

IN THE MATTER OF: :
:
Betty's Gojo Restaurant :
and Lounge, LLC, :
t/a Betty's Gojo :
7616 Georgia Avenue NW : Show Cause
Retailer CR - ANC 4A : Hearing
License No. 102500 :
Case #19-CMP-00097 :
:
(Operating After Hours, :
Failed to Follow Security:
Plan [Three Counts]) :

Wednesday
February 26, 2020

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
JENI HANSEN, Member
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
JAMES SHORT, JR., Member
REMA WAHABZADAH, Member

ALSO PRESENT:

KIBREEB EMBAYE, Applicant
SELAM LEGESS, Interpreter for Applicant
JOHN LUI, DC OAG
INVESTIGATOR TAVRIL PROUT, DC ABRA, Witness

T-A-B-L-E O-F C-O-N-T-E-N-T-S

	PAGE
Opening Statement - Government	8
Direct Exam of Investigator Prout.22
Cross Exam of Investigator Prout28
Direct Exam of Mr. Embaye.28
Exam of Mr. Embaye by Board Members.30
Closing Statement - Government36
Closing Statement - Respondent39

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

2 3:06 p.m.

3 MR. ANDERSON: All right. We are back
4 on the record. Our next case is case number 19-
5 CMP-00097, Betty's Gojo, license number 102500.
6 Will the parties please approach and identify
7 themselves for the record please?

8 MR. LUI: Good afternoon, Board
9 Members. John Lui on behalf of the government.

10 MR. ANDERSON: Mr. Lui, hold on one
11 minute, please. Let me, can you raise your right
12 hand please, ma'am? Do you faithfully, do you
13 swear or affirm that you will faithfully
14 translate these proceedings from English into
15 Tigrayan, and from Tigrayan into English?

16 MS. LEGESS: Yes, I do. Selam Legess,
17 Tigrayan interpreter.

18 MR. ANDERSON: I'm sorry. Do it a
19 little bit slower.

20 MS. LEGESS: Tigrayan interpreter,
21 Selam Legess.

22 MR. ANDERSON: Yes. Well, I don't
23 think he caught your name. That's why I --

24 MS. LEGESS: Selam Legess. S-E-L-A-M,
25 L-E-G-E-S-S.

1 (NOTE: UNLESS OTHERWISE NOTED, ALL
2 OF THE DEFENDANT'S STATEMENTS ARE MADE THROUGH
3 THE TRANSLATOR, SELAM LEGESS.)

4 MR. ANDERSON: Well, and so there's a
5 sign-in sheet, please, also we'd like everyone to
6 sign in. Can you please identify yourself for
7 the record, please?

8 MR. EMBAYE: Good afternoon. Kibreeb
9 Embaye.

10 MR. ANDERSON: Good afternoon. Mr.
11 Lui? All right. Are there any preliminary case
12 matters in this case?

13 MR. LUI: It was raised to my
14 attention that the licensee is seeking
15 continuance.

16 (Pause.)

17 MR. ANDERSON: It's, what's going on,
18 sir?

19 MR. EMBAYE: What I would like to say
20 is that my lawyer is not ready to come today, and
21 if the hearing could be continued for another
22 day.

23 MR. ANDERSON: And who is your lawyer?

24 MR. EMBAYE: Bianco.

25 MR. ANDERSON: Who?

1 MR. EMBAYE: Bianco.

2 MR. ANDERSON: So why is Mr. Bianco
3 not, why has, why hasn't your attorney wrote the
4 agency to ask, to formally ask the agency, to
5 inform the agency that they are not representing
6 you, and that he's unavailable to be here today?

7 MR. EMBAYE: Because we have not told
8 him.

9 MR. ANDERSON: All right. You're
10 asking us to not, this hearing was scheduled for
11 a significant period of time. We have had
12 another, all right. All right. Let me start at
13 the beginning. We had a protest hearing, and Mr.
14 Bianco represented you.

15 We, since the protest hearing, we have
16 had show cause hearing, and either you or your
17 business partner has represented your
18 establishment.

19 I think maybe, I think maybe a month
20 ago, we had a show cause hearing that neither you
21 or your business partner showed up, and so we had
22 an ex parte hearing. All right.

23 I think a couple of weeks ago, we had
24 another hearing, and you, Mr. Embaye, you
25 represented yourself at the hearing. We did a,

1 we did a show cause hearing. You represented
2 yourself. All right.

3 This hearing is scheduled today.
4 You're asking the Board to postpone the hearing
5 because your lawyer is not available to attend
6 this hearing, but you have also told me that you
7 have not contacted the lawyer, so he doesn't know
8 that he's representing you. I'm not sure how to
9 take that.

10 I mean, if you told me you had
11 retained an attorney, and the attorney had
12 contacted the agency to say that he represents
13 your establishment, and that he was not available
14 to attend today, then the Board would consider
15 that.

16 But I'm not sure how the Board, I'm
17 not sure how to address the issue that the
18 attorney, you have not even contacted the
19 attorney to see whether or not, to see whether or
20 not he wants to take your case. So what's the
21 government's position?

22 MR. LUI: The government wants to put
23 on the record that we object to the continuance.
24 There's been a lot of time for the alleged
25 attorney to contact our office.

1 We have never been notified from Mr.
2 Bianco or Ms. Bianco. I don't even know who it
3 is that's representing the licensee at this
4 point. The government has prepared. It's ready
5 to move forward.

6 MR. ANDERSON: Any further comments
7 you want to make before we make a ruling? I'm
8 sorry?

9 MR. EMBAYE: Yes.

10 MR. ANDERSON: What's that?

11 MR. EMBAYE: So our, the Board, you
12 know, set our lawyer as Mr. Bianco, and the last
13 time, he did not come and represent us because I
14 thought like I was going to, I was able to
15 represent myself. And, but we were not ready.
16 That's why.

17 MR. ANDERSON: This case was
18 scheduled, this matter was scheduled for a status
19 hearing December 12, 2019, and a show cause
20 hearing for February 5, 2020.

21 So this matter was rescheduled to
22 today, because we're supposed to have had this
23 case a while back. The government have informed
24 the Board that it's ready and able to move
25 forward.

1 The government does not agree to a
2 continuance, and so based on, based on the
3 position of the government, the government states
4 that it is ready to move forward. We are going
5 to move forward with this hearing.

6 MR. EMBAYE: Okay. If that's, you're
7 ready, we'll --

8 MR. ANDERSON: All right. Mr. Lui,
9 are there any, are there any other preliminary
10 matters at --

11 MR. LUI: No, Mr. Chairperson.

12 MR. ANDERSON: Do you wish to make an
13 opening statement?

14 MR. LUI: Yes.

15 MR. ANDERSON: Move forward, please.

16 OPENING STATEMENT - GOVERNMENT

17 MR. LUI: Good afternoon, Board
18 Members. We are here in the show cause matter of
19 Betty's Gojo Restaurant & Lounge, LLC, trading as
20 Betty's Gojo, case number 19-CMP-00097.

21 The show cause notice issued in this
22 matter has three charges, first of which is the
23 licensee operated outside the approved hours
24 under the license, which is in violation of D.C.
25 Code Section 25-823(a)(7).

1 Second violation is a two-part, and it
2 all falls under the failure to follow the
3 establishment's security plan, which is in
4 violation of D.C. Code Section 25-823(a)(6).

5 They violated their security plan in
6 one of two ways. The first way is that they
7 failed to employ MPD officers from the
8 reimbursement detail program for the promoted
9 event that evening that lasted after 1 a.m.

10 The establishment, the licensee also
11 failed to ensure that security camera footage was
12 maintained for 30 days.

13 The third charge being brought against
14 the establishment is the failure to ensure the
15 security footage is available within 48 hours
16 upon request from an ABRA staff member, which is
17 in violation of D.C. Code Section 25-
18 403(e)(3)(G)(iii).

19 The evidence will show that the
20 establishment licensee violated all of these
21 charges, and the government will be calling one
22 witness, Investigator Tavrill Prout, to
23 substantiate these charges.

24 MR. ANDERSON: Do you wish to make an
25 opening statement, sir, or will you make an

1 opening statement once the government has
2 presented its case?

3 MR. EMBAYE: We would like to speak.

4 MR. ANDERSON: Now? No, I'm just
5 saying, you can do it either now or you could
6 wait until the government presents its case.

7 MR. EMBAYE: Yes, we would like to
8 give our opening statement after he finishes.

9 MR. ANDERSON: Okay. Fine. Call your
10 first witness. Who is your first witness?

11 MR. LUI: Investigator Tavrill Prout.

12 MR. ANDERSON: Mr. Prout, can you
13 raise your right hand, please?

14 MR. PROUT: Yes, sir.

15 MR. ANDERSON: Do you swear or affirm
16 to tell the truth and nothing but the truth?

17 MR. PROUT: I do, Chairman.

18 MR. ANDERSON: Have a seat. Your
19 witness, sir.

20 DIRECT EXAMINATION

21 MR. LUI: Could you please state and
22 spell your full name?

23 MR. PROUT: My first name is Tavrill,
24 T-A-V-R-I-L. My last name is Prout, P-R-O-U-T,
25 and I am an investigator for the Alcoholic

1 Beverage Regulation Administration.

2 MR. LUI: How long have you been an
3 investigator with ABRA?

4 MR. PROUT: I've been an investigator
5 for the Alcoholic Board for approximately one
6 year in one month.

7 MR. LUI: What do you do as an
8 investigator?

9 MR. PROUT: As an investigator, I
10 conduct preliminary investigations in lieu of
11 Metropolitan Police Department criminal
12 investigations, as well as conduct regulatory
13 inspections of alcohol-serving establishments in
14 the District of Columbia.

