

ALSO PRESENT:

KIBREAB EMBAYE, APPLICANT

ABEBA WELDEGEBRIEL, APPLICANT

CHRISTINE GEPHARDT, DC OAG

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

2 1:38 p.m.

3 CHAIRPERSON ANDERSON: We are back on
4 the record. Our next case is Case No. 18-CMP-
5 00121, Betty's GoJo, License No. 102500.

6 Would the parties, please, approach
7 and identify themselves for the record?

8 MS. GEPHARDT: Good afternoon, Board
9 Members. I'm Chrissy Gephardt. I'm here on
10 behalf of the Office of the Attorney General.

11 CHAIRPERSON ANDERSON: Good morning,
12 Ms. Gephardt. Yes, sir? Yes, sir?

13 MR. EMBAYE: Kibreab Embaye.

14 CHAIRPERSON ANDERSON: Mr. Embaye?

15 MR. EMBAYE: Yeah.

16 CHAIRPERSON ANDERSON: Good afternoon.

17 MR. EMBAYE: Good afternoon.

18 CHAIRPERSON ANDERSON: Ma'am?

19 MS. WELDEGEBRIEL: Abeba Weldegebriel.

20 CHAIRPERSON ANDERSON: I didn't hear
21 you.

22 MS. WELDEGEBRIEL: Abeba Weldegebriel.

1 CHAIRPERSON ANDERSON: Abeba?

2 MS. WELDEGEBRIEL: Weldegebriel.

3 CHAIRPERSON ANDERSON: When?

4 MS. WELDEGEBRIEL: Weld.

5 MEMBER ALBERTI: Weldegebriel?

6 MS. WELDEGEBRIEL: Yes.

7 CHAIRPERSON ANDERSON: Weldegebriel.

8 I can't hear.

9 MR. EMBAYE: Yeah, Weldegebriel.

10 CHAIRPERSON ANDERSON: Weldegebriel,
11 all right. Good afternoon, ma'am.

12 MS. WELDEGEBRIEL: Good afternoon.

13 CHAIRPERSON ANDERSON: All right. We
14 have a Show Cause Hearing today.

15 Are there any preliminary matters in
16 this case?

17 MS. GEPHARDT: There are no
18 preliminary matters in this case.

19 CHAIRPERSON ANDERSON: All right.
20 Does the Government wish to make an opening
21 statement?

22 MS. GEPHARDT: Briefly. Thank you.

1 At the status hearing on October the 3rd, the
2 Government asked that the notice be amended in
3 this case to read that "You failed to comply with
4 the terms of a restaurant license in violation of
5 DC Code 25-113 and 23 DCMR 2100 and 2101."

6 I just wanted to make sure that that
7 is clear and that that has been changed.

8 Okay. You will hear from ABRA
9 Investigator Felicia Dantzler today who will
10 testify that on Saturday, May 5, 2018, she
11 visited Betty's Gojo and despite the ABC License
12 showing that the establishment is a restaurant,
13 she did not see evidence that they were ready,
14 willing and able to serve food to patrons.

15 She said this was based on several
16 factors:

17 Whether she could determine if their
18 kitchen was open.

19 Whether they had a menu.

20 Whether they had sufficient food on-
21 hand to serve patrons from the menu.

22 And whether proper staff was present

1 to prepare and serve the food.

2 Investigator Dantzler's observations
3 led her to conclude that they were not operating
4 as a restaurant and therefore in violation of the
5 statute.

6 The Government will prove its case by
7 a preponderance of the evidence. Thank you.

8 CHAIRPERSON ANDERSON: Thank you. Do
9 you wish to make an opening statement or do you
10 wish to make an opening statement when you
11 present your case? It's your option. You don't
12 have to do one now.

13 MR. EMBAYE: Yes, but the kitchen was
14 working, but was very slow.

15 CHAIRPERSON ANDERSON: Hold on. You
16 are not arguing the case right now.

17 MR. EMBAYE: Um-hum.

18 CHAIRPERSON ANDERSON: They way this
19 works is that the Government, they do an opening
20 statement. They basically tell me what the
21 charge is and what they are going to prove. And
22 they are going to put on. So you -- so right

1 now, you don't have to do an opening statement,
2 because an opening statement is just that you are
3 going to say to me this is what I have witnessed.
4 This is what -- this is our -- you don't need to
5 tell me your whole case now, because you are not
6 putting the case on.

7 So what I would suggest to you as your
8 option is that you can wait until the Government
9 has brought their witnesses, then they present
10 their case, then you can present your case and
11 then you can argue what your position is and what
12 is it you want us to do. And if you have a
13 witness who you want to testify, then you will do
14 that.

