



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

2 2:09 p.m.

3 CHAIRPERSON ANDERSON: I'm going to go  
4 back to our calendar to reschedule and call Case  
5 Number 20-CC-00086, Spar Liquor. License Number  
6 105207.

7 And, Ms. Andrews, can you please  
8 elevate the rights of the parties in this case  
9 please? This is for Spar Liquor.

10 MS. ANDREWS: Sure. Let me remove the  
11 rights from the previous case.

12 CHAIRPERSON ANDERSON: Sure. All  
13 right, thank you.

14 MS. ANDREWS: Mister or Ms. Hailu,  
15 your rights have been elevated. Mr. Lui, your  
16 rights have been elevated. And, Mr. Prout, your  
17 rights have been elevated. That's all, Mr.  
18 Chair.

19 CHAIRPERSON ANDERSON: Thank you, Ms.  
20 Andrews. Good afternoon, everyone.

21 The persons whose last name is, H-A-I-  
22 L-U, do you have a camera you can elevate, your  
23 rights have been elevated, do you have a camera  
24 you can turn on please?

25 Mister or Ms. Hailu, are you there?

1 Can you respond please?

2 MS. HAILU: Yes, I'm here.

3 CHAIRPERSON ANDERSON: All right. Do  
4 you have a camera that you can turn on?

5 I don't know, I'm just asking. If you  
6 don't have one, I'm fine.

7 MS. HAILU: Yes, I do. I do have a  
8 camera. Let me turn it on.

9 CHAIRPERSON ANDERSON: All right, good  
10 afternoon.

11 All right, good afternoon, everyone.  
12 This is a show cause hearing. Could I have each  
13 party spell, state and spell their name. Start  
14 with the Government please.

15 MR. LUI: Good afternoon, Board  
16 Members. My name is John Lui. That's, J-O-H-N,  
17 L-U-I.

18 CHAIRPERSON ANDERSON: All right, good  
19 afternoon, Mr. Lui. Ms. Hailu, can you please  
20 state your name for the record and please spell  
21 your name for the record please?

22 MS. HAILU: My name is Tirhas Hailu,  
23 T-I-R-H-A-S, last name Hailu, H-A-I-L-U.

24 CHAIRPERSON ANDERSON: I'm sorry,  
25 what's your first name, ma'am?

1 MS. HAILU: Tirhas, T-I-R-H-A-S.

2 CHAIRPERSON ANDERSON: And what is  
3 your relationship to this establishment, ma'am?

4 MS. HAILU: I'm the manager.

5 CHAIRPERSON ANDERSON: Are you one of  
6 the owner?

7 And the reason I'm asking, and Mr.  
8 Lui, maybe you can clarify this. I mean, I have  
9 the president as Bertane Hailu as the president.  
10 I just want to make sure that the person who is  
11 here today, that this is someone who is an owner  
12 of the establishment that we are doing this  
13 hearing with?

14 MS. HAILU: I am the owner and the  
15 manager of this too. It's a family store.

16 CHAIRPERSON ANDERSON: Okay. All  
17 right, that's fine, ma'am. I just want a record  
18 to, I have a piece of paper in front of me and I  
19 see a different first name, so that's one of the  
20 reasons why I'm asking, I'm asking the question.  
21 I just want the record to reflect what's going  
22 on.

23 All right. So we have, this is a show  
24 cause hearing that we have here. Are there any  
25 preliminary matters that the parties want to

1 bring to attention or are we going straight to a  
2 show cause hearing?

3 MR. LUI: Yes, there is a preliminary  
4 matter, Mr. Chair.

5 CHAIRPERSON ANDERSON: And what is the  
6 preliminary matter, please?

7 MR. LUI: There is an Offer-in-  
8 Compromise to present to the Board.

9 CHAIRPERSON ANDERSON: Yes, go ahead  
10 please.

11 MR. LUI: For Charge 1, it's a sale to  
12 a minor. The Offer-in-Compromise is a \$3,000  
13 fine payable within 90 days or its license shall  
14 be suspended indefinitely until this fine is  
15 paid.

16 The Licensee shall also be suspended  
17 for ten days, with four days to be served and six  
18 days to be stayed for one year. In addition, all  
19 employees who serve alcoholic beverages in the  
20 licensed establishment complete an alcohol  
21 training program within three months from this  
22 OIC's date.

23 In addition, the Respondent shall  
24 serve four days, which will be activated from  
25 Case Number 20-CC-00004. And they also, as a

1 part of this Offer-in-Compromise, the Licensee  
2 shall be suspended for eight days straight.  
3 Which includes a weekend.

4 And those dates, Mr. Chairperson, are  
5 August 2nd, August 3rd, August 4th, August 5th,  
6 August 6th, August 7th, August 8th and August 9th  
7 of 2021, this summer.

