

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 Gebtri, Inc. t/a Cedar :
 Hill Bar & Grill/ :
 Uniontown Bar & Grill : Fact-Finding
 2200 Martin Luther King : Hearing
 Jr Ave SE :
 Retailer CT - ANC 8A :
 License No. 91887 :
 :
 (Request to Terminate :
 RDO) :

Wednesday
 January 10, 2018

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
 NICK ALBERTI, Member
 DONALD ISAAC, SR., Member
 MIKE SILVERSTEIN, Member
 JAMES SHORT, Member

ALSO PRESENT:

MELAKE GEBRE, Licensee
 SHAWN TOWNSEND, ABRA Investigator
 LIEUTENANT SIDNEY PAUL

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

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Sidney Paul, Lieutenant.19

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

2 10:03 a.m.

3 CHAIRPERSON ANDERSON: All right. We
4 have a Fact-Finding Hearing on Uniontown Bar &
5 Grill, License No. 91887.

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

8 MR. GEBRE: Good morning.

9 CHAIRPERSON ANDERSON: Good morning.
10 Please, state your name for the record, please,
11 sir.

12 MR. GEBRE: My name is Melake Gebre.
13 I'm the owner of Uniontown Bar & Grill.

14 CHAIRPERSON ANDERSON: Mr. Gebre, good
15 morning.

16 MR. GEBRE: Good morning.

17 CHAIRPERSON ANDERSON: All right. We
18 have a Fact-Finding Hearing, sir. What is it
19 that you are requesting from the Agency?

20 MR. GEBRE: Okay.

21 CHAIRPERSON ANDERSON: Hold on one
22 minute, please.

1 MR. GEBRE: Yeah, what happened is --

2 CHAIRPERSON ANDERSON: No, just hold
3 on a minute.

4 Can you identify yourself for the
5 record, sir?

6 INVESTIGATOR TOWNSEND: Good morning,
7 Investigator Shawn Townsend with ABRA.

8 CHAIRPERSON ANDERSON: Good morning,
9 Mr. Townsend. Go ahead, Mr. Gebre.

10 MR. GEBRE: I sent you a list, sir.
11 I think it's because of that that I have the
12 hearing today, right?

13 CHAIRPERSON ANDERSON: Right.

14 MR. GEBRE: Yes. That one was the
15 security plan, to submit all that because it's a
16 nightclub business, because it was problems in
17 there and I had a lot of fines to pay and a lot
18 of security people to pay as well as the RDOs.

19 CHAIRPERSON ANDERSON: You have to
20 speak up, sir.

21 MR. GEBRE: Okay. So my expenses
22 became so high that I'm in debt and I cannot

1 afford to pay any more. So what I said was I
2 would not have the nightclub at all, so that I
3 don't have to have the security and the RDOs and
4 things that are potentially bad, that's what my
5 request is.

6 CHAIRPERSON ANDERSON: So you are
7 asking us -- so what was -- what is it that you
8 are required to do, as far as RDO is --

9 MR. GEBRE: Okay.

10 CHAIRPERSON ANDERSON: -- concerned?

11 MR. GEBRE: I have to have two RDOs.

12 CHAIRPERSON ANDERSON: And what are
13 they -- what were -- when were they supposed to
14 be there?

15 MR. GEBRE: Oh, from 9:30 -- no, no,
16 from 11:30 to 3:30.

17 CHAIRPERSON ANDERSON: From 11:30 to
18 3:30?

19 MR. GEBRE: Yes.

20 CHAIRPERSON ANDERSON: So you are
21 saying you no longer want the RDO?

22 MR. GEBRE: I don't need the RDOs,

1 because I will be -- I will operate as a normal
2 tavern.

3 CHAIRPERSON ANDERSON: So you are --

4 MR. GEBRE: I will close at 11:00 or
5 maximum 12:00, because I don't want to take the
6 risk of the problems that I have before, you
7 know? It's the go-go bands that a lot of young
8 people come, so they have fights before, which
9 you know that I was fined many times.

