I was going to do. So
24 did she see them pulling the door handle,
25 knocking on the door, trying to come in?

1 MS. NELSON: Good morning, Mr.
2 Ayalew.

3 So in my case report, I stated that
4 I saw patrons outside. I didn't state that I
5 saw them attempt to enter.

6 When I gained entry, that's when I
7 saw patrons inside of the establishment.

8 MR. AYALEW: Right. And earlier you
9 said that they were trying to gain access. I
10 thought that's what I heard.

11 But in regards to, you know, people
12 leaving the establishment, yes, it is allowed
13 until 3:00. You know, what are the graceful
14 period for people to leave, exit the area,
15 according to you? I'm just trying to understand
16 as well.

17 MR. CENCI: Objection. Calls for
18 legal testimony.

19 CHAIRPERSON ANDERSON: I'm going to
20 overrule the objection. The reason I'm going to
21 overrule -- he has not -- he has not represented
22 himself to me as an attorney and so I think I
23 get the question. So -- so I'm going to
24 overrule the question for that reason.

25 Ms. Nelson, if you can answer the

1 question, please do.

2 MS. NELSON: Mr. Ayalew, are you
3 asking how long it takes for -- do we give grace
4 for patrons to leave the establishment or to
5 leave the front of the establishment?

6 MR. AYALEW: Both.

7 MS. NELSON: So to leave the
8 establishment, ABCA investigators tend to --
9 this is not by law -- give the establishment
10 approximately 10 minutes or so to get everyone
11 out.

12 To leave the front of the
13 establishment, we don't regulate people on the
14 sidewalk to say when -- or when they cannot be
15 outside.

16 MR. AYALEW: So 10, 15 minutes after
17 the closing, correct?

18 MS. NELSON: Approximately. That's
19 not a rule or law.

20 MR. AYALEW: Right. A grace period.
21 That's all I have, Mr. Chairperson.

22 CHAIRPERSON ANDERSON: Thank you.
23 Any questions by any board members?

24 (No audible response.)

25 CHAIRPERSON ANDERSON: Let's see.

1 MR. AYALEW: I do like, Mr.
2 Chairperson --

3 CHAIRPERSON ANDERSON: What, sir? I
4 mean, I thought you were done asking her
5 questions.

6 MR. AYALEW: Oh, no. It's just not
7 -- the question part is done. Am I allowed to
8 make a statement at all?

9 CHAIRPERSON ANDERSON: No. No, not
10 now. Not now.

11 MR. AYALEW: Okay.

12 CHAIRPERSON ANDERSON: You'll get an
13 opportunity. Now it's still the Government's
14 presentation. So you'll get an opportunity once
15 the Government has rested, okay?

16 MR. AYALEW: Thank you.

17 CHAIRPERSON ANDERSON: All right.
18 And I'm trying to figure out if I have any
19 questions. All right.

20 So, I just want to get some
21 clarification, Ms. Nelson.

22 What time is it that you saw patrons
23 in the establishment?

24 MS. NELSON: I would say
25 approximately 3:30 a.m. I saw the patrons

1 outside on 14th Street at approximately 3:26.

2 So I would say approximately 3:30 a.m.

3 CHAIRPERSON ANDERSON: So at 3:30
4 a.m., did it look like they were -- the patrons
5 were -- did it look like they were leaving or
6 were they comfortable still consuming water or
7 whatever it is that they were consuming?

8 MS. NELSON: They appeared to be
9 comfortable consuming hookah at the bar.

10 CHAIRPERSON ANDERSON: All right.
11 All right. Thanks.

12 Mr. Ayalew, do you have any
13 questions of the witness based on the question I
14 asked? Just based on the question I asked, sir.
15 Okay?

16 MR. AYALEW: None at the moment.

17 CHAIRPERSON ANDERSON: Okay. Fine.

18 Mr. Cenci, any -- any redirect?

19 MR. CENCI: Yes.

20 Investigator, the chair just asked
21 you, and you testified, that you saw patrons
22 inside at approximately 3:30 a.m. About how
23 long did you remain inside of the establishment
24 that morning?

25 MS. NELSON: I would say

1 approximately 10 minutes.

2 MR. CENCI: So at approximately what
3 time did you leave the establishment?

4 MS. NELSON: I would say maybe 3:40.

5

6 MR. CENCI: At 3:40 a.m. on April 6,
7 2025, was that the last time that morning that
8 you saw the establishment?

9 MS. NELSON: No.

10 MR. CENCI: When did you see the
11 establishment again?

12 MS. NELSON: I advised Mr. Ayalew
13 that all patrons needed to leave the
14 establishment because they were supposed to be
15 closed.

16 Prior to my exit, I waited
17 approximately 10 to 15 minutes and then I
18 returned to the establishment to make sure that
19 all patrons had exited and all operations had
20 ceased at Flair Restaurant & Lounge.

21 MR. CENCI: At approximately what
22 time was it that you returned?

23 MS. NELSON: I would say between
24 3:50 and 4:00 a.m.

25 MR. CENCI: When you returned to the

1 establishment between 3:50 and 4 a.m., had the
2 establishment emptied out?

3 MS. NELSON: It appeared to be
4 closed and all patrons appeared to have exited.

5 MR. CENCI: Thank you, Investigator.
6 I have no further questions.

7 MS. NELSON: Thank you.

8 CHAIRPERSON ANDERSON: Thank you.

9 Ms. Nelson, thank you for your
10 presentation today. Have a great day.

11 MS. NELSON: Thank you. You too.

12 CHAIRPERSON ANDERSON: Thank you.

13 Does the Government have another
14 witness?

15 MR. CENCI: No, and at this time,
16 the Government rests barring any necessary
17 rebuttal evidence.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you, sir.

20 Mr. Ayalew, do you have any
21 witnesses that you want to -- you're going to
22 call today, sir?

23 MR. AYALEW: No, I do not have one.

24 CHAIRPERSON ANDERSON: All right.

25 So, let me swear you in. Can you raise your

1 right hand, please, sir?

2 Do you swear or affirm to tell the
3 truth and nothing but the truth?

4 MR. AYALEW: I do.

5 CHAIRPERSON ANDERSON: All right.
6 Go ahead, sir.

7 MR. AYALEW: I just wanted to be
8 clear to the board, to everyone on here, that I
9 was not operating an after hour. I was actually
10 in the midst of literally waiting for those
11 individuals who are customers/friends to leave
12 the establishment at that time.

13 I did submit my evidence to Mr.
14 Cenci that the amount of threats in regards to
15 the crime rate around the area, the robbery, and
16 that happened to -- in front of my establishment
17 as well, for the people to leave.

18 I'm not here to make anything else
19 but tell you the truth, and I'm swearing to God
20 that they were waiting for their transportation
21 to leave so that -- you know, so they can get
22 home safely. That was my main concern.

23 A few things that Ms. Nelson
24 mentioned that she was in the establishment for
25 10 minutes, that's not accurate. She was

1 actually in and out. She came in.

2 She told me -- I said, Ms. Nelson,
3 these individuals are waiting for Uber
4 transportation. It shows that in the evidence
5 that I submitted to Mr. Cenci that, you know,
6 explaining that they were just there waiting for
7 their transportation. They were leaving.

8 Yes, they were smoking and drinking
9 the sort of beverages that was there at the last
10 minute before they exit. And the lights were
11 on.

