

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
:
Fab Lounge, Inc., :
t/a Safari Restaurant :
and Lounge :
4306 Georgia Ave NW : Show Cause
Retailer CT - ANC 4C : Hearing
License No. 90424 :
Case #24-CMP-00022 :
:
(Failure to Comply With :
Board Order No. 2021-084, :
Substantial Change in :
Operation Without :
Board Approval) :
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Wednesday
July 31, 2024

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
FREZ TEAME, Licensee
INVESTIGATOR MIKEA NELSON

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

2 10:44 a.m.

3 CHAIRPERSON ANDERSON: All right, so  
4 the next case in our calendar is No.  
5 24-CMP-00022, Safari Restaurant and Lounge.  
6 License number 90424.

7 Mr. Orianna, can you please elevate  
8 the rights of the licensee in this case, and if  
9 there are any witnesses.

10 MR. ORELLANA: Mr. Frez Teame, your  
11 access has been elevated. And Investigator Mikea  
12 Nelson, your access has been elevated. That is  
13 all, Chair.

14 CHAIRPERSON ANDERSON: Thank you. All  
15 right. Mr. Cenci, can you introduce yourself for  
16 the record, please?

17 MR. CENCI: Yes. Good morning again,  
18 Chairperson. Colin Cenci. C-O-L-I-N C-E-N-C-I,  
19 Assistant Attorney General with the Office of the  
20 Attorney General for the District of Columbia,  
21 representing the District today.

22 CHAIRPERSON ANDERSON: Good morning,  
23 sir. If this matter goes to a hearing, do you  
24 have any witnesses you wish to identify at this  
25 juncture?

1 MR. CENCI: Investigator Nelson will be  
2 serving as the District's witness.

3 CHAIRPERSON ANDERSON: Ms. Nelson, can  
4 you please spell and state your name for the  
5 record?

6 MS. NELSON:: My name is Mikea Nelson.  
7 That is M-I-K-E-A. Last name, N-E-L-S-O-N.

8 CHAIRPERSON ANDERSON: Good morning,  
9 ma'am. Mr. Teame, can you please spell and state  
10 your name for the record and your relationship to  
11 this establishment?

12 MR. TEAME: Good morning, Mr. Chair and  
13 the rest of the board members. Frez Teame, Safari  
14 DC Restaurant and Lounge, owner, manager.

15 CHAIRPERSON ANDERSON: And spell your  
16 name for the record, sir, please.

17 MR. TEAME: First name is F-R-E-Z and  
18 last name is T-E-A-M-E.

19 CHAIRPERSON ANDERSON: Good morning,  
20 sir. Mr. Cenci, are there any preliminary matters  
21 in this case?

22 MR. CENCI: No, we're ready to proceed  
23 to the hearing.

24 CHAIRPERSON ANDERSON: All right. So  
25 this is a showcase hearing. The government has

1 the burden and so the way that works is that the  
2 government will start. Both parties have the  
3 opportunity to give a opening statement. Once the  
4 government gives this, makes this opening  
5 statement, then the licensee can give an opening  
6 statement at that juncture, or the licensee can  
7 wait until he presents this case to make an  
8 opening statement.

9 After the opening statements are made,  
10 the government will call its first witness. The  
11 government will call its witness, do direct  
12 examination. The licensee will have an  
13 opportunity to cross-examine the witness.

14 Once the licensee has had an  
15 opportunity to cross-examine the witness, the  
16 Board might have questions of the witness, and  
17 then we will allow the licensee to ask questions  
18 of the witness based on the questions that were  
19 asked by the Board. And the government will then  
20 have will also have an opportunity to ask  
21 redirect questions.

22 Once the government has rested its  
23 case, then the licensee will present its case.  
24 And after the licensee has rested its case, I  
25 will ask the government to do a closing

1 statement. The government closing statement  
2 should be specific in letting the Board inform  
3 the Board of the case and what it is that the  
4 government requests from the Board and the  
5 licensee will also have that opportunity to issue  
6 a closing statement. And in your closing  
7 statement, then it should be clear what it is  
8 that you'd like the Board to do.

9 Prior to starting, are there any  
10 questions by either side?

11 MR. CENCI: No.

12 MR. TEAME: No.

13 CHAIRPERSON ANDERSON: All right. So  
14 does the government wish to make an opening  
15 statement?

16 MR. CENCI: Yes.

17 CHAIRPERSON ANDERSON: Go ahead, sir.

18 MR. CENCI: Good morning, members of  
19 the Board. We're here today in a show cause  
20 matter of Fab Lounge, Inc., trading as Safari  
21 Restaurant and Lounge, located at 4306 Georgia  
22 Avenue Northwest, Washington, DC 20011.

23 This case is about an establishment  
24 that failed to follow the terms of its license by  
25 letting too many people in the spaces it's

1 supposed to keep controlled. Today you're going  
2 to hear that on the morning of March 2, 2024,  
3 ABCA responded to reports that Safari Restaurant  
4 and Lounge was operating without a reimbursable  
5 detail officer.

6 Mikea Nelson, ABC's investigator,  
7 discovered upon her arrival that while there was  
8 an officer there, the establishment had over 60  
9 people in its summer garden, almost 30 minutes  
10 after that summer garden was supposed to be  
11 closed under this Board's order 2021-084.

12 Then Investigator Nelson walked to the  
13 front of the establishment and asked a person  
14 selling tickets to an event in the establishment  
15 how many people were inside. That person showed  
16 her a clicker counter that showed the  
17 establishment was more than two dozen people over  
18 its approved occupancy. It's because of the  
19 establishment's actions on March 2 that we're  
20 here today.