10 And I don't want to do that again. I
11 don't want to risk my life, the customers' lives
12 as well. So I decided not to have the nightclub
13 business.

14 CHAIRPERSON ANDERSON: Now -- well,
15 the -- if I remember correctly, the Board already
16 stated that you have to have the RDO from 11:00
17 until -- from 11:00. Now, and if you have RDO,
18 then they would have to be there for four hours.
19 So your option then, are you asking then the
20 Board to change your hours to say that you are
21 going to close at 11:00?

22 And it can't be that well, I might

1 close. I might stay open until 12:00, because if
2 you stay open until 12:00, I wouldn't -- and I'll
3 say this to you, sir, because in all issues, I
4 would not be in favor of removing the RDO if you
5 are going to be there until 12:00.

6 So the decision that you need to make
7 is that if you are going to change your hours to
8 say that you are going to close --

9 MR. GEBRE: I understand.

10 CHAIRPERSON ANDERSON: -- at 12:00 --
11 at 11:00 --

12 MR. GEBRE: I can close by 11:00, yes,
13 sir.

14 CHAIRPERSON ANDERSON: So if you are
15 going to -- so if you are going to close at
16 11:00, the doors -- and maybe Mr. Townsend can
17 explain to you -- to him what it means by closing
18 at 11:00.

19 MR. GEBRE: Okay.

20 CHAIRPERSON ANDERSON: Mr. Townsend?

21 INVESTIGATOR TOWNSEND: So --

22 CHAIRPERSON ANDERSON: From an

1 Investigator's perspective, what does it mean to
2 be closed at 11:00?

3 INVESTIGATOR TOWNSEND: That means
4 that there can't be any patrons inside. It's
5 completely shutdown.

6 MR. GEBRE: Okay.

7 INVESTIGATOR TOWNSEND: Meaning that
8 at 12:00, there are -- there is no consumption.
9 There is no patrons.

10 CHAIRPERSON ANDERSON: No, you said
11 12:00 or 11:00. Which one is it? You said
12 12:00.

13 MR. GEBRE: 11:30 was the RDO starts
14 at 11:30.

15 CHAIRPERSON ANDERSON: So the RDO
16 starts at 11:30?

17 MR. GEBRE: Yes, so I --

18 INVESTIGATOR TOWNSEND: Correct.

19 MR. GEBRE: -- will have an hour break
20 as the Investigator mentioned right now, because
21 if I close at 11:00, then it would give me time
22 to -- if I clear everybody until 11:30. If

1 that's fine with you guys.

2 CHAIRPERSON ANDERSON: From an
3 Investigator's perspective, Mr. Townsend?

4 INVESTIGATOR TOWNSEND: So let me just
5 backup. The Licensee has come before this Board
6 prior to this hearing and stated the same, sort
7 of the same thing that he would eliminate go-go
8 bands and do, you know, contemporary jazz or I
9 think it was poetry.

10 MR. GEBRE: Um-hum.

11 INVESTIGATOR TOWNSEND: And then there
12 were a few incidents that occurred after he made
13 those statements in front of the Board that
14 involved go-go bands. So in my opinion, I agree
15 with the Chair, if I may, if he is requesting, if
16 the Licensee is requesting to eliminate RDOs,
17 then I would recommend that the hours be reduced
18 to reflect the elimination of the RDO.

19 So basically, if his RDO was supposed
20 to start between 11:30 p.m. until 3:30 a.m.

21 MR. GEBRE: Um-hum.

22 INVESTIGATOR TOWNSEND: Then I would

1 recommend that the establishment not be able to
2 operate after 11:30 p.m.

3 MEMBER SHORT: I would like to ask a
4 question, Mr. Chair.

5 CHAIRPERSON ANDERSON: Yes, I'm going
6 to --

7 MR. GEBRE: If I could give
8 explanation, which is my intention to do that,
9 because I'm changing it to a different situation,
10 since becoming a nightclub, finger-type foods to
11 a regular restaurant, because there are a lot of
12 frequents in that area, there are a lot of -- the
13 demography is changing.