15 All right. Because the reason why I
16 said that is because, I mean, you were arguing
17 and I'm saying at this part -- and nothing is
18 wrong with arguing, but at this juncture, it's
19 not an argument. It's just you give me an
20 overview of what the case is about.

21 Do you understand, sir?

22 MR. EMBAYE: Okay.

1 CHAIRPERSON ANDERSON: All right. So
2 basically what would happen now, the Government
3 is going to call its witness. She is going to --
4 I'm going to swear the witness in. She will
5 testify. Once she is done asking questions to the
6 witness, then you will have an opportunity to ask
7 her questions based on the testimony that she
8 gave.

9 Then the Board will ask her some
10 questions. Then I will come back to you and if
11 you have questions, you can ask her questions
12 based on the questions that the Board asked. And
13 then the Government will ask some final
14 questions. The Government will call its
15 witnesses and then they will wrap up. And then
16 you will have an opportunity to present your
17 case. Okay?

18 MR. EMBAYE: Yes.

19 CHAIRPERSON ANDERSON: All right. I
20 want to -- is there -- and I just want to make
21 sure, sir, and I'm not taking any assumptions,
22 you clearly understand English and there is no

1 language issue?

2 MR. EMBAYE: Yeah, I have this
3 language --

4 CHAIRPERSON ANDERSON: I'm sorry?
5 What, sir?

6 MR. EMBAYE: I have language -- this
7 language issue.

8 CHAIRPERSON ANDERSON: You have a who
9 what?

10 MR. EMBAYE: I have language issue.
11 I need interpreter, please.

12 CHAIRPERSON ANDERSON: So why didn't
13 you ask someone before, sir, that you needed an
14 interpreter? I mean, you came to the -- and if
15 that's what you are asking for, we have to do
16 that. But we had a Protest Hearing (Status), you
17 were here. So if you -- didn't you know, sir,
18 that you could always ask for an interpreter?

19 MR. EMBAYE: (No audible answer.)

20 CHAIRPERSON ANDERSON: So why didn't
21 you ask for one prior to --

22 MR. EMBAYE: Because I am trying my

1 best, but I think this case it very strong.

2 CHAIRPERSON ANDERSON: It's very what?

3 MR. EMBAYE: I think this case is --
4 we need interpreter.

5 CHAIRPERSON ANDERSON: Okay. All
6 right. Then we have to --

7 MEMBER SILVERSTEIN: Mr. Chairman, was
8 the licensee notified, told previously?

9 CHAIRPERSON ANDERSON: He said he
10 knew, but this case is a little bit more
11 complicated. And I asked the question because
12 one of the things I recognized here in asking him
13 questions, I see that -- who is the woman next to
14 you? Who is she? Yeah.

15 MR. EMBAYE: She is my wife.

16 CHAIRPERSON ANDERSON: She is your
17 wife. And I noticed that she is translating
18 certain things to him, because it appears to me
19 he doesn't understand. So he is -- so she is
20 explaining things to him.

21 MR. EMBAYE: She is the partner, she
22 is the owner.

1 MS. WELDEGEBRIEL: I'm one of them.

2 MEMBER ALBERTI: She is the owner?

3 CHAIRPERSON ANDERSON: Who is the
4 owner of the establishment?

5 MS. WELDEGEBRIEL: Both.

6 MR. EMBAYE: She is.

7 MS. WELDEGEBRIEL: Me 60 and --

8 MR. EMBAYE: She is the owner.

9 CHAIRPERSON ANDERSON: I'm sorry?

10 MR. EMBAYE: She is first owner.

11 MS. WELDEGEBRIEL: I'm first owner.

12 CHAIRPERSON ANDERSON: What do you
13 mean she is first owner? Explain to me what you
14 mean she is first owner. Whose names are on the
15 license?

16 MS. WELDEGEBRIEL: Both.

17 CHAIRPERSON ANDERSON: Both of you are
18 on the license. All right.

19 MEMBER ALBERTI: So we can proceed,
20 because she is here. She is here.

21 CHAIRPERSON ANDERSON: Both of their
22 names are on the license, but I mean --

1 MEMBER ALBERTI: Yeah. So you have an
2 owner who speaks English.

3 CHAIRPERSON ANDERSON: Who is --

4 MS. GEPHARDT: Can I make one comment?
5 Is that last week, we had an Offer in Compromise
6 and they agreed to it.

7 CHAIRPERSON ANDERSON: I know.

8 MS. GEPHARDT: So --

9 CHAIRPERSON ANDERSON: I know.

10 MS. GEPHARDT: -- we did have
11 comprehension then.

12 CHAIRPERSON ANDERSON: No, I'm not --
13 he is not the one who -- all right. Let me say
14 this to you. Okay. And this is why I'm
15 troubled.