21 The show cause notice issued in this  
22 matter concerns charges the licensee: (1)  
23 Violated an ABC Board order by operating the  
24 summer garden after approved hours violation of  
25 DC code 25-823A6; and (2) Made a substantial

1 change in operations without Board approval by  
2 exceeding the establishment's approved occupancy  
3 limit in violation of DC code sections 25762 A  
4 and B1 and 25823 A1 and 7.

5 The District bears the burden of proof  
6 in this case. We have to show that the respondent  
7 is liable for each of those two charges by  
8 substantial evidence in the record. We accept  
9 that burden and we're going to be able to meet  
10 it. That's through the testimony of Investigator  
11 Mikea Nelson and the case report that she wrote.

12 At the end of this hearing, it will be  
13 clear that the licensee violated a Board order  
14 and the terms of its license. An establishment  
15 cannot be permitted to ignore its license without  
16 consequence. That's why at the end of this  
17 hearing, I'm going to ask that you find in favor  
18 of the District of Columbia and apply the maximum  
19 penalty consistent with DC Code 25830. Thank you.

20 CHAIRPERSON ANDERSON: Thank you, sir.  
21 Mr. Teame, do you wish to make an opening  
22 statement at this juncture, or will you defer  
23 until you present your case?

24 MR. TEAME: I will wait.

25 CHAIRPERSON ANDERSON: Okay. Thank you.



1 All right. Does the government have a witness  
2 that we should call?

3 MR. CENCI: Yes, the District calls  
4 investigator Mikea Nelson.

5 WHEREUPON,

6 INVESTIGATOR MIKEA NELSON:  
7 was sworn for testimony.

8 CHAIRPERSON ANDERSON: Ms. Nelson, can  
9 you raise your right hand? Do you swear or affirm  
10 to tell the truth and nothing but the truth? I  
11 can't hear you, ma'am.

12 MS. NELSON: I affirm.

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

15 DIRECT EXAMINATION

16 BY MR. CENCI:

17 MR. CENCI: Thank you. Investigator,  
18 can you please state and spell your first and  
19 last name for the record?

20 MS. NELSON: Yes, sir. Mikea Nelson.  
21 That is M-I-K-E-A N-E-L-S-O-N.

22 MR. CENCI: And where do you work,  
23 ma'am?

24 MS. NELSON: The Alcoholic Beverage and  
25 Cannabis Administration.

1 MR. CENCI: Oh, I'm sorry,  
2 investigator. You got cut off a little there.

3 MS. NELSON: I'm sorry. The Alcoholic  
4 Beverage and Cannabis Administration..

5 MR. CENCI: And what is your position  
6 with the Alcoholic Beverage and Cannabis  
7 Administration?

8 MS. NELSON: I am an investigator.

9 MR. CENCI: How long have you been an  
10 investigator with them?

11 MS. NELSON: Approximately five years  
12 and four months.

13 MR. CENCI: What are some of your  
14 duties and responsibilities in your job?

15 MS. NELSON: I investigate and inspect  
16 ABC licensed establishments within the District  
17 of Columbia.

18 MR. CENCI: Investigator, are you  
19 familiar with an establishment located at 4306  
20 Georgia Avenue Northwest, Washington, DC, called  
21 Safari Restaurant and Lounge?

22 MS. NELSON: Yes, sir.

23 MR. CENCI: How are you familiar with  
24 it?

25 MS. NELSON: I have visited this

1 establishment to conduct inspections and  
2 investigations.

3 MR. CENCI: Did you conduct an  
4 investigation of this establishment on March 2,  
5 2024?

6 MS. NELSON: Yes, sir.

7 MR. CENCI: How did you begin your  
8 investigation of Safari Restaurant and Lounge on  
9 March 2?

10 MS. NELSON: I received a hotline  
11 complaint for noise as well as violations of the  
12 ABCA Board order.

13 MR. CENCI: What did you do once you  
14 received that complaint?

15 MS. NELSON: I visited the  
16 establishment and conducted monitoring before  
17 entering and conducting an investigation.

18 MR. CENCI: About what time did you  
19 arrive at Safari that day?

20 MS. NELSON: Approximately 12:25 a.m.

21 MR. CENCI: So you said you conducted  
22 monitoring. What did you see at Safari Restaurant  
23 and Lounge once you arrived there?

24 MS. NELSON: Upon arriving, I noted the  
25 establishment did have a Metropolitan Police

1 Department reimbursable detail officer stationed  
2 outside of the establishment. I also noted a  
3 flyer on the establishment's front door for an  
4 event held that night.

5 MR. CENCI: So if you saw that  
6 reimbursable detail officer, did you just leave  
7 the establishment after that?

8 MS. NELSON: No, sir.

9 MR. CENCI: What did you do?

10 MS. NELSON: I entered the  
11 establishment and approached the establishment's  
12 security officer and requested to speak to an ABC  
13 manager or owner.

14 MR. CENCI: Were you able to speak with  
15 an ABC manager?

16 MS. NELSON: Yes, sir.

17 MR. CENCI: Who was the ABC manager  
18 that you spoke with?

19 MS. NELSON: I met with Ms. Nunu  
20 Wonwodsson.

21 MR. CENCI: What did you speak with Ms.  
22 Wondwosson about?

23 MS. NELSON: I advised Ms. Wondwosson  
24 of the complaint and I asked to see the  
25 establishment summer garden.

1 MR. CENCI: Did she show you to the  
2 establishment summer garden?

3 MS. NELSON: Yes, sir.

4 MR. CENCI: And what did you see once  
5 you got to the summer garden?

6 MS. NELSON: I saw approximately 67  
7 patrons in the establishment's summer garden.

8 MR. CENCI: You said you arrived at  
9 about 12:25 a.m., so about what time was it when  
10 you saw those 67 people in the summer garden?