8 And for Charge 2, the failure to take  
9 reasonable steps necessary to ascertain a legal  
10 drinking age, the Licensee shall pay a \$2,000  
11 fine within 90 days or its licensee shall be  
12 suspended indefinitely until the fine is paid.

13 So, again, in summation, it's a \$5,000  
14 fine for these two charges, eight days suspension  
15 to be served from August 2nd through August 9th.  
16 And six days to be stayed for one year, and  
17 including the training compliant.

18 CHAIRPERSON ANDERSON: And you  
19 believe, I'm sorry, you believe, Mr. Lui, that  
20 this serves the best interests of the residents  
21 of the District of Columbia?

22 MR. LUI: Yes, I do. Given the eight  
23 day suspension through this, for the entire time  
24 it was, and the fine payment as well, will  
25 protect the interests of the District of Columbia

1 residents.

2 CHAIRPERSON ANDERSON: Okay. Ms.  
3 Hailu. Ms. Hailu?

4 MS. HAILU: Yes, I'm here.

5 CHAIRPERSON ANDERSON: It's my  
6 understanding that there is an Offer-in-  
7 Compromise, and the Offer-in-Compromise that was  
8 presented, it states that for Charge 1 there was  
9 a \$3,000 fine payable in 90 days. The license  
10 will be suspended for ten days, six days stayed  
11 for one year, four day served.

12 All employees that sell alcohol must  
13 participate in alcohol training within three  
14 months. Additionally, a four day suspension is  
15 triggered by Case Number 20-CC-00004.

16 Charge 2, failure to check IDs. That  
17 there is a \$2,000 fine payable within 90 days.  
18 And the establishment will be closed for eight  
19 days. Which is August 2nd, August 3rd, August  
20 4th, August 5th, August 6th, August 7th, August  
21 8th, August 9th.

22 Is this your understanding of the  
23 Offer-in-Compromise, ma'am?

24 MS. HAILU: Yes, I understood that.

25 CHAIRPERSON ANDERSON: Are you aware

1 that if, that if you can accept an Offer-in-  
2 Compromise you give up your right to a hearing?

3 MS. HAILU: I'm sorry, I can't --

4 CHAIRPERSON ANDERSON: Are you aware  
5 that if the Board was to accept this Offer-in-  
6 Compromise that you give up your right to a  
7 hearing?

8 MS. HAILU: Okay. Understand.

9 CHAIRPERSON ANDERSON: And are you  
10 also aware that if the Board was to accept this  
11 Offer-in-Compromise that you cannot appeal this  
12 decision?

13 MS. HAILU: I understand.

14 CHAIRPERSON ANDERSON: All right,  
15 then. All right. What I'm going to do is that,  
16 I'm going to go into executive session to discuss  
17 this, so prior to going into executive session  
18 does any Board Members have any questions?

19 We're going to go into executive  
20 session to discuss this case, but does the Board  
21 have any questions of any of the parties before  
22 us going into executive sessions?

23 MS. HAILU: Okay.

24 CHAIRPERSON ANDERSON: No, no, this is  
25 not for you, ma'am. Okay.



1 All right. As Chairperson of the  
2 Alcoholic Beverage Control Board for the District  
3 of Columbia, in accordance with D.C. Official  
4 Code Section 257(b) of the Open Meetings Act, I  
5 move that the ABC Board hold a closed meeting for  
6 the purpose to seek legal advice from our Counsel  
7 on Case Number 20-CC-00086, Spar Liquor, License  
8 Number 105207, pursuant to D.C. Official Code,  
9 Section 2574(b)(4) of the Open Meetings Act and  
10 to deliberate upon Case Number 20-CC-00086, Spar  
11 Liquor, License Number 105207 for the reasons  
12 cited in D.C. Official Code, Section 2574(b)(13)  
13 of the Open Meetings Act. Is there a second?

14 MEMBER SHORT: Mr. Short, I second.

15 CHAIRPERSON ANDERSON: Mr. Short has  
16 seconded the motion. We'll take a roll call vote  
17 on the motion that's been properly seconded by  
18 Mr. Short.

19 Mr. Short?

20 MEMBER SHORT: Mr. Short, I agree.

21 CHAIRPERSON ANDERSON: Mr. Cato?

22 MEMBER CATO: Bobby Cato, I agree.

23 CHAIRPERSON ANDERSON: Ms. Crockett?

24 MEMBER CROCKETT: Rafi Crockett, I  
25 agree.

1 CHAIRPERSON ANDERSON: Ms. Hansen?

2 MEMBER HANSEN: Jeni Hansen, I agree.

3 CHAIRPERSON ANDERSON: And, Mr.

4 Anderson, I agree. The matter passes 5-0-0.

5 It's 2:17, we are in recess until

6 2:30. We will come back.

7 So please, for the parties that are  
8 there, please do not log off, just stay on the  
9 line. We will come back at 2:30 and let you know  
10 whether or not we will accept this Offer-in-  
11 Compromise or whether or not we're going to go to  
12 hearing.