12 There were no music playing to
13 indicate -- the lights were on fully to indicate
14 that we are done for the night. We locked the
15 door to make sure that nobody will come in and
16 just kindly pushing the customers out.

17 With this tough economy, we can't be
18 as rough as we can in D.C. right now. With the
19 amount of establishment that's been closed
20 around D.C., we have to literally butter up
21 these customers to make sure they're
22 comfortable, they're leaving.

23 Yes, I do follow the rules and I
24 totally understand the rule. But I was not
25 operating an afterhours that night. They were

1 leaving as soon as their Uber arrived. It's a
2 peak hour.

3 You can try -- you know, anybody can
4 come and try to catch an Uber around -- in the
5 area of U Street around that time -- how long
6 does it take to get an Uber. Not to mention the
7 surcharges and all these challenges that as an
8 establishment that we are facing.

9 We have to make sure that their
10 safety is a protocol. We can't yank everything.
11 Yes, we had picked up everything. They said,
12 oh, it's a soda. Just I'm about to leave. I'm
13 waiting for my Uber, here it is, and that's what
14 it was.

15 And I'm standing right in the middle
16 of it when she walked in, and I was explaining
17 that to her. As you can see, they are leaving.
18 They're waiting for their Uber.

19 I had verbally communicated that
20 with the investigator. And I also called her
21 five minutes within -- right after she left, I
22 called her within five minutes saying, they're
23 outside now.

24 They're leaving the venue as I told
25 you. She said, good, and that was it. I called

1 her directly and she said everything's clear.

2 So if I was operating afterhours I
3 would have a music fully blast. I will have,
4 you know, the lights dimmed down and I will have
5 more customers than the seven people that you're
6 looking at on the video that she submitted.

7 Trust me, I was not operating
8 afterhours, and I'm here today to really make a
9 statement that says there are many
10 establishments that do a full-scale operation of
11 afterhours and I'm not one of them.

12 And the simple fact that I'm getting
13 penalized -- that day I didn't make that kind of
14 -- the money that -- the \$1,000 fine levied on
15 me, I didn't make that money that night. I
16 probably made like \$1,200 for the entire night.

17 I've been open the whole day and the
18 money I made is \$1,200, and if I was making
19 afterhours operation -- if I was doing
20 afterhours operation, I would have made a whole
21 lot of money than that, and I'm willing to send
22 that information to you guys.

23 And it was not my intent for those
24 people to be sitting inside except to make sure
25 that, hey, you're waiting two, four, five

1 minutes and, you know, you're getting ready to
2 leave, that's good to go. The lights are on.

3 When she came in it was 3:24. She
4 literally walked in within two, three minutes
5 after she spoke to me and that was that. I
6 explained that to her.

7 Honestly, in God's truth, I said,
8 hey, they're leaving. These are my friends.
9 They're waiting for their Uber. They don't want
10 to get, you know, in trouble by standing
11 outside, being robbed, mugged or whatnot.

12 And I sent at least 10 screenshots
13 alert during that time period to Mr. Cenci that
14 these are happening around my establishment and,
15 you know, it's out of concern. I didn't mean to
16 break any law and I was not breaking a law, and
17 they were just finishing up the soda beverages
18 that they have.

19 I have other videos where it shows
20 that all the beverages had been picked up prior
21 to 3 o'clock, and those are the only customers,
22 really, they were getting ready to leave.

23 So that's why I'm here today to
24 really stand up on my integrity and my business
25 to tell you guys that I was not operating

1 afterhours and that's the honest truth.

2 CHAIRPERSON ANDERSON: Before the
3 Government asks you any questions, you said you
4 sent these documents to the Government. Did you
5 send them in when you -- remember I told you
6 that if you had to -- if you have any documents
7 or witnesses you need to present you had to send
8 them seven days before the hearing?

9 Did you send them to the Government
10 and to the agency seven days before the hearing?

11 MR. AYALEW: Yes, I did. I
12 forwarded it to the agency as well. I did --
13 Mr. Cenci.

14 CHAIRPERSON ANDERSON: Do you want
15 to show us what these documents are, sir, since
16 you said that you sent them to -- because I
17 haven't seen them. The board hasn't seen them.

18 So if you want the board to consider
19 your evidence. I can -- let me ask the
20 Government. So were the documents sent timely,
21 sir, Mr. Cenci?

22 MR. CENCI: Just to clarify for the
23 record, the documents were sent timely to me.
24 They were not sent timely to the agency.

25 We are not objecting to their

1 admission, given that they were identical
2 documents that were submitted.

3 I believe this was a
4 misunderstanding on Mr. Ayalew's part of who
5 needed to receive the documents. So we are not
6 objecting to their admission on that grounds.
7 We may have objections on other grounds.

8 CHAIRPERSON ANDERSON: Then you're -
9 - you can do that. But I just -- I know that in
10 his presentation he's talking about documents.
11 I just want to make sure -- I wasn't sure if the
12 documents were submitted timely.

13 So if you want to share the
14 documents, if you want to share your screen now
15 with the -- to show the board whatever documents
16 and I can give -- I'll ask Mr. Orellana to allow
17 you to share your screen. You can share the
18 documents.

19 I don't know if the Government is
20 going to have an objection because I haven't
21 seen them, so I don't know what. So if you want
22 to share your screen, sir. Mr. Orellana, can
23 you give him -- please allow Mr. Ayalew to share
24 his screen.

25 MR. AYALEW: Okay. Thank you, Mr.

1 Chairman.

2 CHAIRPERSON ANDERSON: Now you're --
3 now you're off camera. So I'm not --

4 MR. AYALEW: -- the email.

5 CHAIRPERSON ANDERSON: I'm sorry,
6 sir?

7 Okay. So if you want to share your
8 screen you now can do that to share the
9 documents you've just referenced and --

10 MR. AYALEW: Okay. I'm --

11 Are you guys able to see my screen?

12 CHAIRPERSON ANDERSON: Yes, sir.
13 I'm able to see your screen now.

14 MR. AYALEW: The alerts that I sent
15 in and around that time and past those dates are
16 the alerts that we're receiving for people to
17 just be robbed, mugged around the area -- in and
18 around the area of my business.

19 MR. CENCI: Mr. Chair, the
20 Government does object to the admission of this
21 evidence.

22 CHAIRPERSON ANDERSON: You say you
23 do not?

24 MR. CENCI: We do object.

25 CHAIRPERSON ANDERSON: All right.

1 I'll -- what's the nature of your objection?

2 MR. CENCI: Mr. -- my apologies.

3 Mr. Ayalew took them down off the screen. But
4 if we are to look at each of the -- each of the
5 text messages that Mr. Ayalew says that he
6 received, he's asserting that these are MPD
7 crime alerts.

8 But based on the review of when
9 these alerts were sent and where they are for,
10 they have no bearing on the outcome of this
11 case.

12 They either are sent not on the
13 evening of the incident in question -- several
14 of these screenshots are from after the
15 operation afterhours and therefore could have no
16 bearing on Mr. Ayalew's decision to allow
17 individuals to stay in his establishment
18 afterhours on that day, or to the extent that
19 any are from before that evening, they are not
20 located near his establishment.

21 I believe one is for 900 block on R
22 Street, for example. Where we're located is
23 we're on the 2200 block of 14th Street.