11 MS. NELSON: I do not recall.

12 MR. CENCI: But was it after 12:25  
13 a.m.?

14 MS. NELSON: Yes, sir.

15 MR. CENCI: Was it noteworthy to you in  
16 any way that there were 67 people in the summer  
17 garden after 12:25 a.m.

18 MS. NELSON: Yes, sir.

19 MR. CENCI: Why was that?

20 MS. NELSON: The establishment's Board  
21 order stated that it was supposed to close at  
22 12:00 a.m. on weekend days.

23 MR. CENCI: Investigator, is it part of  
24 your job to draft case reports for the  
25 investigation you conducted?

1 MS. NELSON: Yes, sir.

2 MR. CENCI: Did you draft one for this  
3 case?

4 MS. NELSON: Yes, sir.

5 MR. CENCI: Mr. Chairperson, District  
6 would like to just confirm for the record that  
7 the government's exhibit, the case report for  
8 Safari Restaurant and Lounge is already in  
9 evidence pursuant to 23 DCMR section 1713.10.

10 CHAIRPERSON ANDERSON: Yes, sir, it's  
11 in evidence, pursuant to the regulations, the  
12 statute.

13 MR. CENCI: Do I have permission to  
14 share my screen?

15 CHAIRPERSON ANDERSON: Mr. Orellana,  
16 can you allow Mr. Cenci to share his screen?

17 MR. CENCI: All right, Investigator,  
18 I'm sharing my screen with the first page of a  
19 document. Investigator, do you recognize this  
20 document? Is this that case report we were just  
21 discussing?

22 MS. NELSON: Yes, it is.

23 MR. CENCI: And you wrote this case?  
24 Did you write this case report?

25 MS. NELSON: Yes, I did.

1 MR. CENCI: Investigator, I'm directing  
2 your attention to Exhibit 9 within the case  
3 report. Exhibit 10. My apologies. Just the first  
4 page. Investigator, what is this exhibit within  
5 your case report?

6 MS. NELSON: This is an ABCA Board  
7 order.

8 MR. CENCI: Is this an ABCA Board order  
9 for this establishment?

10 MS. NELSON: Yes, sir, it is.

11 MR. CENCI: What is the order number?

12 MS. NELSON: That order number is 2021-  
13 084.

14 MR. CENCI: Investigator, to your  
15 knowledge is Order Number 2021-084 an order that  
16 is still in effect for the establishment at the  
17 time of your investigation on March 2.

18 MS. NELSON: Yes, sir.

19 MR. CENCI: I am now directing your  
20 attention to page 9 of Exhibit 10. Investigator,  
21 under the heading Order in this Board order, what  
22 does the first term here say about the  
23 establishment's summer garden.

24 MS. NELSON: It states, the summer  
25 garden shall cease operations at 11:00 p.m.

1 during the week and midnight during the weekend.

2 MR. CENCI: Thank you, Investigator.  
3 I'm going to stop sharing my screen. And I would  
4 just like the Board to take administrative notice  
5 that March 2, 2024, was a Saturday.

6 CHAIRPERSON ANDERSON: So noted.

7 MR. CENCI: So, investigator, did you  
8 speak with anyone from the establishment about  
9 the Board order that limited the use of the  
10 summer garden to before midnight?

11 MS. NELSON: Yes, sir, I did.

12 MR. CENCI: Who did you speak with?

13 MS. NELSON: Ms. Nunu Wonwodsson.

14 MR. CENCI: What did Ms. Wonwodsson.  
15 have to say about the Board order?

16 MS. NELSON: She was aware that the  
17 summer garden was to close at 12:00 a.m.

18 MR. CENCI: After you had assessed the  
19 issue with the summer garden being open to did  
20 you do anything else while you were at Safari?

21 MS. NELSON: I'm sorry, Mr. Cenci. It  
22 has cut out a bit. Could you repeat yourself?

23 MR. CENCI: After you addressed the  
24 issue with the summer garden being open too late,  
25 did you do anything else while you were at



1 Safari?

2 MS. NELSON: Yes, sir.

3 MR. CENCI: So what did you do next?

4 MS. NELSON: I noted the  
5 establishment's capacity. I then went to the  
6 front of the establishment and asked the group of  
7 staff selling tickets how many people were  
8 present inside of the establishment.

9 MR. CENCI: When you say noted, you  
10 noted the establishment's capacity, what do you  
11 mean by that?

12 MS. NELSON: I'm sorry, how many  
13 patrons were currently in the establishment? It  
14 appeared to be crowded.

15 MR. CENCI: So you said you went to go  
16 speak with someone at the front. Who did you  
17 speak to?

18 MS. NELSON: I spoke to staff members  
19 that were selling tickets for the event.

20 MR. CENCI: And what did you ask these  
21 staff members?

22 MS. NELSON: How many patrons were  
23 present in the establishment?

24 MR. CENCI: Were they able to tell you  
25 how many patrons were present in the

1 establishment?

2 MS. NELSON: Yes, sir. They had a  
3 clicker.

4 MR. CENCI: And how many people were in  
5 the establishment, according to that clicker that  
6 they had?

7 MS. NELSON: 215 patrons.

8 MR. CENCI: Were you able to tell if  
9 the clicker was counting the current number of  
10 patrons in Safari or the total that were there  
11 that evening?

12 MS. NELSON: I do not recall, sir.

13 MR. CENCI: Did any of the staff  
14 members advise you if the clicker counter was  
15 counting the current number of patrons or the  
16 total for that evening?

17 (PAUSE IN AUDIO)

18 MR. CENCI: Sorry, you need me to  
19 repeat my question?

20 MS. NELSON: I'm sorry, could you not  
21 hear me? I don't recall.

22 MR. CENCI: Based on your conversation  
23 with the staff members, did you understand there  
24 to be 215 people present at that time when you  
25 were speaking with them?

