

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

2 1:34 p.m.

3 CHAIRPERSON ANDERSON: And the next
4 case on our calendar is Case Number 22-CMP-00059,
5 Kidst, License Number 119361.

6 And Mr. Orellana, can you please
7 elevate the rights of the parties? So we should
8 have the Government, two witnesses, I believe,
9 from the Government, the Licensee, and
10 interpreter. Those are the folks that should be
11 elevated, please.

12 MR. ORELLANA: Anthony Celo, your
13 access has been elevated.

14 Mark Ruiz, Investigator Mark Ruiz,
15 your access has been elevated.

16 Meskerem Balkew, your access has been
17 elevated,

18 And Yerka Kissima, your access has
19 been elevated.

20 That is all, Chairman.

21 (Pause.)

22 CHAIRPERSON ANDERSON: Good afternoon,
23 everyone. Let me -- Ms. Balkew? Can you spell
24 and state your name for the record, please?

25 MS. BALKEW: B-A-L --

1 CHAIRPERSON ANDERSON: Your first and
2 your last name, ma'am.

3 MS. BALKEW: Okay. First name,
4 Meskerem, M-E-S-K-E-R-E-M, last name, B-A-L-K-E-
5 W.

6 CHAIRPERSON ANDERSON: And can you
7 pronounce those, please, ma'am?

8 MS. BALKEW: Meskerem Balkew.

9 CHAIRPERSON ANDERSON: Balkew. Can
10 you raise your right hand, please, ma'am?

11 Do you solemnly affirm that you will
12 faithfully and accurately interpret the
13 proceedings in this matter from English to -- I'm
14 sorry, to --

15 MS. BALKEW: Amharic.

16 CHAIRPERSON ANDERSON: Amharic, I
17 apologize, English into Amharic and from Amharic
18 into English to the best of your ability?

19 MS. BALKEW: I do.

20 CHAIRPERSON ANDERSON: All right,
21 thank you, ma'am.

22 All right. So let me have the parties
23 introduce themselves for the record. Let's start
24 with the Government.

25 MR. CELO: Good afternoon, Mr. Chair,

1 Assistant Attorney General Anthony Celo on behalf
2 of the Government, A-N-T-H-O-N-Y C-E-L-O.

3 CHAIRPERSON ANDERSON: All right. Ms.
4 Balkew, can you ask the Licensee to introduce
5 herself for the record? And also ask her to pull
6 her camera down since I can't see her face,
7 please.

8 (Foreign language spoken.)

9 CHAIRPERSON ANDERSON: Fine, it's fine
10 now.

11 MS. BALKEW: Okay.

12 CHAIRPERSON ANDERSON: Well, I -- yes,
13 I mean, like this, I need to see her full face.

14 MS. BALKEW: Okay.

15 CHAIRPERSON ANDERSON: Ask her to
16 spell and state her name for the record, please.

17 MS. SHAY: Kidist Shay. K-I-D-I-S-T
18 S-H-A-Y.

19 MS. BALKEW: Kidist Shay, K-I-D-I-S-T
20 S-H-A-Y, last name.

21 CHAIRPERSON ANDERSON: So what is her
22 name, I'm sorry, again?

23 MS. BALKEW: K-I-D-I-S-T, Kidist,
24 first name, last name, S-H-A-Y, Shay.

25 CHAIRPERSON ANDERSON: Ms. Shay. All

1 right, thank you.

2 All right, Mr. Celo, are there any
3 preliminary matters in this case?

4 MR. CELO: No, Mr. Chair.

5 CHAIRPERSON ANDERSON: Ma'am, you are
6 interpreting everything I say, ma'am, okay? Can
7 you also ask, can you ask her if she has any
8 preliminary matters in this case?

9 MS. BALKEW: Can you repeat that, sir,
10 please?

11 CHAIRPERSON ANDERSON: Can you ask her
12 does she have any preliminary matters, anything
13 she needs to bring to my attention before we
14 start this case?

15 MS. SHAY: Yes, I do. This is my
16 husband who knows American very well. I'll
17 prefer it if you spoke to him, not to me.

18 CHAIRPERSON ANDERSON: So where is he,
19 and can he introduce himself for the record,
20 please?

21 MS. SHAY: He is sitting beside me.

22 CHAIRPERSON ANDERSON: Can he
23 introduce himself for the record by spelling and
24 stating his name for the record, please?

25 MS. SHAY: Ayele Beleke, A-Y --

1 CHAIRPERSON ANDERSON: Tell her to put
2 him on the screen so he can tell me what his name
3 is and spell and state his name for the record.

4 MS. SHAY: Does he have to introduce
5 himself?

6 CHAIRPERSON ANDERSON: I'm sorry?

7 MS. BALKEW: She asked if he has to
8 introduce himself?

9 CHAIRPERSON ANDERSON: Yes, ma'am,
10 that is what I asked you to tell her to do. I
11 need him to spell and state his name for the
12 record and introduce himself.

13 MR. BELEKE: Ayele Beleke, A-Y-E-L-E,
14 last name, B-E-L-E-K-E.

15 CHAIRPERSON ANDERSON: What's his
16 name? I'm telling him that he needs to be on
17 camera. How does he pronounce his name?

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: Can you ask the
20 man what's going on? They were on camera before.

21 All right, he's on camera. All right,
22 how does he pronounce his name, please?

23 MR. BELEKE: Ayele Beleke.

24 CHAIRPERSON ANDERSON: Mr. Beleke? Is
25 that the way he pronounced his name?

1 MR. BELEKE: Yeah, Beleke.

2 CHAIRPERSON ANDERSON: All right.

3 Good afternoon, Mr. Beleke. I believe your wife
4 stated that you will speak for her. Is that
5 correct?

6 MR. BELEKE: Yes.

7 CHAIRPERSON ANDERSON: Okay. All
8 right. Any questions before we start?

9 You know that this is a -- I know that
10 you had the show cause hearing prior. Today this
11 is when you're going to call your witnesses to
12 defend yourself. Do you understand?

13 Do they have any questions before we
14 start?

15 MR. BELEKE: No, we don't have any
16 questions.

17 CHAIRPERSON ANDERSON: All right. The
18 way this is going to work is that the Government
19 would go first. The Government will make an
20 opening statement.

21 The Licensee can either make an
22 opening statement now or they can elect to make
23 an opening statement once they present their
24 case.

25 Once the Government presents its case

1 and calls its witness then the Licensee will have
2 an opportunity to cross examine any witness
3 brought forth by the Government.

4 After the Government has presented its
5 case, then the Licensee will have an opportunity
6 to call witnesses to defend itself.

7 Any questions before we start?

8 MR. BELEKE: No, we don't have.

9 CHAIRPERSON ANDERSON: Mr. Celo, do
10 you wish to make an opening statement?

11 MR. CELO: Yes, briefly, Mr. Chair.

12 CHAIRPERSON ANDERSON: Go ahead, sir.

13 MR. CELO: Thank you, may it please
14 the Board.

15 CHAIRPERSON ANDERSON: Ma'am, you need
16 to interpret everything that he's saying, ma'am.

17 MS. BALKEW: Yes, I will.

18 MR. CELO: Mr. Chairman --

19 CHAIRPERSON ANDERSON: Would you - Go
20 ahead, I'm sorry.

21 MR. CELO: Mr. Chair, members of the
22 Board, this case involves two violations of the
23 D.C. code, both being violations in the first
24 degree.

25 The first violation is that the

1 Licensee provided a false statement on their ABC
2 License application.

3 On that application they answered no
4 to the question will any portion of the premises
5 be used for a dwelling or lodging home.

6 The evidence will show, and the
7 testimony you will hear will show that on two
8 separate occasions they used the second floor as
9 a dwelling home, first for themselves and second
10 for an employee.

11 The second primary cure violation is
12 operating, sorry, changing the hours of operation
13 without Board approval.

14 The evidence will show that on Friday,
15 July 8th, 2022, the establishment was operating
16 after 2:00 p.m.

17 And at the time, an ABRA investigator
18 entered the establishment undercover and was
19 served beer at approximately 2:38 a.m.

20 CHAIRPERSON ANDERSON: Ma'am, can you
21 tell them that they always have to appear on
22 camera, because I need to make sure that they are
23 there.

24 MR. BELEKE: The camera is on and off
25 by itself, not me.

1 CHAIRPERSON ANDERSON: No, I need to
2 see you. The camera can't be on and then off. I
3 need to see you to make sure that you are
4 actually in this hearing. Because if I don't see
5 you, I don't know if you're actually there.

6 MR. CELO: Thank you.

7 CHAIRPERSON ANDERSON: Go ahead, sir.

8 MR. CELO: On that day, a party of at
9 least 34 people were being served and consuming
10 alcohol after hours. Thank you.

11 CHAIRPERSON ANDERSON: All right, sir,
12 do you wish to make an opening statement now or
13 will you reserve until you are ready to present
14 your case?

15 MR. BELEKE: I will present my case
16 partially now or I might ask for something later
17 on.

18 CHAIRPERSON ANDERSON: Well, it's not
19 presenting your case, it's telling -- does he
20 know what an opening statement is to tell me -

21 MR. BELEKE: Yes, I do.

22 CHAIRPERSON ANDERSON: All right. So
23 does he want to do an opening statement now?

24 MR. BELEKE: Yes, I had.

25 CHAIRPERSON ANDERSON: Go ahead.

1 MR. BELEKE: The case against this
2 lounge is without evidence and not fact-based.

3 And this lounge is established at 5503
4 Georgia Avenue NW, Washington, 2001,
5 establishment is established on the first floor
6 and on the basement level of the basement.

7 The license is given to the Kidst
8 Lounge to operate on the first floor and on the
9 basement.

10 So far, and this lounge is operating
11 on the first floor and the basement. And it is
12 serving customers on first floor and on the
13 basement.

14 We fill out in our application when we
15 fill out for liquor license. We said first floor
16 and basement when we were asked if there was
17 someone living on that first floor and the
18 basement. We said no.

19 We cannot be asked, or be here, or
20 become active out of the first floor and the
21 basement, like the third floor. We cannot be at
22 his door asking about anything.

23 When we request for a license we did
24 request for the first floor and the basement and
25 were given license for the restaurant and for a

1 liquor license before the first floor and second
2 floor --

3 CHAIRPERSON ANDERSON: All right. Can
4 you let him know that it appears that he's giving
5 us more facts than that's necessary at this
6 juncture.

7 I will let the Government present its
8 case. And then when he's ready to present, when
9 the Government is done, then he can go into his
10 case.

11 MR. BELEKE: Okay.

12 CHAIRPERSON ANDERSON: Okay. Does
13 the Government have a witness?

14 MR. CELO: Yes, the Government calls
15 Mark Ruiz to the stand.

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

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

20 MR. RUIZ: I do.

21 (Simultaneous speaking.)

22 MR. CELO: Investigator Ruiz, what is
23 your current position?

24 MR. RUIZ: Investigator.

25 CHAIRPERSON ANDERSON: Mr. Ruiz, your

1 attorney's going to ask questions. She's going
2 to interpret, so please do not respond until the
3 interpreter has interpreted the question. And
4 then you can respond. And then once you respond,
5 because remember, it has to be interpreted.