24 Mr. Ayalew would need to establish
25 there is some sort of connection to relate it to

1 his claim in this case that he was simply trying
2 to keep individuals safe.

3 Crime being somewhere in the city at
4 all is too tenuous of a connection to allow Mr.
5 Ayalew to establish a defense that he was simply
6 trying to keep his friends safe because a crime
7 happened somewhere else.

8 CHAIRPERSON ANDERSON: Actually, Mr.
9 Ayalew, why are -- why are these messages? The
10 Government stated that this is not -- it didn't
11 occur the day of the infraction. It's not
12 within your immediate vicinity.

13 So why is it that, okay, you
14 received crime alerts about -- around the city.
15 Why is it relevant for this specific instance,
16 sir?

17 MR. AYALEW: Thank you, Mr.
18 Chairperson.

19 This is exactly what the issue --
20 it's a citywide issue where people don't feel
21 safe to come into the District of Columbia to
22 really spend their money.

23 You know, my customers doesn't feel
24 -- not only my customers, a bunch of business
25 owners that I know in the city that crime was at

1 a highest alert at the time of the event, and
2 there are some screenshots that I provided in,
3 before, and after that the incident occurred,
4 where people being mugged and robbed a block
5 away from me. It's actually my vicinity, just
6 not anywhere in the city that -- like Mr. Cenci
7 mentioned.

8 These are very crucial evidence that
9 the city was plunged and where I have a customer
10 who got their car jacked in front of my
11 establishment.

12 So people -- like, it's really
13 tough, Mr. Chairperson and board members.
14 They're really -- like, I'm not really trying to
15 blame anything for people staying there.

16 All I was doing is, Lord knows, I
17 was protecting my customers' best interest and
18 safety. That was the most important thing for
19 me at that time.

20 I was not trying to make a profit.
21 I was not trying to say anything. Amongst other
22 things that are really a burden to run our
23 business daily, you know, crime was --

24 CHAIRPERSON ANDERSON: Hold on a
25 minute. Hold on a minute, Mr. -- we're talking

1 specifically about whether or not --

2 MR. AYALEW: Yeah, that's what I was
3 saying.

4 CHAIRPERSON ANDERSON: Okay. Then
5 wrap up.

6 MR. AYALEW: I was going to -- I was
7 going to wrap it around that, where -- I'll make
8 it short.

9 The fact that people are scared to
10 come to the District, and the reason why they
11 stayed inside is because they feel like if they
12 step outside to wait for their Uber, 20 to 30
13 minutes of Uber wait time, they would feel like
14 they were going to get targeted and robbed by
15 any passerby, robber or anything like that.

16 CHAIRPERSON ANDERSON: All right.
17 I'm not going to allow you to rely on these
18 documents. I'm not going to allow -- I'm not
19 going to move these documents in evidence and
20 the reason I'm not going to move the documents
21 in evidence, talking about these alerts, because
22 I don't believe that they're relevant for the
23 case here, because as stated by counsel, I don't
24 know when they were done -- when the reports
25 were done and it's not apparent that these were

1 alerts that directly impact your establishment.

2 Yes, if they're -- if you're saying
3 that there are alerts regarding the District of
4 Columbia generally, but it has to be -- you have
5 to show the relevancy to say that if it was an
6 alert, to say that was the block of 14th Street
7 that -- that your establishment was for that
8 day, yes, I would more so consider it.

9 But based on -- I don't believe that
10 it is relevant for this particular case, so I'm
11 not going to allow you to move those alerts in
12 evidence.

13 All right. Do you have any other --

14 MR. AYALEW: It might not be right
15 on the same date.

16 CHAIRPERSON ANDERSON: I just think
17 that it's not -- for this particular
18 -- for this particular hearing, it's not
19 relevant. So I'm not going to allow you to move
20 these alerts in evidence.

21 Do you have any other documents that
22 you want to -- or documents or videos that you
23 want to move in evidence, sir, for the board to
24 consider?

25 MR. AYALEW: Yes, Mr. Chairperson.

1 If you look at this text message in
2 the bottom that I received, that's the 1400
3 block of U Street, which is a block away or two
4 from my establishment, these are --

5 CHAIRPERSON ANDERSON: Hold on.
6 Hold on.

7 This is still -- and I don't have
8 the documents in front of me. So is -- is this
9 document we're looking at, is this -- this was
10 in the trove of documents that you're trying to
11 -- to move in evidence?

12 Is it the same -- is this the same
13 exhibit? I don't know because I don't have the
14 document in front of me. Or is this a different
15 exhibit?

16 MR. AYALEW: It's a different one
17 from the one I just showed you. I mean, it's an
18 alert that I received within the area of my
19 business establishment on March 30th. There's a
20 crime there that did occur.

21 So, I guess what I'm trying to
22 connect is that I'm sorry for the -- you know,
23 the lack of attorney skills to really get this
24 communicated.

25 But what I'm trying to say is that

1 my customers were afraid to stand outside of the
2 door and wait for their Uber for half an hour,
3 because there will be -- they felt like they
4 were going to be robbed and mugged, and so
5 that's the connection I'm trying to create here.

6
7 And the other evidence I have is the
8 video. I'm not sure if you saw my video that I
9 submitted to the --

10 CHAIRPERSON ANDERSON: Well, I -- I
11 have not seen any documents. That's one of the
12 reasons why if you want the board to consider
13 it, you have to present it here. So that's why
14 I'm asking you.

15 So if you send --

16 MR. AYALEW: Okay.

17 CHAIRPERSON ANDERSON: As long as
18 you send the documents timely, then you can show
19 us and then tell us why is it that you believe
20 it's relevant for your case.

21 I'm not going to -- again, I'm not
22 going to allow those -- the alerts that -- that
23 you just tried to present in evidence. I'm not
24 -- the board is not going to consider those
25 because I don't --

1 MR. AYALEW: Okay.

2 CHAIRPERSON ANDERSON: -- I don't
3 believe that they're relevant to the date in
4 question because this is an event -- incident
5 that occurred on April 6th and I think the last
6 one you showed was, I think, in March.

7 You said you have a video. This
8 video is -- what is this video that you want to
9 show us, sir?

10 MR. AYALEW: This is the video that
11 shows where the investigator arrived at the
12 establishment.

13 CHAIRPERSON ANDERSON: Sure, you can
14 show the -- you can show the video, sir, from
15 your -- who took the video? Who took the video?

16 MR. AYALEW: My surveillance. It's
17 a surveillance camera.

18 CHAIRPERSON ANDERSON: All right.
19 Okay. So show us the video.

20 (Video played.)

21 CHAIRPERSON ANDERSON: We can't see
22 the video. So it's -- sir, if you have a video
23 you want to show us I'm not seeing it. I'm not
24 -- neither am I seeing you too, sir.

25 Sir, are you trying to show us the

1 video, sir?

2 MR. AYALEW: Yeah, I was -- I
3 thought it was playing. Are you guys not able
4 to see it?

5 CHAIRPERSON ANDERSON: No, we're not
6 able to see, sir.

7 MR. AYALEW: Oh, my God. Okay.
8 This whole time it was playing -- okay. So it
9 was playing on my end, so I'm not sure why it's
10 not playing on your end.

11 CHAIRPERSON ANDERSON: It's not
12 playing on our -- I mean, I was -- when you
13 shared your screen the last time, I was able to
14 see the document. But I cannot.