1 MS. NELSON: Yes.

2 MR. CENCI: So, Investigator, were you  
3 able to review the ABC license for this  
4 establishment?

5 MS. NELSON: Yes, sir, I was.

6 MR. CENCI: I am recharging my screen  
7 with the case report and directing you to Exhibit  
8 7. Investigator, what is this document?

9 MS. NELSON: Safari Restaurant and  
10 Lounge's ABC license.

11 MR. CENCI: Was this the license as it  
12 was in effect at the time of your investigation  
13 on March 2?

14 MS. NELSON: Yes, sir.

15 MR. CENCI: Investigator, according to  
16 the establishment's license, what is the maximum  
17 capacity for this establishment?

18 MS. NELSON: 190 patrons.

19 MR. CENCI: And according to this  
20 license, what's the maximum capacity for the  
21 establishment's summer garden?

22 MS. NELSON: Ten patrons.

23 MR. CENCI: Thank you, Investigator.  
24 I'm going to stop sharing my screen.  
25 Investigator, did Safari Restaurant and Lounge

1 exceed its license capacity within the  
2 establishment on March 2, 2024?

3 MS. NELSON: Yes, sir.

4 MR. CENCI: By how many people?

5 MS. NELSON: By 25 people.

6 MR. CENCI: Did Safari Restaurant and  
7 Lounge exceed their license capacity on its  
8 summer garden on March 2?

9 MS. NELSON: Yes, sir.

10 MR. CENCI: By how many people?

11 MS. NELSON: By 57 people.

12 MR. CENCI: Investigator, did Safari  
13 Restaurant and Lounge violate a Board order on  
14 March 2, 2024?

15 MS. NELSON: Yes, sir.

16 MR. CENCI: How did they do that?

17 MS. NELSON: By operating beyond its  
18 door to hours for a summer garden.

19 MR. CENCI: Thank you very much,  
20 Investigator. I have no further questions at this  
21 time.

22 CHAIRPERSON ANDERSON: Thank you. Mr.  
23 Teame, do you have any questions of the witness?

24 MR. TEAME: Yes, Mr. chair. Good  
25 morning, Investigator. Frex Teame here, manager/

1 owner. When you arrive at the establishment, and  
2 when you see the clicker, which was a total  
3 number establishing. Do you ask how many people  
4 were leaving through the night to the individual  
5 that you spoke with? I

6 MS. NELSON:

7 MR. TEAME: I'm sorry, would you mind  
8 repeating that question once more for me?

9 MR. TEAME: Yes. I know you saw the  
10 clicker that we used to count the total people  
11 entering our establishment. But do you ask any  
12 one of us how many people. People were in and  
13 out, that were left through the night.

14 MS. NELSON: Sir, I asked how many  
15 people were present in the establishment.

16 MR. TEAME: Yes, but you didn't ask how  
17 many people left from that total number of the  
18 clicker.

19 MR. CENCI: Objection. Question assumes  
20 facts not in evidence.

21 CHAIRPERSON ANDERSON: I'm going to  
22 overrule the objection. I mean, she answered. I'm  
23 going to overrule the objection. Go ahead. I  
24 think she answered the question. Or did she not  
25 answer the question?

1 MR. TEAME: Appreciate that. The other  
2 thing is, on the summer garden, I know you saw  
3 people because we use this summer garden for  
4 people to smoke. We don't serve anything up in  
5 there, because we don't want the people to  
6 congregate it in front of the building, which  
7 there was hazards and also a distraction to the  
8 neighborhood and to the next building.

9 MR. CENCI: Objection.

10 CHAIRPERSON ANDERSON: That's why, Mr.  
11 Teame, you need to ask her a question. It appears  
12 that you are.

13 MR. TEAME: Yes.

14 CHAIRPERSON ANDERSON: So you can do  
15 that in your presentation. It's your opportunity  
16 to ask her specific questions, sir, about her  
17 testimony.

18 MR. TEAME: Okay. No further question  
19 and thank you.

20 CHAIRPERSON ANDERSON: Any questions by  
21 any Board members? Go ahead, Mr. Grant.

22 MEMBER GRANT: Investigator Nelson,  
23 when you observed the area where there were  
24 approximately 60 plus individuals after 12:00  
25 a.m., did it appear that they were stationary? Or

1 were they in transit back into the space? Did  
2 they appear to be settled in into the garden? Or  
3 was it any sort of gestures from staff to move  
4 them back inside?

5 MS. NELSON: They appeared to be  
6 stationary, until I spoke to Ms. Wondwosson, who  
7 did assist with trying to move those patrons out  
8 of the summer garden, but was unsuccessful on her  
9 own.

10 MEMBER GRANT: Thank you. No further  
11 questions.

12 CHAIRPERSON ANDERSON: Ms. Nelson, how  
13 do you know how many people are in the  
14 establishment? Not the summer garden, the  
15 establishment. How do you know how many people  
16 are in this establishment?

17 MS. NELSON: Asked the staff member  
18 that was selling tickets and maintaining the  
19 clicker counter for the patrons inside of the  
20 establishment.

21 CHAIRPERSON ANDERSON: So the clicker  
22 counter says what, 215 patrons were present in  
23 the establishment?

24 CHAIRPERSON ANDERSON: So they're  
25 saying. That's what I'm trying. How do you know

1 that's not the total for the evening, rather than  
2 the total for that period of time?

3 MS. NELSON: I asked the staff member  
4 how many patrons were present in the  
5 establishment, not how many tickets they were  
6 sold, they sold that night?

7 CHAIRPERSON ANDERSON: Did you yourself  
8 attempt to count the patrons in the  
9 establishment?

10 MS. NELSON: Not for the entire  
11 establishment, since patrons were moving in and  
12 out the summer garden as well.