15 MR. LUI: What comprises of one of
16 your regulatory inspections?

17 MR. PROUT: We check the alcohol
18 license to see whether or not the establishment
19 is serving within its sale of alcohol, as well as
20 within the confines of their operating hours.

21 We also check for the verification of
22 the certificate of occupancy to verify that the
23 establishment is operating in lieu of DCRA of
24 their acquired number of patrons that are able to
25 be in the establishment at any given time.

1 MR. LUI: Are you familiar with the
2 establishment Betty's Gojo?

3 MR. PROUT: Yes, sir.

4 MR. LUI: How are you familiar with
5 this establishment?

6 MR. PROUT: I have responded to
7 numerous calls to service from Metropolitan
8 Police Department.

9 I have also conducted regularly,
10 regular monitoring of the establishment during
11 the week while I am on duty, as well as conducted
12 regulatory inspections at the establishment as
13 well.

14 MR. LUI: Why are you conducting
15 regulatory, regular, regulatory inspections at
16 this establishment?

17 MR. PROUT: Regulatory inspections
18 were conducted in lieu of ABRA investigations
19 that were conducted while on duty, as well as
20 routine regulatory inspections that were assigned
21 to me by the agency.

22 MR. LUI: Why?

23 MR. PROUT: To make sure that the
24 establishment is operating in compliance of their
25 issued alcohol license.

1 MR. LUI: Directing your attention to
2 last summer, did you conduct an investigation at
3 this establishment?

4 MR. PROUT: Yes, a preliminary
5 investigation was conducted at Betty's Gojo,
6 located at 7616 Georgia Avenue, on July 3rd. The
7 regulatory inspection was conducted by my
8 previous fellow ABRA investigator, Andy De Los
9 Santos.

10 However, I was monitoring the
11 establishment, and I observed the establishment
12 operating after hours, at approximately 1:55 a.m.

13 MR. LUI: This was July 3rd. What
14 year was this?

15 MR. PROUT: 2019.

16 MR. LUI: What happened that evening
17 that you were monitoring at 1:55 a.m.?

18 MR. PROUT: I noticed an African-
19 American male with a red t-shirt and blue jeans
20 lock the front door of the establishment. He
21 then exits the establishment and heads southbound
22 on Georgia Avenue, towards the alley area of
23 Betty's Gojo, between the National Historically
24 Black College Museum and the PNC Bank location.

25 I then follow him in my D.C.

1 government Fleet, and he entered the rear of the
2 establishment through the downstairs rear door.

3 Upon my observance at approximately
4 2:02 a.m., I observed approximately four African-
5 American patrons knocking on the door, looking to
6 gain entrance into the establishment. The four
7 patrons were able to gain access to the
8 establishment.

9 Minutes later, I saw a security
10 officer that was identified by a security label
11 on the back of his polo, open the first floor
12 rear door, in which I asked him what was going
13 on, and he stated that the establishment was in
14 the process of closing up.

15 He was going out to his vehicle, and
16 he was going to kick everybody out of the
17 establishment. He then closes the door to the
18 first floor rear door to the establishment.

19 I then contact Supervisory
20 Investigator John Fiorentine to notify him that
21 the establishment was possibly operating after
22 his Board-approved alcohol license, sorry, the
23 Board-approved alcohol sales for its alcohol
24 license, which was supposed to cease at 1:30 a.m.
25 on the night in question.

1 Then after that, Supervisory
2 Investigator John Fiorentine contacts
3 Metropolitan Police Department, and a police
4 cruiser is dispatched to assist with patrons
5 vacating from the establishment.

6 Minutes later, Mr. Embaye comes out,
7 and I asked him, did he know that he was supposed
8 to cease operating at 2 a.m. He stated that he
9 did not know.

10 He stated that he believed that since
11 it was the July 4th weekend, that he could
12 operate until 3:00 in the morning.

13 I advised Mr. Embaye that he did not
14 have a holiday extension, and that his alcohol
15 sales are supposed to cease at approximately 1:30
16 a.m., and his operating hours were supposed to
17 cease at 2:00 a.m.

18 This conversation was held at
19 approximately 2:12 a.m. in the morning.
20 Supervisory Investigator John Fiorentine and Andy
21 De Los Santos entered the establishment at
22 approximately 2:14 a.m., where the regulatory
23 inspection was conducted.

24 They headed to the basement area of
25 the establishment, and saw approximately 40

1 patrons in the establishment. Supervisory
2 Investigator John Fiorentine asked Mr. Embaye
3 what was the status of the patrons exiting out of
4 the establishment, and he said that he was in the
5 process of trying to remove everybody from the
6 establishment.

7 At that time, that was approximately
8 2:16 a.m., approximately 16 minutes after the
9 Board-approved hours of operation.

10 MR. LUI: And what happened after, how
11 long were the patrons in the establishment?

12 MR. PROUT: The patrons were in the
13 establishment approximately between 2:16 to 2:22,
14 so approximately 16 to 22 minutes after their
15 Board-approved operating hours.

16 MR. LUI: By 2:22, were there any
17 patrons left in the establishment?

18 MR. PROUT: I believe no.

19 MR. LUI: What happened after that?

20 MR. PROUT: I maintained my position
21 at the rear of the establishment. I saw patrons
22 exiting out of the establishment.

23 There was a male patron that was
24 smoking, and had a glass of beer in his hand, and
25 he was consuming alcohol outside of the rear of

1 the establishment while conducting my monitoring.

2 I also came into contact with the
3 event promoter, Mr. Nana Frimpong, in which I
4 asked Mr. Embaye for a copy of the contract that
5 was held between Mr. Frimpong and Mr. Embaye for
6 the promoter to be able to provide promoter
7 services to the establishment per his voluntary
8 agreement that's on file.

9 Mr. Embaye was not able to provide me
10 that information. I then solicited Mr.
11 Frimpong's driver's license, and he stated that
12 he doesn't carry a driver's license, everyone in
13 the District knows who he is based on his role as
14 an event promoter for the District of Columbia,
15 and he also stated that he knew and understood
16 that he was wrong for operating past the 2:00
17 hour with the intent that he thought that the
18 establishment had a holiday extension up until 3
19 a.m. on the night in question.

20 MR. LUI: Did you, in addition to the
21 security officer that you saw outside, were there
22 any other security officers?

23 MR. PROUT: No, there was only one
24 security officer on duty the night of. Per the
25 voluntary agreement that is on file with the

1 establishment, there was supposed to be a
2 Metropolitan detail officer assigned to the
3 establishment until, up until or after 1 a.m. for
4 any special event that occurs at the
5 establishment, and one was not on duty on the
6 night of July 3rd, heading into the July 4th
7 night, I mean, day.

8 MR. LUI: And to clarify, was there an
9 event that would qualify as a promoted event that
10 evening?

11 MR. PROUT: Yes. There was an event
12 promoter that stated that he was there hosting an
13 event, and he was under the impression that the
14 establishment could operate until 3 a.m.

15 On Tuesdays, the establishment has a
16 weekly Tuesday event called the Basement, in
17 which a third party promoter throws a party each
18 and every Tuesday night throughout the calendar
19 year.

20 MR. LUI: Tell me more about the
21 security cameras at the establishment.

22 MR. PROUT: The security cameras, to
23 my knowledge, they were working, and they were
24 operating. I requested from Mr. Embaye the
25 footage from when the establishment opened until

1 the establishment closed at approximately 2:22
2 a.m. that morning, so from approximately 5 p.m.,
3 July 3, 2019 through 2:22 a.m., July 4, 2019. At
4 2:12 a.m., sorry. I'm sorry. So --

5 MR. LUI: Could you, could you go back
6 and repeat that?

7 MR. PROUT: Yes. So I requested from
8 Mr. Embaye on July 3, 2019, at approximately 5:00
9 p.m., camera footage was requested from that time
10 up until July 4th at 2:12 a.m. on July 4th.

11 Mr. Embaye stated that he did not know
12 how to operate the cameras, however, he did have
13 a cameraman by the name of Patrick, in which he
14 referred to during the time of our initial
15 discussion the night of, and he stated that he
16 was out of town on business, and that he would
17 return on approximately July 7, 2019.

18 Myself, Supervisory Investigator John
19 Fiorentine, and an ABRA, former ABRA
20 investigator, Andy De Los Santos, returned to the
21 establishment on July 7, 2019, and Mr. Embaye
22 stated to us that the, that he could not get in
23 contact with his cameraman.

24 At that time, I requested an
25 additional 48 hours for the camera footage to be

1 provided to me. Mr. Embaye stated that he was
2 able to get in contact with his cameraman on or
3 by July 10th.

4 On July 10th, I did go to the
5 establishment, and I was able to review the
6 camera footage of the establishment for July 3,
7 2019 through July the 4th, 2019.

8 However, the camera footage was, there
9 was an error code in which I was not able to view
10 any footage from July 2nd of 2019 through July
11 5th of 2019, which is approximately 72 hours.