15 MR. AYALEW: I apologize. Are you
16 guys able to see it now?

17 CHAIRPERSON ANDERSON: No, sir.

18 MR. CENCI: Mr. Ayalew, your screen
19 is not shared.

20 CHAIRPERSON ANDERSON: Sir, are you
21 sharing your screen?

22 MR. AYALEW: Yes, I was.

23 CHAIRPERSON ANDERSON: Well, try
24 again. Are you -- if not, I'll ask our IT
25 specialist to assist you, but whatever you did

1 the first time, did you do it -- did you do it
2 again this time?

3 MR. AYALEW: All right. Let me see.

4

5 MR. ORELLANA: It also appears you
6 have a poor connectivity where you are
7 potentially.

8 MR. AYALEW: I'm -- my house.

9 MR. ORELLANA: What may be happening
10 is once you share the video, it just adds to the
11 poor connectivity and then your connection gets
12 lost.

13 MR. AYALEW: Okay. I did submit
14 them, however. That's one of the --

15 CHAIRPERSON ANDERSON: Yeah, I know
16 you did and that's what -- but in order to move
17 it in in evidence, you have to describe it to --
18 you have to physically go over the video here in
19 the hearing for the board to consider it.

20 So if we have no testimony or if
21 it's not moved into evidence here in the
22 hearing, then the board cannot consider it. So
23 that's one of the reasons why I'm trying to get
24 you to present whatever witnesses --

25 MR. AYALEW: Yeah.

1 CHAIRPERSON ANDERSON: -- and stuff
2 you have today.

3 MR. AYALEW: Just give me one
4 second, sir. I apologize. I don't know why my
5 --

6 Now it's not allowing me to come to
7 the screen that you guys are on. I truly
8 apologize.

9 CHAIRPERSON ANDERSON: But how are
10 you -- you just shared your screen with the --

11 MR. AYALEW: Yeah, I was doing that
12 but now it just -- the whole thing disappeared,
13 Mr. Chairperson. I'm trying to come back to
14 your screen and I can't get to your screen now.
15 For some reason that disappeared as well. I can
16 only hear your voice.

17 MR. ORELLANA: Are you able -- are
18 you able to move to a better internet location?

19 MR. AYALEW: I'm sitting in my
20 living room so, like, I connected. I mean, I
21 have very strong connection here. I can hear
22 your voice but I can't get to the WebEx to come
23 back to the screen at all. It's not allowing me
24 --

25 MR. ORELLANA: Do you see a share

1 button?

2 Yeah, I would say drop off and then
3 rejoin. See if that refreshes --

4 MR. AYALEW: I think that's what I'm
5 -- yeah.

6 CHAIRPERSON ANDERSON: All right.
7 So drop off and then we'll look for you to
8 -- to bring you back online, okay?

9 MR. AYALEW: Okay. Thank you.
10 Thank you.

11 That was not it. Opening WebEx.

12 CHAIRPERSON ANDERSON: No, I think
13 he was telling you to sign off and sign back. I
14 saw --

15 MR. AYALEW: Yeah, that's why I
16 -- like, it disappeared on me. Like give me
17 one second, Mr. Chairperson. Now it's on my --

18 CHAIRPERSON ANDERSON: No, no. He
19 was saying sign off from this hearing and sign -
20 - log back on. That's what I think --

21 MR. AYALEW: Correct.

22 CHAIRPERSON ANDERSON: -- that's
23 what I think he stated.

24 MR. AYALEW: But I -- let me see.
25 It's not even allowing me to get that screen.

1 That's the problem. I can hear your voice but I
2 don't see you on my screen. So I'm going to log
3 -- I'm trying to do my task manager and
4 terminate.

5 All right. Just one second. Task
6 manager here.

7 MR. ORELLANA: Or you could control-
8 alt-delete reboot.

9 MR. AYALEW: I don't understand. I
10 can hear your voice, but I can't --

11 MR. ORELLANA: I would suggest maybe
12 rebooting the computer entirely and then
13 rejoining them might be the best option.

14 MR. AYALEW: Okay. I think that's
15 what I'll do. All right. Okay. I apologize.
16 I'll turn it right back -- I'll turn it back on.
17 Okay. Thank you. It's not even doing that.
18 This is happening to me.

19 MR. ORELLANA: One way to do it is
20 just holding down the power button until --

21 MR. AYALEW: And that's what I'm
22 doing, yeah. That's what I'm --

23 MR. ORELLANA: You have to hold it
24 down firmly until it completely shuts down. And
25 if you have a mobile device like a cell phone,

1 you could join via there as well.

2 Are you still there, Mr. Ayalew?

3 (Pause.)

4 MR. ORELLANA: I'm not sure,
5 Chairman, if he successfully rebooted.

6 MEMBER MEADOWS: He never dropped off
7 the line. Perhaps you could kick him out, Jose.

8 MR. ORELLANA: Sometimes if we do
9 that then he can't get back in.

10 MEMBER MEADOWS: Ahh.

11 MR. ORELLANA: So I'll just wait and
12 see. But I could put him as an attendee.

13 MEMBER MEADOWS: Got it.

14 MR. ORELLANA: He dropped off on his
15 own so I think he successfully rebooted.

16 CHAIRPERSON ANDERSON: Thank you.

17 I'm going to step away for -- I'll be
18 right back. So, hopefully, he'll be back by the
19 time I come back, okay?

20 MR. ORELLANA: Mr. Ayalew, did your
21 connection improve?

22 CHAIRPERSON ANDERSON: All right, I'm
23 back. Are you -- Mr. Ayalew, are you back?

24 MR. AYALEW: I apologize. Yes, it
25 seems to be back. But it just seems to me --

1 CHAIRPERSON ANDERSON: Are you able
2 to share your screen, sir?

3 MR. AYALEW: Yeah.

4 CHAIRPERSON ANDERSON: I can't -- I
5 can't see you but --

6 MR. AYALEW: Yeah, I'm trying to
7 start the video and go to -- I don't know why my
8 computer is really sluggish. I just restarted
9 it.

10 CHAIRPERSON ANDERSON: All right.

11 MR. AYALEW: I apologize. I keep
12 pressing start. The video is not allowing me to
13 do so.

14 MR. ORELLANA: Do you have this media
15 on your phone potentially where you could join on
16 your phone?

17 MR. CENCI: Mr. Chair, if it will
18 assist, I can just share my screen. I'm not --
19 the District is not willing to seek and find
20 parts of the video for Mr. Ayalew but we can play
21 through the video in its entirety. It's only 41
22 seconds.

23 CHAIRPERSON ANDERSON: All right.
24 Mr. -- all right. Mr. Ayalew, the Government
25 will -- Mr. Cenci will share his screen and play

1 the video. Is it -- what is it your thought
2 (audio interference) that he can play the entire
3 video?

4 Mr. Ayalew? Mr. Ayalew?

5 MR. ORELLANA: Mr. Ayalew, you can
6 also call in if your connection is poor.

7 MR. AYALEW: Okay.

8 CHAIRPERSON ANDERSON: Mr. -- Mr.
9 Ayalew, all right.

10 MR. AYALEW: Yeah, that -- that's
11 fine, yeah.

12 CHAIRPERSON ANDERSON: No, hold on.
13 Hold on. Hold on, sir. All right.

14 The Government is going to -- is
15 going to play -- is it just one video, sir?

16 MR. AYALEW: Yeah. The one that I
17 sent I sent them a copy of --

18 CHAIRPERSON ANDERSON: All right.
19 Mr. -- the Government is going -- is going to
20 play the video, okay?

21 And so they'll play -- so the video
22 is 40, 42 seconds so they'll play the video.
23 When you're done, you can explain to us what the
24 video is. So we'll see the video, okay? Is that
25 -- is that fine, sir?

