

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :

Techno Excess, LLC, :
 t/a Ababa Ethiopian :
 Restaurant :
 2106 18th Street NW, : Show Cause
 Retailer CR - ANC 1C : Hearing (Status)
 License No. 103289 :
 Case #18-CMP-00075 :
 Case #18-CMP-00075(a) :
 :
 (Operating without a :
 License, Allowed :
 Establishment to be Used :
 for Unlawful or :
 Disorderly Purposes) :

Wednesday
 August 15, 2018

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.

PRESENT:

DONOVAN W. ANDERSON, Chairperson

BOBBY CATO, JR., Member

DONALD ISAAC, SR., Member

MIKE SILVERSTEIN, Member

JAMES SHORT, Member

REMA WAHABZADAH, Member

ALSO PRESENT:

FERNANDO RIVERO, DC OAG

SAMUEL BAILEY, Licensee's Counsel

ALEMSEGED KASSAYE, Licensee

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

2 9:51 a.m.

3 MR. RIVERO: I will now move to the
4 third and last case. That is Case number 75.
5 For Charge 1 a fine of \$2,000 dollars. For
6 Charge 2 a fine of \$2,000 dollars.

7 CHAIRPERSON ANDERSON: How much?

8 MR. RIVERO: \$2,000.

9 CHAIRPERSON ANDERSON: Thank you.

10 MR. RIVERO: And those are the charges
11 for Case 75. The total of all fines is \$6,350
12 dollars, payable in 90 days. If payment is not
13 received in 90 days the license will be suspended
14 until the payment is received.

15 The Government has engaged in this
16 global negotiation in good faith, after an
17 assessment of all of the evidence, which results
18 in the dismissal of particular charge. And we
19 believe that the ranges are appropriate.

20 And we have engaged in discussions
21 with Counsel, who has assured me that the
22 licensee understands the gravity of the

1 situation. And we will not be seeing this kind
2 of incidents going forward at this establishment.

3 Consequently, we believe that the OIC
4 that has been presented is a fair one that
5 comprises all of these cases, and saves valuable
6 Government resources. Thank you. And I have --
7 Do you have any questions?

8 CHAIRPERSON ANDERSON: I think, Mr.
9 Rivero, it's something like \$7,350. The Charge 2
10 is \$350. So, all right. For --

11 MR. RIVERO: I'm sorry. It's Case 75,
12 Charge 1. Charge 1 is \$1,000, not \$2,000. I
13 misspoke.

14 CHAIRPERSON ANDERSON: Which, and
15 what, which case, 75?

16 MR. RIVERO: It's Case number 75, yes.

17 CHAIRPERSON ANDERSON: Okay.

18 MR. RIVERO: I'm just, I've got
19 another case --

20 CHAIRPERSON ANDERSON: Okay.

21 MR. RIVERO: -- here. And there's a
22 lot --

1 CHAIRPERSON ANDERSON: Okay.

2 MR. RIVERO: -- of numbers in front of
3 me.

4 CHAIRPERSON ANDERSON: Okay.

5 (Off microphone comment)

6 MR. RIVERO: Yes.

7 CHAIRPERSON ANDERSON: Is -- Okay.

8 MR. RIVERO: I said, so, I said that
9 the Charge 1 for Case number 75 is \$2,000.
10 That's wrong.

11 CHAIRPERSON ANDERSON: Right.

12 MR. RIVERO: It's \$1,000.

13 CHAIRPERSON ANDERSON: And for Charge
14 2 in Case number 25, is it \$350 or \$250.

15 MR. RIVERO: Did you mean 75, Case 75?

16 CHAIRPERSON ANDERSON: Case 24.

17 MR. RIVERO: Oh. Yes. That's \$350.

18 CHAIRPERSON ANDERSON: \$350. So then,
19 it has to, then it's -- Okay. It's \$6,350.
20 Okay. All right.

21 MR. RIVERO: Okay?

22 CHAIRPERSON ANDERSON: All right.

1 MR. RIVERO: So, the only difference
2 is that in Case 75, when I said it was \$2,000 for
3 Charge 1, it's actually \$1,000.

4 CHAIRPERSON ANDERSON: \$1,000. Okay.
5 All right.

6 MR. RIVERO: It's to your extra
7 \$1,000. Because --

8 CHAIRPERSON ANDERSON: Okay.

9 MR. RIVERO: There are a lot of
10 numbers in front of me today.

11 CHAIRPERSON ANDERSON: Okay. All
12 right. Now, at some time we all become math
13 majors.

14 MR. RIVERO: I'm an English major
15 actually. So --

16 CHAIRPERSON ANDERSON: That's why I
17 said at some point. But it takes a lot of us --

18 MR. RIVERO: Right.

19 CHAIRPERSON ANDERSON: -- to calculate
20 the math. Okay. Mr. Bailey, it's my
21 understanding that there is an offer in
22 compromise. And the offer in compromise, and let

1 me state what it is.

