

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
 + + + + +
 MEETING

IN THE MATTER OF: :

Green Island Heaven :
 and Hell, Inc., :
 t/a Green Island Café/ : Show Cause
 Heaven & Hell : Hearing (Status)
 2327 18th Street NW :
 Retailer CT - ANC 1C :
 License No. 74503 :
 Case #18-CMP-00050 :
 :
 (Failed to Comply with :
 Board Order No. 2017-439):
 :
 License No. 44503 :
 Case #18-CMP-00049 :
 Case #18-CMP-00041 :
 Case #18-CMP-00051 :
 Case #18-251-00122 :
 :
 (Failed to Comply with :
 Board Order No. 2017-439):
 :
 License No. 44503 :
 Case #18-251-00111 :
 :
 (Interfered with an :
 Investigation, Failed to :
 Comply with Board Order :
 No. 2017-439) :
 :

Wednesday,
 November 7, 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
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

JONATHAN FARMER, Licensee's Counsel
LOUISE PHILLIPS, OAG
MEHARI WOLDEMARIAM, Licensee

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

2 9:37 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. I would like to welcome you to the
5 regularly scheduled meeting of the District of
6 Columbia Alcoholic Beverage Control Board.
7 Please know that today's hearings will be
8 conducted in accordance with D.C. Official Code
9 Section 2-574 of the Open Meetings Act.

10 Today is November 7, 2018. I would
11 like to introduce Members of the Board with us
12 today. To my far right is Mr. Bobby Cato. To my
13 immediate right is Mr. Nick Alberti. To my far
14 left is Mr. Mike Silverstein. To my immediate
15 left is Mr. James Short. My name is Donovan
16 Anderson. I'm the Chairman of the Board. We
17 have five Members in attendance today and we do
18 have a quorum.

19 I would like to mention two things
20 before we get started. First of all, if you have
21 any electronic devices, pagers, cell phones or
22 such, please, make certain that they are turned

1 off to avoid any interruption of the proceedings.

2 Secondly, there is a piece of paper on
3 each table. When you come forward as your case
4 is called, please, take a seat at the table and,
5 please, sign-in. This is to ensure the correct
6 spelling of your name for the record.

7 Additionally, when you introduce
8 yourself for the record, please, spell your name
9 aloud for the court reporter.

10 I will note that the approximate time
11 is 9:40. And our first case, there are several
12 cases regarding this one establishment, but they
13 are all separate cases. However, because it is
14 the same parties, I'm going to call them
15 altogether.

16 The first case is Case No. 18-CMP-
17 00050, Green Island Café/Heaven & Hell, License
18 No. 74503.

19 The second case is Case No. 18-CMP-
20 00049, again Green Island Café/Heaven & Hell,
21 License No. 44503.

22 The third case is Case No. 18-CMP-

1 00041, Green Island Café/Heaven & Hell, License
2 No. 44503.

3 The next case is Case No. 18-CMP-
4 00051, Green Island Café/Heaven & Hell, License
5 No. 44503.

6 The next case is Case No. 18-251-
7 00111, Green Island Café/Heaven & Hell, License
8 No. 44503.

9 And the final case is Case No. 18-251-
10 00122, Green Island Café/Heaven & Hell, License
11 No. 44503.

12 Will the parties, please, introduce
13 themselves for the record, please?

14 MS. PHILLIPS: Louise Phillips,
15 Assistant Attorney General for the District of
16 Columbia. Good morning, Board Members.

17 CHAIRPERSON ANDERSON: Good morning,
18 Ms. Phillips.

19 MR. FARMER: Jonathan Farmer on behalf
20 of Cafe Heaven & Hell.

21 CHAIRPERSON ANDERSON: Good morning,
22 Mr. Farmer.

1 MR. WOLDEMARIAM: Mehari Woldemariam,
2 Green Island Café.

3 CHAIRPERSON ANDERSON: Good morning,
4 Mr. Woldemariam.

5 All right. Let's start the first
6 case, Case No. 18-CMP-00050. Are there any
7 preliminary matters in this case?

8 MS. PHILLIPS: No, there are not, Mr.
9 Chair.

10 CHAIRPERSON ANDERSON: All right. So
11 for Case No. 18-CMP-00050, this matter is
12 scheduled for a Show Cause Hearing on December
13 5th at 10:00 a.m.

14 The next case then is Case No. 18-CMP-
15 00049. Are there any preliminary matters in this
16 case?

17 MS. PHILLIPS: No, Mr. Chair, there
18 are not.

19 CHAIRPERSON ANDERSON: Then this case
20 is scheduled for December 12, 2018 at 10:00 a.m.

21 The third case is Case No. 18-CMP-
22 00041. Are there any preliminary matters in this

1 case?

2 MS. PHILLIPS: No, Mr. Chair, there
3 are not.

4 CHAIRPERSON ANDERSON: This case then
5 is scheduled for January 9, 2019 at 10:00 a.m.

6 The next case is Case No. 18-CMP-
7 00051. Are there any preliminary matters in this
8 case?

9 MS. PHILLIPS: No, Mr. Chair, there
10 are not.

11 CHAIRPERSON ANDERSON: This case is
12 then scheduled for January 16, 2019 at 10:00 a.m.

13 The next case is Case No. 18-251-
14 00111. Are there any preliminary matters in this
15 case?

16 MS. PHILLIPS: No, Mr. Chair, there
17 are not.

18 CHAIRPERSON ANDERSON: This case is
19 then scheduled for January 30, 2019 at 10:00 a.m.

20 The next case is Case No. 18-251-
21 00122. Are there any preliminary matters in this
22 case?

1 MS. PHILLIPS: No, Mr. Chair, there
2 are not.

3 CHAIRPERSON ANDERSON: This matter
4 then is scheduled for a Show Cause Hearing on
5 February 6, 2019 at 10:00 a.m.

6 All right. I thank the parties. Mr.
7 Farmer?

8 MR. FARMER: Yes, Mr. Chairman, noting
9 that the nature of the violations, I believe
10 except -- are the violations we just went
11 through, I have entered into discussions with Mr.
12 Adams of the --

13 CHAIRPERSON ANDERSON: Yes.

14 MR. FARMER: -- OAG's office and on of
15 the matters that we are discussing is --
16 basically how to consolidate these, rather than
17 make them separate matters or at least in terms
18 of the hearing dates.