1 MR. AYALEW: Yes, sir.

2 CHAIRPERSON ANDERSON: All right.

3 Mr. Orellana, please allow Mr. Cenci to share his
4 screen. Okay. So play the video and then you
5 can explain to us after the fact, sir, what the
6 video is, okay?

7 Are you able to reposition the video
8 like turn it upside -- I don't know. So because
9 we're looking at it, it's slanted.

10 MR. CENCI: That is the entirety of
11 the video. That was played exactly as it was
12 received. The zooming and rotation where in the
13 original.

14 CHAIRPERSON ANDERSON: Okay. Thank
15 you.

16 Mr. Ayalew?

17 MR. AYALEW: Yes.

18 CHAIRPERSON ANDERSON: What is it
19 that you are trying to show to us in the video,
20 sir.

21 MR. AYALEW: There's the 42 seconds
22 right now, Mr. Cenci?

23 CHAIRPERSON ANDERSON: He said he
24 played the entirety of the video. So what was it
25 that you want us --

1 MR. AYALEW: No, just the time that
2 there was -- no music was playing. The lights
3 were fully up and that, you know, the inspector
4 came in and left. That's what it was.

5 CHAIRPERSON ANDERSON: And so what
6 time was this video taken at --

7 MR. AYALEW: At 3:24 or :25 I
8 believe. It's -- it's stamped.

9 CHAIRPERSON ANDERSON: Okay. Do you
10 have anything else you want to say today?

11 MR. AYALEW: Just basically, and I
12 apologize for my technical difficulty. I was
13 really trying to get some evidence to come in
14 here -- to come on here. But --

15 CHAIRPERSON ANDERSON: But what is
16 the evidence that you're trying to impart?

17 MR. AYALEW: You know, the time where
18 he --

19 CHAIRPERSON ANDERSON: Are you there,
20 sir? We saw the video so why don't you tell us
21 what it is you're seeking?

22 MR. AYALEW: You know, hold on.

23 CHAIRPERSON ANDERSON: I did not hear
24 you, sir. Just start at the beginning. We saw
25 the video, so what is it that you were trying to

1 -- tried to prove with the video?

2 MR. AYALEW: No. So what I was
3 saying is that, you know, there was no music
4 playing, the lights were out and the -- the --
5 the people who were waiting they didn't leave the
6 establishment right away and that was
7 communicated to the ABCA investigator and that's
8 what I was trying to communicate.

9 CHAIRPERSON ANDERSON: Okay. And this
10 -- if you want to -- anything else you want to
11 present, sir?

12 MR. AYALEW: Not at the moment. But
13 I also wanted to say that I did receive a
14 delinquency letter regarding this ticket where I
15 was not presented the initial ticket and whatnot.
16 So I had to go ABCA to get that.

17 CHAIRPERSON ANDERSON: Well, but
18 you're -- you're here today. You're -- you're
19 contesting --

20 MR. AYALEW: Yes.

21 CHAIRPERSON ANDERSON: -- and that's
22 why we have this hearing today, sir.

23 MR. AYALEW: Yeah.

24 CHAIRPERSON ANDERSON: Well, whatever
25 delinquency you might have received, sir, that's

1 not relevant. That's not -- you don't have to be
2 concerned about that because you have -- no one
3 is contesting the validity of your challenge.
4 That's why you have this hearing today.

5 All right. So this is a sincere --
6 you're not presenting any more direct testimony.

7 Now, because you are the witness, the
8 Government will have an opportunity to ask
9 questions of you, sir, okay?

10 So the Government is going to ask
11 questions of you based on the testimony you just
12 gave.

13 All right? Any questions, sir?

14 MR. AYALEW: No.

15 CHAIRPERSON ANDERSON: Mr. Cenci, any
16 questions of the -- of Mr. Ayalew?

17 MR. CENCI: Mr. Ayalew, were you able
18 to see the video that was marked as Exhibit 1,
19 the video of investigator Nelson entering the
20 establishment?

21 MR. AYALEW: Yes.

22 MR. CENCI: Do you see the
23 individuals that were standing outside of your
24 establishment before investigator Nelson had
25 entered?

1 MR. AYALEW: Yes.

2 MR. CENCI: Were those individuals
3 also patrons of your establishment who had just
4 left the establishment?

5 MR. AYALEW: They left a while back.
6 They'd be waiting for an Uber as well.

7 MR. CENCI: No further questions.

8 CHAIRPERSON ANDERSON: Any questions
9 by the board members?

10 Go ahead, Ms. Quinn.

11 MEMBER QUINN: Hi. Thank you for
12 testifying today.

13 I think what I'm trying to understand
14 is we have got people who are standing outside
15 who've left are waiting for an Uber, and then we
16 have people who are inside who you're saying are
17 afraid to wait outside. But other people are
18 outside and have been outside --

19 MR. AYALEW: Nelson, the individual -
20 -

21 CHAIRPERSON ANDERSON: Mr. -- Mr.
22 Ayalew, let her finish asking her question.

23 MR. AYALEW: I'm sorry. I thought
24 she finished her questions for me.

25 CHAIRPERSON ANDERSON: All right. Go

1 ahead.

2 MEMBER QUINN: So if you could just
3 reconcile that situation for me.

4 MR. AYALEW: Okay, sure, Ms. Board
5 Member.

6 So, basically, the individuals, as
7 soon as the Uber says one minute near or two
8 minutes near, they stepped outside so they don't
9 miss their Uber.

10 They stood aside. The other
11 individuals, they're waiting. I swear that's
12 what it was.

13 MEMBER QUINN: Okay. Because when --
14 when counsel asked you about the people who were
15 standing outside I thought I heard you say they
16 had been standing out there for a while. But
17 maybe what you meant was that they had called
18 there over a while ago --

19 MR. AYALEW: Yeah, they --

20 MEMBER QUINN: -- and were just not
21 going outside. Okay.

22 MR. AYALEW: Yeah.

23 MEMBER QUINN: I understand.

24 So I think, even if I'm able to
25 understand and sympathize with this notion that

1 there's a lot of crime in the city or perhaps at
2 the moment this was going on, there was a
3 heightened crime moment, if I can go there with
4 you.

5 I think where I'm having a difficult
6 time and particularly because you noted that some
7 of these folks were your friends, is -- in this
8 hesitancy to share with them that they will
9 compromise your ability to remain licensed and
10 provide the services you're providing to them if
11 they continue to drink and smoke.

12 I think it's one thing to say I
13 understand you're concerned about standing
14 outside. It's another thing where we are 20
15 minutes past closing time to allow them to
16 continue to smoke and drink and to come here and
17 express to us as a business owner I don't feel
18 comfortable telling them, hey, I love having you
19 as a customer but -- you probably don't know this
20 but after this hour, if you continue to drink and
21 smoke I could lose my license or I might have to
22 pay a fine.

23 So I really need you -- I'm okay with
24 you waiting but I can't have you drinking and
25 smoking in here after this hour.