13 So the Board will be in, so I now  
14 direct all Board Members to go to executive  
15 session. But all parties should remain on the  
16 line. And we will come back in the public  
17 session at 2:30. All right?

18 MR. LUI: Thank you.

19 (Whereupon, the above-entitled matter  
20 went off the record at 2:20 p.m. and resumed at  
21 2:34 p.m.)

22 CHAIRPERSON ANDERSON: All right,  
23 we're back on the record. I don't see the  
24 Licensee.

25 MS. ANDREWS: Standby, just let me

1 check and see if she is still online.

2 CHAIRPERSON ANDERSON: All right,  
3 thank you.

4 MS. ANDREWS: Ms. Hailu, your rights  
5 have been elevated. Okay, Mr. Chair.

6 CHAIRPERSON ANDERSON: Thank you. Ms.  
7 Hailu? Ms. Hailu? I see her name on the screen  
8 but she is not responding.

9 MR. LUI: Can I get the Board's  
10 indulgence, I'll try to reach her to see if she  
11 is having, see if I can facilitate --

12 CHAIRPERSON ANDERSON: Sure. Thank  
13 you.

14 MR. LUI: Just give me a moment.  
15 (Off record comments.)

16 CHAIRPERSON ANDERSON: Ms. Hailu?

17 MR. LUI: She should be there. She  
18 just unmuted. Ms. Hailu?

19 MS. ANDREWS: Ms. Hailu, we keep  
20 muting yourself. You're unmute now, you can  
21 announce yourself.

22 MR. LUI: Court's indulgence, I'll try  
23 her again.

24 CHAIRPERSON ANDERSON: Sure. That's  
25 fine. All right, Ms. Hailu?

1 MS. HAILU: Yes, I'm here.

2 CHAIRPERSON ANDERSON: Mr. Lui?

3 MR. LUI: I'm here. Thank you.

4 CHAIRPERSON ANDERSON: Okay, we're  
5 back on the record. This is, again, this is Case  
6 Number 20-CC-00086. This is Spar Liquor, License  
7 Number 105207.

8 The Government has provided the Board  
9 with an OIC, and the OIC terms were as follows.  
10 Charge 1, a \$3,000 fine payable in 90 days. The  
11 license shall be suspended for ten days, six days  
12 stayed for one year and four day served.

13 And all employees that sell alcohol  
14 must participate in alcohol training within three  
15 months. Additionally, a four day suspension is  
16 triggered by Case Number 20-CC-00004.

17 For Charge 2, failure to check IDs.  
18 The fine is \$2,000 payable in 90 days. That the  
19 business, the license will be suspended August  
20 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th. And what  
21 that means is that for all these days, that the  
22 establishment can be open, but the establishment  
23 cannot sell or serve alcohol.

24 I therefore make a motion that the ABC  
25 Board accept this OIC. Is there a second?

1 MEMBER CROCKETT: Ms. Crockett  
2 seconds.

3 CHAIRPERSON ANDERSON: Ms. Crockett  
4 has seconded the OIC. We're going to do a, so  
5 let's have a roll call vote on the motion that's  
6 been properly seconded by Ms. Crockett.

7 Mr. Short? I can't hear you, Mr.  
8 Short.

9 MEMBER SHORT: Mr. Short, I agree.

10 CHAIRPERSON ANDERSON: Thank you. Mr.  
11 Cato?

12 MEMBER CATO: Bobby Cato, I agree.

13 CHAIRPERSON ANDERSON: Ms. Crockett?

14 MEMBER CROCKETT: Rafi Crockett, I  
15 agree.

16 CHAIRPERSON ANDERSON: Ms. Hansen?

17 MEMBER HANSEN: Jeni Hansen, I  
18 disagree.

19 CHAIRPERSON ANDERSON: And, Mr.  
20 Anderson, I agree. The OI is accepted 4-1, with  
21 Ms. Hansen in disagreement.

22 I want to thank the parties for  
23 working this matter out. And just to, again,  
24 inform the parties that there is a \$5,000 fine  
25 payable within 90 days, that the establishment

1 will be closed August 2nd, 3rd, 4th, 5th, 6th,  
2 7th, 8th, 9th. Closed in the sense that alcohol  
3 cannot be served during those days.

4 I'm not sure whatever else the  
5 establishment, I guess they sell liquor and sell  
6 other goods and products. But they cannot serve  
7 alcohol. All right, thank you. Have a great  
8 day. All right then.

9 MR. LUI: Thank you.

10 CHAIRPERSON ANDERSON: All right.

11 (Whereupon, the above-entitled matter  
12 went off the record at 2:41 p.m.)  
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In the matter of: Spar Liquor

Before: DC ABRA

Date: 06-09-21

Place: teleconference

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
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Court Reporter

**NEAL R. GROSS**

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