12 I was unable to view any type of
13 footage of patrons entering and exiting out of
14 the rear of the establishment, patrons on the
15 basement level of the establishment for July 3rd,
16 as well as the entering and exiting of ABRA and
17 Metropolitan Police Department officers on July
18 the 4th.

19 MR. LUI: Did you, on July 10, 2019,
20 you were able to access some footage. Were you
21 able, did you request to access additional
22 footage beyond that?

23 MR. PROUT: Yes. And the --

24 MR. LUI: What footage?

25 MR. PROUT: I was, I asked for, I

1 asked specifically for the footage from July 3rd
2 through the 4th. That was the footage that I
3 asked for, and that footage was not able to be
4 provided due to error codes, in which pictures
5 were taken of the error code that was shown on
6 the camera's system, and there were, there was
7 time before July 2nd, and times after July 5th in
8 which I could see footage.

9 However, from July the 2nd,
10 specifically, through July the 5th, 2019, I was
11 unable to see any type of video footage from
12 those dates and times, from 12 a.m. July 2nd
13 through 12 a.m. July 5, 2019.

14 MR. LUI: Did you request to see
15 footage in June 2019 or May 2019?

16 MR. PROUT: Yes.

17 MR. LUI: And were those accessible?

18 MR. PROUT: Yes.

19 MR. LUI: And just going back to July
20 3rd, you, did you, did you request to view the
21 security footage that evening of the inspection?

22 MR. PROUT: Yes, I did, and Mr. Embaye
23 stated that he was unable to retrieve the camera
24 footage at that time due to his cameraman being
25 out of town, or out of the country on vacation,

1 and he would return by, on or by July 7, 2019.

2 MR. LUI: And then you returned on
3 July 7th?

4 MR. PROUT: And the camera footage was
5 still not available at that time. However, the
6 cameraman was able to get back in town on or
7 before July 10th, and I was able to return to the
8 establishment per Mr. Embaye's phone call to my
9 D.C. government issued mobile phone.

10 MR. LUI: I have no further questions
11 for this witness.

12 MR. ANDERSON: Do you have any
13 questions you want to ask him, sir, based on
14 testimony that was just provided?

15 MR. EMBAYE: I have answers.

16 MR. ANDERSON: No, I'm saying do you
17 have any questions that you want to ask him? Do
18 you want to cross examine him based on the
19 testimony he just gave?

20 MR. EMBAYE: Yes, I would like to ask
21 him.

22 MR. ANDERSON: Ask him questions,
23 please.

24 CROSS EXAMINATION

25 MR. EMBAYE: So regarding the camera,

1 when was the time that I was not cooperating with
2 you, or wasn't I providing the, what you ask me,
3 and I wasn't I trying to be helpful? Didn't I
4 provide everything you asked me?

5 MR. PROUT: Mr. Embaye was cooperative
6 in the questions in which I asked him, in which I
7 initially requested video footage.

8 However, Mr. Embaye stated that he had
9 lack of knowledge of the working, the inner
10 workings of the camera system that was in his
11 establishment on July 3, 2019.

12 He stated that his cameraman would be,
13 return from vacation on July 7th of 2019.
14 Myself, Supervisory Investigator John Fiorentine,
15 and former ABRA investigator, Andy De Los Santos
16 returned to the establishment on July 7, 2019 to
17 view the camera footage.

18 However, Mr. Embaye stated that his
19 cameraman did not return from out of the country,
20 and he will contact me when he did.

21 On or by July 7th, sorry, July 10,
22 2019, I received a phone call from Mr. Embaye
23 stating to come to the establishment to be able
24 to view the camera footage, and per my
25 investigation and review of the camera footage

1 that was in the establishment, I was able to
2 retrieve camera footage from, dating from July 2,
3 2019 through July the 5th of 2019.

4 MR. ANDERSON: Do you have any other
5 questions?

6 MR. EMBAYE: I do have one more
7 question. So when you were testifying, you had
8 said that I did not give you the contract that I
9 had with the promoter, but didn't I give you the
10 contract?

11 MR. PROUT: You provided me the full
12 name and last name of the promoter, but I don't
13 recall a contract.

14 MR. EMBAYE: So I did give you the
15 paper contract, and I also showed you who the
16 person was. Am I supposed to do something more
17 than that?

18 MR. PROUT: If you showed me the
19 promoter, and if you did provide me the contract,
20 then you did what you were supposed to do, if you
21 actually did provide the contract. But due to my
22 recollection, I don't remember a physical
23 contract being showed to me at that time.

24 MR. EMBAYE: So how did you know he
25 was the promoter?

1 MR. PROUT: Through previous
2 interactions, I was verbally assaulted by that
3 promoter at a previous time and date.

4 MR. EMBAYE: If that might be when he
5 was just a client. How would you know that he
6 was a promoter if we don't introduce you, and if
7 we don't give you a contract?

8 MR. PROUT: Because he has identified
9 himself as a promoter while at the establishment,
10 while conducting regulatory inspections, and
11 while conducting investigations of ABRA, as well
12 as assisting Metropolitan Police Department with
13 ongoing investigations as well.

14 MR. EMBAYE: Okay. A second question.
15 So the camera, who showed it to you when you, did
16 you look at it yourself, or was it the cameraman
17 helped you?

18 MR. PROUT: I looked at it myself
19 because the cameraman was not available.

20 MR. EMBAYE: Can you repeat?

21 MR. PROUT: Yes.

22 MR. EMBAYE: The interpreter didn't
23 hear that.

24 MR. PROUT: I looked at the camera
25 system myself because the cameraman, Mr. Patrick,

1 that Mr. Embaye referred to on July 7th, was not
2 there physically on July 7th and July 10th when I
3 visited the establishment.

4 MR. EMBAYE: So if you can do that,
5 if, and if the law allows you to the view camera
6 yourself, then why didn't you look at the camera
7 yourself on the 3rd and the 7th?

8 MR. PROUT: There was --

9 MR. EMBAYE: Then if the law allows
10 you, then why would you wait until the, why would
11 you have to wait for that person?

12 MR. PROUT: So I did need to wait on
13 the person. Mr. Embaye stated that he wasn't
14 able to gain access to the system. So I was able
15 to access it on July 10th.

16 Mr. Embaye never gave me permission
17 prior to July 10th to access or look at the
18 camera footage. There was some question of like
19 him knowing the password or username for the
20 camera system to access it previously.

21 So at some point in time, he got in
22 contact with the cameraman. On July 10th, when I
23 returned to the establishment, I was able to
24 access the camera footage per Mr. Embaye's
25 permission. But prior to July 10th, Mr. Embaye

1 never offered me accessibility to the camera
2 system prior to July 10th.

3 MR. EMBAYE: Okay.

4 MR. ANDERSON: That's it?

5 MR. EMBAYE: I do not have any more
6 questions, but I have an answer.

7 MR. ANDERSON: Okay. When you present
8 your case, then you can provide your side. Any
9 questions for the witness based on the, any
10 questions? Do you have any follow-up questions?

11 MR. LUI: I don't, I just have a
12 procedural matter.

13 MR. ANDERSON: What's that, sir?

14 MR. LUI: That the Board take, I want
15 to take a minute for you to notice of the case
16 report and investigative report, and the
17 investigation of 19-CMP-00097.

18 MR. ANDERSON: Mr. Prout, thank you
19 for your testimony. You can step down.

20 MR. PROUT: Yes. Thank you,
21 Chairperson.

22 MR. ANDERSON: Do you have any other
23 witnesses, Mr. Lui?

24 MR. LUI: No, Mr. Chairperson.

25 MR. ANDERSON: Does the government

1 rest?

2 MR. LUI: Yes.

3 MR. ANDERSON: All right. Mr. Embaye,
4 how do you present, how do you present to, how do
5 you plan to defend yourself? Are you going to
6 testify or are you going to call witnesses?

7 MR. EMBAYE: I would give an answer,
8 but if I get more time, I would be able to bring
9 more witnesses that I have prepared, as I said
10 earlier.

11 MR. ANDERSON: But there's no more
12 time, so therefore, today is the day to do it.
13 So let me know what you want to do.

14 MR. EMBAYE: Okay. I can answer. I
15 can do that.

16 MR. ANDERSON: All right. Can you
17 raise your right hand, please? Do you swear or
18 affirm to tell the truth and nothing but the
19 truth?

20 MR. EMBAYE: Yes.

21 MR. ANDERSON: All right. I'm
22 listening, sir. Now, tell me, you said that you
23 can provide answers, so I'm waiting for you to
24 hear what you have to say.

25 DIRECT EXAMINATION

1 MR. EMBAYE: First of all, I would
2 like to thank all Your Honors for giving me a
3 chance to answer. That on the day, on the 3rd,
4 so on that day, on the 3rd, I stopped selling
5 alcohol at 1:30 p.m. and by, a.m., sorry, and I
6 had completely stopped everything, and I had two
7 securities at that time, and I was trying to
8 follow all the laws, and we completely stopped,
9 but there were patrons who already have alcohol,
10 and they were trying to finish that. And besides
11 that, I was, we were trying to follow all of the
12 laws.

13 So by 1:40, when the officer, the
14 investigator comes, everybody was leaving by
15 1:40. People were already leaving.

16 But as he said, there were around 40
17 people in there, and the security was basically
18 trying to push them out, and by then, it became
19 1:55 p.m., a.m., sorry.

20 Regarding the camera, at that date,
21 the same date, I had offered him to try, but I
22 didn't want to take the responsibility of trying
23 to look at the camera, because it was a new
24 system, and I didn't want to erase anything.