13 CHAIRPERSON ANDERSON: Okay. Any other  
14 questions by any other Board members? Mr. Teame,  
15 any questions of the witness based on the  
16 questions that were asked by the Board?

17 MR. TEAME: Well, it's just a general  
18 question for the investigator. Unless the  
19 investigator is, you know, counting each customer  
20 within the entire establishment. Because

21 CHAIRPERSON ANDERSON: Mr. Teame, you  
22 need to ask a question, sir. What you're doing  
23 now, you can do that when you present your case  
24 here. You need to ask her a question. Frame what  
25 you're saying in a question format, sir.



1 MR. TEAME: Do you, Inspector Nelson,  
2 do you physically count the customers that was  
3 inside the establishment?

4 CHAIRPERSON ANDERSON: I can't hear  
5 you. Ms. Nelson. I don't know what's going on  
6 with your connection, so repeat that. Repeat the  
7 answer, please, ma'am.

8 MR. TEAME: Yes, Inspector Nelson

9 CHAIRPERSON ANDERSON: Hold on, Mr.  
10 Teame. I didn't hear your answer, ma'am. That's  
11 why I was just, I'm not sure if anyone else heard  
12 it. That's all.

13 MS. NELSON: No, sir, Not throughout  
14 the establishment, but in the establishment's  
15 Summer garden.

16 CHAIRPERSON ANDERSON: Do you have  
17 another question, sir?

18 MR. TEAME: No, sir. Thank you, Mr.  
19 Chair.

20 CHAIRPERSON ANDERSON: Any redirect?

21 MR. CENCI: Investigator, just so I can  
22 make sure we're all clear about this. The  
23 conversation that you had with the staff member  
24 at the front of the establishment, what did you  
25 ask them?

1 MS. NELSON: How many patrons were  
2 present inside of the establishment.

3 MR. CENCI: And when you asked the  
4 staff member how many patrons are inside of the  
5 establishment, what did the staff member do to  
6 respond to that question?

7 MS. NELSON: They showed me a clicker  
8 showing 215 patrons inside of the establishment.

9 MR. CENCI: Thank you, investigator. No  
10 further questions.

11 CHAIRPERSON ANDERSON: Thank you for  
12 your testimony, Ms. Nelson. Does the government  
13 have another witness?

14 MR. CENCI: The government does not  
15 have another witness, and at this time rests.

16 CHAIRPERSON ANDERSON: All right. Mr.  
17 Teame, do you wish to make an opening statement  
18 and do you wish to call any witnesses, Sir?

19 MR. TEAME: I would like to make the  
20 statement. I don't have any witness to provide.

21 CHAIRPERSON ANDERSON: All right. So  
22 can you raise your right hand please, sir? I  
23 can't see it. I can't see your hand, sir. Are you  
24 raising your right hand? Your right hand. Mr.  
25 Teame, Mr. Teame, can you hear me?

1 MR. TEAME: Yes.

2 CHAIRPERSON ANDERSON: Can you raise  
3 your right hand, sir?

4 Yes, I do.

5 WHEREUPON,

6 FREZ TEAME  
7 was sworn for testimony.

8 CHAIRPERSON ANDERSON: Mr. Teame, do  
9 you swear or affirm to tell the truth and nothing  
10 but the truth?

11 MR. TEAME: I do sir.

12 CHAIRPERSON ANDERSON: Go ahead.

13 MR. TEAME: So it has been a nightmare  
14 for us. If the ABC record can show how many phone  
15 calls has been placed, it's just beyond numbers.  
16 And anytime the ABC inspectors are coming, of  
17 course they are going to find something, because  
18 it's obvious no one is perfect. But on this  
19 particular night the establishment have a private  
20 event.

21 The private event we were following  
22 all the procedures. We were using clickers to  
23 make sure. We have ticket counts to make sure,  
24 and also we have security offices, DC officer,  
25 police officers on the establishment.

1           But because the number we have is a  
2 little bit larger than the usual number we have,  
3 and we have to make sure that everything was in  
4 place. The summer garden as a court order, it's  
5 closed at midnight and 11:00 but because of the  
6 larger card we use a summer garden for people to  
7 smoke cigarette. We don't provide any services at  
8 all the entire time.

9           But because of the safety hazard on  
10 the street and because of the noise to the  
11 neighbors and all that, because we have a place  
12 in the back room which is completely secluded and  
13 faced the back building of our building, we used  
14 it for smoking.

15           So on this particular night the summer  
16 garden was used only for people who were smoking.  
17 We were not providing any services at all.

18           As far as the clicker count, the event  
19 was open at 8:00 p.m. People were in and out  
20 through the night. Yes, we have the total number  
21 of that, but was not that many people we have in  
22 the establishment, even though our establishment  
23 can hold 190, is a sitting establishment, our  
24 establishment can hold a lot.

25           But on that night we don't even have

1 more than 150 people. Of course the clicker  
2 showed that, but it doesn't show the in and outs  
3 and the people that were leaving early.

4 What I'm trying to say here is because  
5 of all this we cannot even operate the business.  
6 We hardly open it. We open it only three times a  
7 month because I can't take the pressure and the  
8 stress that provided by neighbors and by the  
9 inspectors.

10 And we limited operation to three,  
11 four times a month only. The inspectors can  
12 testify to this. They will come to provide us any  
13 letters or anything, they can't find us because  
14 we can't take it anymore.

15 So I'm just asking the Board, this is  
16 not fair for the ABC establishment that carry the  
17 license should be protected by the Board, not to  
18 be harassed and not to be penalized because of  
19 the neighbors has been calling for this.