1 It's this difficulty that you're
2 having with that conversation that I need to
3 better understand.

4 MR. AYALEW: Board Member -- Ms.
5 Quinn, that's not the case here, honestly. It's
6 more so that day it was literally the safety was
7 what was the most important thing on the table
8 and their waiting for their Uber.

9 Just to give you a background, I've
10 been operating this business at that location for
11 three years. Except one incident, I have not had
12 any infraction whatsoever, and that happened to
13 be on my birthday and I took a liability for that
14 -- accountability for that.

15 It was a private event, but I did pay
16 the fine. After that, in three years of
17 operating I've never had any issues with any of
18 other investigator with ABCA in general. I
19 follow the rules and regulations that are in
20 place.

21 But there are times that things were
22 tough but a conversation always did occur, and I
23 have no intention to lose my license because I
24 invested a lot of money.

25 MEMBER QUINN: Sure.

1 MR. AYALEW: So I would not lose over
2 three, four drinks -- serving three or four
3 drinks, and I invested a million in this
4 establishment to build it as a business.

5 MEMBER QUINN: Okay.

6 MR. AYALEW: So that's not the case.
7 I wanted to be clear about that.

8 Honestly, and I'm swearing to God and
9 I swore before this testimony that that is what
10 it is. They were there. They were waiting for
11 their Uber. That's all I can -- I can only tell
12 the truth.

13 MEMBER QUINN: Sure.

14 MR. AYALEW: I had other -- no
15 intention for them to stay there other than that.

16 MEMBER QUINN: So if they were there
17 waiting for their Uber, do you -- do you
18 acknowledge that we just saw a video of them
19 drinking and smoking?

20 Let's just take out drinking because
21 I don't know what was in the glass.

22 MR. AYALEW: Yeah.

23 MEMBER QUINN: I saw them smoking in
24 the -- in the establishment afterhours. Do you
25 acknowledge that that happened? Do you think --

1 MR. AYALEW: Yeah. The hookah --

2 MEMBER QUINN: Okay. All right.

3 MR. AYALEW: Sorry. The hookah is
4 there. Just literally -- well, we're leaving.
5 You know, the conversation I can literally
6 vividly remember it because I, for one, don't
7 want to, you know, pay any fine or any kind of --
8 or any penalties or I violated the rule.

9 So I really had a conversation with
10 them. If you notice, the people who are smoking
11 hookah, there's nothing in front of them.
12 There's a can of ginger ale sitting in front of
13 them. That's a soda.

14 And those people are leaving, like,
15 literally, the Uber waiting time at the peak hour
16 varies from 20 minutes to 30 minutes literally at
17 that time. It's a rush time where everybody
18 leave from every establishment only.

19 When the investigator arrived, it's
20 3:25. Within, like, 25 minutes period they were
21 -- they were just waiting getting ready to leave.
22 As soon as she came in, I told her what it was
23 and I told her right away and I said, you can --
24 Ms. Nelson, you can come back and look at it.

25 They're outside. Everything's done.

1 They're gone. Within, like, not even two minutes
2 because they were -- they were not -- we were not
3 processing anything, and that's what it was.

4 MEMBER QUINN: Okay. So -- so let me
5 close with this. I'm just going to give you a
6 little unsolicited, friendly advice.

7 If you find yourself in a situation
8 like this again, I strongly encourage you to have
9 your workers come by and take the hookah off the
10 table because I think you'll find yourself back
11 in the situation because -- I don't have as much
12 difficulty understanding crime and not wanting
13 people standing outside for 20 minutes, 15
14 minutes, whatever. That I don't have a problem
15 with.

16 I do have a problem with them staying
17 inside and continuing to either drink or smoke
18 the hookah. That's -- that's where it becomes a
19 different situation for me.

20 So that's just a little bit of
21 friendly advice.

22 MR. AYALEW: Thank you so much. And
23 it will never happen. I promise you. A lesson
24 learned.

25 CHAIRPERSON ANDERSON: Any other

1 questions by any other board members?

2 Mr. Ayalew, I guess the question I
3 want to ask you, are you aware that because your
4 hours ends at 3 a.m. -- I guess what does closing
5 time 3 a.m. means to you, sir?

6 MR. AYALEW: So the way we do, we do
7 have a time line, if you will, how do we do the
8 closing operation including my security staff?

9 At 2:30 is the last call. At 2:45 is
10 the last beverage we pour from the bar. Within
11 that grace period, they have to finish paying.
12 They have to, like, wrap everything up within the
13 five-minute period. My staff will shut down
14 everything.

15 By 3:00 o'clock they have to leave
16 the establishment unless it's, like, it's bad
17 weather, it's raining so we don't have, like, all
18 the, you know, women standing outside in the rain
19 or, like, you know, until their transportation.

20 Nowadays, people use the Uber. The
21 big issue right now is just having, you know,
22 this ride share availability, like, really at a
23 call. You know, so they do with them.

24 Other than that, we do not have any
25 other issue. But that's the procedure that we do

1 have in place. By 3 -- by 3 a.m., yes, we do
2 kick everybody out.

3 There are times where there's no
4 business in fact we do close early because we
5 just didn't have any customers.

6 So that's my procedure.

7 CHAIRPERSON ANDERSON: So if you're
8 saying by 3 a.m. you need to clear everyone out
9 but at 3 a.m. should I see people still sitting
10 at the bar? Should I -- should I still see --
11 because what I saw in the video, I saw at least
12 one individual there were two water bottles
13 before them. So let's not even talk about what's
14 in the cup.

15 But there were -- and let's not even
16 talk about whether or not they were smoking
17 hookah, but at least what I saw, I saw someone
18 sitting at the -- two people sitting at the bar
19 and there were, like, two water bottles in front
20 of them.

21 So what does a hard closure at 3 a.m.
22 means and folks still being in the establishment
23 at 3 a.m.?

24 MR. AYALEW: Well, I -- I agree.
25 However, there -- we do not serve any alcohol at

1 that time.

2 That's one thing we do is we do pick
3 up the alcohol, you know, because the hours --
4 until 3 a.m., we're still allowed to be until 3
5 a.m. but not serving alcohol at 3 a.m.

6 So if we do serve somebody at 2:55 a
7 drink, you don't expect them to just chug it in
8 and pass the glasses to us. So we do not serve
9 anybody past 2:45.

10 So at -- so we -- at 1:45,
11 respectively, we'll be closing at 2:00. So that
12 15 minutes grace period is what we work with.
13 Right after that, it's just basically pushing
14 everybody out the door, you know, based on, you
15 know, their call, based on the weather.

16 And like I said, right now, with the
17 D.C. being a little cordial you know, people get
18 pushed out of the building to stand in front of
19 the building to wait for their rideshare.

20 At that time, when the incident
21 occurred in 2025 of April, it was not a pretty
22 sight. The whole area was not, and that's --
23 that's why -- that's my standing -- you know, my
24 stance, rather.

25 CHAIRPERSON ANDERSON: Sir, a 3 a.m.

1 closing time, because that's your -- 3 a.m., it
2 appeared that 3 a.m. is your hours of operation
3 and 3 a.m. is your hours of alcohol sale at 3
4 a.m. should mean that outside at 3:01 or 3:02,
5 outside of your staff cleaning the establishment,
6 there should be no customers in the establishment
7 appear -- to appear what looks like still
8 enjoying what you offer.