19 CHAIRPERSON ANDERSON: Okay.

20 MR. FARMER: As you can see, that is,
21 I mean, approximately once every two weeks for
22 the next three months.

1 CHAIRPERSON ANDERSON: I see.

2 MR. FARMER: And rather than address
3 them separately at each time, it seems to be we
4 should be able to resolve those rather quickly.

5 CHAIRPERSON ANDERSON: I mean, that
6 is --

7 MS. PHILLIPS: The District would
8 prefer that this motion, this oral motion be
9 reduced to writing so that the attorneys assigned
10 to these cases can respond, based on each case,
11 as he sees fit, so the Board will have the full
12 record, rather than just going on an oral motion.

13 CHAIRPERSON ANDERSON: No, I was not
14 going to issue/order that, Ms. Phillips. What I
15 was going to state was that if the parties agree
16 and present it to the Board, then the Board will
17 consider that.

18 So I know that it is not your case.
19 I know that you would not be in a position to
20 respond to what is being stated. So I wouldn't
21 have a problem if that's what the parties want,
22 because from what I see, it's -- they are all

1 secondary tier violations.

2 I'm sorry, they are all second primary
3 tier violations. So I wouldn't have a problem
4 for economics of scale to have them on one date,
5 if that is what the parties so desire. And as I
6 have stated, you can contact Ms. Phillips,
7 contact Mr. Adams and if there is a motion to the
8 Board, the Board will consider it.

9 Okay. Thank you.

10 MR. FARMER: And at the same time, I
11 don't anticipate any other motions would be made
12 at the same time in terms of the RDO and it's
13 maintenance.

14 CHAIRPERSON ANDERSON: Whatever
15 motions that want to be filed, I'll consider. I
16 know that you have made motions before. I'm open
17 to considering any and all motions. I don't know
18 where my other Board Members will be on that
19 issue, but I am open to consider whatever motions
20 are being filed. Okay.

21 MR. FARMER: Any questions for the
22 hearings which may come from the defendant's side

1 would be -- could possibly be considered on the
2 same calendar?

3 CHAIRPERSON ANDERSON: There is --
4 yes. I would hope that it's the same attorney
5 that will -- if there are other cases, if there
6 are other pending cases, I would hope that they
7 are assigned to the same attorney at the Attorney
8 General's Office and so, therefore, one can look
9 at all the matters and try to figure out how best
10 to solve these problems.

11 MR. FARMER: And I say that noting I
12 had also noted that on this afternoon's
13 Investigative Agenda, there are two cases pending
14 as well, which I assume --

15 CHAIRPERSON ANDERSON: I wasn't aware
16 of your knowledge base and so, therefore, that's
17 one of the reasons I didn't say anything, but
18 since you have and the Board has not -- we have
19 not discussed what is on the Investigative Agenda
20 to make any recommendation, but if
21 recommendations are made, the -- you can contact
22 the Attorney General's Office to say that --

1 MR. FARMER: That I have --

2 CHAIRPERSON ANDERSON: -- if these
3 recommend -- if recommendations are made to
4 prosecute these claims, that they be included
5 within this.

6 MR. FARMER: Right. And that -- just
7 so you are -- the Board is aware, those were in
8 the scope of my discussions with Mr. Adams, so I
9 just want to make sure that everyone is on the
10 same page in terms of what we are doing.

11 CHAIRPERSON ANDERSON: You are ahead
12 of us, Mr. Farmer, because the Board has not
13 discussed those issues.

14 MR. FARMER: I understand.

15 CHAIRPERSON ANDERSON: The Board has
16 not discussed and maybe who knows, maybe when the
17 Board discusses those matters they might decide
18 that nothing -- that it's not going to be
19 prosecuted. I don't know, because the Board has
20 not discussed those and at some point this
21 afternoon, we will publish the results of the
22 Investigative Agenda, but the Board has not

1 discussed those issues as yet, sir. Okay.

2 And I know that you are advocate --
3 that you are an advocate on behalf of your client
4 and so I do appreciate your advocacy, sir. Okay.
5 Thank you.

6 MR. FARMER: Thank you.

7 CHAIRPERSON ANDERSON: All right. I
8 am trying to see if his client wants to say
9 something.

10 MR. FARMER: No.

11 CHAIRPERSON ANDERSON: That's it? I
12 think, unfortunately, your client has appeared in
13 front of me several times and so I do understand
14 that your predicament is representing your
15 client, so I always make sure -- when I say
16 predicament, I always make sure that whatever
17 your client needs to express that, it's expressed
18 through you and to give you an understanding --
19 an opportunity to talk to your clients before I
20 make any final decisions, because sometimes I can
21 see the facial expressions in front of me.

22 MR. FARMER: All right. I understand

1 and I thank you.

2 CHAIRPERSON ANDERSON: All right. All
3 right. The parties are dismissed. Thank you.

4 MR. FARMER: Okay, thanks.

5 (Whereupon, the Show Cause (Status)

6 Hearings were concluded at 9:49 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: Green Island Heaven and Hell, Inc.

Before: Alcoholic Beverage Control Board

Date: 11-07-18

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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