20 So I'm just asking for your mercy.  
21 Until you know a solution, I come up. But the  
22 solution I have right now is honestly, Board  
23 members and Mr. Chair, I close the place. I  
24 didn't open it at all. I open it only if I have  
25 an event. That's what I'm doing right now,

1 because I can't take it. It's affecting my health  
2 and it's affecting my livelihood.

3 So I'm just telling overall, this is  
4 what's happening. This is the story of Safari  
5 Restaurant and Lounge. It is sad because  
6 establishments like Safari that will cater and  
7 provide to minorities, to African heritage and  
8 African guests. They cannot provide a service to  
9 the community from DC. So this is what I want to  
10 say.

11 So I just want the Board stick to  
12 through the judgment and to not penalize Safari  
13 DC for this incident. Appreciate that.

14 CHAIRPERSON ANDERSON: Does the  
15 government have any questions they want to ask?

16 MR. CENCI: Yes.

17 CHAIRPERSON ANDERSON: Go ahead.

18 MR. CENCI: Mr. Teame, you're the owner  
19 for Safari Restaurant and Lounge?

20 MR. TEAME: Yes, sir.

21 MR. CENCI: You know what the terms of  
22 your ABC license are?

23 MR. TEAME: I do, sir.

24 MR. CENCI: You know what your license  
25 capacity is?

1 MR. TEAME: I do, sir.

2 MR. CENCI: For the summer garden?

3 MR. TEAME: Yes, but like I say, we  
4 will not use it to provide any service. The  
5 sitting chairs and tables we have are fixed. They  
6 are only for ten people. But people who smoke  
7 cigarettes, you cannot have 50 or 60 people  
8 sitting on ten sittings. So people were smoking  
9 cigarettes. I can't stop people from what they do  
10 on an open space.

11 MR. CENCI: Mr. Teame?

12 MR. TEAME: Yes.

13 MR. CENCI: Do you know the capacity  
14 for your summer garden? Yes or no.

15 MR. TEAME: No.

16 MR. CENCI: Would you be surprised to  
17 hear.

18 MR. TEAME: Repeat that question, sir.

19 MR. CENCI: Would you be surprised to  
20 hear that your license capacity.

21 MR. TEAME: I know my capacity. I have  
22 a 10-person sit down. And it was not sit down.  
23 These people were standing up smoking their  
24 cigarettes, sir, because some open space.

25 MR. CENCI: Mr. Teame?

1 MR. TEAME: Yes, sir.

2 MR. CENCI: Written on your ABC  
3 license?

4 MR. TEAME: Yes, sir.

5 MR. CENCI: Do you know that on the ABC  
6 license written under summer garden it says total  
7 capacity ten?

8 MR. TEAME: Yes, I do.

9 MR. CENCI: So you said just now that  
10 you can't control what people are doing inside of  
11 your establishment. Is that right?

12 MR. TEAME: I didn't say that. They  
13 were using the space to smoke their cigarettes.  
14 They were standing up on the steps. They were  
15 standing up on the area to smoke their  
16 cigarettes.

17 MR. CENCI: You're saying that you  
18 can't stop them from doing that?

19 MR. TEAME: It's an open space, sir. In  
20 District of Columbia, you cannot smoke cigarette  
21 inside the establishment. So you have to go  
22 outside and smoke the cigarette. And that's the  
23 only open space they have at that moment to smoke  
24 their cigarette, is that garden area.

25 MR. CENCI: Mr. Teame, I bring you



1 back to my question. You said just now that you  
2 couldn't control what they were doing when they  
3 were on your summer garden. Yes or no?

4 MR. TEAME: I didn't say, didn't  
5 confirm. People were using it, smoked a  
6 cigarette. They were not sitting getting service  
7 or anything on that particular area, sir.

8 MR. CENCI: Mr. Teame, do you know what  
9 the Board order says? 2021-084 tat applies to  
10 Safari Restaurant and Lounge?

11 MR. TEAME: Yes, sir.

12 MR. CENCI: Do you know that it says  
13 that the summer garden shall cease operations at  
14 11:00 p.m. during the week and midnight during  
15 the weekend?

16 MR. TEAME: Yes.

17 MR. CENCI: On March 2, 2024, after  
18 midnight, you didn't lock the doors that led out  
19 to the summer garden, did you?

20 MR. TEAME: No.

21 MR. CENCI: You didn't station a staff  
22 member in front of those doors to tell patrons  
23 that they couldn't go out there?

24 MR. TEAME: No.

25 MR. CENCI: You didn't have a staff

1 member tell the patrons that were already out  
2 there that they had to come back inside after  
3 midnight?

4 MR. TEAME: Like I say, we are using  
5 this particular area for people to smoke their  
6 cigarettes. And because we have an event that  
7 exceeded more than ten people, that's why you saw  
8 that many people smoking their cigarettes in that  
9 summer garden, sir. But we were not providing any  
10 service at the summer garden.

11 MR. CENCI: So you'd agree that there  
12 were more than ten people outside smoking  
13 cigarettes in your summer garden?

14 MR. TEAME: I do.

15 MR. CENCI: You say that you weren't  
16 providing any other operations? Does your  
17 establishment have an outside bar in its summer  
18 garden?

19 MR. TEAME: No, sir.

20 MR. CENCI: Does your establishment  
21 have a place that sells food outside in your  
22 summer garden?

23 MR. TEAME: No, sir.

24 MR. CENCI: No further questions.

25 CHAIRPERSON ANDERSON: Mr. Teame, the

1 Board order says that the summer gardens have to  
2 be on weekends, have to be closed at 12:00. What  
3 does that mean, that has to be closed, cease  
4 operation by 12:00. What does that mean to you,  
5 sir?

6 MR. TEAME: Not providing any services  
7 out there.

8 CHAIRPERSON ANDERSON: Does that mean  
9 that the summer garden can, that your clientele  
10 can have access to the location?