16 This is not the licensee in the middle
17 of the hearing asking for an interpreter.

18 MS. WELDEGEBRIEL: No.

19 CHAIRPERSON ANDERSON: I'm here
20 attempting to communicate with the licensee. And
21 I see that he is talking to his wife and she is
22 explaining to him what I'm saying for him to

1 understand. That's what I'm seeing from the
2 perspective.

3 MEMBER ALBERTI: But she is a
4 licensee.

5 CHAIRPERSON ANDERSON: Hold on a
6 minute. I'm going to get some clarification. I
7 need to get -- I mean, if they -- are they both--
8 is it her who is the licensee 100 percent or is
9 he on the license? Is he also an owner of the
10 establishment? So that's what I need to -- I
11 need to check our records to see who are the
12 licensee of record that we have.

13 I mean, when we had the Offer in
14 Compromise in the other case, it was Mr. -- I'm
15 sorry, your name, sir?

16 MR. EMBAYE: Mr. Embaye.

17 CHAIRPERSON ANDERSON: Mister?

18 MS. WELDEGEBRIEL: Embaye.

19 CHAIRPERSON ANDERSON: Embaye. He was
20 the one who took charge. He is the one who
21 signed off on it, on the OIC that we had in the
22 previous case. So I mean, there was no

1 discussions about who was the licensee. He was
2 the one, so he was the one who previously -- but
3 in going through this hearing and I'm trying to
4 communicate with them, I see that his wife is
5 explaining to him what I'm saying for him to
6 understand. That's why I asked the question.

7 And based on me asking the question,
8 then that's when he said he needs an interpreter.
9 And so with that, I am more -- I would not feel
10 comfortable moving forward with this hearing if
11 he is actually a licensee on -- if he is one of
12 the licensees. That's my position.

13 And so I need to find -- the Agency
14 needs to tell me is he on the license as a
15 licensee? And if he is on the license, a
16 licensee, because we have been dealing with them
17 and he is saying this case is more complicated
18 and he has -- and I recognize the fact that there
19 is a language issue.

20 MEMBER ALBERTI: So can I --

21 CHAIRPERSON ANDERSON: I need the
22 Agency to tell me -- no, I need the Agency to

1 look at the record and tell me who is on the
2 license. So we are going to -- we are in --

3 MEMBER ALBERTI: Can we pause?

4 CHAIRPERSON ANDERSON: We are in
5 recess four a couple of minutes.

6 (Whereupon, the above-entitled matter
7 went off the record at 1:48 p.m. and resumed at
8 1:50 p.m.)

9 CHAIRPERSON ANDERSON: As Chairperson
10 of the Alcoholic Beverage Control Board for the
11 District of Columbia and in accordance with DC
12 Official Code Section 2-574(b) of the Open
13 Meetings Act, I move that the ABC Board hold a
14 closed meeting for the purpose of seeking legal
15 advice from our counsel on Case No. 18-CMP-00121,
16 Betty's Gojo, pursuant to DC Official Code
17 Section 2-574(b)(4) of the Open Meetings Act.

18 Is there a second?

19 MEMBER SHORT: Second.

20 CHAIRPERSON ANDERSON: Mr. Short has
21 seconded the motion. I will now take a roll call
22 vote on the motion before us now that it has been

1 seconded.

2 Miss --

3 MEMBER ALBERTI: Help him out.

4 MEMBER WAHABZADAH: Wahabzadah.

5 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

6 I'm sorry, Ms. Wahabzadah.

7 MEMBER WAHABZADAH: I agree.

8 CHAIRPERSON ANDERSON: Mr.

9 Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON ANDERSON: Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON ANDERSON: Mr. Alberti?

14 MEMBER ALBERTI: I agree.

15 CHAIRPERSON ANDERSON: Mr. Cato?

16 MEMBER CATO: I agree.

17 CHAIRPERSON ANDERSON: Mr. Isaac?

18 MEMBER ISAAC: I agree.

19 CHAIRPERSON ANDERSON: Mr. Anderson?

20 I agree.

21 I'm going to recess these proceedings

22 for a couple of minutes. I just want to get some

1 more clarification from legal and we will come
2 back. Okay?

