

ALSO PRESENT:

CHRISSY GEPHARDT, DC OAG

KIRAEEB EMBAYE, Licensee

ABEBA WELDEGEBREIL, Licensee

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

2 10:23 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No., we have a
5 Show Cause Hearing, 18-CMP-00021, Betty's Gojo,
6 License No. 102500.

7 Will the parties, please, approach and
8 identify themselves for the record, please?

9 MS. GEPHARDT: Good morning, Board
10 Members. Chrissy Gephardt here on behalf of the
11 Office of the Attorney General for the District
12 of Columbia.

13 CHAIRPERSON ANDERSON: Good morning,
14 Ms. Gephardt. Yes, sir, introduce yourself for
15 the record, please.

16 MR. EMBAYE: Good morning. My name is
17 Kiraeab Embaye.

18 CHAIRPERSON ANDERSON: Your last name,
19 sir?

20 MR. EMBAYE: Embaye.

21 CHAIRPERSON ANDERSON: I did not hear
22 you. Mister, I didn't hear your last name.

1 MR. EMBAYE: Okay. My last name -- my
2 name is Kiraeeb Embaye.

3 CHAIRPERSON ANDERSON: Mister?

4 MR. EMBAYE: Embaye.

5 CHAIRPERSON ANDERSON: Mr. Embaye?

6 MR. EMBAYE: Yes.

7 CHAIRPERSON ANDERSON: Good morning.

8 There is a sign-in sheet, please, sign-in your
9 name on the sign-in sheet, please.

10 Yes, ma'am, your name?

11 MS. WELDEGEBREIL: My name is Abeba
12 Weldegebrel.

13 CHAIRPERSON ANDERSON: Well --

14 MS. WELDEGEBREIL: Weldegebrel.

15 CHAIRPERSON ANDERSON: -- all right.

16 There is a sign-in sheet, please, sign-in for the
17 record, please.

18 All right. This is a Show Cause
19 Hearing. Are there any preliminary matters in
20 this case?

21 MS. GEPHARDT: Yes, there are,
22 Chairman. So in this case, the parties are

1 stipulating to the facts of this case. The
2 licensee is not arguing with the charges and the
3 validity of the charges and the facts underlying
4 the charges.

5 The licensee, however, would like to
6 argue or make an argument about the penalty in
7 this case.

8 CHAIRPERSON ANDERSON: So just give me
9 a proffer, because what is -- what are the
10 underlying facts in this case that --

11 MS. GEPHARDT: Okay.

12 CHAIRPERSON ANDERSON: -- are
13 undisputed?

14 MS. GEPHARDT: Well, the proffer is
15 that an ABRA Investigator -- excuse me I
16 apologize. The proffer is that an Investigator
17 from ABRA on November 17, 2017 conducted a
18 regulatory inspection at Betty's Gojo and spoke
19 to Kiraeeb Johanes Embaye, who stated that he was
20 a 25 percent owner of the establishment.

21 Essentially, they were asked for
22 invoices for the past three years. In summation,

1 the invoices were not produced for the last three
2 years, only a few were produced. So it was not
3 adequate and, therefore, they received the
4 violation for failure to keep and maintain books
5 and records for a period of three years.

6 There was a second charge for
7 purchasing alcoholic beverages from an off-
8 premises retailer. And in that case, the
9 licensee purchased alcohol on a weekday from a
10 retailer called District Liquors in violation of
11 the statute 25-113(a)(5)(A).

12 Therefore, these are the facts that
13 the licensee has stipulated to and does not argue
14 with.

15 CHAIRPERSON ANDERSON: So what is it
16 that the -- as for Charge 1, what is it that the
17 Government is asking the Board to do?

18 MS. GEPHARDT: The Government is
19 asking for a \$4,250 fine on Charge 1. Excuse me,
20 I meant to say \$2,250. And then for Charge 2,
21 the same amount \$2,250.

22 CHAIRPERSON ANDERSON: All right. All

1 right. So who is going to argue this case on
2 behalf of the establishment? Mister, what's your
3 last name?

4 MR. EMBAYE: Mr. Embaye.

5 CHAIRPERSON ANDERSON: Mr. Who?

6 MR. EMBAYE: Mr. Embaye.

7 CHAIRPERSON ANDERSON: Mr. Embaye.

8 The reason why I'm looking is there is a
9 different name here, so that --

10 MR. EMBAYE: Yeah, that is the old
11 owner right there.

12 CHAIRPERSON ANDERSON: So why is it
13 that -- so how long have you owned this
14 establishment? How long have you owned this
15 establishment?