6 Okay, sir?

7 MR. RUIZ: Yes, sir.

8 CHAIRPERSON ANDERSON: All right.

9 MR. CELO: And how long have you been
10 an investigator?

11 MR. RUIZ: Four years.

12 MR. CELO: Are you familiar with Kidst
13 Lounge?

14 MR. RUIZ: Yes.

15 MR. CELO: Were you involved in an
16 investigation on July 8th, 2022, involving Kidst
17 Lounge?

18 MR. RUIZ: Yes.

19 MR. CELO: Did you prepare a case
20 report following that investigation?

21 MR. RUIZ: Yes.

22 MR. CELO: Permission to share my
23 screen, Mr. Chair?

24 CHAIRPERSON ANDERSON: Mr. Orellana,
25 can you please allow Mr. Celo to share his

1 screen, please?

2 MR. ORELLANA: Okay, elevated.

3 MR. CELO: Are you able to see my
4 screen?

5 I am showing you what has been marked
6 as Government Exhibit 1. Is this a true and
7 accurate copy of the case report that you
8 prepared?

9 MR. RUIZ: Yes.

10 MR. CELO: Mr. Chair, as a matter of
11 law, this document is admissible for the sake of
12 the record. I now formally it into evidence.

13 CHAIRPERSON ANDERSON: So moved.

14 MR. CELO: Investigator Ruiz, please
15 describe what happened on July 8th, 2022. And
16 I'll ask you to keep your answers to short
17 sentences for the translation.

18 MR. RUIZ: Okay. July 8th, 2022, at
19 approximately 2:20 a.m., I received a call from
20 another ABRA investigator, Tavril Prout, in
21 relation to Kidst Lounge operating.

22 I met with Investigator Prout at the
23 location at approximately 2:35 a.m. at which time
24 Investigator Prout entered the establishment in
25 an undercover capacity.

1 Investigator Prout then communicated
2 to me via telephone that he was served a beer and
3 to come inside the establishment.

4 At that time I notified Metropolitan
5 Police Department, MPD, to assist us with the
6 investigation for safety purposes and then went
7 inside.

8 Prior to entering, attempted to enter
9 the establishment. I found the front door to be
10 locked. Investigator Prout had to come down and
11 unlock the front door for me.

12 I then went upstairs where
13 approximately 34 people were found to be sitting
14 in lounge furniture and at a bar stocked with
15 alcohol and also smoking hookah.

16 CHAIRPERSON ANDERSON: Ma'am, can you
17 find out if they are there, because they are not
18 on camera.

19 MS. BALKEW: Mr. Chairman, would you
20 say that again?

21 Mr. Chairman, would you repeat what
22 you said?

23 CHAIRPERSON ANDERSON: I want to make
24 sure he's there, because he's not on camera.

25 Is he there?

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: All right. Go
3 ahead, sir.

4 MR. CELO: Mr. Ruiz, did Kidst Lounge
5 have a license that enabled them to serve alcohol
6 after 2:00 a.m.?

7 MR. RUIZ: No.

8 MR. CELO: Is it fair to say that the
9 bottom floor of this establishment was closed at
10 the time?

11 MS. BALKEW: Would you mind repeating
12 that, sir?

13 MR. CELO: Is it fair to say that the
14 bottom floor of this establishment was closed at
15 the time of the investigation?

16 MR. RUIZ: Yes.

17 MR. CELO: What floor was the alcohol
18 being served on?

19 MR. RUIZ: The second floor.

20 MR. CELO: Was the second floor
21 connected in any way to the bottom floor?

22 MR. RUIZ: Yes, via a stairwell.

23 MR. CELO: And were there doors from
24 the stairwell leading both upstairs and into the
25 ground floor of the establishment?

1 MR. RUIZ: Yes.

2 MR. CELO: Did you receive any
3 explanation for what the second floor was being
4 used for?

5 MR. RUIZ: Yes.

6 MR. CELO: What was that explanation?

7 MR. RUIZ: Mr. Beleke explained to me
8 that the second floor was used as a dwelling, as
9 it was being rented out to a woman.

10 MR. CELO: And who was this woman?

11 MR. RUIZ: She's known as Ms. Jamal,
12 a friend of theirs.

13 MR. CELO: Did they say that they had
14 used the second floor as a dwelling prior to Ms.
15 Jamal?

16 MR. RUIZ: Yes.

17 MR. CELO: And what was the context of
18 that?

19 MS. BALKEW: I didn't get that
20 question, sir.

21 MR. CELO: What was the context of
22 usage?

23 MS. BALKEW: Can you explain that,
24 sir? I didn't get it.

25 MR. CELO: How did they say it was

1 used before Ms. Jamal?

2 MR. RUIZ: Occupied as a dwelling when
3 they first took over the establishment.

4 MR. CELO: As part of your
5 investigation, did you look into their initial
6 ABRA license application?

7 MR. RUIZ: Yes.

8 MR. CELO: And is there a question,
9 specifically Number 8, that asks about the use of
10 any part of the premises as a dwelling?

11 MR. RUIZ: Yes.

12 MR. CELO: I'm moving to Page 42 of
13 Government Exhibit 1.

14 Can you please explain how they
15 answered Question 8?

16 MR. RUIZ: They answered by checking
17 the boxes no.

18 MR. CELO: Based on their statements
19 that they had lived there on the second floor in
20 the past, did you determine that their answers to
21 Question 8 were false?

22 MR. RUIZ: Yes.

23 MR. CELO: That being said, at the
24 time of this investigation were you able to
25 determine if that second floor was being used for

1 living quarters as they described?

2 MR. RUIZ: No.

3 MR. CELO: Just to be clear, because
4 that was a long question, no meaning that you
5 determined their statement was false?

6 MR. RUIZ: No, meaning that it didn't
7 appear to be used as a dwelling at the time.

8 MR. CELO: Were pictures taken of the
9 second floor?

10 MS. BALKEW: Can you repeat that, sir?

11 MR. CELO: Were there pictures taken
12 of the second floor?

13 MR. RUIZ: Yes.

14 MR. CELO: And scrolling down to Page
15 5 through 10, I'm sorry, 12, of the exhibit, are
16 these the photographs?

17 MR. RUIZ: Yes.

18 MR. CELO: Does this photo that is on
19 screen labeled as Exhibit 2 accurately display
20 the lounge area of the second floor?

21 MR. RUIZ: Yes.

22 MR. CELO: Does the photo labeled
23 Exhibit 4 and Exhibit 5 accurately display the
24 bar area?

25 MR. RUIZ: Yes.

1 MR. CELO: And I see here, on what is
2 labeled Exhibit 6, Page 10, there is a back room
3 labeled office on the door. Can you please
4 describe what was in there?

5 MR. RUIZ: A desk, and a refrigerator,
6 and a bunch of other stuff. I didn't take note.

7 MR. CELO: Did you look through the
8 entirety of the second floor?

9 MR. RUIZ: Yes.

10 MR. CELO: Did you see a bed?

11 MR. RUIZ: No.

12 MR. CELO: Did you see dressers, or
13 closets, or suitcases filled with clothing?

14 MR. RUIZ: No.

15 MR. CELO: Was there a tooth brush in
16 the bathroom?

17 MR. RUIZ: I didn't see the bathroom.

18 MR. CELO: Was there a bathroom on
19 this floor?

20 MR. RUIZ: Yes, I was told by
21 Investigator Prout there was.

22 MR. CELO: Based on the lack of
23 furniture and indicia of domicile or living
24 there, can you conclude that there was no one
25 living there at the time?

1 MR. RUIZ: Yes.

2 MR. CELO: Do the photographs that we
3 scrolled through also display the beer that being
4 served?

5 MR. RUIZ: Yes.

6 MR. CELO: As part of your
7 investigation, were you able to identify the
8 lease for this premise, these premises?

9 MR. RUIZ: Yes.

10 MR. CELO: Was either Kidst Lounge or
11 the owners of Kidst Lounge leasing out the
12 entirety of the premises?

13 MR. RUIZ: Yes.

14 MR. CELO: So they had direct legal
15 control over the second floor?

16 MR. RUIZ: Yes.

17 MR. CELO: And that lease is included
18 in the exhibits of this document starting on Page
19 13?

20 MR. RUIZ: Yes.

21 MR. CELO: Based on everything we
22 discussed, were you able to determine if Kidy
23 Lounge or Kidst Lounge was serving alcohol after
24 hours?

25 MR. RUIZ: Yes.

1 MR. CELO: No further questions, Mr.
2 Chair.

3 CHAIRPERSON ANDERSON: Can you ask him
4 if he has -- does he have any questions he wants
5 to ask the investigator?

6 MR. BELEKE: Yes, I do have questions
7 for him.

8 CHAIRPERSON ANDERSON: All right. Any
9 questions of the investigator by the Board?

10 Ma'am, no, no. He said he didn't have
11 any questions to ask. Or does he have -- he said
12 he didn't have any questions to ask, so I moved
13 on.

14 MS. BALKEW: No, he said he had a
15 question.

16 CHAIRPERSON ANDERSON: Oh, he said
17 that he had a question?

18 MS. BALKEW: Yes.

19 CHAIRPERSON ANDERSON: Well, I
20 apologize. Okay, what's the question? Okay.

21 MR. BELEKE: According to you,
22 according to the investigator, the capacity of
23 Kidst Lounge, which is which floor. That is my
24 first question. Second --

25 (Simultaneous speaking.)

1 CHAIRPERSON ANDERSON: Hold on, he's
2 asking the investigator the question. The
3 investigator will answer. Then he asks him
4 another question.

5 So, Mr. Ruiz, did you hear the
6 question to answer, sir?

7 MR. RUIZ: Question again, please.

8 MR. BELEKE: According to you,
9 according to the investigator, which floor is
10 Kidst Lounge occupancy, occupancy of Kidst
11 Lounge, which is which floor?

12 MR. RUIZ: I'm not understanding the
13 --

14 CHAIRPERSON ANDERSON: Mr. Ruiz, based
15 on the license, what floor is Kidst Lounge?

16 MR. RUIZ: First floor.

17 MR. BELEKE: Okay. According to you,
18 in the first floor or some floor that you saw
19 customers.

20 MR. RUIZ: I saw customers on the
21 second floor.

22 MR. BELEKE: So second floor --
23 (Simultaneous speaking.)

24 MR. BELEKE: And so we were
25 responsible for the second floor or second floor

1 is attached with Kidst Lounge?

2 MR. RUIZ: According to the lease,
3 Kidy Lounge is responsible for the entire
4 building.

5 MR. BELEKE: Who signed on the lease
6 document? Is it Ayele and Kidst, or it is Kidst
7 Lounge who signed on document, the lease
8 document?

9 MR. RUIZ: I would have to take a look
10 back and look again. I don't recall.

11 MR. BELEKE: So you base your
12 investigation and your allegations before you
13 clearly see through the lease, before you
14 investigate for the -- before you have a clear
15 understanding?