9 But anyway, all right.

10 Mr. Cenci, any questions of Mr.
11 Ayalew based on the questions that were asked by
12 the board?

13 MR. CENCI: No, Mr. Chair.

14 CHAIRPERSON ANDERSON: Sir, do you
15 have any -- do you need to say anything to
16 clarify what you just said or is that -- or do
17 you rest?

18 MR. AYALEW: I think I said enough,
19 and I wanted to first apologize about my --

20 CHAIRPERSON ANDERSON: Well, you're
21 going to get an opportunity to do a closing but
22 this is still you're presenting your case.

23 MR. AYALEW: Sorry.

24 CHAIRPERSON ANDERSON: So you're
25 still going to get another opportunity. So -- so

1 if you have rested then you're going to get
2 another opportunity.

3 The Government is going to close.
4 The Government is going to say what it is that
5 the Government wants us to do, and then you'll
6 get an opportunity to further explain in closing
7 what your position is and what is it you want the
8 board to do.

9 So you'll still get an opportunity
10 after the Government does that.

11 MR. AYALEW: And I apologize for the
12 lack of process. I don't understand it. But no,
13 thank you.

14 CHAIRPERSON ANDERSON: I'll make --
15 oh, fine.

16 Does the Government wish to do a
17 closing?

18 MR. CENCI: Yes, Mr. Chair.

19 CHAIRPERSON ANDERSON: Yes, sir. Go
20 ahead.

21 MR. CENCI: May it please the board.

22 The Government has proven its case to
23 you today. The District has proven by
24 substantial evidence in the record that Flair
25 Restaurant & Lounge did in fact violate D.C. Code

1 Section 25723(b)(2), 25762(a), and 25762(b)(13).

2 They proved it because the
3 establishment was operating afterhours. The
4 facts of the case are simple and we have it all
5 on video.

6 Investigator Nelson saw patrons
7 outside of the establishment, approached the
8 establishment, was allowed access by a security
9 guard, and when she walked inside what did she
10 see?

11 Numerous patrons sitting at the bar
12 drinking beverages, smoking hookah, sitting in
13 there as though they were patrons of the
14 establishment sitting at a time that the
15 establishment would be open.

16 That is operation afterhours.
17 Investigator Nelson told you that when operation
18 hours are over patrons should be out of the
19 establishment.

20 They should not be drinking alcohol.
21 They should not be drinking anything. They
22 should not be smoking hookah. They should be
23 leaving the establishment.

24 Now, that case could be that simple.
25 But Mr. Ayalew has come and has offered a defense

1 that ultimately does not defend against the
2 charge.

3 What Mr. Ayalew has claimed today is
4 that he was simply keeping individuals safe
5 inside of his establishment.

6 Now, let's assume for the sake of
7 argument that what he's saying is correct, that
8 there was some degree of safety concern that
9 individuals needed to remain inside.

10 Investigator Nelson did not approach
11 that establishment at 3:10 a.m., 3:15 a.m. She
12 approached it at nearly 3:30 a.m., nearly a half
13 hour after this establishment's operations were
14 supposed to have ceased.

15 And when she was in there, she told
16 you she didn't see any individuals on their
17 phones. No one appeared to be in any sort of
18 urgency waiting for an Uber.

19 You saw the video yourself of the
20 individuals leaning over the bar, having casual
21 conversation, enjoying the hookah, enjoying the
22 beverages. These were not individuals that were
23 waiting for a rideshare. As Mr. Ayalew said
24 himself, the patrons that were standing out front
25 of the establishment they were his patrons, but

1 they had left.

2 While he did try to correct himself
3 when board member Janine Quinn asked a follow-up
4 question, he said, well, they had left some time
5 ago. Those individuals that had left some time
6 ago they could wait outside, out front for the
7 Uber. But the other individuals they weren't
8 able to do so for some reason.

9 Because all of those individuals,
10 according to Mr. Ayalew, must have been facing
11 wait times of up to 30 minutes for an Uber ride.

12
13 Now, we have no evidence. None of
14 those people have come here today to say that
15 they were waiting that long. That's just
16 speculation on Mr. Ayalew's part.

17 What we can say is that Mr. Ayalew
18 told investigator Nelson after she departed the
19 establishment -- he says that he called her
20 within five minutes of her leaving, saying,
21 "Well, now everyone's cleared out. I got
22 everyone out of there."

23 So somehow from 3 o'clock to 3:30,
24 we're unable to clear individuals out of the
25 establishment. But once I'm in trouble, five

1 minutes, no problem, they're all gone. Not even
2 out front -- they're clear.

3 Are you supposed to believe that
4 those individuals were actually waiting for Ubers
5 based on that representation? We want to look
6 further.

7 Mr. Ayalew has said, well, no, I
8 actually have a process. Well, I make sure that
9 people don't stay afterhours because last call is
10 at 2:30 in the morning. The last beverages were
11 served at 2:45.

12 Members of the board, let's take a
13 look. Once again, how it's marked in the report
14 as Exhibit 2. It's a four-second video.

15 And I believe what Mr. Ayalew was
16 referring to in his own statement was that, well,
17 some of those individuals they had soda cans.
18 That's at the four-second mark.

19 Let's look at the thumbnail from the
20 video, the zero second mark. There's no soda
21 cans in front of these individuals. There's
22 water bottles. There's also these two glasses
23 have a dark brown liquid inside them.

24 Now, again, assume for the sake of
25 argument that's not alcohol. Despite

1 investigator Nelson saying there was no
2 indication that that was anything but alcohol,
3 let's assume that it's not.

4 If he is serving his last drink 2:45
5 in the morning, we're not looking at a video from
6 five minutes after that. Not from 10, not from
7 30.

8 We're looking at a video from almost
9 45 minutes at the last drink, according to Mr.
10 Ayalew's report and those glasses are half full.

11
12 He's not expecting his customers to
13 chug his beverages incredibly quickly and
14 immediately as the establishment. But those
15 beverages were consumed about halfway down the
16 glass over the course of 45 minutes? It's
17 another thing that he's expecting you to believe.

18
19 But the evidence is in front of you.
20 Let's think about what is reasonable -- what is
21 reasonable operation, what reasonable individuals
22 do? Order a beverage, drink about half of it,
23 and leave it in front of him for nearly an hour?

24 No, it's not reasonable because it's
25 not what happened. Mr. Ayalew went on to say

1 that otherwise, besides this, well, he has a
2 nearly spotless record. He only has one other
3 interaction with ABCA. He says that was for a
4 private event.

5 Let's be clear what that
6 investigative history is for. It's in the case
7 report. You'll be able to look at it, members of
8 the board.

9 It's two months before this charge
10 and it was for operating afterhours -- the same
11 conduct.

12 All that the District is asking you
13 to do is to look at what is in front of you and
14 see what it is. The establishment was operating
15 afterhours. Mr. Ayalew can say, "We weren't
16 operating. We were just serving people drinks
17 and letting them smoke hookah. We weren't
18 operating. We were just operating."

19 The District has proven its case, and
20 the evidence that Mr. Ayalew has presented has
21 further proven it. The District asks that you
22 find in favor of the District and apply a penalty
23 that is consistent with D.C. law.

24 Thank you.

25 CHAIRPERSON ANDERSON: All right.

1 Mr. Ayalew, what is it you want the
2 board to do?

3 MR. AYALEW: Well, Mr. Chairperson
4 and board member, I'm here today to ask, and the
5 reason why I contest this ticket is to be weighed
6 in good faith that I did not operate in
7 afterhours.