16 MR. EMBAYE: Almost 9 months.

17 CHAIRPERSON ANDERSON: How many?

18 MR. EMBAYE: 9 months.

19 MS. WELDEGEBREIL: 9 months.

20 CHAIRPERSON ANDERSON: 9 Months.

21 MR. EMBAYE: Yes.

22 CHAIRPERSON ANDERSON: So you have

1 owned this establishment 9 months.

2 MR. EMBAYE: Even the invoices 2016.

3 CHAIRPERSON ANDERSON: Right.

4 MR. EMBAYE: So we didn't know that
5 when the Investigator was -- came at that time, I
6 was new at the business, almost a week or two, I
7 don't know exactly he was asking me and I show
8 him. I don't know even how to operate the
9 business, at that time. I was new.

10 CHAIRPERSON ANDERSON: You are -- I
11 mean, you are telling me your position. Okay?
12 I'm not questioning you.

13 MR. EMBAYE: Yeah.

14 CHAIRPERSON ANDERSON: So you are
15 saying to me the -- you were charged with not
16 having invoices for three years.

17 MR. EMBAYE: Right.

18 CHAIRPERSON ANDERSON: The Government
19 is saying that we should impose a fine of \$2,250.
20 So your job is to convince the Board why is it
21 that -- and you have agreed that you did not have
22 it.

1 MR. EMBAYE: Yes.

2 CHAIRPERSON ANDERSON: So just you are
3 trying to convince us why is it that we shouldn't
4 fine you this amount of money. So that's all I'm
5 -- so it's your chance to convince the Board why
6 is it that we shouldn't fine you.

7 So you are saying that you were new,
8 so why did you not -- so why didn't the other
9 owner not provide, give you the invoices?

10 MR. EMBAYE: Because she didn't tell
11 us.

12 CHAIRPERSON ANDERSON: I'm sorry,
13 what?

14 MR. EMBAYE: Because, at that time,
15 she didn't tell me what is going on the business.
16 As I say, I was new. And when the Investigators
17 came, he asked me --

18 CHAIRPERSON ANDERSON: Right.

19 MR. EMBAYE: -- and I show him all the
20 papers.

21 CHAIRPERSON ANDERSON: All right.

22 MR. EMBAYE: Even after one month,

1 after that she left the lady.

2 CHAIRPERSON ANDERSON: All right.

3 MR. EMBAYE: Or the owner varied.

4 CHAIRPERSON ANDERSON: All right.

5 MR. EMBAYE: So the fine is came now,
6 so we can not afford -- I cannot afford. After
7 that I have everything, but now I don't know what
8 I can do.

9 CHAIRPERSON ANDERSON: Now, what about
10 the second charge about -- the second charge
11 regarding your purchasing alcoholic from an off-
12 premise retailer, the second charge?

13 So who did that? Who was responsible
14 for that one?

15 MR. EMBAYE: The old owner. Because
16 that, the invoice is 2016.

17 CHAIRPERSON ANDERSON: I'm sorry?

18 MR. EMBAYE: The invoice is retained,
19 that one in 2016.

20 CHAIRPERSON ANDERSON: Okay.

21 MR. EMBAYE: Yeah, so I'm not
22 responsible for that one.

1 CHAIRPERSON ANDERSON: Well, let me
2 ask you a question. Did you come down to the ABC
3 Board and we -- and the license was transferred
4 to you?

5 MR. EMBAYE: No, it was transferred.

6 CHAIRPERSON ANDERSON: I'm sorry, you
7 said what?

8 MR. EMBAYE: I didn't come. The
9 lawyer knew it was finish.

10 CHAIRPERSON ANDERSON: So who was the
11 lawyer? I mean, how did -- how do you own the
12 business?

13 MR. EMBAYE: Well --

14 CHAIRPERSON ANDERSON: Did the ABC,
15 did we grant you a license?

16 MR. EMBAYE: Yes.

17 CHAIRPERSON ANDERSON: When did we,
18 the ABC Board, grant you a license?

19 MR. EMBAYE: February 2018.

20 CHAIRPERSON ANDERSON: February when?

21 MR. EMBAYE: 2018.

22 CHAIRPERSON ANDERSON: So February in

1 2018 you came down to the ABC Board and the ABC
2 Board granted you a license to say that you are
3 now the new owner of this establishment?