16 MR. RUIZ: Can you repeat? What's the
17 question?

18 MR. BELEKE: The question is you have
19 to, clearly have a clear understanding who owns
20 which floor and what floor before you put it on
21 your report, your recommendation.

22 MR. RUIZ: I'm not understanding what
23 the question -- what you're asking.

24 MR. BELEKE: Did you put your report,
25 your accusation before you have a clear

1 understanding who owns which floor or which floor
2 Kidst Lounge owns or controls?

3 MR. RUIZ: The owner of the alcohol
4 license is on the lease as well. So they control
5 all floors.

6 MR. BELEKE: When we apply for the
7 license, we send this legal document as an
8 attachment. So he's asking you again on the
9 lease, who signed document. Is this Kidst and
10 Ayele or Kidst Lounge. Who signed the lease
11 agreement with the owner of the building? Is it
12 Kidst Lounge or is it Kidst and Ayele?

13 MR. RUIZ: Just looking at the
14 signature of the lease, Kidst Shay.

15 MR. BELEKE: It's only Kidst Shay that
16 signed on document?

17 MR. RUIZ: Yes.

18 MR. BELEKE: Okay. Kidst Lounge is --

19 CHAIRPERSON ANDERSON: All right, hold
20 on. Who's speaking?

21 MS. BALKEW: So I am trying to
22 translate because he's asking.

23 CHAIRPERSON ANDERSON: Okay, I'm
24 sorry. I thought I heard a different voice. I
25 apologize.

1 MS. BALKEW: Okay.

2 MR. BELEKE: According to the license,
3 the alcohol license, Kidst Lounge is allowed to
4 sell alcohol only on the first floor.

5 MR. RUIZ: Correct.

6 (Simultaneous speaking.)

7 MR. RUIZ: Correct, so it appears that
8 alcohol was being served on an unlicensed floor.

9 MR. BELEKE: When you were
10 investigating or when you were -- on July 8th,
11 2022, when you asked for service, when you were
12 investigating, did you recognize those who were
13 serving our permit, the employees were, Kidst
14 Lounge employees?

15 MR. RUIZ: I didn't recognize as -- I
16 don't know all the employees that work for Kidst
17 Lounge. I can only go by who was there.

18 MR. BELEKE: Yeah, undercover, Mr.
19 Prout, that was all that I saw.

20 Investigator Prout was served with
21 beer. And how much did he pay?

22 MR. RUIZ: He wasn't charged for the
23 beer.

24 MR. BELEKE: The servers didn't ask
25 him to pay or he didn't want to pay?

1 MR. RUIZ: According to Mr. Prout he
2 wasn't asked to pay at the time of the service.

3 MR. BELEKE: Didn't Mr. Prout try to
4 pay?

5 MR. RUIZ: I don't recall what he
6 said. No, I don't recall.

7 MR. BELEKE: According to your
8 investigation, Kidy Lounge operates on which
9 floor?

10 MR. RUIZ: It occupies which floor?

11 MR. BELEKE: Yes. The license given
12 to sell, operate from which floor?

13 MR. RUIZ: First floor.

14 MR. BELEKE: Okay. Did you conduct
15 the investigation on Kidst Lounge? Were you
16 present in Kidst Lounge after July 8th, 22? Did
17 you try to investigate Kidst Lounge after July
18 8th, 2022?

19 MR. RUIZ: Yes.

20 MR. BELEKE: The areas that were
21 operating?

22 MR. RUIZ: Repeat the question for me,
23 ma'am.

24 MS. BALKEW: After July 8th you said
25 you were there to investigate. When you were

1 trying to investigate for July 8th, the areas you
2 mentioned were operating?

3 MR. RUIZ: Any investigation that
4 occurred after the incidents at issue today are
5 not relevant.

6 CHAIRPERSON ANDERSON: Overrule the
7 objection. If he can respond to the question, he
8 can.

9 Are you going to answer the question,
10 Mr. Ruiz.

11 MR. RUIZ: Can he repeat the question
12 one more time for me, please?

13 MR. BELEKE: During or around the
14 investigation, did you try to check upstairs of
15 the basement if that is where the lounge area was
16 operating at that month, after that, after all
17 the second investigation?

18 MR. RUIZ: You're asking if I checked
19 the upstairs or the basement?

20 MR. BELEKE: Uh-huh.

21 MR. RUIZ: I checked the basement and
22 the first floor after that date. They were found
23 operating on the first and basement, not on the
24 second floor.

25 MR. BELEKE: Did you check the second

1 floor? Were you having to see the second floor?

2 MR. RUIZ: I did not check the second
3 floor. I believe when I was there afterwards the
4 gate to the second floor was locked. I did not
5 check the second floor.

6 MR. BELEKE: Again you have testified
7 that the first floor and the basement were
8 connected through a stair at the door.

9 MR. RUIZ: The basement and the first
10 floor are connected with the stairwell.

11 MR. BELEKE: But you just testified
12 that the gate was closed, and you were unable to
13 go to the second floor. Why is that?

14 MR. RUIZ: At the time of the
15 inspection, afterwards that gate was closed.
16 Prior to that, that gate was open.

17 MR. BELEKE: So according to you, Kidy
18 Lounge had this apparent door, and second floor
19 had this apparent door. So they're not connected
20 this means?

21 MR. RUIZ: They're connected inside
22 the premises --

23 (Simultaneous speaking.)

24 MR. RUIZ: -- other than a gate that
25 is locked once and awhile, I guess.

1 MR. BELEKE: Did you try to use the
2 stairway to go up and down?

3 MR. RUIZ: I answered.

4 CHAIRPERSON ANDERSON: Sustained,
5 let's move on. Do you have another question now
6 you want to ask?

7 MR. BELEKE: This question is very
8 important to the case, so please allow him to
9 answer me.

10 CHAIRPERSON ANDERSON: Does he -- no,
11 I sustained the objection so he couldn't ask that
12 question because it was stated that it was asked
13 and answered.

14 So does he have another question that
15 he needs to ask? He can rephrase it, say it a
16 different way, but does he have another question
17 that he wants to ask?

18 MR. BELEKE: During the first
19 investigation, did you encounter anyone who
20 claimed that he lives in here or this is my home
21 or my house?

22
23 MR. RUIZ: Yes, I talked to you.

24 MR. BELEKE: I was there when you told
25 --

1 INTERPRETER: He was saying that -- he
2 was asking the same question. But he says that I
3 don't think that's right, that.

4 CHAIRPERSON ANDERSON: I'm sorry,
5 ma'am, I'm lost. What's going on now?

6 INTERPRETER: He said that the
7 question he was trying to ask was, did he use the
8 stairway to come from the first floor to the
9 second floor? And I didn't interpret that for
10 him.

11 CHAIRPERSON ANDERSON: All right. So
12 are you able to answer the question, sir? I
13 guess the question is that, did you -- I'm sorry,
14 what's the question?

15 INTERPRETER: The question is did he
16 use the stair --

17 MR. BELEKE: On July 8th, when you
18 came to investigate, did you use the staircase to
19 go to first floor to take picture, look in this
20 lounge?

21 MR. RUIZ: On July 8th the security
22 gate was locked at the bottom of the stairwell,
23 so, no, I did not go to the first floor.

24 MR. BELEKE: If you are not able to
25 access, to go to the first floor or the basement

1 using the stairs, can you see that this place are
2 connected? You were unable to do that both
3 times?

4 MR. RUIZ: I'm going to say it's
5 connected interiorly with control by the
6 licensees to enter and exit as they please.

7 MR. BELEKE: When you come to
8 investigate in July 8th, did you encounter anyone
9 asking that police in that, in the second floor,
10 or anyone?

11 (Audio interference.)

12 MR. RUIZ: -- claimed that she lived
13 there.

14 MR. BELEKE: Did you see a lease
15 agreement? Do you have proof that she is living
16 in there?

17 MR. RUIZ: I did not see a lease
18 agreement, no.

19 MR. BELEKE: I sent you an email with
20 videos, pictures, the lease agreement and with
21 other evidence you ask of me. Is that proof Kidy
22 Lounge was closed at that time. Did you check
23 it? Didn't you receive the email?

24 MR. CELO: Objection as to evidence
25 not in the record.

1 CHAIRPERSON ANDERSON: He's just
2 asking him a question, if -- to say I sent you
3 the email so the witness can testify whether or
4 not he did receive it. Now, if he wants specific
5 testimony then your objection, at that point, you
6 can raise it.

7 But I think he should be able to
8 answer. I'm going to overrule the objection. He
9 should be able to answer whether or not he
10 received any communication from the witness
11 after. So --

12 MR. RUIZ: I don't recall receiving
13 any video on this date -- for this date.

14 MR. BELEKE: You personally told me
15 that you received the email.

16 CHAIRPERSON ANDERSON: Ask if any --
17 Sorry, for your question, the witness testified
18 that he does not recall so he never stated that
19 he didn't receive it. He just said he does not
20 recall at this moment, that he did not receive
21 it, so that is a legitimate response.

22 So if you have proof, when you're
23 presenting your case, then our -- if you have, as
24 part of your case, if you have proof of the email
25 that you sent him and a response then you can put

1 that on.

2 But he testified that he doesn't
3 recall receiving any communication from you, sir.

4 MR. BELEKE: Okay.

5 CHAIRPERSON ANDERSON: You're done?
6 No more questions? For this witness? You have
7 no more questions or this witness. Is that
8 correct?

9 MR. BELEKE: I don't have any
10 questions but I have witness and I can present my
11 case to you so you can see in detail --

12 CHAIRPERSON ANDERSON: All right, when
13 he's -- okay. The Government is presenting their
14 case now. So when the Government is done then he
15 can present his case. Okay, fine. All right.
16 All right, any questions by the board members?

17 All right, let him -- he is done
18 asking questions of this witness. The Board is
19 now going to ask questions of the witness. And
20 then later on, when he presents his case, he can
21 call his witness, okay?

22 INTERPRETER: He says he can't hear
23 you.

24 CHAIRPERSON ANDERSON: Well, actually
25 -- tell him I can't see him now. Just tell him

1 that he will get a chance to present his evidence
2 and witnesses later on.

3 And you can also let him know that I'm
4 hearing all that noise in his background. That's
5 why he can't hear me. So he needs to put this -
6 - he need to mute his phone because I'm picking
7 up all the static from the background from him.

8 And I need to see him on screen.
9 Thank you.

10 All right, I have a question to ask
11 you, Mr. Ruiz. Why did you go -- why didn't you,
12 as the investigator, you or Mr. -- why didn't you
13 go to the second floor?

14 MR. RUIZ: That's where they were
15 allowing patrons in, through the front door.
16 There's --

17 CHAIRPERSON ANDERSON: Now, explain to
18 me, explain, in your report, is there a picture
19 of the establishment? Do you have a picture of
20 the outside of the establishment in your report?

21 MR. RUIZ: I don't recall if I did.
22 No, I didn't -- did not.

23 CHAIRPERSON ANDERSON: Can you tell
24 him to mute his phone, please? He needs to turn
25 his camera on and mute his phone. Thank you,

1 sir.