8 I think Mr. Cenci got it, in a sense,
9 of what are afterhours to him and those people,
10 when I gave the time line guideline of how we do
11 pick up the alcohol process, it was just for
12 understanding.

13 But we don't yank people's drink or
14 take their drinks away at 2:45 because we told
15 them this is the last drink, and by 3 o'clock
16 we're not supposed to have anybody in there and
17 it's very clear, but my -- my stance on this is
18 that, as I mentioned earlier, I'm too invested in
19 this business for me to sell three to five drinks
20 to make a profit for that night.

21 I was not serving afterhours. I
22 think a definition of afterhours -- you know, you
23 can go around at night and see, you know, which
24 venues are operating afterhours and how many
25 customers they have inside to make -- to make it

1 profitable.

2 I would not want to lose or be in
3 violation of my license of the three drinks that
4 was presented -- presented by Mr. Cenci to show
5 that it wasn't afterhours.

6 There was no music playing. Lights
7 were up, all the way up, to indicate that we're
8 done for the night. Waiting -- based on the
9 customers' concern for that day, I waited for
10 them to leave.

11 In the previous encounter that I had
12 and I came up front with that, and Mr. Cenci and
13 I had this conversation before on the side, it
14 was my birthday event. That did happen. It was
15 a private event and for that, I take liability.

16 I made a mistake, a lapse of
17 judgment. I arrived that -- you know, on the day
18 of the event I arrived from a different country.

19
20 My friends and family wanted to host
21 a birthday party for me and I paid the fine and I
22 took full responsibility. When there's -- you
23 know, accountability is required, I'm always
24 there. I'm -- you know, I'm not trying to make
25 anything out of something.

1 I mean, you know, just basically I
2 was not operating afterhours the day in this
3 case. They were waiting for their transportation
4 and, you know, yes, the mistakes were, like,
5 maybe I should have took all the hookah and the
6 last soda beverages they were drinking, water
7 beverages they were drinking. I should have took
8 that all away and make them wait right by the
9 front of the establishment and I'm doing that
10 precisely.

11 We're moving forward. There's a lot
12 of lessons learned from this mistake. But like I
13 said, looking at my history of operating in D.C.
14 and prior to that employed as a manager in D.C.
15 establishments for 15 years, I'm a very by the
16 book guy and you never heard of Flair before, the
17 last two encounters, and it's my job to make sure
18 that, you know, we're not going to have this
19 conversation again.

20 And I'm asking the board to have a
21 leniency towards the business so that, you know,
22 you guys will take everything into consideration
23 to what I said.

24 We had to provide the sales number
25 for that day. I didn't make a thousand -- I made

1 \$12 -- \$1,200. I can't even make the payroll.

2 As much as I'm suffering right now, I
3 can't have a legal representation right now
4 because the amount of expense that I have right
5 now and I'm dealing with, that's why you're
6 dealing with a rookie, amateur business owner
7 coming in front of you.

8 Thank you for listening to everything
9 I have to say and for the lack of procedural
10 understanding. I apologized in advance and now,
11 but I hope that you guys shall make a
12 consideration that I'm telling the truth and I
13 was not operating after hour and I'm asking for
14 leniency on this one, and I promise that -- to
15 follow the very strict rule, moving forward, and
16 I've been doing that since the case.

17 You haven't heard or I haven't
18 received or gotten any ticket whatsoever. I
19 haven't been in any violation whatsoever because
20 what I invested in it means a lot to me. This is
21 my livelihood and I'm not going to risk it over,
22 like, three to six individuals drinking at the
23 bar.

24 So I just want to put that on record,
25 and thank you for listening to what I have to

1 say.

2 CHAIRPERSON ANDERSON: Thank you,
3 sir.

4 Do you now rest?

5 MR. AYALEW: Yes. Yes.

6 CHAIRPERSON ANDERSON: That's it?
7 All right. Thank you very much.

8 The record is now closed. Do the
9 parties wish to file proposed findings of fact
10 conclusion of law? You have the right to do so?

11 Basically, if you want to write a
12 legal brief about what was proven today or you
13 just -- so you believe the board has enough
14 information so we can make our findings based on
15 what was presented today, sir.

16 MR. CENCI: The District is going to
17 waive.

18 CHAIRPERSON ANDERSON: Mr. Ayalew?

19 MR. AYALEW: Yes. Sorry.

20 CHAIRPERSON ANDERSON: I asked a
21 question and it wasn't that you want to do
22 proposed findings and fact and conclusion of law
23 -- basically, write a legal brief about what
24 happened today. That's the long and short of it.

25 MR. AYALEW: No.

1 CHAIRPERSON ANDERSON: All right. So
2 you waive.

3 All right. Let me close the record.
4

5 So as chairperson of the Alcoholic
6 Beverage and Cannabis Board for the District of
7 Columbia and in accordance with D.C. Official
8 Code Section 2-575 of the Open Meetings Act, I
9 move that ABC Board hold a closed meeting for the
10 purpose of seeking legal advice from our counsel
11 on case number 25-CIT-00256, Flair Restaurant &
12 Lounge, pursuant to D.C. Official Code Section
13 2-575(B)(4)(a) of the Open Meetings Act and
14 deliberating upon case number 25-CIT-00256, Flair
15 Restaurant & Lounge, for the reasons cited in
16 D.C. Official Code Section 2-575(B)(13) of the
17 Open Meetings Act.

18 Is there a second?

19 MEMBER GRANT: Mr. Grant. I second
20 the motion.

21 CHAIRPERSON ANDERSON: Mr. Grant has
22 seconded the motion. I'll now take a roll call
23 vote.

24 Mr. Grant?

25 MEMBER GRANT: Mr. Grant. I agree.

1 CHAIRPERSON ANDERSON: Ms. Quinn?

2 MEMBER QUINN: Ms. Quinn. I agree.

3 CHAIRPERSON ANDERSON: Mr. Meadows?

4 MEMBER MEADOWS: Mr. Meadows. I

5 agree.

6 CHAIRPERSON ANDERSON: Mr. Jones?

7 MEMBER JONES: Mr. Jones. I agree.

8 CHAIRPERSON ANDERSON: Mr. Anderson.

9 I agree.

10 As the motion has passed, I hereby
11 give notice that ABC Board will recess its
12 proceedings to hold a closed meeting pursuant to
13 Section 2-575 of the Open Meetings Act.

14 The board will issue a decision in 90
15 days, sir. Thank you for your presentation
16 today.

17 You both have a great day. Thank you
18 very much. Thank you.

19 MR. AYALEW: Thank you.

20 MR. CENCI: Thank you, Mr. Chair.

21 Have a good day.

22 CHAIRPERSON ANDERSON: Thank you.

23 Bye-bye.

24 (Whereupon, the above-entitled matter
25 went off the record at 12:09 p.m.)

1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript
3 was duly recorded and accurately transcribed
4 under my direction; further, that said transcript
5 is a true and accurate record of the proceedings;
6 and that I am neither counsel for, related to,
7 nor employed by any of the parties to this action
8 in which this matter was taken; and further that
9 I am not a relative nor an employee of any of the
10 parties nor counsel employed by the parties, and
11 I am not financially or otherwise interested in
12 the outcome of the action.

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