25 And I had called the cameraman at that

1 time, and I had also gave him the phone number so
2 he can call him.

3 So as he said, by 2:10, everybody was
4 out of the establishment, and by 1:45, we were
5 not selling any alcohol except the ones they were
6 holding, like it was already, they had it in
7 their hands. And as everybody knows, at that
8 time, we basically like pull it away from their
9 hand. So this is my answer.

10 EXAMINATION BY BOARD MEMBERS

11 MR. ANDERSON: Do you have any
12 questions for him, Mr. Lui? I have a question.
13 So what time was your closing time on that day?
14 This was, what, July 3rd?

15 MR. EMBAYE: So according to the law
16 that governs my license, I stopped selling by
17 1:30, and I turned on the lights, and by 2 a.m.,
18 everybody is out of the establishment.

19 MR. ANDERSON: Is a copy of his hours
20 in the report?

21 MR. LUI: Yes.

22 MR. ANDERSON: Okay. So what, the
23 July, this is July 3, 2019? Okay, so it was a
24 Tuesday.

25 MR. EMBAYE: Yes, it was on Tuesday.

1 MR. ANDERSON: The hours are 2:00. So
2 --

3 MR. EMBAYE: 1:30.

4 MR. ANDERSON: I'm sorry? The
5 operation says from 6 a.m. to 2 a.m. So if your,
6 if your hours were supposed to be, if you were
7 supposed to be locked at 2 a.m., you said
8 everybody was out by 2:10. That's what you just
9 said.

10 MR. EMBAYE: Yes. We start shutting
11 down at 1:30, but like we had a security and the
12 promoters, those are the ones who left at the
13 end, at 2:10, but all my customers were out of
14 there by 2 a.m.

15 MR. ANDERSON: I'm, I was listening to
16 your testimony, and you just testified that
17 everybody was out at 2:10, so --

18 MR. EMBAYE: Yes, I meant like the
19 other people who are working there, the last
20 people.

21 MR. ANDERSON: As I said, I'm going by
22 your testimony. I took notes, and you said
23 everybody was out by 2:10, so therefore, that
24 2:10 is past 2:00. So, and, okay. And --

25 MR. EMBAYE: Yes. Yes, everybody was

1 out. All of the clients, all of the customers
2 were out by 2, but the, because we have the
3 investigator and I was talking to him, and those
4 sorts of people was there, and the people who
5 work there, those are the ones who left at the
6 end, at 2:10.

7 MR. ANDERSON: All right. Does, go
8 ahead. Go ahead, Ms. Crockett.

9 MS. CROCKETT: Investigator Prout,
10 Investigator Prout has testified that
11 Investigator Fiorentine and Investigator De Los
12 Santos entered the establishment at 2:17 a.m.
13 You, then, escorted them into the basement at
14 2:17 a.m., where they observed approximately 40
15 patrons.

16 So were there 40 patrons when they
17 entered at 2:17 or patrons gone at 2:00, as you
18 stated?

19 MR. EMBAYE: So first of all, Mr.
20 Prout, he came at 1:55, not at 2:17.

21 MS. CROCKETT: I said Investigator
22 Fiorentine and Investigator De Los Santos, who
23 arrived at 2:17, and you escorted them to the
24 basement.

25 MR. EMBAYE: When I took them to the

1 basement, it was 1:55.

2 MS. CROCKETT: So are you challenging
3 the accuracy of the report? Have you read this
4 report, sir?

5 MR. EMBAYE: Yes, I did.

6 MS. CROCKETT: And you listened to Mr.
7 Prout's testimony, sir?

8 MR. EMBAYE: Yes, I did.

9 MS. CROCKETT: You had an opportunity
10 when Mr. Prout testified that he, and that
11 Investigators Fiorentine and De Los Santos
12 observed 40 patrons at 2:17, you had an
13 opportunity to say something about it then. Why
14 did you not raise it then?

15 MR. EMBAYE: I did not pay attention,
16 but I thought he said 1:55.

17 MS. CROCKETT: But you also have it
18 written in the report that says 2:17, at the
19 bottom of page 2.

20 (Off microphone comments.)

21 MS. CROCKETT: Can, yes, also can you
22 move the paper off the microphone?

23 MR. EMBAYE: We have the page from 3
24 to 6. Can I show it to you?

25 MR. ANDERSON: Can, Mr. Lui, do you

1 have a full copy? Can you show --

2 MR. EMBAYE: Yes, right here it says
3 2:12, and this report was never given to us.
4 This is the report that we have.

5 MS. CROCKETT: Okay. My next question
6 involves the use of your back door. So
7 Investigator Prout states that he watched your
8 security lock the front door, and then go around
9 to the back door.

10 He also observed individuals appear at
11 the back door to gain entry. Is it customary
12 that you utilize the back door of your
13 establishment for patrons to enter?

14 MR. EMBAYE: Yes, the only thing we do
15 is at 1:30, we close the door, and then what,
16 whoever we have left, we basically push them out.
17 And I have a question.

18 MS. CROCKETT: You have a question for
19 whom?

20 MR. ANDERSON: Hold on. Hold on, hold
21 on a minute. I, because of the, you're
22 representing yourself, but you can't speak,
23 ma'am.

24 He's the one that's under cross
25 examination. For all of the questions that are

1 being asked, Mr. Embaye is the one who needs to
2 respond. She should not be responding because
3 she's not, she's not under oath.

4 He has not put her on to testify, so
5 Mr. Embaye is the only person who can speak or
6 answer questions. Go ahead, Ms. Crockett.

7 MS. CROCKETT: So your patrons who
8 were in the basement, how did they enter?

9 MR. EMBAYE: The front door.

10 MS. CROCKETT: But you won't have them
11 exit out of the front door?

12 MR. EMBAYE: They use both doors to
13 get out.

14 MS. CROCKETT: But the door was
15 locked. You just stated that you have him lock
16 the door.

17 MR. EMBAYE: Yes. Yes. The reason we
18 lock the door is so people don't come in. So the
19 security go downstairs to push out the customers,
20 and then wait at the door to let them out.

21 MS. CROCKETT: Okay. I have no
22 further questions.

23 MR. ANDERSON: Any other questions by
24 any of the Board Members? Mr. Lui, do you have
25 any questions of the witness based on the

1 questions that were asked by the Board Members?

2 Mr. Embaye, do you, do you need to
3 make any statement to correct whatever was just
4 asked of you? Do you have anything else you want
5 to say?

6 MR. EMBAYE: That's it. I have
7 represented everything that I can.

8 MR. ANDERSON: Thank you. Do you wish
9 to make a closing argument, Mr. Lui? Oh, I'm
10 sorry. Yes. Yes, so do you need to make a
11 closing argument? Go ahead, please.

12 CLOSING STATEMENT - GOVERNMENT

13 MR. LUI: The government has provided
14 sufficient evidence for the Board to find that
15 the licensee violated three charges, or violated
16 three laws, the first of which is the, is the
17 operating outside of approved hours.

18 The Board issues these hours and
19 approves these hours, and for this establishment,
20 the hours of sales were up until 1:30 a.m. that
21 day. The hours of operation are until 2 a.m.

22 Investigator Prout testified that upon
23 entry with the other investigators, the
24 establishment was still in operation, which is in
25 direct violation of D.C. Code Section 25-

1 823(a)(7), as they were still operating at that
2 time, up until at least 2:22 a.m., is what
3 Investigator Prout testified to.

4 We also heard Investigator Prout
5 testifying about Investigator Fiorentine
6 observing 40 patrons in the basement as well,
7 also within the establishment, and out, and also
8 outside of the hours of operation, the Board-
9 approved hours of operation.

10 And Investigator Prout, as to this
11 charge, also testified that there were no holiday
12 extensions that evening. They could not operate
13 until 3 a.m.

14 Now, as to the second charge, the
15 establishment failed to follow the
16 establishment's security plan, which is in
17 violation of D.C. Code Section 25-823(a)(6),
18 specifically the promoter in this case identified
19 himself to Investigator Prout.

20 It was, and the promoter is also known
21 to Investigator Prout. Therefore, there was a
22 promoted event that evening in which the
23 establishment was supposed to hire an MPD officer
24 as a part of the RDO program, the reimbursable
25 detail subsidy program, for any event that was to

1 go on after 1 a.m.

2 In this case, the licensee did not,
3 which is in violation of their security plan.
4 And as to the last charge, Investigator Prout, on
5 the evening of the incident, July 3rd, requested
6 security footage.

7 And it was up to the establishment and
8 the licensee to provide the security footage
9 within 48 hours. Investigator Prout returned on
10 July 7th. No access to the security footage.

11 That was even beyond the 48 hours.
12 There was a grace period built into that, because
13 the establishment was allegedly cooperating with
14 Investigator Prout.

15 Investigator Prout returned on July
16 10th. Yes, he was able to access the security
17 footage, but there was only limited and missing
18 footage of the requested time period in which
19 Investigator Prout had requested.

20 This is in direct violation of D.C.
21 Code Section 25-403(e)3(G)(iii). The government
22 has therefore met its burden by a preponderance
23 of the evidence, and has proven the charges.