2 All right, so when you go to the -- is

3 --

4 MR. RUIZ: I think you're muted.

5 CHAIRPERSON ANDERSON: Is this a
6 storefront building?

7 MR. RUIZ: I can't hear you. Can you
8 hear me?

9 CHAIRPERSON ANDERSON: I can hear you,
10 Mr. Ruiz. Mr. Ruiz? Mr. Ruiz?

11 MR. CELO: Can we message Mr. Ruiz,
12 Mr. Chair?

13 CHAIRPERSON ANDERSON: Sure, go ahead,
14 please.

15 MR. CELO: I'm communicating with him
16 right now.

17 CHAIRPERSON ANDERSON: You don't have
18 to, Mr. Celo.

19 (Pause.)

20 MR. RUIZ: Hello?

21 CHAIRPERSON ANDERSON: Yes, sir, we
22 can hear you.

23 MR. RUIZ: All right, there.

24 CHAIRPERSON ANDERSON: You can turn
25 your volume up a little bit more, sir. All

1 right, so why did an investigator go to this
2 establishment on July -- I think it's July 8th,
3 you said?

4 MR. RUIZ: Yes.

5 CHAIRPERSON ANDERSON: Why did --

6 MR. RUIZ: So the establishment,
7 looking at the establishment underneath the trade
8 name, there are two doors, on the left and on the
9 right side. One goes upstairs, one goes to the
10 first floor.

11 When Investigator Prout observed
12 individuals entering the premises with him not
13 knowing the establishment on the first floor, he
14 followed where the patrons were going up. And
15 there was loud music playing which led him to
16 believe that there was operation.

17 CHAIRPERSON ANDERSON: Now during the
18 visit on July 8th, did yourself or Mr. Prout
19 speak to an owner or ABC manager from Kidst
20 Lounge?

21 MR. RUIZ: No.

22 INTERPRETER: Would you mind repeating
23 the question?

24 CHAIRPERSON ANDERSON: I said, when,
25 on July 8th, when the investigator went to the

1 establishment, did they speak to an owner or an
2 ABC manager from Kidst Lounge.

3 All right, I'm not asking you a
4 question, sir. Tell him -- can you tell him I
5 don't to hear anything from him.

6 INTERPRETER: He is complaining that
7 he's not hearing anything.

8 CHAIRPERSON ANDERSON: I don't know
9 why he can't hear me. I don't know what he's
10 doing. I can't see him. And he's complaining.
11 He's complaining he can't hear me. I can't see
12 him. So if I can see him, then he can probably
13 hear me.

14 INTERPRETER: He saying, yes, I can
15 see you but I can't hear. Your voice is breaking
16 down.

17 CHAIRPERSON ANDERSON: Well, it is
18 your connection, sir, because you weren't having
19 a problem before, and I can't see you and I can
20 hear all the noise in the background.

21 And every time I don't see you on
22 camera, I'm hearing you because apparently you're
23 talking to somebody.

24 All right, Mr. Ruiz, who did the ABRA
25 investigator, yourself or Mr. Prout speak to?

1 Did -- I'm sorry. Did the ABRA investigator
2 speak to anyone regarding the activities of this
3 establishment on June -- on July -- I'm sorry, on
4 July 8th, 2022?

5 MR. RUIZ: At the time, owners were
6 not -- or an ABC manager was not present. It was
7 just the woman. I spoke to the -- Mr. Beleke
8 after, days later.

9 CHAIRPERSON ANDERSON: I'm sorry, go
10 ahead. What is he saying now?

11 INTERPRETER: He's saying he can't
12 hear anything.

13 CHAIRPERSON ANDERSON: And I can't see
14 him. Can you hear me, sir? Can you hear me?

15 MR. BELEKE: I don't have anything
16 from the last 30 seconds.

17 INTERPRETER: He has a problem with
18 hearing us.

19 CHAIRPERSON ANDERSON: Ma'am, is he
20 hearing you or is he not hearing me? Who is he
21 not hearing?

22 INTERPRETER: He says he's not hearing
23 us.

24 CHAIRPERSON ANDERSON: Is he hearing
25 us now?

1 MR. BELEKE: Yes, I can hear you now.

2 CHAIRPERSON ANDERSON: All right. So
3 Mr. Ruiz, you stated that there were two doors.
4 One door goes upstairs and another door goes to
5 the establishment. Is that correct?

6 MR. RUIZ: Yes, on the front exterior,
7 on the front of the establishment. Yes, from the
8 front.

9 CHAIRPERSON ANDERSON: And who did you
10 speak to, either yourself or Mr. Prout? Who did
11 you speak to on that date, on July 8th?

12 MR. RUIZ: The woman that goes by Ms.
13 DeMay. I'm sorry, Ms. Gamal.

14 CHAIRPERSON ANDERSON: And who did she
15 say she was?

16 MR. RUIZ: A residential tenant.

17 CHAIRPERSON ANDERSON: Now, if she
18 said that she was a residential tenant, why did
19 you or this Investigator Prout conclude that this
20 was Kidst Tavern -- Kidst Lounge, I'm sorry?

21 MR. RUIZ: There is part of the
22 premises and it appeared to be a lounge. There
23 was lounge furniture, a bar, an office that's in
24 the same premises of this Kidst -- Kidy Lounge.

25 CHAIRPERSON ANDERSON: But you're

1 saying there was a different door to go upstairs,
2 though. I mean, is that correct? You said there
3 was a different door to go upstairs into this
4 second premises. Is that correct?

5 MR. RUIZ: Yeah, there's two
6 entrances, yeah.

7 CHAIRPERSON ANDERSON: Now, did you
8 enter -- did you go upstairs to the premises on
9 July 8th?

10 MR. RUIZ: Yes. Yes.

11 CHAIRPERSON ANDERSON: Now, were you
12 able to access the first floor on July 8th?

13 MR. RUIZ: On July 8th, the gate to
14 the downstairs was locked. No.

15 CHAIRPERSON ANDERSON: And you stated
16 that Investigator -- is -- I'm sorry, Mr. Celo,
17 is Investigator Prout going to testify today?

18 MR. CELO: No, Mr. Chair.

19 CHAIRPERSON ANDERSON: Okay. And so
20 you stated that in the -- in the -- the report
21 stated that Investigator Prout accessed the
22 building in an undercover capacity. Is that
23 correct?

24 MR. RUIZ: Correct.

25 CHAIRPERSON ANDERSON: And I'm just

1 getting clarification. Was he given alcohol or
2 did he purchase alcohol?

3 MR. RUIZ: He was given alcohol.

4 CHAIRPERSON ANDERSON: Did you or
5 Investigator Prout -- sir, was there a bartender?

6 MR. RUIZ: No, there was a male behind
7 the bar at the time.

8 CHAIRPERSON ANDERSON: Do you recall
9 whether or not there was any Point-of-Sale system
10 that was obvious to yourself or the investigator
11 at that time?

12 MR. RUIZ: No.

13 CHAIRPERSON ANDERSON: Do you know
14 that there was none or no, you didn't or you're
15 not sure?

16 MR. RUIZ: I did not observe a POS
17 system.

18 CHAIRPERSON ANDERSON: All right, I
19 don't have any other questions. Any questions by
20 a board member?

21 CHAIRPERSON ANDERSON: Go ahead, Mr.
22 Grandis.

23 MEMBER GRANDIS: So, thank you for the
24 report and your presentation today. In the
25 report that you submitted did you include a copy

1 of the current ABC license?

2 MR. RUIZ: I did not. I'm sorry.

3 MEMBER GRANDIS: In your report --
4 thank you. In your report did you set out that,
5 to enter the second floor, that you had to use a
6 separate entrance?

7 MR. RUIZ: No.

8 MEMBER GRANDIS: And I think just for
9 clarification, I think you answered this, in the
10 report, did you provide a photo of the front of
11 the building that showed separate entrances for
12 the first floor and for the second floor?

13 MR. RUIZ: No.

14 MEMBER GRANDIS: And did you observe,
15 when you did go upstairs, any exchange of money
16 or credit cards?

17 MR. RUIZ: No.

18 MEMBER GRANDIS: In your report did
19 you set out that you inquired on where the
20 alcohol came from?

21 MR. RUIZ: Yes.

22 MEMBER GRANDIS: And just, please,
23 remind me, what did the report say about that?

24 MR. RUIZ: Mr. Beleke provided me with
25 a receipt from Jefferson's Liquor.

1 MEMBER GRANDIS: So for my
2 clarification, that receipt did not indicate that
3 the alcohol came from the establishment on the
4 first floor?

5 MR. RUIZ: No.

6 MEMBER GRANDIS: Thank you, thank you,
7 Investigator. Thank you for your presentation
8 today. I'm all -- I'm done, Mr. Chairman.

9 CHAIRPERSON ANDERSON: Any questions
10 by any of the board members? I just want to
11 follow up a question with you, Mr. Ruiz. So when
12 did you get the receipt?

13 MR. RUIZ: I don't recall exact date.
14 It was --

15 CHAIRPERSON ANDERSON: Was it July
16 8th?

17 MR. RUIZ: Oh, I thought -- no, sorry.

18 CHAIRPERSON ANDERSON: I'm sorry. Who
19 gave you the receipt?

20 MR. RUIZ: Mr. Beleke sent me the
21 receipt via email.

22 CHAIRPERSON ANDERSON: And who's Mr.
23 Beleke?

24 MR. RUIZ: The gentleman with us
25 today. He's the husband of the owner.

1 CHAIRPERSON ANDERSON: All right.
2 Okay, so why would he send you a receipt for a
3 party that he was not involved with?

4 MR. RUIZ: I don't know.

5 CHAIRPERSON ANDERSON: Why did he send
6 you -- I mean, why would he send you receipts
7 anyway?

8 MR. RUIZ: Because I made a receipt
9 claiming that Ms. Gamal purchased that alcohol
10 from Jefferson's Liquor.

11 INTERPRETER: Come again, sir?

12 CHAIRPERSON ANDERSON: Did you hear,
13 ma'am? Did you hear the answer?

14 INTERPRETER: I think I got.

15 CHAIRPERSON ANDERSON: Yeah, repeat
16 the answer, yes.

17 MR. RUIZ: He stated that Ms. Gamal --
18 he provided a receipt stating that Ms. Gamal,
19 that is what she purchased from Jefferson's
20 Liquor.

21 CHAIRPERSON ANDERSON: Now did Mr.
22 Beleke inform you of the relationship between
23 himself and Ms. Gamal?

24 MR. RUIZ: Yes, she was a family
25 friend.

1 CHAIRPERSON ANDERSON: So his claim to
2 you is that Ms. Gamal, a family friend, was
3 having a private party upstairs. Is that -- was
4 that his explanation to you?

5 MR. RUIZ: Yes.

6 CHAIRPERSON ANDERSON: All right. Mr.
7 Beleke -- any questions by board members? All
8 right, fine. Mr. Beleke, do you have any
9 questions of Mr. Ruiz based on the questions that
10 I asked and the questions that Mr. Grandis asked?

