

IN THE MATTER OF: :
 :
Etete Ethiopian Cuisine, :
Inc., :
t/a 1942 DC :
1942 9th Street NW : Show Cause
Retailer CT - ANC 1B : Hearing
License No. 70728 :
Case #19-CMP-00054 :
 :
(Failed to Obtain a :
Summer Garden :
Endorsement, Substantial :
change Without Board :
Approval [Increase in :
Occupancy], Failed to :
Post License :
Conspicuously in the :
Establishment) :

Wednesday
November 20, 2019

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
JAMES SHORT, JR., Member
REMA WAHABZADAH, Member

ALSO PRESENT:

ANDREW KLINE, COUNSEL FOR APPLICANT
JASON FACCI, DC OAG

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

10:20 a.m.

CHAIR ANDERSON: Okay. We're back on the record. Case Number 19-CMP-00054, 1942 DC, License Number 70728. Would the parties please approach and identify themselves for the record, please?

MR. FACCI: Good morning, members of the Board. My name is Jason Facci on behalf of the District of Columbia.

CHAIR ANDERSON: Good morning, Mr. --

MR. FACCI: Facci.

CHAIR ANDERSON: Facci, good morning, sir.

MR. KLINE: Good morning, Andrew Kline on behalf of the Licensee.

CHAIR ANDERSON: Good morning, Mr. Kline. Are there any preliminary matters in this case?

MR. FACCI: Yes, Mr. Chairman. We do have an offer in compromise that we would like to present to the Board.

CHAIR ANDERSON: And what is that, sir?

MR. FACCI: For Charge 1, which is operated a summer garden without endorsement,

1 which is a primary tier violation, DC Code 25-
2 113(a),(c) and 25-762(b)(2), the OIC is a fine of
3 \$2,500, to be paid within 60 days or its license
4 shall be suspended indefinitely until the fine is
5 paid.

6 As for Charge Number 2, increased
7 interior occupancy in violation of DC Code 25-
8 823(a)(7), which is a primary tier violation, the
9 offer in compromise is a \$2,100 fine, to be paid
10 within 60 days or its license shall be suspended
11 indefinitely until the fine is paid.

12 And with respect to Charge 3, we ask
13 that that charge be dismissed.

14 CHAIR ANDERSON: Mr. Kline, good
15 morning again.

16 MR. KLINE: Good morning.

17 CHAIR ANDERSON: It's my understanding
18 that there is an offer in compromise. And the
19 offer in compromise for Charge 1, there is a fine
20 of \$2,500 payable within 60 days. For Charge 2,
21 there is a fine of \$2,100 payable within 60 days.
22 And Charge 3 will be dismissed. Is this your
23 understanding of the offer in compromise?

24 MR. KLINE: Yes, it is, Mr. Chairman.

25 CHAIR ANDERSON: And is your client

1 aware that by accepting an offer in compromise,
2 that they're giving up their right to a hearing?

3 MR. KLINE: Yes, the client is aware.

4 CHAIR ANDERSON: And your client is
5 also aware that by accepting an offer in
6 compromise, that they're giving up their right to
7 appeal this matter?

8 MR. KLINE: Yes.

9 CHAIR ANDERSON: All right. With that
10 said, I then make a motion that the offer in
11 compromise for Charge 1, a fine of \$2,500 payable
12 within 60 days. If the fine is not paid within
13 60 days, the license will be suspended until the
14 fine is paid.

15 For Charge 2, there's a fine of \$2,100
16 payable again in 60 days. If the fine is not
17 paid within 60 days, the license will be
18 suspended. And for Charge 3, that that matter be
19 dismissed. Is there a second?

20 MEMBER SHORT: Second.

21 CHAIR ANDERSON: Mr. Short has seconded
22 the motion. All those in favor, say aye.

23 (Chorus of ayes.)

24 CHAIR ANDERSON: Those opposed? The
25 matter passes, 5-0-0. So, we'll have you sign

1 off on this, Mr. Kline. And I want to thank the
2 parties for working this matter out.

3 MR. KLINE: Thank you.

4 MR. FACCI: Thank you.

5 CHAIR ANDERSON: And have a great day.

6 And the Board then will go back in recess until
7 our 11:30 hearing. Thank you.

8 MR. FACCI: Thank you.

9 MR. KLINE: Thank you.

10 CHAIR ANDERSON: All right.

11 (Whereupon, the above-entitled matter
12 went off the record at 10:23 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: 1942 DC

Before: DCABRA

Date: 11-20-19

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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