4 MR. EMBAYE: Yes.

5 CHAIRPERSON ANDERSON: Okay. Give us
6 your name again, sir.

7 MR. EMBAYE: My name is Kiraeeb Embaye.

8 CHAIRPERSON ANDERSON: Okay.

9 MEMBER ALBERTI: Kiraeeb Embaye.

10 Okay. So why are --

11 CHAIRPERSON ANDERSON: So hold on.

12 Mr. Alberti.

13 MEMBER ALBERTI: So I'm sorry. So our
14 records show that there was a stock transfer to
15 you and to --

16 MR. EMBAYE: Abeba.

17 MS. WELDEGEBREIL: Abeba.

18 MEMBER ALBERTI: -- Abeba, yes. It's
19 a long last name. I'm not going to try it.

20 Thank you.

21 MR. EMBAYE: Abeba.

22 MEMBER ALBERTI: All right. So now I

1 understand what you are saying. It was a stock
2 transfer, but not a new license. Not a transfer
3 of the license, but a stock transfer. Okay. I
4 understand that.

5 CHAIRPERSON ANDERSON: So --

6 MEMBER ALBERTI: So you --

7 CHAIRPERSON ANDERSON: -- go ahead,
8 Mr. Alberti.

9 MEMBER ALBERTI: I will just say that
10 in my eyes, that makes you responsible for -- you
11 should have -- maybe you didn't understand it
12 when the stock transfer happened, but you are
13 responsible for everything that preceded the
14 stock transfer to you.

15 Had you transferred the license to
16 you, things might have been different. But I
17 mean if there was a transfer to a new owner, but
18 the stock transfer to you makes you responsible
19 for everything that preceded your involvement.

20 MR. EMBAYE: Which is very unfair, we
21 didn't know that.

22 MEMBER ALBERTI: I'll just say if I

1 was you, I would be not pleased with my lawyer
2 for not telling me that. I'll just leave it at
3 that. I mean, I understand where you -- what you
4 are saying, but anyways, I'll leave it at that.

5 CHAIRPERSON ANDERSON: All right. So
6 what is it that -- so what is it that you are
7 asking the Board to do today then? What is it
8 you want us to do?

9 MR. EMBAYE: So let me ask here, let
10 me do a rescheduled case.

11 CHAIRPERSON ANDERSON: I'm sorry, you
12 said what?

13 MR. EMBAYE: Let me -- if you don't
14 mind, let me reschedule the case and we --

15 CHAIRPERSON ANDERSON: You can't
16 reschedule, sir. This is --

17 MR. EMBAYE: -- we ask him --

18 CHAIRPERSON ANDERSON: -- actually the
19 hearing. I mean, this is the hearing that we
20 have today, so it can't be rescheduled. We have
21 to move forward, unless the Government -- the
22 Government has already stipulated, so you can't

1 reschedule today. I guess the long and short of
2 it is that there is a violation and so because of
3 -- I need -- I don't quite understand the
4 ownership status, because I've not looked at the
5 paperwork.

6 So from what we are saying is that
7 there is a stock transfer, so I need to figure
8 out -- I mean, we will discuss that, exactly what
9 that means, but so we have to move forward. So
10 the long and short of it is that you are saying
11 that you are new in this business and so the
12 violations that occurred, id did not occur once
13 you took over, once this stock was transferred to
14 you. That's basically what you are saying. Is
15 that correct?

16 MR. EMBAYE: Um-hum.

17 CHAIRPERSON ANDERSON: Right?

18 MR. EMBAYE: Um-hum.

19 CHAIRPERSON ANDERSON: All right.

20 Anything that you want to say? Any questions?
21 Are there any questions that any Board Members
22 want to make, want to ask any additional

1 questions?

2 Do you -- any closing statements that
3 you want to make, Ms. Gephardt?

4 MS. GEPHARDT: No, no closing
5 statements.

6 CHAIRPERSON ANDERSON: Any closing,
7 anything final you want to say?

8 MR. EMBAYE: No.

9 CHAIRPERSON ANDERSON: No? Do the
10 parties wish to make -- wish to file proposed
11 findings of law -- well, that's irrelevant
12 because both parties have agreed that -- all
13 right.