11 Now, I don't want you to talk about
12 any new questions. It has to be based on the
13 questions that we both asked Mr. Ruiz.

14 MR. BELEKE: I don't have.

15 CHAIRPERSON ANDERSON: All right,
16 thank you. Mr. Celo?

17 MR. CELO: Yes, brief redirect.

18 REDIRECT EXAMINATION

19 MR. CELO: Investigator Ruiz, do the
20 doors to the first floor and to the second floor
21 both branch off to the same stairwell?

22 INTERPRETER: Would you mind
23 repeating, sir, that? The doors are connected?

24 MR. CELO: Do the doors to the first
25 floor and the second floor both branch off of the

1 same stairwell?

2 MR. RUIZ: Not from the front of the
3 building.

4 MR. CELO: But there's an entrance
5 where?

6 MR. RUIZ: There's an interior
7 stairwell in the premises that goes down to the
8 first floor area.

9 MR. CELO: So the two floors are
10 connected by a stairwell with separate doors?

11 MR. RUIZ: Yes.

12 MR. CELO: And on July 8th, was the
13 gate leading up to the second floor open to you?

14 MR. RUIZ: No.

15 MR. CELO: The gate leading upstairs,
16 isn't that where you said you entered?

17 MR. RUIZ: No, we entered from the
18 front, outside. In the rear, once you go
19 upstairs you go through the upstairs. There's
20 another stairwell that goes down into the first
21 floor. And then there's the back door. And then
22 to the left is the first floor.

23 MR. CELO: Thank you for that
24 clarification. That helps. You were asked some
25 questions about the lease. I would like to get

1 into that right now. And I will start by sharing
2 my screen.

3 Okay, are you able to see my screen?

4 MR. RUIZ: Yes.

5 MR. CELO: So I'd like to start on
6 Page 15, the first page with actual terms of the
7 lease. Under Section 1.01, Premises, did the
8 tenant lease the entirety of the property, 5503
9 Georgia Ave NW?

10 MR. RUIZ: Yes.

11 MR. CELO: Looking to Page 17 -- oops,
12 sorry, 17, under Section 5.01, Mandatory Use, is
13 the use of the premises restricted to operation
14 of a tavern/bar or restaurant or other similar
15 business?

16 MR. RUIZ: Yes.

17 MR. CELO: And does this permitted use
18 include use as a dwelling?

19 MR. RUIZ: No.

20 MR. CELO: On Page 16, under Section
21 5.06, does it specifically say in Subsection B
22 that tenant will not use the premises for
23 lodging?

24 MR. RUIZ: Yes.

25 MR. CELO: Do those statements in the

1 lease help confirm your conclusion that you were
2 lied to when you were told the second floor was
3 being used as residential quarters?

4 MR. RUIZ: Yes.

5 MR. CELO: You were also asked about
6 who signed the lease and you said that you had to
7 take another look to see.

8 Turning to Page 36, is this lease
9 signed by tenant, Kidy Lounge, LLC and
10 specifically by Kidst Shay and Ayele Beleke?

11 MR. RUIZ: I can recognize Kidst Shay.
12 Sorry.

13 MR. CELO: Under the printed section
14 that I'm highlighting where -- below Tenant, does
15 it list the names I just stated earlier?

16 MR. RUIZ: Yes.

17 MR. CELO: Are those same names
18 repeated on Page 37 and on Page 40?

19 MR. RUIZ: Yes.

20 MR. CELO: And under Page 39, the
21 Guarantee, do Kidst Shay and Ayele Beleke
22 guarantee the premises or the lease on the
23 premises?

24 MR. RUIZ: Yes.

25 MR. CELO: Now, Investigator, under

1 the regulations, if a bar or tavern operated a
2 private open bar event after hours, would that
3 still be operating after hours?

4 MR. RUIZ: Yes.

5 MR. CELO: Even if they're not
6 charging for alcohol sale?

7 MR. RUIZ: Yes.

8 MR. CELO: And please explain why.

9 MR. RUIZ: The banned commercial
10 property can't consume alcohol on a -- without a
11 license.

12 MR. CELO: No further questions.

13 CHAIRPERSON ANDERSON: Thank you.
14 Thank you, Mr. Ruiz, for your testimony. All
15 right.

16 MR. RUIZ: Thank you.

17 CHAIRPERSON ANDERSON: Does the
18 Government have another witness?

19 CHAIRPERSON ANDERSON: No, the
20 Government rests.

21 CHAIRPERSON ANDERSON: Does the
22 Government -- or take two -- all right, I'm going
23 eight minutes. So it's 3:22. I'm going to go
24 off the record until 3:30.

25 Mr. Beleke, at 3:30, we'll come back

1 on and you can start presenting, sir. So what
2 I'm asking parties to do, do not log off. Just
3 turn your camera off and mute your -- and mute
4 your phone. And we will come back in a little --
5 on the record at 3:30.

6 (Whereupon, the above-entitled matter
7 went off the record at 3:22 p.m. and resumed at
8 3:30 p.m.)

9 CHAIRPERSON ANDERSON: I'm waiting for
10 the Government. All right, sir. Mr. Belete, do
11 you wish to call a witness?

12 MR. BELETE: Yes.

13 CHAIRPERSON ANDERSON: Who is your
14 first witness?

15 MR. BELETE: Daniel Solomon.

16 CHAIRPERSON ANDERSON: Where is Daniel
17 Solomon?

18 MR. BELETE: He's right here beside
19 me.

20 CHAIRPERSON ANDERSON: Okay. I need
21 to see him. Mr. Solomon, can you raise your
22 right hand, please?

23 MR. SOLOMON: Yes.

24 CHAIRPERSON ANDERSON: Do you swear or
25 affirm to tell the truth and nothing but the

1 truth?

2 MR. SOLOMON: I do.

3 CHAIRPERSON ANDERSON: All right.

4 Now, I need to see -- sir. Okay. Tell him that
5 the camera needs to stay on the witness. So I
6 need to see the witness while the witness is
7 testifying. All right. So he can ask questions
8 of the witness.

9 MR. SOLOMON: Okay.

10 CHAIRPERSON ANDERSON: Can you ask him
11 to spell and state his name for the record,
12 please?

13 MR. SOLOMON: D-A-N-I-E-L S-O-L-O-M-O-
14 N.

15 CHAIRPERSON ANDERSON: Thank you, sir.
16 Mr. Belete, you can ask him questions now, sir.
17 Sir, sir. Hold on a minute, sir. All right. We
18 have a court - we have an interpreter. He's
19 going to ask you a question. It didn't appear he
20 was asking the question in English. So if - our
21 - let me ask you this question. I know that the
22 - I'm sorry. The licensee needs the
23 interpreter. Where's the licensee? Is he in the
24 background? Is he still here? His wife, where
25 is she?

1 THE INTERPRETER: She's here.

2 CHAIRPERSON ANDERSON: All right. So
3 do we need - are we also interpreting for this
4 witness? I'm just trying to get clarification?

5 MR. SOLOMON: No.

6 CHAIRPERSON ANDERSON: All right. So
7 can you let Mr. Solomon know that Mr. Belete's
8 going to ask questions - all right. Hold on.
9 Hold on. Hold on. All right. If he asks him -
10 he's going to ask him a question, then am I
11 right?

12 MR. BELETE: Yes.

13 CHAIRPERSON ANDERSON: So ma'am, you
14 need to translate in English for us.

15 THE INTERPRETER: Yes.

16 CHAIRPERSON ANDERSON: All right. Go
17 ahead.

18 MR. BELETE: So were you at Kidy
19 Lounge at July 8 - at Kidy Lounge ?

20 THE INTERPRETER: Chairman, let me
21 explain one thing for him.

22 CHAIRPERSON ANDERSON: Sure.

23 THE INTERPRETER: He rephrased the
24 question.

25 MR. BELETE: Daniel, were you at Kidy

1 Lounge from 12:00 to 2:00 p.m. on July 8th?

2 MR. SOLOMON: Yes, I was there.

3 CHAIRPERSON ANDERSON: I'm sorry.

4 Let's back up here. Who is this man? Can he ask
5 him some questions to tell us who he is? I don't
6 know who he is.

7 MR. SOLOMON: I am a Kidst Lounge
8 customer.

9 CHAIRPERSON ANDERSON: All right.
10 Now, I'm sorry. I need - all right. I need Mr.
11 Belete, in asking the questions, to tell us who
12 this person is by asking him who he is, and so,
13 therefore - and then, he can start asking the
14 questions because I don't know who he is. So he
15 just needs to explain to us who this person is.
16 Just ask him questions to explain who he is and
17 that he can ask - and ask him questions.

18 MR. BELETE: Mr. Daniel, a regular
19 customer of Kidst Lounge. And at that date, he
20 was there, at July 8th, at the regular hours.

21 CHAIRPERSON ANDERSON: All right. Go
22 ahead.

23 MR. BELETE: Daniel, were you at Kidy
24 Lounge from midnight to 2:00 p.m. at Kidy Lounge?

25 CHAIRPERSON ANDERSON: All right.

1 MR. SOLOMON: 12:00 a.m. until 2:00
2 a.m.

3 MR. BELETE: Our hours are to -- the
4 lounge from 5:00 a.m. midday through 2:00 p.m.

5 CHAIRPERSON ANDERSON: Go ahead.
6 What's the next question?

7 MR. CELO: Mr. Anderson. Mr. Chair.

8 CHAIRPERSON ANDERSON: Yes, sir.

9 MR. CELO: If it would help, the
10 District is willing to stipulate that the
11 downstairs was closed at - as of 2:00 a.m. on
12 that date, which I believe is the testimony that
13 will be elicited from this witness. So if that
14 will speed things along, we're willing to make
15 that stipulation.

16 CHAIRPERSON ANDERSON: I don't know
17 what he's going to testify to, so that's the
18 problem. I don't know what he - I don't know
19 the purpose of his testimony.

20 MR. CELO: I assume the purpose is to
21 show that the downstairs closed at 2:00 a.m. And
22 if that is the purpose, we're willing to
23 stipulate to that. That'd save us some time.

24 CHAIRPERSON ANDERSON: Can you ask Mr.
25 Belete what's the purpose - why is this witness

1 testifying?

2 MR. BELETE: I brought this witness
3 so he can testify that Kidy Lounge was closed at
4 - on time, and he was the last customer. Except
5 the employees, there was no customer at that
6 time.

7 CHAIRPERSON ANDERSON: That's the
8 extent of his testimony?

9 MR. BELETE: Yes.

10 CHAIRPERSON ANDERSON: And tell him
11 that the Government says that they will stipulate
12 that Kidy Lounge - it closed at 2:00 a.m. on
13 July 8th.

14 MR. CELO: That the downstairs.

15 CHAIRPERSON ANDERSON: I'm sorry?

16 MR. CELO: That the downstairs.

17 CHAIRPERSON ANDERSON: That the
18 downstairs was closed at 2:00 a.m. on July 8th.
19 So therefore, he doesn't need to testify because
20 the Government has conceded, in fact, the
21 downstairs was closed on July 8th at 2:00 a.m.