3 MS. GEPHARDT: Okay.

4 CHAIRPERSON ANDERSON: Thank you.

5 (Whereupon, the above-referred to
6 matter went off the record at 1:51 p.m. and
7 resumed at 2:03 p.m.)

8 CHAIRPERSON ANDERSON: All right.

9 We're back on the record. Our records basically
10 state that Kibreab, K-I-B-R-E-A-B, E-M-B-A-Y-E,
11 Embaye, that individual is a 60 percent owner of
12 the establishment.

13 Our records also establish that -- I'm
14 sorry, what's your name, sir?

15 MR. EMBAYE: Kibreab Embaye. Kibreab
16 Embaye.

17 CHAIRPERSON ANDERSON: Oh, you are Mr.
18 Kibreab Embaye?

19 MR. EMBAYE: Yes.

20 CHAIRPERSON ANDERSON: He is a 40
21 percent owner of the establishment.

22 MR. EMBAYE: Yes.

1 CHAIRPERSON ANDERSON: And Ms. --
2 what's her name again?

3 MR. EMBAYE: Abeba.

4 MS. WELDEGEBRIEL: Abeba.

5 CHAIRPERSON ANDERSON: Ms. Abeba is 60
6 percent owner of the establishment.

7 However, all the notices were served
8 on Mr. Embaye. The 40 percent owner. I know
9 that the 40 percent owner has negotiated OIC
10 previously and there is not an issue.

11 In the middle of this hearing today,
12 I was speaking to mr. Embaye, and I know I'm
13 butchering his name, and it was obvious to me
14 that he had an issue with the language, because
15 he was asking his wife to translate for him.

16 After asking him about the language,
17 he has asked for a translator and so, therefore,
18 we will recess these proceedings until November
19 8th at 1:30 to continue the Show Cause Hearing.

20 And what language is it that you
21 speak, sir, that you need a translator for?

22 MR. EMBAYE: Tigrinya.

1 CHAIRPERSON ANDERSON: Tigrinya?

2 MR. EMBAYE: Yes.

3 CHAIRPERSON ANDERSON: Tigrinya. That
4 we will --

5 MR. EMBAYE: Eritrea language.

6 CHAIRPERSON ANDERSON: Eritrea,
7 Tigrinya, we will provide you a translator.

8 MR. EMBAYE: Yes.

9 CHAIRPERSON ANDERSON: In the interim,
10 if the parties want to see if they can settle the
11 matter, they can, but if not, it's November the
12 8th at 1:30. Thank you.

13 MS. WELDEGEBRIEL: Thank you.

14 CHAIRPERSON ANDERSON: This matter is
15 adjourned. Thank you. All right. So we are in
16 recess until our 2:30 hearing.

17 (Whereupon, the Show Cause Hearing was
18 concluded at 2:06 p.m.)