14 The Board will issue a decision within
15 90 days. Hold on.

16 As Chairperson of the Alcoholic
17 Beverage Control Board for the District of
18 Columbia and in accordance with DC Official Code
19 Section 2-574(b) of the Open Meetings Act, I move
20 that the ABC Board hold a closed meeting for the
21 purpose of seeking legal advice from our counsel
22 on Case No. 18-CMP-00021, Betty's Gojo, pursuant

1 to DC Official Code Section 2-574(b)(4) of the
2 Open Meetings Act and deliberating upon Case No.
3 18-CMP-00021, Betty's Gojo, for the reasons cited
4 in DC Official Code Section 2-574(b)(13) of the
5 Open Meetings Act.

6 Is there a second?

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON ANDERSON: Mr. Silverstein
9 has seconded the motion. I will now take a roll
10 call vote on the motion before us now that it has
11 been seconded.

12 Mr. Silverstein?

13 MEMBER SILVERSTEIN: I agree.

14 CHAIRPERSON ANDERSON: Mr. Alberti?

15 MEMBER ALBERTI: I agree.

16 CHAIRPERSON ANDERSON: Mr. Cato?

17 MEMBER CATO: I agree.

18 CHAIRPERSON ANDERSON: Mr. Isaac?

19 MEMBER ISAAC: I agree.

20 CHAIRPERSON ANDERSON: Mr. Anderson?

21 I agree.

22 As it appears that the motion has

1 passed, I hereby give notice that the ABC Board
2 will recess these proceedings to hold a closed
3 meeting in the ABC Board conference room pursuant
4 to Section 2-574(b) of the Open Meetings Act.

5 We will issue a decision within 90
6 days. We will consider -- in our discussion, I
7 will look at this stock transfer to see what that
8 means and we will make a decision.

9 I am sympathetic to your cause, I'll
10 just say that, but I don't know from a legal
11 perspective, me being -- the Board being
12 sympathetic what our -- what we can or can't do.

13 But one of the things that I will ask
14 that you do, sir, since you are saying you are a
15 new owner, I would hope that there is a books and
16 records training. I think it is scheduled for
17 this week here at the Agency. So if you have not
18 been to any books and records training, I would
19 ask that you do that, so you will know the
20 responsibilities that you have as an owner and
21 what you need to do.

22 So if you have not had any training,

1 I know that -- I believe on the 21st or either
2 the 21st or the 22nd, I think tomorrow. I think
3 on the 21st I think there is a books and records
4 training that the Agency offers, so you will know
5 as an owner of an establishment what documents
6 you need to keep, how long you need to keep it
7 and so I would ask that you make -- you do that.

8 But we will -- I heard what you said.
9 The Board heard what you said and we will make a
10 decision based on the representation that was
11 made today. Okay. Thank you.

12 MR. EMBAYE: Thank you.

13 MS. WELDEGEBREIL: Thank you.

14 CHAIRPERSON ANDERSON: Yeah, the
15 training is tomorrow.

16 MR. EMBAYE: Tomorrow what time?

17 MS. WELDEGEBREIL: Okay.

18 CHAIRPERSON ANDERSON: Just check at
19 the front desk before you leave.

20 MR. EMBAYE: Okay. Okay.

21 CHAIRPERSON ANDERSON: But the --
22 yeah, check at the front desk. The training on

1 this particular -- what you were cited for, we
2 have one tomorrow morning.

3 MR. EMBAYE: Okay.

4 CHAIRPERSON ANDERSON: So I would just
5 ask at the front desk. Have -- ask them for a
6 flyer and if you are available to come, you come.
7 If you can't because tomorrow if you are not
8 available, ask them when the next one is
9 scheduled for or you could ask for -- you could
10 ask to sit with someone for them to talk to you
11 to let you know what is it that you need to do
12 and your responsibility. Okay?

13 MR. EMBAYE: Okay. Thank you.

14 MS. WELDEGEBREIL: All right. Thank
15 you.

16 CHAIRPERSON ANDERSON: Okay. Thank
17 you. Thank you.

18 MS. GEPHARDT: Thank you.

19 CHAIRPERSON ANDERSON: The Board then
20 is in recess until our 11:00 hearing. Thank you.

21 (Whereupon, the Status Hearing was
22 concluded at 10:39 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: Betty's Gojo Restaurant and Lounge,
LLC

Before: Alcoholic Beverage Control Board

Date: 09-19-18

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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