14 So if I made it a good restaurant,
15 then I might have better income and be able to
16 sustain these hours. Even I might be able to
17 open and close, because now what happens is I
18 have daytime people and then I have -- I work
19 nights and a lot of things happen to daytime.

20 I mean, stealing and things like that.
21 A lot of that happens. So I will operate fully
22 beginning to the end. I open and I close, so

1 that I have the full control, except when I go
2 out to buy dinner or certain things.

3 CHAIRPERSON ANDERSON: Well, I'm going
4 to have to -- but what I'll say to you, sir, and
5 I just want to be clear.

6 MR. GEBRE: Yes, sir.

7 CHAIRPERSON ANDERSON: I don't care
8 what type of entertainment that you have. So I
9 want you to be clear that the Board is not
10 telling you you can't have go-go bands. The
11 Board is not telling you you can't have jazz.
12 The Board is not telling you you can't have
13 disco. The Board is not telling you that
14 whatever type of music, whatever type of
15 entertainment you can have.

16 MR. GEBRE: I know.

17 CHAIRPERSON ANDERSON: That is your
18 choice, the type of entertainment that you have.

19 So when you are saying I'm not going
20 to have go-go, I'm -- the Board is not -- what
21 I'm saying is the Board is not telling you. What
22 the Board is -- at least what the Board is saying

1 is if you are saying that you want to be released
2 from the RDO, the RDO is supposed to start at
3 11:30.

4 And so if you are saying that you no
5 longer want to have RDO, what that says is that
6 you have to change your hours, so the business
7 closes at 11:30.

8 Yes, Mr. Short?

9 MEMBER SHORT: Yes. So, Mr. Chair,
10 what I'm hearing, and I think the purpose of this
11 is, is that the hours would actually change on
12 his license, so there would be no way he could
13 operate after 11:30 if his hours on his license
14 reflect that his business closes at that hour.

15 CHAIRPERSON ANDERSON: I would hope
16 so. Mr. Alberti, do you have a question? Any
17 other Board Members?

18 MEMBER ALBERTI: I have just one
19 comment.

20 CHAIRPERSON ANDERSON: Mr. Alberti,
21 yes?

22 MEMBER ALBERTI: If Mr. Gebre is

1 sincere about this, then I suggest that rather
2 than having the Board issue an order, Mr. Gebre
3 go into the office today and file an application
4 to change your hours with closing -- with hours
5 ending at 11:30. That would be a good faith
6 effort and you could do that today.

7 It's simple. You go to the office and
8 just make that application today. Licensing will
9 help you. And I think that would be the easiest
10 way to clear up this matter.

11 MEMBER SHORT: Mr. Alberti, I agree
12 with you 100 percent, but also I think a Board
13 Order would memorialize that a little better.

14 MEMBER ALBERTI: Okay. All right.

15 MEMBER SHORT: So he can change his
16 hours. He can make his application today before
17 he leaves and then the Board Order will support
18 that. The Board Order will say his business
19 operating hours would end at 11:30 p.m. every
20 day. Is that correct?

21 MR. GEBRE: Yes, sir.

22 MEMBER SHORT: Thank you, Mr. Chair.

1 That's all I have.

2 CHAIRPERSON ANDERSON: Any other
3 questions by any other Board Members?

4 All right. No other questions. Do
5 you have any final comments you want to make,
6 sir?

7 MR. GEBRE: So I can have the house
8 music within this time?

9 CHAIRPERSON ANDERSON: Sir, I --
10 remember I just stated, you have an entertainment
11 endorsement.

12 MR. GEBRE: I do.

13 CHAIRPERSON ANDERSON: You currently
14 do. It's not the Board's position to tell you
15 what type of entertainment you can have.

16 MR. GEBRE: Okay.

17 CHAIRPERSON ANDERSON: I am not -- we
18 are not endorsing or opposing go-go music, house
19 music, disco music, punk rock, rock and roll,
20 whatever it is. That's not our position. I
21 don't care --

22 MR. GEBRE: That's fine. I

1 understand.