2 For Case number 18-CMP-0024, for
3 Charge 1 there is a warrant in. For Charge 2
4 there is a fine of \$350 dollars.

5 For Case number 18-CMP-00067 Charge 1
6 will be dismissed. Charge 2 there is a fine of
7 \$1,000 dollars. And for Charge 3 there is a fine
8 of \$2,000 dollars.

9 For Case 18-CMP-00075 for Charge 1
10 there is a fine of \$1,000 dollars. And for
11 Charge 2 there is a fine of \$2,000 dollars.

12 The total fine of \$6,350 dollars will
13 be payable in 90 days. If it's not payable in 90
14 days the license will be suspended until the fine
15 has been paid.

16 Is this your understanding? Is this
17 your client's understanding, sir, of the offer in
18 compromise?

19 MR. BAILEY: Yes. We discussed it
20 with our client, and this is our understanding.

21 CHAIRPERSON ANDERSON: Is your client
22 aware that by accepting an offer in compromise

1 that he has given up his right to, for a hearing?

2 MR. BAILEY: Yes, Your Honor.

3 CHAIRPERSON ANDERSON: And is he also
4 aware that by accepting an offer in compromise
5 that he has given up his right to appeal this
6 matter?

7 MR. BAILEY: Yes.

8 CHAIRPERSON ANDERSON: With that said,
9 I make a motion that the offer in compromise in
10 Case 18-CMP-00024 with, for Charge 1 there's a
11 warrant in, for Charge 2 a fine of \$350 dollars.

12 For Case 18-CMP-0067 for Charge one
13 there's, Charge 1 is dismissed. Charge 2 there's
14 a fine of \$1,000 dollars. For Charge 3 there's a
15 fine of \$2,000 dollars.

16 And in Case 18-CMP-00075 for Charge 1
17 there is a fine of \$1,000 dollars. For Charge 2
18 there is a fine of \$2,000 dollars. For a total
19 fine of \$6,350 dollars, payable in 90 days.

20 If the fine is not paid within 90 days
21 the license will be suspended until the fine has
22 been paid. Is there a second?

1 MEMBER SHORT: Second.

2 CHAIRPERSON ANDERSON: Mr. Short has
3 second the motion. All those in favor say, aye.

4 (Chorus of aye.)

5 CHAIRPERSON ANDERSON: Those opposed?

6 (No response)

7 CHAIRPERSON ANDERSON: The matter
8 passes 5-0-0. The Board will issue a Board
9 Order. So therefore, we will issue a written
10 order. And 90 days after the Board Order is
11 written the fine has to be paid.

12 I want to than the parties for, this
13 was a complicated case. And I want to thank the
14 parties for coming to a mutual agreement to
15 settle this matter. Okay. Thank you very much.

16 MR. RIVERO: Thank you.

17 MR. BAILEY: Thank you.

18 CHAIRPERSON ANDERSON: Everyone has
19 signed in on the sign in sheet. Is that correct?
20 Did you sign in on the sign in sheet?

21 MR. BAILEY: Yes.

22 CHAIRPERSON ANDERSON: And did your

1 client also sign in on the sign in sheet?

2 (Whereupon, the above-entitled matter
3 went off the record at 9:58 a.m.)

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<p>A</p> <p>a.m 3:2 10:3 Ababa 1:6 above-entitled 10:2 accepting 7:22 8:4 agreement 9:14 Alcoholic 1:2,16,16 ALEMSEGED 2:22 Allowed 1:11 ANC 1:8 Anderson 1:19 2:10 3:7 3:9 4:8,14,17,20 5:1,4 5:7,11,13,16,18,22 6:4,8,11,16,19 7:21 8:3,8 9:2,5,7,18,22 appeal 8:5 appropriate 3:19 assessment 3:17 assured 3:21 August 1:14 aware 7:22 8:4 aye 9:3,4</p>	<p>comprises 4:5 compromise 6:22,22 7:18,22 8:4,9 Consequently 4:3 Control 1:2,16,16 correct 9:19 Counsel 2:21 3:21 CR 1:8</p>	<p>Honor 8:2</p>	<p>Operating 1:10 opposed 9:5 order 9:9,10,10</p>
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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: Techno Excess, LLC

Before: Alcoholic Beverage Control Board

Date: 08-15-18

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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