24 The government asks the Board to
25 impose a fine, as provided under D.C. Code

1 Section 25-830. Thank you.

2 MR. ANDERSON: Do you have a closing,
3 any closing statements you want to make, sir?

4 MR. EMBAYE: Your Honor, I would like
5 to ask --

6 MR. ANDERSON: I'm sorry?

7 MR. EMBAYE: Oh, the interpreter would
8 like to ask clarification. They don't understand
9 the --

10 Yes, I would like to give the closing.

11 MR. ANDERSON: Yes.

12 CLOSING STATEMENT - RESPONDENT

13 MR. EMBAYE: So I did hear the
14 government agreement, and, but I also know the
15 law, and I work following the law.

16 I stop selling them alcohol at 1:30.
17 I turned on the light, and I started forcing the
18 clients. Besides that, I don't know what else to
19 do.

20 MR. ANDERSON: That's it?

21 MR. EMBAYE: Yes, I'm done.

22 MR. ANDERSON: Okay. All right. The
23 record is now closed. If the parties wish to
24 file proposed findings of fact and conclusion of
25 law, always have the right to do that.

1 The meaning of that, sir, do you want
2 us to make the decision based on what was
3 presented today?

4 MS. LEGESS: Can I, the interpreter,
5 ask for clarification?

6 MR. ANDERSON: I'm sorry?

7 MS. LEGESS: Can I ask Your Honor to
8 repeat? I didn't understand what you say.

9 MR. ANDERSON: Does he rest? Does he
10 want the Board to make a decision based on the
11 presentation that was made today?

12 MR. EMBAYE: I don't have any more.

13 MR. LUI: The government does.

14 MR. ANDERSON: Thank you. All right.
15 As Chairperson of the Alcoholic Beverage Control
16 Board for the District of Columbia, in accordance
17 with D.C. Official Code Section 2574(b) of the
18 Open Meetings Act, I move that the ABC Board hold
19 a closed meeting for the purpose of seeking legal
20 advice from our counsel on case number 19-CMP-
21 00097, Betty's Gojo Restaurant, pursuant to D.C.
22 Official Code Section 2574(b)(4) of the Open
23 Meetings Act, and deliberating upon case number
24 19-CMP-00097, Betty's Gojo, for the reasons cited
25 in D.C. Official Code Section 2574(b)(13) of the

1 Open Meetings Act. Is there a second?

2 MR. SHORT: Second.

3 MR. ANDERSON: Mr. Short has seconded
4 the motion. I will now take a roll call vote on
5 the motion put forth now that it's been seconded.
6 Ms. Wahabzadah?

7 MS. WAHABZADAH: I agree.

8 MR. ANDERSON: Mr. Short?

9 MR. SHORT: I agree.

10 MR. ANDERSON: Mr. Cato?

11 MR. CATO: I agree.

12 MR. ANDERSON: Ms. Crockett?

13 MS. CROCKETT: I agree.

14 MR. ANDERSON: Ms. Hansen?

15 MS. HANSEN: I agree.

16 MR. ANDERSON: Mr. Anderson, I agree.

17 As it appears that the motion has passed, I
18 hereby give notice that the ABC Board will recess
19 these proceedings to hold a closed meeting in the
20 ABC Board conference room, pursuant to Section
21 2574(b) of the Open Meetings Act.

22 Thank you for your testimony, for your
23 presentation today. The Board will issue a
24 decision within the next 90 days. Thank you very
25 much.

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia, in accordance with D.C. Official Code
4 Section 2574(b) of the Open Meetings, I move that
5 the ABC Board hold a closed meeting on March the
6 11th, 2020, for the purpose of seeking legal
7 advice from, on the matters identified on the
8 Board's legal licensing and investigative agenda
9 for March the 11th, 2020, as published in, on
10 February the 28th, 2020. Is there a second?

11 MS. CROCKETT: Second.

12 MR. ANDERSON: Ms. Crockett has
13 seconded the motion. I will now take a roll call
14 vote on the motion put forth, now that it has
15 been seconded. Ms. Wahabzadah?

16 MS. WAHABZADAH: I agree.

17 MR. ANDERSON: Mr. Short?

18 MR. SHORT: I agree.

19 MR. ANDERSON: Mr. Cato?

20 MR. CATO: I agree.

21 MR. ANDERSON: Ms. Crockett?

22 MS. CROCKETT: I agree.

23 MR. ANDERSON: Ms. Hansen?

24 MS. HANSEN: I agree.

25 MR. ANDERSON: Mr. Anderson? I agree.

1 It has appeared that the motion has passed. I
2 hereby give notice that the ABC Board will hold
3 this closed meeting pursuant to the Open Meetings
4 Act.

5 Notice will also be posted on the ABC
6 Board hearing room bulletin board, placed on the
7 electronic calendar on ABRA's website, and
8 published in the D.C. Register in as timely
9 manner as practical. It is 4:16 p.m., and we are
10 adjourned for the day. Thank you.

11 (Whereupon, the above-entitled matter
12 went off the record at 4:16 p.m.)
13
14
15
16
17
18
19
20
21
22
23
24
25

A		B	
a.m 9:9 13:12,17 14:4 14:24 15:8,16,17,19 15:22 16:8 17:19 18:3 18:14 19:2,3,4,10 21:12,13 29:5,19 30:17 31:5,5,7,14 32:12,14 36:20,21 37:2,13 38:1	10:25 11:5 40:15 42:1	available 6:5,13 9:15 22:5 25:19 Avenue 1:7 13:6,22	28:6 30:2 41:4 42:13 called 18:16 29:25 calling 9:21 calls 12:7 camera 9:11 19:9,25 20:6,8 21:23 22:4,25 23:10,17,24,25 24:2 25:15,24 26:5,6,18,20 26:24 27:1 29:20,23
ABC 40:18 41:18,20 42:5 43:2,5	ALIYA 1:20	back 3:3 7:23 14:11 19:5 21:19 22:6 34:6 34:9,11,12	camera's 21:6
able 7:14,24 11:24 14:7 17:6,9 20:2,5,9,20,21 21:3 22:6,7 23:23 24:1 26:14,14,23 28:8 38:16	alleged 6:24	based 8:2,2 17:13 22:13,18 27:9 35:25 40:2,10	cameraman 19:13,23 20:2 21:24 22:6 23:12 23:19 25:16,19,25 26:22 29:25
above-entitled 43:11	allegedly 38:13	basement 15:24 18:16 20:15 32:13,24 33:1 35:8 37:6	cameras 18:21,22 19:12
ABRA 1:25 9:16 11:3 12:18 13:8 19:19,19 20:16 23:15 25:11	alley 13:22	basically 29:17 30:8 34:16	carry 17:12
ABRA's 43:7	allows 26:5,9	beer 16:24	case 1:9 3:4,4 4:11,12 6:20 7:17,23 8:20 10:2,6 27:8,15 37:18 38:2 40:20,23
access 14:7 20:20,21 26:14,15,17,20,24 38:10,16	American 13:19 14:5	beginning 5:13	Cato 1:20 41:10,11 42:19,20
accessibility 27:1	ANC 1:8	behalf 3:9	caught 3:23
accessible 21:17	Anderson 1:16,19 3:3 3:10,18,22 4:4,10,17 4:23,25 5:2,9 7:6,10 7:17 8:8,12,15 9:24 10:4,9,12,15,18 22:12 22:16,22 24:4 27:4,7 27:13,18,22,25 28:3 28:11,16,21 30:11,19 30:22 31:1,4,15,21 32:7 33:25 34:20 35:23 36:8 39:2,6,11 39:20,22 40:6,9,14 41:3,8,10,12,14,16,16 42:12,17,19,21,23,25 42:25	believe 16:18	cause 1:7 5:16,20 6:1 7:19 8:18,21
accuracy 33:3	Andy 13:8 15:20 19:20 23:15	believed 15:10	cease 14:24 15:8,15,17
acquired 11:24	answer 27:6 28:7,14 29:3 30:9 35:6	Betty's 1:6,7 3:5 8:19 8:20 12:2 13:5,23 40:21,24	certificate 11:22
Act 40:18,23 41:1,21 43:4	answers 22:15 28:23	Beverage 1:2,14,15 11:1 40:15 42:2	Chairman 10:17
addition 17:20	appear 34:10	beyond 20:22 38:11	Chairperson 1:16,19 8:11 27:21,24 40:15 42:1
additional 19:25 20:21	appeared 43:1	Bianco 4:24 5:1,2,14 7:2,2,12	challenging 33:2
address 6:17	appears 41:17	bit 3:19	chance 29:3
adjoined 43:10	Applicant 1:23,24	Black 13:24	charge 9:13 37:11,14 38:4
Administration 11:1	approach 3:6	blue 13:19	charges 8:22 9:21,23 36:15 38:23
advice 40:20 42:7	approved 8:23 36:17 37:9	board 1:2,14 2:7 3:8 6:4 6:14,16 7:11,24 8:17 11:5 27:14 30:10 35:24 36:1,14,18 38:24 40:10,16,18 41:18,20,23 42:2,5 43:2,6,6	check 11:17,21
advised 15:13	approves 36:19	Board's 42:8	cited 40:24
affirm 3:13 10:15 28:18	approximately 11:5 13:12 14:3,4 15:15,19 15:22,25 16:7,8,13,14 19:1,2,8,17 20:11 32:14	Board- 37:8	clarification 39:8 40:5
African- 13:18 14:4	area 13:22 15:24	Board-approved 14:22 14:23 16:9,15	clarify 18:8
afternoon 3:8 4:8,10 8:17	argument 36:9,11	BOBBY 1:20	client 25:5
agency 5:4,4,5 6:12 12:21	arrived 32:23	bottom 33:19	clients 32:1 39:18
agenda 42:8	asked 14:12 15:7 16:2 17:4 20:25 21:1,3 23:4,6 35:1 36:1,4	brought 9:13	close 34:15
ago 5:20,23	asking 5:10 6:4	Building 1:15	closed 19:1 39:23 40:19 41:19 42:5 43:3
agree 8:1 41:7,9,11,13 41:15,16 42:16,18,20 42:22,24,25	asks 38:24	built 38:12	closes 14:17
agreement 17:8,25 39:14	assaulted 25:2	bulletin 43:6	closing 2:8,9 14:14 30:13 36:9,11,12 39:2 39:3,10,12
ahead 32:8,8 35:6 36:11	assigned 12:20 18:2	burden 38:22	CMP-00097 3:5
alcohol 11:17,19 12:25 14:22,23,23 15:14 16:25 29:5,9 30:5 39:16	assist 15:4	business 5:17,21 19:16	code 8:25 9:4,17 20:9 21:5 36:25 37:17 38:21,25 40:17,22,25 42:3
alcohol-serving 11:13	assisting 25:12		codes 21:4
Alcoholic 1:2,14,15	attend 6:5,14		College 13:24
	attention 4:14 13:1 33:15		
	attorney 5:3 6:11,11,18 6:19,25		
		C	
		C-O-N-T-E-N-T-S 2:1	
		calendar 18:18 43:7	
		call 10:9 22:8 23:22	