22 MR. BELETE: Okay.

23 CHAIRPERSON ANDERSON: All right. So
24 he doesn't - so the Government has stipulated
25 that the downstairs of the - that the downstairs

1 was closed on July 8th as - at 2:00 a.m. All
2 right. So does he have another witness that he
3 wants to -

4 MR. BELETE: I have another witness
5 by the name Elias Yitna.

6 CHAIRPERSON ANDERSON: Yes. Who's the
7 next witness? I need to see the witness when the
8 witness testifies. So who's this witness?
9 What's the person's name?

10 MR. BELETE: Elias, E-L-I-A-S. Last
11 name, Y-I-T-N-A.

12 CHAIRPERSON ANDERSON: How do you
13 pronounce that, please?

14 MR. BELETE: Elias Yitna.

15 CHAIRPERSON ANDERSON: Mr. Yitna, can
16 you please raise your right hand, please? Do you
17 swear or affirm to tell the truth and nothing but
18 the truth?

19 MR. YITNA: I do.

20 CHAIRPERSON ANDERSON: Thank you.
21 What questions does he have for him?

22 MR. BELETE: I brought this witness
23 to - this witness is the one who led ABRA
24 officer, the ABRA investigator officer, who let
25 him in. He's here to testify that he's a friend

1 of Helen Jamal, the person who resides in second
2 floor.

3 CHAIRPERSON ANDERSON: That's fine.
4 He can go ahead. That's fine. He can ask some
5 questions.

6 MR. BELETE: On that day, when did
7 Helen Jamal invite you to come in?

8 MR. YITNA: I was there at 2:30 a.m.

9 MR. BELETE: When did Helen Jamal
10 invite you to come?

11 MR. YITNA: I don't remember the
12 address, but it is in Georgia Avenue, and it's
13 the first floor.

14 MR. BELETE: Did you bought any
15 alcohol from Helen Jamal at that date?

16 MR. YITNA: No, I didn't bought any
17 alcohol.

18 MR. BELETE: Who did open the door for
19 ABRA investigator?

20 MR. YITNA: I was the one who opened
21 the door for him.

22 CHAIRPERSON ANDERSON: Can you tell
23 him that when he's been asked a question and when
24 he's answering the question, I need him to look
25 directly in the camera? I don't want him to look

1 to the left or the right. I need him to look
2 directly into the camera at us.

3 MR. YITNA: Okay.

4 CHAIRPERSON ANDERSON: Is there
5 another question?

6 MR. BELETE: After he entered the
7 premises, what did the ABRA investigator did?

8 MR. YITNA: After he entered the
9 premises, he went to the bar and asked for a
10 drink. He talked to Helen, and he did ask for a
11 drink. She gave him, and he tried to pay. And
12 she told him, This is not for sale. We are in
13 celebration. Friends are celebrating Ethiopian
14 Day. We are here to celebrate. This is a
15 private party, and we don't accept money. Then,
16 he said, I do, so -- that's what I saw.

17 MR. BELETE: He said to pay in cash
18 or in card?

19 MR. YITNA: It was cash.

20 MR. BELETE: Did she take the cash or
21 not?

22 MR. YITNA: She didn't.

23 MR. BELETE: Did you know that Helen
24 Jamal lived at 5503 on the first floor? Second
25 floor. I mean, I'm sorry.

1 MR. YITNA: We're close, and I know
2 that she moved into DC, and she was living
3 temporarily in there.

4 MR. BELETE: The persons who were
5 present, they were paying customers, or it was
6 her relations and friends. She was working after
7 hours, selling alcohol after hours?

8 MR. YITNA: No, she was not selling
9 alcohol. We were celebrating for that holiday.
10 Friends from out of states were in there, and we
11 were just celebrating.

12 MR. BELETE: What's the date of the
13 holiday?

14 MR. YITNA: It was a celebration for
15 July 7th. It was a -- day. There was soccer
16 tournament. There was a different kind of
17 entertainment.

18 MR. BELETE: Did you ever been at
19 5503 Northwest Georgia Avenue at Helen's place
20 before the party? And do you know that she lives
21 in there?

22 MR. YITNA: I didn't know that she was
23 living in there before.

24 CHAIRPERSON ANDERSON: I'm sorry. Did
25 he say - he said he did or did not know? I

1 didn't hear.

2 THE INTERPRETER: He didn't know.

3 MR. BELETE: So she invited you to a
4 place where she's not living, saying, That's my
5 home?

6 MR. YITNA: At the time, I knew that
7 she was living in there temporarily. She invite
8 me there. That's what I know.

9 MR. BELETE: I'm done with this
10 witness.

11 CHAIRPERSON ANDERSON: Mr. Celo, you
12 have any questions for this witness?

13 MR. CELO: Just one clarification
14 question, Mr. Chair. Mr. Yitna, I thought I
15 heard the translator say that you were invited to
16 a party on the first floor. Is that what you
17 said?

18 THE INTERPRETER: Mr. Celo, that was
19 my mistake with interpreting. It was second
20 floor.

21 MR. CELO: Okay. Then, I have no
22 questions.

23 CHAIRPERSON ANDERSON: I'm sorry.
24 What's his name again, please?

25 THE INTERPRETER: Elias Yitna.

1 CHAIRPERSON ANDERSON: Mr. Yitna, Mr.
2 Yitna. Sir, Mr. Yitna, you went to a party. Why
3 did you let the ABRA investigator in?

4 MR. YITNA: It was a party. Friends
5 out of the state were in there, and the guy
6 looked like an Ethiopian. And when she told me
7 to open the door, I did, thinking that he was
8 there to party with us.

9 CHAIRPERSON ANDERSON: All right. So
10 explain to me: what did the second floor look
11 like? Describe to me what the second floor
12 looked like. All right. I told you to look at
13 me. I need you to look at me.

14 MR. YITNA: There was an office that
15 looks like a storage, and there was some beers
16 that was in there for the party. It was like
17 that.

18 CHAIRPERSON ANDERSON: So was there a
19 bar up there? Tell me. Was there a bar? Was
20 there chairs? What was up there?

21 MR. YITNA: There were chairs.
22 Nothing you normally use in a bedroom.

23 CHAIRPERSON ANDERSON: Was there
24 shelves with liquor on there? I said, Shelves
25 with liquor sitting on the shelves. Did you see

1 that? Do you recall seeing that there?

2 THE INTERPRETER: I didn't understand
3 some words.

4 CHAIRPERSON ANDERSON: Did he see
5 shelves and liquor

6 THE INTERPRETER: Oh, okay.

7 CHAIRPERSON ANDERSON: -- sitting
8 under the shelf? Did he see that? What did he
9 see?

10 MR. YITNA: Yes. There was liquor in
11 the shelves.

12 CHAIRPERSON ANDERSON: Did he recall
13 seeing hookah? Did he recall seeing that?

14 THE INTERPRETER: Hookah?

15 CHAIRPERSON ANDERSON: Yes.

16 MR. YITNA: I saw one of them.

17 CHAIRPERSON ANDERSON: All right. Any
18 other questions for any Board members? All
19 right. All right. All right. Mr. Celo, any
20 questions of the witness based on the questions
21 that I asked?

22 MR. CELO: No questions, Mr. Chair.
23 Thank you.

24 CHAIRPERSON ANDERSON: Mr. Belete, any
25 redirect? Do you have any follow-up questions

1 you want to ask this specific witness, now, here?

2 MR. BELETE: Elias, the liquor you
3 saw on the shelf, were they for sale?

4 CHAIRPERSON ANDERSON: I need to tell
5 him I need the camera to be on the witness while
6 -

7 MR. YITNA: There was no alcohol for
8 sale at that date. The friends - we were
9 friends and family that were in there.

10 CHAIRPERSON ANDERSON: Any other
11 questions?

12 MR. BELETE: You said that you are a
13 friend of Helen. Did you see a shower or a bed
14 while in upstairs?

15 MR. YITNA: I saw a bathroom -
16 restroom with a shower.

17 MR. BELETE: Did you see a bedroom in
18 there?

19 MR. YITNA: Yes. There was a bed in
20 the room. There was a room with a bed.

21 MR. BELETE: Which part of the room
22 was you thought the bedroom?

23 MR. YITNA: There was a room with an
24 office and definitely a bedroom. The office has
25 a bed.

1 CHAIRPERSON ANDERSON: Does he have
2 another question?

3 MR. BELETE: Was there a bed in the
4 office at that day?

5 MR. YITNA: Yes. There was a bed at
6 that day.

7 MR. BELETE: The ABRA investigator was
8 taking photos. Did he take photos of the bed?

9 MR. YITNA: I'm not sure whether he
10 take photos of the bed or not. He was taking
11 photographs.

12 MR. BELETE: I'm done with the
13 questioning.

14 CHAIRPERSON ANDERSON: Mr. Yitna,
15 thank you very much for your testimony. You're
16 free to go.

17 MR. CELO: May I ask a very brief
18 recross based on that?

19 CHAIRPERSON ANDERSON: I'm sorry, Mr.
20 Celso. That was the end of - that was his
21 opportunity, his witness, so he had the last word
22 on his witness. All right. All right. Do you
23 have another witness you need to call - you want
24 to call, sir?

25 MR. BELETE: Yes, I do have.

1 CHAIRPERSON ANDERSON: Who is the next
2 witness?

3 MR. BELETE: Genet Kidanemariam. She
4 is a friend of -

5 CHAIRPERSON ANDERSON: Where is she?

6 MR. BELETE: - Helen Jamal, and she
7 was there at the time.

8 CHAIRPERSON ANDERSON: Where is she?

9 All right. So I'm sorry.

10 MS. KIDANEMARIAM: Hello. My name is
11 Genet Kidanemariam.

12 CHAIRPERSON ANDERSON: Can you spell
13 and state your name for the record, ma'am,
14 please? Spell your name first.

15 MS. KIDANEMARIAM: My first name is
16 Genet, G-E-N-E-T. My last name is Kidanemariam,
17 K-I-D-A-N-E-M-A-R-I-A-M.

18 CHAIRPERSON ANDERSON: Ms.
19 Kidanemariam. I apologize. I know. Can you
20 raise your right hand, please, ma'am? Do you
21 swear or affirm to tell the truth and nothing but
22 the truth?

23 MS. KIDANEMARIAM: Yes, I do.

24 CHAIRPERSON ANDERSON: All right.
25 We're going to translate for you. It doesn't

1 appear you need translation, but we need to
2 translate for the licensee, so let's go ahead.
3 Go ahead, miss. All right, sir. What questions
4 -- do you have any questions, sir?

5 MR. BELETE: I come here right after.

6 THE INTERPRETER: Oh, I'm sorry. I'm
7 speaking in Amharic.

8 MR. BELETE: You are a friend of Helen.
9 You were there July 8, 2022. Please describe who
10 were there or what happened and what you saw to
11 the Chairman, please.