11 MR. TEAME: The only place that we have  
12 that people can smoke cigarette is that area. And  
13 it's open. It has open ashtrays and people go out  
14 there and smoke their cigarettes through the  
15 night because we try to minimize the crowd in the  
16 front of the establishment. But we don't provide  
17 any services at all. And people are out three  
18 minutes, four minutes to smoke their seagrass and  
19 go back in.

20 CHAIRPERSON ANDERSON: Do you know how  
21 many people were in the summer garden? Is it  
22 correct that there were at least 67 individuals  
23 under the summer garden after midnight?

24 MR. TEAME: I didn't count. I'm not  
25 sure.

1 CHAIRPERSON ANDERSON: Any other  
2 questions by any other Board members? All right,  
3 any recross?

4 MR. CENCI: No, Chairperson. Thank you.

5 CHAIRPERSON ANDERSON: Do you rest, Mr.  
6 Teame, or do you I'm going to give you one more  
7 opportunity to speak, but do you need to provide  
8 a clarification or is that what you need to say?  
9 I'll give you an opportunity to make a closing  
10 statement once the government has made this  
11 closing statement so you still have another  
12 opportunity. But I guess at this juncture is  
13 there anything else you want to say based on the  
14 questions that I asked you?

15 MR. TEAME: Yes sir. I just want to say  
16 this clearly. The establishments for DC and  
17 restaurants were no purposely violating or  
18 breaking the law of the District of Columbia. As  
19 a matter of fact, we were just trying to help and  
20 minimize the best we can by having people smoking  
21 in the back of our place, and also minimizing  
22 noises and traffic around the main street,  
23 Georgia Avenue.

24 Besides that, Safari DC is very  
25 limited, operating like I say, less than three

1 days, four days a month, literally. We are hardly  
2 there and we not knowingly and breaking laws like  
3 was presented on a case. So I'm just asking the  
4 Board and including the district attorney to be  
5 fair to this establishment who's suffering  
6 tremendously because of this situation. And this  
7 is only thing I can ask. Thank you for the  
8 opportunity.

9 CHAIRPERSON ANDERSON: Does the  
10 government wish to make a closing statement?

11 MR. CENCI: Yes. Chairperson, members  
12 of the Board, this case has been about a license  
13 establishment that refuses to follow its license  
14 terms and the terms of a Board order.

15 Today the district met its burden by  
16 proving by substantial evidence that the licensee  
17 exceeded its license capacity and operated its  
18 summer garden after hours permitted by Board  
19 order 2021.084.

20 Substantial evidence is not a hybrid.  
21 It's not beyond reasonable doubts, not even  
22 preponderance of the evidence. Substantial  
23 evidence just means that degree of relevant  
24 evidence which a reasonable person, considering  
25 the record as a whole, might accept as adequate

1 to support a conclusion, even if other reasonable  
2 persons might disagree.

3 The District has certainly met that  
4 burden today and that's because of the testimony  
5 of Investigator Nelson and her case report have  
6 said it all for us.

7 Investigator Nelson told you a pretty  
8 simple story. On March 2, 2024, she responds to a  
9 complaint at Safari Restaurant and Lounge. She  
10 gets there at about 12:30 in the morning.

11 As soon as she arrives, she's been  
12 told there's a noise complaint. So she goes  
13 inside and speaks with Safari's ABC manager. She  
14 goes to the establishment's summer garden, and  
15 she sees 67 people there.

16 Now, Investigator Nelson, she knows  
17 this establishment. She knows that the capacity  
18 for the summer garden is only ten people. And she  
19 knows Board Order 2021-084 limits the use of the  
20 summer garden to before midnight on the weekends.  
21 So she tells the ABC manager to shut the summer  
22 garden down.

23 And then she goes to the front of  
24 Safari and she speaks with a staff member to find  
25 out how many people are inside. That staff

1 member, in response to being asked how many  
2 people are inside of the establishment, turns  
3 around a clicker counter that shows 215.

4 The case report is in the record,  
5 members of the Board. You can look right at it  
6 and see where Investigator Nelson has included a  
7 photograph of that clicker counter. That's  
8 Exhibit nine within the case report. But we all  
9 also saw the ABC license for the establishment.  
10 The license capacity is 190.

11 Now, Mr. Teame, he made a lot of  
12 claims during his case today, but his claims are  
13 self-serving and they should not be credited. The  
14 first point he wanted to make is that, well, that  
15 clicker counter, it tracks the people for the  
16 total of the evening. It's not just the people  
17 that are present in the establishment right now.  
18 But Investigator Nelson told you that that  
19 clicker was only shown to her when she asked how  
20 many people were present.

21 Logically, follow the conversation.  
22 Members of the Board, if someone asks how many  
23 people are here right now, would your first  
24 response be to show them a total number for the  
25 entire evening? No, because that number, 215, was

1 the number of people present. And as Investigator  
2 Nelson said, when she was having that  
3 conversation with the staff member, that is what  
4 she understood that number to be. But even going  
5 past that, we go to the summer garden.

6 The summer garden? Well, that's even  
7 more controversial. That license capacity is ten.  
8 Mr. Teame said they're approved for a seating of  
9 ten. But members of the Board, I want to show you  
10 the ABC license again. Summer garden hours of  
11 operation, total capacity ten. Doesn't say that  
12 they're seating ten and then a higher number for  
13 the rest of the summer garden. No, it's total  
14 capacity ten.

15 Mr. Teame agreed through examination  
16 that there were more than ten people out of that  
17 summer garden on March 2, 2024. But Mr. Teame  
18 said, that's all right, because all he does there  
19 is, he lets the patron smoke cigarettes. He  
20 doesn't carry out any operations there.