Columbia 1:1 11:14
17:14 40:16 42:3
come 4:20 7:13 23:23
35:18
comes 15:6 29:14
comments 7:6 33:20
completely 29:6,8
compliance 12:24
comprises 11:15
conclusion 39:24
conduct 11:10,12 13:2
conducted 12:9,11,18
12:19 13:5,7 15:23
conducting 12:14 17:1
25:10,11
conference 41:20
confines 11:20
consider 6:14
consuming 16:25
contact 6:25 14:19 17:2
19:23 20:2 23:20
26:22
contacted 6:7,12,18
contacts 15:2
continuance 4:15 6:23
8:2
continued 4:21
contract 17:4 24:8,10
24:13,15,19,21,23
25:7
Control 1:2,14,15 40:15
42:2
conversation 15:18
cooperating 23:1 38:13
cooperative 23:5
copy 17:4 30:19 34:1
correct 36:3
counsel 40:20
country 21:25 23:19
Counts 1:11
couple 5:23
CR 1:8
criminal 11:11
Crockett 1:20 32:8,9,21
33:2,6,9,17,21 34:5
34:18 35:6,7,10,14,21
41:12,13 42:11,12,21
42:22
cross 2:5 22:18,24
34:24
cruiser 15:4
customary 34:11
customers 31:13 32:1
35:19

D

D.C 1:16 8:24 9:4,17
13:25 22:9 36:25

37:17 38:20,25 40:17
40:21,25 42:3 43:8
date 25:3 29:20,21
dates 21:12
dating 24:2
day 4:22 18:7 28:12
29:3,4 30:13 36:21
43:10
days 9:12 41:24
DC 1:24,25
DCRA 11:23
De 13:8 15:21 19:20
23:15 32:11,22 33:11
December 7:19
decision 40:2,10 41:24
defend 28:5
DEFENDANT'S 4:2
deliberating 40:23
Department 11:11 12:8
15:3 20:17 25:12
detail 9:8 18:2 37:25
direct 2:4,6 10:20 28:25
36:25 38:20
Directing 13:1
discussion 19:15
dispatched 15:4
District 1:1 11:14 17:13
17:14 40:16 42:2
Donovan 1:16,19
door 13:20 14:2,5,12,17
14:18 34:6,8,9,11,12
34:15 35:9,11,14,16
35:18,20
doors 35:12
downstairs 14:2 35:19
driver's 17:11,12
due 21:4,24 24:21
duty 12:11,19 17:24
18:5

E

earlier 28:10
either 5:16 10:5
electronic 43:7
Embaye 1:23 2:6,7 4:8
4:9,19,24 5:1,7,24 7:9
7:11 8:6 10:3,7 15:6
15:13 16:2 17:4,5,9
18:24 19:8,11,21 20:1
21:22 22:15,20,25
23:5,8,18,22 24:6,14
24:24 25:4,14,20,22
26:1,4,9,13,16,25
27:3,5 28:3,7,14,20
29:1 30:15,25 31:3,10
31:18,25 32:19,25
33:5,8,15,23 34:2,14
35:1,5,9,12,17 36:2,6

39:4,7,13,21 40:12
Embaye's 22:8 26:24
employ 9:7
English 3:14,15
ensure 9:11,14
enter 34:13 35:8
entered 14:1 15:21
32:12,17
entering 20:13,16
entrance 14:6
entry 34:11 36:23
erase 29:24
error 20:9 21:4,5
escorted 32:13,23
establishment 5:18
6:13 9:10,14,20 11:18
11:23,25 12:2,5,10,12
12:16,24 13:3,11,11
13:20,21 14:2,6,8,13
14:17,18,21 15:5,21
15:25 16:1,4,6,11,13
16:17,21,22 17:1,7,18
18:1,3,5,14,15,21,25
19:1,21 20:5,6,14,15
22:8 23:11,16,23 24:1
25:9 26:3,23 30:4,18
32:12 34:13 36:19,24
37:7,15,23 38:7,13
establishment's 9:3
37:16
establishments 11:13
evening 9:9 13:16
18:10 21:21 37:12,22
38:5
event 9:9 17:3,14 18:4
18:9,9,11,13,16 37:22
37:25
everybody 14:16 16:5
29:14 30:3,7,18 31:8
31:17,23,25
evidence 9:19 36:14
38:23
ex 5:22
Exam 2:4,5,6,7
examination 10:20
22:24 28:25 30:10
34:25
examine 22:18
exit 35:11
exiting 16:3,22 20:13
20:16
exits 13:21
extension 15:14 17:18
extensions 37:12

F

fact 39:24
failed 1:10 9:7,11 37:15

failure 9:2,14
faithfully 3:12,13
falls 9:2
familiar 12:1,4
February 1:13 7:20
42:10
fellow 13:8
file 17:8,25 39:24
find 36:14
findings 39:24
fine 10:9 38:25
finish 29:10
finishes 10:8
Fiorentine 14:20 15:2
15:20 16:2 19:19
23:14 32:11,22 33:11
37:5
first 8:22 9:6 10:10,10
10:23 14:11,18 29:1
32:19 36:16
Fleet 14:1
floor 14:11,18
follow 1:10 9:2 13:25
29:8,11 37:15
follow-up 27:10
following 39:15
footage 9:11,15 18:25
19:9,25 20:6,8,10,13
20:20,22,24 21:1,2,3
21:8,11,15,21,24 22:4
23:7,17,24,25 24:2
26:18,24 38:6,8,10,17
38:18
forcing 39:17
formally 5:4
former 19:19 23:15
forth 41:5 42:14
forward 7:5,25 8:4,5,15
four 14:4,6
Frimpong 17:3,5
Frimpong's 17:11
front 13:20 34:8 35:9,11
full 10:22 24:11 34:1
further 7:6 22:10 35:22

G

gain 14:6,7 26:14 34:11
Georgia 1:7 13:6,22
give 10:8 24:8,9,14 25:7
28:7 39:10 41:18 43:2
given 11:25 34:3
giving 29:2
glass 16:24
Gojo 1:6,7 3:5 8:19,20
12:2 13:5,23 40:21,24
government 2:3,8 3:9
6:22 7:4,23 8:1,3,3,16
9:21 10:1,6 14:1 22:9

27:25 36:12,13 38:21
38:24 39:14 40:13
government's 6:21
governs 30:16
grace 38:12

H

hand 3:12 10:13 16:24
28:17 30:9
hands 30:7
Hansen 1:19 41:14,15
42:23,24
happened 13:16 16:10
16:19
headed 15:24
heading 18:6
heads 13:21
hear 25:23 28:24 39:13
heard 37:4
hearing 1:8,15 4:21
5:10,13,15,16,20,22
5:24,25 6:1,3,4,6 7:19
7:20 8:5 43:6
held 15:18 17:5
helped 25:17
helpful 23:3
hire 37:23
Historically 13:23
hold 3:10 34:20,20,20
40:18 41:19 42:5 43:2
holding 30:6
holiday 15:14 17:18
37:11
Honor 39:4 40:7
Honors 29:2
hosting 18:12
hour 17:17
hours 1:10 8:23 9:15
11:20 13:12 15:16
16:9,15 19:25 20:11
30:19 31:1,6 36:17,18
36:19,20,21 37:8,9
38:9,11

I

identified 14:10 25:8
37:18 42:7
identify 3:6 4:6
impose 38:25
impression 18:13
incident 38:5
individuals 34:10
inform 5:5
information 17:10
informed 7:23
initial 19:14
initially 23:7
inner 23:9

inspection 13:7 15:23
21:21
inspections 11:13,16
12:12,15,17,20 25:10
intent 17:17
interactions 25:2
interpreter 1:24 3:17,20
25:22 39:7 40:4
introduce 25:6
investigation 13:2,5
23:25 27:17
investigations 11:10,12
12:18 25:11,13
investigative 27:16
42:8
investigator 1:25 2:4,5
9:22 10:11,25 11:3,4
11:8,9 13:8 14:20
15:2,20 16:2 19:18,20
23:14,15 29:14 32:3,9
32:10,11,11,21,22
34:7 36:22 37:3,4,5
37:10,19,21 38:4,9,14
38:15,19
investigators 33:11
36:23
involves 34:6
issue 6:17 41:23
issued 8:21 12:25 22:9
issues 36:18