12 THE INTERPRETER: You're breaking up.

13 MS. KIDANEMARIAM: I am a friend of
14 Helen. We know each other. She moved from
15 another state in here. And we had a get-
16 together. At that day, it was a token soccer
17 tournament day. We were in Afrobar, and then, we
18 - we were in Afrobar, and we continue our
19 partying to Helen's place --

20 (Simultaneous speaking.)

21 MS. KIDANEMARIAM: -- temporary place
22 to stay because she just moved from another
23 state.

24 She used the office as a place to
25 sleep. So every person who were there brought a

1 drink with him. That's why we were there. We
2 were celebrating.

3 MR. BELETE: After you returned from
4 Afrobar, what were you doing? How many people
5 were in there? What were you doing? Did anybody
6 pay for alcohol, pouring drinks that day?

7 MS. KIDANEMARIAM: We were partying,
8 and some were drinking there. Some were drinking
9 alcohol. People were -- came from all over out
10 of the state, so we're getting a get-together.
11 The ABRA investigator came in. We thought that
12 he was our friend. Yeah, he did ask for a beer
13 and tried to pay, and Helen told him, In fact,
14 this is not for sale. Friends, they was having a
15 get-together. Everything is for free.

16 MR. BELETE: When Helen invited you,
17 did she say, Let's meet on Kidy Kidst Lounge,
18 or she gave you her own address?

19 CHAIRPERSON ANDERSON: Miss. All
20 right. There was a question that she gave an
21 answer. So which one was it? So you didn't -
22 so I heard there was a question, and she gave an
23 answer. So what was the answer she gave, ma'am?

24 THE INTERPRETER: That doesn't
25 represent Kidst Lounge before I even interpret

1 the question.

2 CHAIRPERSON ANDERSON: All right. So
3 is she answering the question now?

4 MS. KIDANEMARIAM: When she invite us,
5 she said - she didn't say Kidst Lounge. She
6 said the apartment next door with the red door.

7 MR. BELETE: Do you know that Helen
8 lives at that apartment?

9 MS. KIDANEMARIAM: Yes, I know that
10 she's staying temporarily in there because we are
11 friends. He gave her a place to stay.

12 MR. BELETE: How long she been living
13 in there?

14 MS. KIDANEMARIAM: Two, three months.

15 MR. BELETE: Is she still living in
16 there?

17 MS. KIDANEMARIAM: No, she's not.
18 She's not living in there.

19 MR. BELETE: I'm done with the
20 questions.

21 CHAIRPERSON ANDERSON: Your witness,
22 sir.

23 MR. CELO: Ma'am, you said that every
24 guest brought a drink with them. Where did they
25 get those drinks?

1 MS. KIDANEMARIAM: When I brought the
2 drink at that night, it as a Ethiopian culture
3 and Ethiopian custom. When you are invited to a
4 party or to someone's home, you bring a drink
5 with you. So some have some here in their car.
6 We brought that with us to the party.

7 MR. CELO: So she did not supply
8 drinks to the guests?

9 THE INTERPRETER: She already brought
10 some drinks for the party.

11 MS. KIDANEMARIAM: Yeah, she bought
12 some drinks for us.

13 MR. CELO: Did she buy beer and
14 liquor?

15 MS. KIDANEMARIAM: Yeah, she did
16 bought drinks for us, but the party started
17 earlier at the day, and the friends who were out
18 of the state and those who attend the party
19 brought some drinks with us.

20 MR. CELO: There were at least six or
21 ten different hookah devices. Correct?

22 MS. KIDANEMARIAM: Yes, there was five
23 or - hookahs in their beds. But I tell you
24 Helen was preparing for this party for a long
25 time. Her's was a get-together, was preparing

1 for this party. She make it like a real party
2 for us.

3 MR. CELO: Did she supply the hookah?

4 MS. KIDANEMARIAM: Yes, it was Helen
5 who --

6 MR. CELO: No further questions.

7 MS. KIDANEMARIAM: Okay. Thank you.
8 Have a good day.

9 CHAIRPERSON ANDERSON: No, ma'am.
10 We're not done with you. Any questions by the
11 Board members? All right. Now, ma'am, were you
12 the one who served the investigator the beer?

13 THE INTERPRETER: Mr. Chairman, would
14 you repeat that question, please?

15 CHAIRPERSON ANDERSON: I'm asking her
16 was she the one who served the drink to the
17 investigator?

18 MS. KIDANEMARIAM: I was in the
19 corner. I'm not the one who gave him the beer.
20 I was in the corner. I drank with - I went over
21 there when I had saw he and Helen was argue.

22 CHAIRPERSON ANDERSON: Why was he and
23 Helen arguing?

24 MS. KIDANEMARIAM: They were arguing.
25 He asked for a beer, and Helen gave him every.

1 He tries to pay. That's why they were arguing.
2 Helen was saying that this is a party and not for
3 sale. Then, when he showed her his ID, she said
4 to him, I let you in because I thought that you
5 were a friend.

6 CHAIRPERSON ANDERSON: How long have
7 you known Helen?

8 MS. KIDANEMARIAM: It might be like -
9 I know - we used to know each other and, back
10 home, someone. And then, when he come to other
11 state, she come back. Well, we got closer when
12 she come here. Maybe nine, ten years.

13 CHAIRPERSON ANDERSON: I don't have
14 any further questions. No other Board members
15 don't have any questions. Right? All right.
16 Mr. Celo, any recross?

17 MR. CELO: No, Your Honor.

18 CHAIRPERSON ANDERSON: Mr. Belete,
19 does he have any other questions he wants to ask
20 her? Redirect?

21 MR. BELETE: No, I don't know.

22 CHAIRPERSON ANDERSON: All right.
23 Thank you, ma'am, for your testimony. Have a
24 great day. Do you have any other witnesses, sir?

25 MR. BELETE: No, I don't know.

1 CHAIRPERSON ANDERSON: So do you rest
2 your case, sir? Now, pause. Hold on. Stop him.
3 What is he telling me?

4 THE INTERPRETER: I did ask him if he
5 rests his. He said, No. I have something to add
6 in. He continue.

7 CHAIRPERSON ANDERSON: Now, he can -
8 is he testifying, or is he - I thought he said
9 he had three witnesses he called to witness. Is
10 he another - does he want to testify?

11 MR. BELETE: I don't have any more
12 witnesses, but I want to explain my case further.

13 CHAIRPERSON ANDERSON: So therefore,
14 he's going to testify - right? -- because since
15 he wants to explain his case, he wants to
16 testify. Is that correct?

17 THE INTERPRETER: He said he wants to
18 explain his case further, not testify.

19 CHAIRPERSON ANDERSON: He has to
20 either testify - if he wants to explain his case
21 further, then, I guess, he's going to testify.
22 Then, I need to swear him in, if he's - if he
23 was on the witness list, or if he - if that's
24 the end of the case, then he can do a closing and
25 tell me what - based on the testimony that he

1 gave, what is it that he wants us to do.

2 THE INTERPRETER: He can have a
3 closing argument. Yes?

4 CHAIRPERSON ANDERSON: Yes. He can
5 have that. All right. So the Government is
6 going to close - do their closing first. And
7 then, once the Government does its closing, then
8 he can do his closing and tell in - and then,
9 he's going to tell the Board what he wants the
10 Board to do, in the sense of whether or not we
11 should find him innocent or guilty. Okay?

12 So now the Government is going to give
13 its closing. All right. Go ahead, sir, with
14 your closing.

15 MR. CELO: Permission to share my
16 screen during closing.

17 CHAIRPERSON ANDERSON: Sure. That's
18 fine. I believe you're still - you should still
19 have the authority.

20 MR. CELO: Ladies and gentlemen of the
21 Board, this is a case in which the licensee lied
22 on their applications, lied to the ABRA
23 investigators, and operated after hours. We have
24 heard explanation that the downstairs portion
25 closed at 2:00 a.m. and that no alcohol was sold

1 in the upstairs portion after 2:00 a.m. However,
2 this is not a defense. As Investigator Ruiz
3 explained, even a private, open-bar party held at
4 the premises after hours is serving alcohol after
5 hours and is a violation. The entirety of the
6 premises are leased for commercial purposes only
7 and are under the control of the licensee. Now,
8 I have no reason to question the statement
9 provided that the licensee and her husband lived
10 in the upstairs portion in years past.

11 However, by making that assertion,
12 they have admitted to a violation of the second
13 count in this action, making a false statement on
14 their application. Question 8 asks if the
15 premises will be used for residential purpose,
16 and the answer was, No. By their own admission,
17 they have violated that count. However, all that
18 being said, I have many reasons to question the
19 assertion that the upstairs was occupied as a
20 residential unit on July 8th.

21 THE INTERPRETER: Will you rephrase
22 that, please?

23 MR. CELO: However, I have many
24 reasons to question the assertion that the
25 upstairs was occupied for a residential unit on

1 July 8th. Ms. Jamal may have claimed to have
2 been living there, but the facts and the pictures
3 tell a different story. These photos do not show
4 a living area. They show a lounge, an upstairs,
5 bar lounge. They show a bar with alcohol on the
6 wall behind it. And they show no living space
7 whatsoever. You heard testimony from
8 Investigator Ruiz, who said the office contained
9 no bed or living space. It contained no closets,
10 no dressers, and no suitcases filled with
11 clothes. He said it was used as a storage area.

12 Interestingly, the licensee's second
13 witness, Mr. Yitna, also confirmed that testimony
14 on his direct. He said that the office was used
15 as a storage space. He said that again in
16 response to Chairman Anderson's questioning on
17 cross. It was only after that on redirect, for
18 the first time, that we heard there may be a bed
19 in there. That is not credible.

20 Members of the Board, believe your
21 eyes. This is not living space. This is an
22 upstairs lounge controlled by the licensee. It
23 doesn't matter if it was a private party, and it
24 doesn't matter if alcohol was being given away or
25 sold. Alcohol was being served on the premises

1 after hours. The licensee has violated DC Code,
2 Sections 25762(a), 25762(b)13, and 25401(c). For
3 these violations, the Board should find two
4 primary tier violations and issue an appropriate
5 punishment. Thank you, and I reserve the right
6 for rebuttal.

7 CHAIRPERSON ANDERSON: Thank you, sir.
8 Mr. Belete, now, this is your opportunity to tell
9 me what is it that was proven today and what is
10 it you want the Board to do.

11 MR. BELETE: I want the Board to
12 understand that the layout of the building, and
13 the Kidy Lounge and the second floor are two
14 separate occupancy. The second floor is 5550,
15 Unit B. It has its own separate entrance,
16 separate area and used to be a dental office.
17 Kidy Lounge applied for a liquor license for the
18 first floor and the basement. We list the second
19 floor for other purpose. We didn't apply or put
20 it in any license.