21 But I asked him what operations that  
22 establishment even could have. Safari doesn't  
23 have an outdoor bar, doesn't have a pickup window  
24 for food. It doesn't have anything outside for  
25 operations in the way Mr. Teame is saying it.



1           So in his mind, the summer garden is  
2 never operating because there's never anything  
3 going on out there except having the patrons be  
4 outside. But that's the problem. We know what  
5 operating an establishment means, and included in  
6 operation is allowing the access of the patrons.

7           Investigator Nelson told you there  
8 were 67 people out there. And it wasn't at 12:01.  
9 It wasn't at 12:05. 12:25, nearly a half hour  
10 after under Board order 2021-084. That summer  
11 garden is supposed to close.

12           And now, Board members, let's take a  
13 look at that Board order. It says the summer  
14 garden shall cease operations at 11:00 p.m.  
15 during the week and midnight during the weekend.  
16 There's no carve out in there. It's not that it  
17 shall cease operations, but it's all right to go  
18 out and smoke cigarettes. It's alright to go and  
19 sit on the chairs.

20           The summer garden is operating by  
21 letting the patrons of the establishment go and  
22 utilize it. And as Mr. Teame agreed, he didn't  
23 have anybody in front of that door stopping more  
24 patrons from going out. He didn't lock the doors  
25 prevent patrons from going out. The establishment

1 allowed continued operations of the summer garden  
2 in violation of this Board order.

3 Now, Mr. Teame said towards the  
4 beginning of his statement, well, it's of course  
5 going to happen that when ABC inspectors come to  
6 an establishment, they're going to find something  
7 wrong. Because it's obvious, these are his own  
8 words, no one is perfect. But no one's asking  
9 Safari to be perfect. Members of the Board, you  
10 know the work that advocate Inspectors do.

11 Regulatory inspections happen around  
12 this city on a regular basis, and plenty of them  
13 result in no finding of a violation. Mr. Teame  
14 said that he can't bear the stress of running the  
15 establishment, and the facts today have  
16 exemplified that. That is true.

17 He can't keep the establishment under  
18 capacity. He can't keep his patrons stopping  
19 utilization of the summer garden. He can't follow  
20 this Board's orders.

21 We have no reason to doubt  
22 Investigator Nelson. The District has proven by  
23 more than substantial evidence the Safari  
24 Restaurant and Lounge exceeded its license  
25 capacity both inside the establishment and on its

1 summer garden on March 2, 2024, and that it  
2 violated Board Order 2021-084.

3 Mr. Teame asks that the District and  
4 this Board be fair to the establishment. That's  
5 exactly what we are asking as well. Be fair to  
6 this establishment and when it violates the law,  
7 the terms of its license and this Board's own  
8 orders, be fair and apply the proper penalty, the  
9 maximum penalty allowed by law. Thank you.

10 CHAIRPERSON ANDERSON: All right, thank  
11 you. Mr. Teame, what is it that you want the  
12 Board to do, sir?

13 MR. TEAME: Pardon me sir, can you  
14 repeat that question?

15 CHAIRPERSON ANDERSON: What is it that  
16 you want? As you see the government close, so you  
17 have an opportunity to close and ask the Board  
18 what it is that you want us to do.

19 MR. TEAME: What I said, what I want to  
20 say, honestly, the District is trying to  
21 represent their case, which is like I say, the  
22 clicker at that moment was showing the total  
23 people entering the establishment from opening to  
24 closing and people were leaving through the  
25 night. And that's what I was saying outside the

1 summer garden, like I say.

2 Like the attorney says, if it is ten  
3 people maximum, there is always 60 and 70 people  
4 can be unattended people space. But this is what  
5 I'm trying to say, because there were people who  
6 smoked cigarette, but it was not that many people  
7 and also there were people in the establishment  
8 shows on the clicker but they were leaving  
9 throughout the night. So that's what I'm trying  
10 to say. So the Board will make the decision based  
11 on that. Appreciate it. Thank you.

12 CHAIRPERSON ANDERSON: All right, the  
13 record is now closed and so let me do the our  
14 closing.

15 As Chairperson of the Alcoholic  
16 Beverage and Cannabis Board for the District of  
17 Columbia, in accordance with DC Official Code  
18 section 2575 of the Open Meetings Act, I move  
19 that ABC Board hold a closed meeting for the  
20 purpose of seeking legal advice from our council  
21 on Case No. 24CMP 0022, Safari Restaurant and  
22 Lounge, pursuant to DC Official Code Section 25  
23 75 B, 4A of the Open Meetings Act, and  
24 deliberating upon Case No. 24CMP 0022, Safari  
25 Restaurant and Lounge for the reasons cited in DC

1 Official Code section 2575 B13 of the Open  
2 Meetings Act. Is there a second?

3 MEMBER SHORT: Mr. Short, I second.

4 CHAIRPERSON ANDERSON: Mr. Short has  
5 seconded the motion. I'll now take a roll call  
6 vote on the motion before, now that it's been  
7 second. Mr. Short.

8 MEMBER SHORT: Mr. Short, I agree.

9 CHAIRPERSON ANDERSON: Mr. Grant.

10 MEMBER GRANT: Mr. Grant, I agree.

11 CHAIRPERSON ANDERSON: Mr. Anderson, I  
12 agree. As it appears that a motion has passed 3-  
13 0, I here by giving notice that ABC Board will  
14 recess its proceedings to hold a closed meeting  
15 pursuant to section 2575 of the Open Meetings  
16 Act.

17 Thank you very much for your  
18 presentation this morning. The board will issue a  
19 decision within 90 days. Have a great day. Thank  
20 you.

21 (Whereupon, the hearing went off the  
22 record.)

23

24

25

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In the matter of: Safari Lounge

Before: DC ABCA

Date: 07-31-24

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Court Reporter

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