2 CHAIRPERSON ANDERSON: Yeah, no. But
3 I don't want folks to leave here today to say the
4 Board said you can't have go-go music because go-
5 go does -- the only thing this is about is that
6 we stated that if you are going to operate past
7 11:30, you have to have RDO.

8 You have stated, you have requested
9 from the Board that you no longer -- you want to
10 be relieved of this obligation to have RDO. And
11 what the Board is saying if that is what you
12 need, then you need to close at 11:30.

13 And the suggestion by Mr. Alberti is
14 that you go to the office, you file the
15 application to formally change your hours to
16 11:30 every day and there will be no issue. The
17 Board will determine if we need to issue a Board
18 Order on that, but you decide you do that.

19 So what that says is that if any
20 Investigator comes to your establishment at 11:35
21 and there is stuff going on there, then you will
22 be fined.

1 MR. GEBRE: Okay. So what effective
2 date? If I put application now, what effective
3 date?

4 CHAIRPERSON ANDERSON: As long as --
5 as soon as the Board -- either the application is
6 approved or we issue a Board Order. So
7 therefore, until --

8 MEMBER ALBERTI: Until that time.

9 CHAIRPERSON ANDERSON: I'm sorry?

10 MEMBER ALBERTI: I'm just saying until
11 that time.

12 CHAIRPERSON ANDERSON: Until that
13 time, so therefore, until we get something from
14 you, you do the application.

15 MR. GEBRE: I will do it right now.

16 CHAIRPERSON ANDERSON: Until the Board
17 -- until the Agency tells you that your hours are
18 changed, then you need to operate on what is
19 going on right now until you are formally advised
20 by the Agency --

21 MR. GEBRE: Yes, sir.

22 CHAIRPERSON ANDERSON: -- that your

1 hours have changed.

2 MR. GEBRE: Yes, sir.

3 CHAIRPERSON ANDERSON: And so that's
4 going to depend on how quickly you fill the form.
5 And as Mr. Alberti just said, you can go to the
6 front desk and you can start the process today.

7 MR. GEBRE: Yes, sir. Thank you.

8 CHAIRPERSON ANDERSON: Okay. Thank
9 you, sir.

10 MEMBER ALBERTI: The Investigator.

11 CHAIRPERSON ANDERSON: Yes, Mr.
12 Townsend, do you have any questions?

13 INVESTIGATOR TOWNSEND: So that would
14 mean that until that happens, he still needs to
15 have RDOs?

16 CHAIRPERSON ANDERSON: Yes, yes.

17 INVESTIGATOR TOWNSEND: If he is open
18 between 11:30 p.m. and 3:30 a.m.?

19 CHAIRPERSON ANDERSON: Yes.

20 INVESTIGATOR TOWNSEND: Okay.

21 CHAIRPERSON ANDERSON: So you can lock
22 your door starting tonight. You can lock your

1 doors starting today at 11:30, but if an
2 Investigator comes out today or tomorrow and you
3 are operating, then you are violating the law.

4 MR. GEBRE: What I have been doing was
5 Thursdays, I don't have a band.

6 CHAIRPERSON ANDERSON: I don't care
7 what you do, sir.

8 MR. GEBRE: So --

9 CHAIRPERSON ANDERSON: That's up to
10 you.

11 MR. GEBRE: No.

12 CHAIRPERSON ANDERSON: You can
13 determine --

14 MR. GEBRE: Let me --

15 CHAIRPERSON ANDERSON: -- listen, you
16 don't need to explain to me. You can lock your
17 doors whenever you want to lock your doors. So
18 if you have disposed of everybody in your
19 business and everyone is out by 11:30, you are
20 fine. There is no need to have an RDO.

21 But as I said to you, if the
22 Investigator comes out there and sees that your

1 business is open, we are going to fine you
2 because you need to have RDOs.