19

20

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22

<p style="text-align: center;">A</p> <p>ABC 5:11 15:13 Abeba 2:12 3:19,22 4:1 18:3,4,5 able 5:14 above-entitled 15:6 above-referred 17:5 ABRA 5:8 Act 15:13,17 adjourned 19:15 advice 15:15 afternoon 3:8,16,17 4:11,12 Agency 14:13,22,22 agree 16:7,10,12,14,16 16:18,20 agreed 12:6 Alberti 1:19 4:5 11:2,19 12:1 13:3 14:20 15:3 16:3,13,14 Alcoholic 1:2,14,14 15:10 amended 5:2 ANC 1:8 Anderson 1:16,18 3:3 3:11,14,16,18,20 4:1 4:3,7,10,13,19 6:8,15 6:18 8:1,19 9:4,8,12 9:20 10:2,5,9,16 11:3 11:9,12,17,21 12:3,7 12:9,12,19 13:5,17,19 14:21 15:4,9,20 16:5 16:8,11,13,15,17,19 16:19 17:4,8,17,20 18:1,5 19:1,3,6,9,14 answer 9:19 appears 10:18 APPLICANT 2:11,12 approach 3:6 argue 7:11 arguing 6:16 7:16,18 argument 7:19 asked 5:2 8:12 10:11 14:6 18:17 asking 8:5 9:15 10:12 12:17 14:7 18:15,16 assumptions 8:21 attempting 12:20 Attorney 3:10 audible 9:19 Ave 1:7</p> <hr/> <p style="text-align: center;">B</p> <p>back 3:3 8:10 17:2,9 based 5:15 8:7,12 14:7 basically 6:20 8:2 17:9 behalf 3:10 best 10:1</p>	<p>Betty's 1:6,7 3:5 5:11 15:16 Beverage 1:2,14,14 15:10 bit 10:10 Board 1:2,14 3:8 8:9,12 15:10,13 BOBBY 1:19 both-- 13:7 Briefly 4:22 brought 7:9 Building 1:15 butchering 18:13</p> <hr/> <p style="text-align: center;">C</p> <p>call 8:3,14 15:21 case 1:9 3:4,4 4:16,18 5:3 6:6,11,16 7:5,6,10 7:10,20 8:17 10:1,3 10:10 13:14,22 14:17 15:15 Cato 1:19 16:15,16 Cause 1:7 4:14 18:19 19:17 certain 10:18 Chairman 10:7 Chairperson 1:15,18 3:3,11,14,16,18,20 4:1,3,7,10,13,19 6:8 6:15,18 8:1,19 9:4,8 9:12,20 10:2,5,9,16 11:3,9,12,17,21 12:3 12:7,9,12,19 13:5,17 13:19 14:21 15:4,9,9 15:20 16:5,8,11,13,15 16:17,19 17:4,8,17,20 18:1,5 19:1,3,6,9,14 changed 5:7 charge 6:21 13:20 check 13:11 Chrissy 3:9 CHRISTINE 2:13 clarification 13:6 17:1 clear 5:7 clearly 8:22 closed 15:14 Code 5:5 15:12,16 Columbia 1:1 15:11 come 8:10 17:1 comfortable 14:10 comment 12:4 communicate 12:20 14:4 complicated 10:11 14:17 comply 5:3 comprehension 12:11 Compromise 12:5</p>	<p>13:14 conclude 6:3 concluded 19:18 continue 18:19 Control 1:2,14,14 15:10 counsel 15:15 couple 15:5 16:22 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:15 Dantzler 5:9 Dantzler's 6:2 DC 2:13 5:5 15:11,16 DCMR 5:5 dealing 14:16 despite 5:11 determine 5:17 discussions 14:1 District 1:1 15:11 DONALD 1:20 Donovan 1:16,18</p> <hr/> <p style="text-align: center;">E</p> <p>E-M-B-A-Y-E 17:10 Embaye 2:11 3:13,13 3:14,15,17 4:9 6:13 6:17 7:22 8:18 9:2,6 9:10,19,22 10:3,15,21 11:6,8,10 13:16,16,18 13:19 17:11,15,15,16 17:18,19,22 18:3,8,12 18:22 19:2,5,8 English 8:22 12:2 Eritrea 19:5,6 establish 17:13 establishment 5:12 11:4 13:10 17:12,21 18:6 evidence 5:13 6:7 Explain 11:13 explaining 10:20 12:22 14:5</p> <hr/> <p style="text-align: center;">F</p> <p>fact 14:18 factors 5:16 failed 1:10 5:3 feel 14:9 Felicia 5:9 final 8:13 find 14:13 first 11:10,11,13,14 food 5:14,20 6:1 forward 14:10 four 15:5</p> <hr/> <p style="text-align: center;">G</p>	<p>General 3:10 Georgia 1:7 Gephardt 2:13 3:8,9,12 4:17,22 12:4,8,10 17:3 give 7:19 Gojo 1:6,7 3:5 5:11 15:16 Government 4:20 5:2 6:6,19 7:8 8:2,13,14</p> <hr/> <p style="text-align: center;">H</p> <p>hand 5:21 happen 8:2 hear 3:20 4:8 5:8 hearing 1:8,14 4:14 5:1 9:16 12:17 14:3,10 18:11,19 19:16,17 Help 16:3 hold 6:15 13:5 15:13</p> <hr/> <p style="text-align: center;">I</p> <p>identify 3:7 individual 17:11 interim 19:9 interpreter 9:11,14,18 10:4 12:17 14:8 Investigator 5:9 6:2 Isaac 1:20 16:17,18 issue 9:1,7,10 14:19 18:10,14</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:21 junction 7:18</p> <hr/> <p style="text-align: center;">K</p> <p>K-I-B-R-E-A-B 17:10 Kibreab 2:11 3:13 17:10,15,15,18 kitchen 5:18 6:13 knew 10:10</p> <hr/> <p style="text-align: center;">L</p> <p>language 9:1,3,6,7,10 14:19 18:14,16,20 19:5 led 6:3 legal 15:14 17:1 license 1:8 3:5 5:4,11 11:15,18,22 13:9 14:14,15 15:2 licensee 10:8 12:16,20 13:4,8,12 14:1,11,15 14:16 licensees 14:12 little 10:10 LLC 1:6</p>
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Before: DC ABRA

Date: 10-24-18

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