J

JAMES 1:21
jeans 13:19
JENI 1:19
John 1:24 3:9 14:20
15:2,20 16:2 19:18
23:14
JR 1:20,21
July 13:6,13 15:11 18:6
18:6 19:3,3,8,10,10
19:17,21 20:3,4,6,7
20:10,10,15,17,19
21:1,7,7,9,10,12,13
21:19 22:1,3,7 23:11
23:13,16,21,21 24:2,3
26:1,2,2,15,17,22,25
27:2 30:14,23,23 38:5
38:10,15
June 21:15

K

Kibreeb 1:23 4:8
kick 14:16
knew 17:15
knocking 14:5
knowing 26:19
knowledge 18:23 23:9

known 37:20
knows 17:13 30:7

L

L-E-G-E-S-S 3:25
label 14:10
lack 23:9
lasted 9:9
law 26:5,9 30:15 39:15
39:15,25
laws 29:8,12 36:16
lawyer 4:20,23 6:5,7
7:12
leaving 29:14,15
left 16:17 31:12 32:5
34:16
legal 40:19 42:6,8
Legess 1:24 3:16,16,20
3:21,24,24 4:3 40:4,7
level 20:15
license 1:8 3:5 8:24
11:18 12:25 14:22,24
17:11,12 30:16
licensee 4:14 7:3 8:23
9:10,20 36:15 38:2,8
licensing 42:8
lieu 11:10,23 12:18
light 39:17
lights 30:17
limited 38:17
listened 33:6
listening 28:22 31:15
little 3:19
LLC 1:6 8:19
located 13:6
location 13:24
lock 13:20 34:8 35:15
35:18
locked 31:7 35:15
long 11:2 16:11
look 25:16 26:6,17
29:23
looked 25:18,24
looking 14:5
Los 13:8 15:21 19:20
23:15 32:11,22 33:11
lot 6:24
Lounge 1:6 8:19
Lui 1:24 3:8,9,10 4:11
4:13 6:22 8:8,11,14
8:17 10:11,21 11:2,7
11:15 12:1,4,14,22
13:1,13,16 16:10,16
16:19 17:20 18:8,20
19:5 20:19,24 21:14
21:17,19 22:2,10
27:11,14,23,24 28:2
30:12,21 33:25 35:24

36:9,13 40:13

M

ma'am 3:12 34:23
maintained 9:12 16:20
male 13:19 16:23
manner 43:9
March 42:5,9
matter 1:5 7:18,21 8:18
8:22 27:12 43:11
matters 4:12 8:10 42:7
mean 6:10 18:7
meaning 40:1
meant 31:18
meeting 1:3 40:19
41:19 42:5 43:3
Meetings 40:18,23 41:1
41:21 42:4 43:3
member 1:19,20,20,21
1:21 9:16
Members 2:7 3:9 8:18
30:10 35:24 36:1
met 1:15 38:22
Metropolitan 11:11
12:7 15:3 18:2 20:17
25:12
microphone 33:20,22
minute 3:11 27:15
34:21
minutes 14:9 15:6 16:8
16:14
missing 38:17
mobile 22:9
monitoring 12:10 13:10
13:17 17:1
month 5:19 11:6
morning 15:12,19 19:2
motion 41:4,5,17 42:13
42:14 43:1
move 7:5,24 8:4,5,15
33:22 40:18 42:4
MPD 9:7 37:23
Museum 13:24

N

N.W 1:15
name 3:23 10:22,23,24
19:13 24:12,12
Nana 17:3
National 13:23
need 26:12 36:2,10
needs 35:1
neither 5:20
never 7:1 26:16 27:1
34:3
new 29:23
night 14:25 17:19,24
18:6,7,18 19:15

NOTE 4:1
NOTED 4:1
notes 31:22
notice 8:21 27:15 41:18
 43:2,5
noticed 13:18
notified 7:1
notify 14:20
number 3:4,5 8:20
 11:24 30:1 40:20,23
numerous 12:7
NW 1:7

O

O-F 2:1
OAG 1:24
oath 35:3
object 6:23
observance 14:3
observed 13:11 14:4
 32:14 33:12 34:10
observing 37:6
occupancy 11:22
occurs 18:4
offered 27:1 29:21
office 6:25
officer 14:10 17:21,24
 18:2 29:13 37:23
officers 9:7 17:22 20:17
Official 40:17,22,25
 42:3
once 10:1
ones 30:5 31:12 32:5
ongoing 25:13
open 14:11 40:18,22
 41:1,21 42:4 43:3
opened 18:25
opening 2:3 8:13,16
 9:25 10:1,8
operate 15:12 18:14
 19:12 37:12
operated 8:23
operating 1:10 11:20
 11:23 12:24 13:12
 14:21 15:8,16 16:15
 17:16 18:24 36:17
 37:1
operation 16:9 31:5
 36:21,24 37:8,9
opportunity 33:9,13
outside 8:23 16:25
 17:21 36:17 37:8

P

P-R-O-C-E-E-D-I-N-G-S
 3:1
P-R-O-U-T 10:24
p.m 3:2 19:2,9 29:5,19

43:9,12
page 2:2 33:19,23
paper 24:15 33:22
part 37:24
parte 5:22
parties 3:6 39:23
partner 5:17,21
party 18:17,17
passed 41:17 43:1
password 26:19
Patrick 19:13 25:25
patron 16:23
patrons 11:24 14:5,7
 15:4 16:1,3,11,12,17
 16:21 20:13,14 29:9
 32:15,16,17 33:12
 34:13 35:7 37:6
Pause 4:16
pay 33:15
people 29:15,17 31:19
 31:20 32:4,4 35:18
period 5:11 38:12,18
permission 26:16,25
person 24:16 26:11,13
 35:5
phone 22:8,9 23:22
 30:1
physical 24:22
physically 26:2
pictures 21:4
placed 43:6
plan 1:11 9:3,5 28:5
 37:16 38:3
please 3:6,7,11,12 4:5,6
 4:7 8:15 10:13,21
 22:23 28:17 36:11
PNC 13:24
point 7:4 26:21
police 11:11 12:8 15:3
 15:3 20:17 25:12
polo 14:11
position 6:21 8:3 16:20
possibly 14:21
posted 43:5
postpone 6:4
practical 43:9
preliminary 4:11 8:9
 11:10 13:4
prepared 7:4 28:9
preponderance 38:22
present 1:18,22 27:7
 28:4,4
presentation 40:11
 41:23
presented 10:2 40:3
presents 10:6
presiding 1:16
previous 13:8 25:1,3

previously 26:20
prior 26:17,25 27:2
procedural 27:12
proceedings 3:14
 41:19
process 14:14 16:5
program 9:8 37:24,25
promoted 9:8 18:9
 37:22
promoter 17:3,6,6,14
 18:12,17 24:9,12,19
 24:25 25:3,6,9 37:18
 37:20
promoters 31:12
proposed 39:24
protest 5:13,15
Prout 1:25 2:4,5 9:22
 10:11,12,14,17,23,24
 11:4,9,17 12:3,6,17
 12:23 13:4,15,18
 16:12,18,20 17:23
 18:11,22 19:7 20:23
 20:25 21:16,18,22
 22:4 23:5 24:11,18
 25:1,8,18,21,24 26:8
 26:12 27:18,20 32:9
 32:10,20 33:10 34:7
 36:22 37:3,4,10,19,21
 38:4,9,14,15,19
Prout's 33:7
proven 38:23
provide 17:6,9 23:4
 24:19,21 27:8 28:23
 38:8
provided 20:1 21:4
 22:14 24:11 36:13
 38:25
providing 23:2
published 42:9 43:8
pull 30:8
purpose 40:19 42:6
pursuant 40:21 41:20
 43:3
push 29:18 34:16 35:19
put 6:22 35:4 41:5
 42:14

Q

qualify 18:9
question 14:25 17:19
 24:7 25:14 26:18
 30:12 34:5,17,18
questions 22:10,13,17
 22:22 23:6 24:5 27:6
 27:9,10,10 30:12
 34:25 35:6,22,23,25
 36:1