21 We applied, and the license is given
22 for Kidy Lounge for operating the first floor and
23 the basement. Kidist and Ayele, the husband and
24 the wife, leaved the second floor for other
25 purpose. It is us, not the Lounge, who rent -

1 lives that place. It has nothing to do with
2 Kidst Lounge. Kidist and Ayele can buy or rent,
3 if there is a Chinese restaurant next to Kidst
4 Lounge. That doesn't mean that that is Kidst
5 Lounge. That doesn't make it Kidst Lounge. We
6 are given the license for the first floor and the
7 basement. If we have the capacity and we have
8 the money and we can buy the surrounding area,
9 that doesn't make it Kidst Lounge.

10 Upstairs is totally separate from
11 Kidst Lounge. It's got its own entrance,
12 emergency exits and everything. It's got its own
13 number, house number, and everything. Today, our
14 hearing and argument is between two separate
15 houses, two separate entities. It is Unit A and
16 Unit B.

17 As the Government stipulates and
18 accepts, at the time, the basement was closed.
19 Kidy Lounge operates in the first floor and the
20 basement. Kidy Lounge is responsible for the
21 first floor and the basement, which is licensed,
22 insured, and operates, not for the second floor,
23 which is not licensed or has nothing to do with
24 Kidst Lounge. Kidy Lounge operates its own
25 premises and closed on time.

1 On July 8th - what happened on July
2 8th, if you are questioning what happened on that
3 - July 8th, the person who's responsible should
4 be the one who said, I reside in here -- it was
5 Helen -- or the person who rented that second
6 floor, Ayele and Kidist, not the Lounge. During
7 the time of the application, we said, No, because
8 Ayele and Kidist, the husband and the wife, were
9 not living in there, and Helen was not living in
10 there. That was why we said, No.

11 I don't know where Mr. Celo gets it.
12 The closing, he said, Ayele and Kidist were
13 living in the upstairs. I don't know he get it.
14 We were not living in there or Helen at that
15 time. I stopped living upstairs after we have
16 the license for two months, not during the
17 application time or when we push our application,
18 after we get the license.

19 I rented upstairs when Helen moved
20 from Michigan. It was during COVID time. As an
21 Ethiopian, (audio interference) as a fellow
22 countryman, we help each other out. That's why
23 that, then, I rented the upstairs for Helen.
24 Helen was -- the little office was in there
25 because that was the -- during the - when it was

1 rented for dental office, so I didn't remove it
2 because I didn't use that office as an office.
3 And the bed, Helen was sleeping in there, so I
4 didn't remove the little office because I didn't
5 use it. The investigator deliberately leaves out
6 - didn't take as a photo of the bed where
7 Helen's sleeping. He done it on purpose. While
8 he was taking water and jars of stuff in - from
9 the fridge when he was taking a photo of the
10 water and everything from the fridge. He -

11 CHAIRPERSON ANDERSON: Hold on. Hold
12 on. Ma'am, ma'am. This is closing. Okay? He's
13 giving information that we didn't have any
14 testimony about. So that's not the purpose of
15 closing. Closing is that you're wrapping up your
16 case. You're saying what was proven and what it
17 is that you want us to do.

18 I don't want to hear about what the -
19 that the investigator deliberately - if that was
20 the case, he should - he did a disclosure where
21 he disclosed documents, saying he - that once he
22 disclosed he witnesses, he could have taken
23 pictures of the bed and submitted it. So he's
24 now testifying, and that's not - that is -
25 we're at closing.

1 So we're not taking in any evidence
2 anymore. You're closing up your - you're
3 closing your case. I don't want to hear any more
4 testimony.

5 MR. BELETE: I am defending what the
6 Government presented. I am refusing what the
7 Government is saying.

8 CHAIRPERSON ANDERSON: But you're not
9 refuting that in closing. You didn't put in
10 evidence. There's no evidence in the record.
11 You didn't have no one testify. All right. All
12 I'm saying is that I need - I don't need him to
13 - I'm hearing a lot of stuff, a lot of evidence
14 that was not - I didn't have any testimony of.

15 I asked him if he wanted to testify.
16 Then, I would swear him in. And then, he could
17 have given - said whatever he wanted to say. He
18 did not take that opportunity. Where we are is
19 that you're supposed to wrap up the case and tell
20 us what the evidence that was presented today,
21 not to say that the Government - I'm sorry -
22 the investigator, he did not take a picture of
23 the bed.

24 As I said before, if there was a bed,
25 he couldn't have taken a picture of it and

1 disclose it and said, Therefore, to show us, Here
2 it is. So that's not - I've been very lenient
3 to allow him to do what - to go on, but this is
4 - it's supposed to be wrapped up. It's not
5 supposed to be going back, presenting evidence.

6 MR. BELETE: Mr. Chairman, take into
7 consideration that I have limited English
8 proficiency. That's why I need a longer
9 explanation, so you don't rush to judgment, and I
10 don't want this thing to rush to judgment.
11 That's why I'm taking a longer explain time and
12 explaining to you.

13 CHAIRPERSON ANDERSON: I am aware of
14 that. But this is not the time to explain. When
15 he was presenting his evidence, his case, that's
16 when you explain and you explain through your
17 witnesses, not that you're now explaining in your
18 closing when no one testified about any of that.
19 But just tell him to get the point, please. I've
20 been very lenient in allowing him to state his
21 case because I want him to state his position.

22 MR. BELETE: (Audio interference)
23 conclusion, Kidst Lounge is not responsible for
24 what happens in the next door, the upstairs.
25 What happens in second floor is responsible for

1 second floor. It's not Kidst Lounge. So Kidst
2 Lounge is not responsible for what happened in
3 second floor. I want you to take this into
4 consideration. Second floor is never to Kidst
5 Lounge. It's not part of Kidst Lounge. Kidst
6 Lounge is not using second-floor storage or part
7 of floor for any kind of purpose. It's not part
8 of it. The Kidst Lounge is not using second
9 floor for any purpose.

10 I want the Board to understand that
11 there is no way someone can access from Kidst
12 Lounge to the second floor. It is two separate
13 entities. You have to know the way out, and I
14 want you to take that into consideration. I'm
15 done with the closing.

16 CHAIRPERSON ANDERSON: Thank you. Mr.
17 Celo.

18 MR. CELO: May it please the Board --

19 CHAIRPERSON ANDERSON: You did say a
20 brief one, sir. Okay. All right.

21 MR. CELO: Very brief. The licensee
22 cannot dodge its responsibilities by failing to
23 list the upstairs lounge on its license. The
24 undisputed testimony is that the entire building
25 is leased by Kidst Lounge. The licensee is

1 responsible for what occurs in its leased
2 premises, and what occurred is a violation of DC
3 Code. You saw the lease. You saw the signature.
4 You saw the tenant. The case has been proven.
5 Thank you.

6 CHAIRPERSON ANDERSON: Thank you very
7 much. The record is now closed. All right. Let
8 me close the case officially. I just want to
9 thank everyone for their presentation today. The
10 Board will make a decision within 90 days. But
11 so, let me just read the closing statement.

12 As Chairperson of the Alcoholic
13 Beverage and Cannabis Board of the District of
14 Columbia and in accordance with DC official Code,
15 Section 2575 of the Open Meetings Act, I move
16 that ABC Board hold a closed meeting for the
17 purpose of -

18 THE INTERPRETER: You're breaking up.
19 You -

20 CHAIRPERSON ANDERSON: Can everyone
21 hear me? I move that the ABC Board hold a closed
22 meeting for the purpose of seeking legal advice
23 from our counsel -

24 THE INTERPRETER: I didn't get that,
25 sir.

1 CHAIRPERSON ANDERSON: -- seeking
2 legal advice from our counsel -

3 THE INTERPRETER: Who can seek legal
4 advice? The Board?

5 CHAIRPERSON ANDERSON: -- on Case No.
6 22-CMP-00059 Kidst Lounge, pursuant to DC
7 official Code, Section 2575 E4A of the Open
8 Meetings Act and deliberation - and deliberating
9 upon Case No. 22-CMP-00059 Kidst Lounge for the
10 reasons cited in DC official Code, Section 2575 E
11 13 of the Open Meetings Act. Is there a second?

12 MEMBER SHORT: Mr. Short. I second.

13 CHAIRPERSON ANDERSON: Mr. Short has
14 seconded the motion. Mr. Short has seconded the
15 motion. I will now take a roll call vote on the
16 motion before us now that it has been seconded.
17 Mr. Short.

18 MEMBER SHORT: Mr. Short. I agree.

19 CHAIRPERSON ANDERSON: Ms. Hansen?
20 Mr. Grandis?

21 MEMBER GRANDIS: I agree.

22 CHAIRPERSON ANDERSON: Add that Mr.
23 Grandis agreed. As it appears that the motion
24 has passed, I hereby give notice that the ABC
25 Board will recess this proceeding to hold a

1 closed meeting, pursuant to Section 2575 of the
2 Open Meetings Act. Thank you. Have a great day.
3 We'll issue a decision in 90 days. Thank you.
4 Everyone can go now.

5 MR. CELO: Thank you, Mr. Chair.

6 CHAIRPERSON ANDERSON: Thank you very
7 much.

8 THE INTERPRETER: Thank you.

9 CHAIRPERSON ANDERSON: Have a great
10 day. You're free, ma'am. As Chairperson of the
11 Alcoholic Beverage and Cannabis Board for the
12 District of Columbia and in accordance with Title
13 III, Chapter 405, Office of Open Government, I
14 move that ABC Board hold a closed meeting on May
15 10, 2023, for the purpose of discussing and
16 hearing reports concerning ongoing or planned
17 investigation of alleged criminal or civil
18 misconduct or violations of law or regulations
19 and seeking legal advice from our legal counsel
20 on the Board's investigative agenda, legal
21 agenda, and licensing agenda for May 10, 2023, as
22 published in the DC Register on May 5, 2023. Is
23 there a second?

24 MEMBER HANSEN: Jeni Hansen. I'll
25 second.

1 CHAIRPERSON ANDERSON: Ms. Hansen has
2 seconded the motion. We'll now have a roll call
3 vote. Mr. Short. Mr. Short.

4 MEMBER SHORT: Mr. Short. I agree.

5 CHAIRPERSON ANDERSON: Ms. Hansen.

6 MEMBER HANSEN: Jeni Hansen. I agree.

7 CHAIRPERSON ANDERSON: Mr. Grandis.

8 MEMBER GRANDIS: Edward Grandis. I
9 agree.

10 CHAIRPERSON ANDERSON: And Mr.
11 Anderson. I agree. As it appears that the
12 motion has passed 4-0-0, I hereby give notice
13 that the ABC Board will hold this closed meeting,
14 pursuant to the Open Meetings Act. Notice will
15 also be posted on the ABC Board Hearing Room
16 bulletin board, placed on electronic calendar and
17 ABCast work site, and published in the DC
18 Register in as a timely manner as practical.

19 We're adjourned for the day. I'd like
20 to thank everyone, the Board members who
21 participated in the hearing today and the members
22 of the public who participated. We're now
23 adjourned. Have a great day, and I now request
24 that all Board members return to executive
25 session for further action. Thank you.

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(Whereupon, the above-entitled matter
went off the record at 5:12 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Kidst Lounge

Before: DC ABCA

Date: 05-04-2023

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Court Reporter

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