3 MR. GEBRE: No, that part I
4 understand.

5 CHAIRPERSON ANDERSON: Yes.

6 MR. GEBRE: But what I'm saying is
7 until it gets approved and what is happening is
8 Thursdays I don't have any music. Okay? And but
9 I still get RDOs at 11:30 when I'm closed. So
10 this is an obligation, so I sign it and they go
11 home. And that costs me a lot of money and in
12 fact, I've been borrowing from all my friends and
13 my family to pay all these things.

14 CHAIRPERSON ANDERSON: Hold on. Can
15 you identify yourself for the record, please,
16 sir?

17 LT. PAUL: Lieutenant Sidney Paul with
18 the 7th District. I'm the RDO Coordinator for the
19 officers.

20 CHAIRPERSON ANDERSON: Can you -- you
21 need to -- what do you want to add, sir?

22 LT. PAUL: Just, you know, I'm hearing

1 him saying -- I have spoken to him on plenty of
2 occasions. All he has to do is call us up as
3 much as maybe an hour before the RDO starts and
4 tell us that he does not -- that his
5 establishment is closed and we will not have RDO
6 show up.

7 MR. GEBRE: Okay.

8 LT. PAUL: And he will be reimbursed
9 for what he pays in advance. So he gets a
10 reimbursement for it. So there is like
11 Thursdays, for the most part on Thursdays, he
12 pretty much shuts down early. So a lot of times
13 even though we are supposed to provide RDO for
14 him for 11:30 to 1:30 on Thursdays, every
15 Thursday, a lot of times his establishment closes
16 early and we are notified at some time, sometimes
17 we are not.

18 So I've been telling him for the
19 longest time, for months that you are being
20 charged for two officers or two hours of overtime
21 each every Thursday, but if you are not calling
22 us up to cancel and officers come down there, you

1 are still going to be charged for those two
2 hours.

3 So he is losing money. And I've been
4 telling him make notifications if his
5 establishment closes early. So he knows that.
6 So like they said right now, until your
7 application gets approved, all you got to do is
8 make notification, but you can't call me up at
9 12:00 midnight after my guys get there.

10 MR. GEBRE: No, no.

11 INVESTIGATOR TOWNSEND: Because you're
12 going to still be charged. So you've got to call
13 in advance and that's it.

14 MR. GEBRE: Okay.

15 CHAIRPERSON ANDERSON: Thank you, sir,
16 for being here.

17 MR. GEBRE: Thank you.

18 CHAIRPERSON ANDERSON: Thank you for
19 clarifying that.

20 INVESTIGATOR TOWNSEND: Okay.

21 CHAIRPERSON ANDERSON: And so I want
22 the record to reflect that there is no

1 misunderstanding. So the ball is in your court,
2 sir. So you operate your business the way you
3 believe it is appropriate. Okay?

4 MR. GEBRE: Okay.

5 CHAIRPERSON ANDERSON: All right.

6 MEMBER ALBERTI: May I?

7 CHAIRPERSON ANDERSON: Yes, Mr.

8 Alberti.

9 MEMBER ALBERTI: Yes.

10 CHAIRPERSON ANDERSON: Mr. Alberti,
11 yes.

12 MEMBER ALBERTI: Mr. Gebre, I just
13 want to be clear of my understanding. You are
14 proposing that you will be closing at 11:30 seven
15 days a week, not just Thursday, but every day?

16 MR. GEBRE: Seven days a week.

17 MEMBER ALBERTI: Seven days a week.

18 Okay. I just wanted to make sure I understood.
19 Thank you.

20 CHAIRPERSON ANDERSON: All right.

21 MR. GEBRE: Thank you so much.

22 CHAIRPERSON ANDERSON: Thank you.

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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: Gebtri, Inc.
t/a Cedar Hill Bar & Grill/
Uniontown Bar & Grill

Before: DC Alcoholic Beverage Control Board

Date: 01-10-18

Place: Washington, DC

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



Court Reporter

NEAL R. GROSS

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