R

RAFI 1:20
raise 3:11 10:13 28:17
 33:14
raised 4:13
RDO 37:24
read 33:3
ready 4:20 7:4,15,24
 8:4,7
rear 14:1,2,12,18 16:21
 16:25 20:14
reason 35:17
reasons 40:24
recall 24:13
received 23:22
recess 41:18
recollection 24:22
record 3:4,7 4:7 6:23
 39:23 43:12
red 13:19
Reeves 1:15
referred 19:14 26:1
regarding 22:25 29:20
Register 43:8
regular 12:10,15
regularly 12:9
Regulation 11:1
regulatory 11:12,16
 12:12,15,15,17,20
 13:7 15:22 25:10
reimbursable 37:24
reimbursement 9:8
REMA 1:21
remember 24:22
remove 16:5
repeat 19:6 25:20 40:8
report 27:16,16 30:20
 33:3,4,18 34:3,4
represent 7:13,15
represented 5:14,17,25
 6:1 36:7
representing 5:5 6:8
 7:3 34:22
represents 6:12
request 9:16 20:21
 21:14,20
requested 18:24 19:7,9
 19:24 23:7 38:5,18,19
rescheduled 7:21
respond 35:2
responded 12:6
Respondent 2:9 39:12
responding 35:2
responsibility 29:22
rest 28:1 40:9
Restaurant 1:6 8:19
 40:21
Retailer 1:8

retained 6:11
 retrieve 21:23 24:2
 return 19:17 22:1,7
 23:13,19
 returned 19:20 22:2
 23:16 26:23 38:9,15
 review 20:5 23:25
 role 17:13
 roll 41:4 42:13
 room 1:15 41:20 43:6
 routine 12:20
 ruling 7:7

S

S-E-L-A-M 3:24
 sale 11:19
 sales 14:23 15:15 36:20
 Santos 13:9 15:21
 19:20 23:15 32:12,22
 33:11
 saw 14:9 15:25 16:21
 17:21
 saying 10:5 22:16
 says 31:5 33:18 34:2
 scheduled 5:10 6:3
 7:18,18
 seat 10:18
 second 9:1 25:14 37:14
 41:1,2 42:10,11
 seconded 41:3,5 42:13
 42:15
 Section 8:25 9:4,17
 36:25 37:17 38:21
 39:1 40:17,22,25
 41:20 42:4
 securities 29:7
 security 1:10 9:3,5,11
 9:15 14:9,10 17:21,22
 17:24 18:21,22 21:21
 29:17 31:11 34:8
 35:19 37:16 38:3,6,8
 38:10,16
 seeking 4:14 40:19
 42:6
 Selam 1:24 3:16,21,24
 4:3
 selling 29:4 30:5,16
 39:16
 service 12:7
 services 17:7
 serving 11:19
 set 7:12
 sheet 4:5
 Short 1:21 41:2,3,8,9
 42:17,18
 show 1:7 5:16,20 6:1
 7:19 8:18,21 9:19
 33:24 34:1

showed 5:21 24:15,18
 24:23 25:15
 shown 21:5
 shutting 31:10
 side 27:8
 sign 4:6
 sign-in 4:5
 significant 5:11
 sir 4:18 9:25 10:14,19
 12:3 22:13 27:13
 28:22 33:4,7 39:3
 40:1
 slower 3:19
 smoking 16:24
 solicited 17:10
 sorry 3:18 7:8 14:22
 19:4,4 23:21 29:5,19
 31:4 36:10 39:6 40:6
 sorts 32:4
 southbound 13:21
 speak 10:3 34:22 35:5
 special 18:4
 specifically 21:1,10
 37:18
 spell 10:22
 staff 9:16
 start 5:12 31:10
 started 39:17
 state 10:21
 stated 14:13 15:8,10
 17:11,15 18:12 19:11
 19:15,22 20:1 21:23
 23:8,12,18 26:13
 32:18 35:15
 statement 2:3,8,9 8:13
 8:16 9:25 10:1,8 36:3
 36:12 39:12
 statements 4:2 39:3
 states 8:3 34:7
 stating 23:23
 status 7:18 16:3
 step 27:19
 stop 39:16
 stopped 29:4,6,8 30:16
 Street 1:15
 subsidy 37:25
 substantiate 9:23
 sufficient 36:14
 Suite 1:16
 summer 13:2
 Supervisory 14:19 15:1
 15:20 16:1 19:18
 23:14
 supposed 7:22 14:24
 15:7,15,16 18:1 24:16
 24:20 31:6,7 37:23
 swear 3:13 10:15 28:17
 system 21:6 23:10

25:25 26:14,20 27:2
 29:24

T

T-A-B-L-E 2:1
T-A-V-R-I-L 10:24
 t-shirt 13:19
 t/a 1:7
 taken 21:5
 talking 32:3
 Tavril 1:25 9:22 10:11
 10:23
 tell 10:16 18:20 28:18
 28:22
 testified 31:16 32:10
 33:10 36:22 37:3,11
 testify 28:6 35:4
 testifying 24:7 37:5
 testimony 22:14,19
 27:19 31:16,22 33:7
 41:22
 thank 27:18,20 29:2
 36:8 39:1 40:14 41:22
 41:24 43:10
 third 9:13 18:17
 thought 7:14 17:17
 33:16
 three 1:11 8:22 36:15
 36:16
 throws 18:17
 Tigrayan 3:15,15,17,20
 timely 43:8
 times 21:7,12
 today 4:20 5:6 6:3,14
 7:22 28:12 40:3,11
 41:23
 told 5:7 6:6,10
 town 19:16 21:25 22:6
 trading 8:19
 translate 3:14
 TRANSLATOR 4:3
 truth 10:16,16 28:18,19
 try 29:21
 trying 16:5 23:3 29:7,10
 29:11,18,22
 Tuesday 18:16,18
 30:24,25
 Tuesdays 18:15
 turned 30:17 39:17
 two 9:6 29:6
 two-part 9:1
 type 20:12 21:11

U

unable 20:12 21:11,23
 unavailable 5:6
 understand 39:8 40:8
 understood 17:15

use 34:6 35:12
 username 26:19
 utilize 34:12

V

vacating 15:5
 vacation 21:25 23:13
 vehicle 14:15
 verbally 25:2
 verification 11:21
 verify 11:22
 video 21:11 23:7
 view 20:9,12 21:20
 23:17,24 26:5
 violated 9:5,20 36:15
 36:15
 violation 8:24 9:1,4,17
 36:25 37:17 38:3,20
 visited 26:3
 voluntary 17:7,25
 vote 41:4 42:14

W

W 1:16,19
 Wahabzadah 1:21 41:6
 41:7 42:15,16
 wait 10:6 26:10,11,12
 35:20
 waiting 28:23
 wants 6:20,22
 Washington 1:16
 wasn't 23:2,3 26:13
 watched 34:7
 way 9:6
 ways 9:6
 website 43:7
 Wednesday 1:12
 week 12:11
 weekend 15:11
 weekly 18:16
 weeks 5:23
 went 43:12
 wish 8:12 9:24 36:8
 39:23
 witness 1:25 9:22 10:10
 10:10,19 22:11 27:9
 35:25
 witnesses 27:23 28:6,9
 work 32:5 39:15
 working 18:23 23:9
 31:19
 workings 23:10
 written 33:18
 wrong 17:16
 wrote 5:3

X

Y	25-403(e)3(G)(iii) 38:21	90 41:24
year 11:6 13:14 18:19	25-823(a)(6) 9:4 37:17	
Z	25-823(a)(7) 8:25	
0	25-830 39:1	
00097 40:21	2574(b) 40:17 41:21	
1	42:4	
1:30 14:24 15:15 29:5	2574(b)(13) 40:25	
30:17 31:3,11 34:15	2574(b)(4) 40:22	
36:20 39:16	26 1:13	
1:40 29:13,15	28 2:5,6	
1:45 30:4	28th 42:10	
1:55 13:12,17 29:19	2nd 20:10 21:7,9,12	
32:20 33:1,16	3	
10 20:19 23:21	3 17:18 18:14 19:3,8	
102500 1:8 3:5	20:6 23:11 30:23	
10th 20:3,4 22:7 26:2	33:23 37:13	
26:15,17,22,25 27:2	3:00 15:12	
38:16	3:06 3:2	
11th 42:6,9	30 2:7 9:12	
12 7:19 21:12,13	36 2:8	
14th 1:15	39 2:9	
16 16:8,14	3rd 13:6,13 18:6 20:15	
19- 3:4	21:1,20 26:7 29:3,4	
19-CMP- 40:20	30:14 38:5	
19-CMP-00097 1:9 8:20	4	
27:17 40:24	4 19:3	
2	4:16 43:9,12	
2 15:8 24:2 30:17 31:5,7	40 15:25 29:16 32:14,16	
31:14 32:2 33:19	33:12 37:6	
36:21	400S 1:16	
2:00 15:17 17:16 31:1	403(e)3(G)(iii) 9:18	
31:24 32:17	48 9:15 19:25 38:9,11	
2:02 14:4	4A 1:8	
2:10 30:3 31:8,13,17,23	4th 15:11 18:6 19:10,10	
31:24 32:6	20:7,18 21:2	
2:12 15:19 19:4,10 34:3	5	
2:14 15:22	5 7:20 19:2 21:13	
2:16 16:8,13	5:00 19:8	
2:17 32:12,14,17,20,23	5th 20:11 21:7,10 24:3	
33:12,18	6	
2:22 16:13,16 19:1,3	6 31:5 33:24	
37:2	7	
2000 1:15	7 19:17,21 22:1 23:16	
20009 1:16	72 20:11	
2019 7:19 13:15 19:3,3	7616 1:7 13:6	
19:8,17,21 20:7,7,10	7th 22:3 23:13,21 26:1	
20:11,19 21:10,13,15	26:2,7 38:10	
21:15 22:1 23:11,13	8	
23:16,22 24:3,3 30:23	8 2:3	
2020 1:13 7:20 42:6,9	823(a)(7) 37:1	
42:10	9	
22 2:4 16:14		
25- 9:17 36:25		

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Betty's Gojo

Before: DCABRA

Date: 02-26-20

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

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com