

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

IN THE MATTER OF: :

Kiss, LLC, :

t/a Kiss Tavern :

637 T Street NW, : Show Cause

Retailer CT - ANC 1B : Hearing

License No. 104710 :

Case #19-251-00032 :

: :

(Operating After Hours, :  
Failed to Carry or :  
Refused to show Valid :  
Identification, The :  
Licensee or ABC Manager :  
was under the Influence :  
of Alcohol, Interfered with: :  
an Investigation, Violation: :  
of Settlement Agreement, :  
Security Plan or Board :  
Order No. [2017- 169]) :

Wednesday  
August 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  
BOBBY CATO, JR., Member  
MIKE SILVERSTEIN, Member  
JAMES SHORT, Member  
RAFI A. CROCKETT, Member

**ALSO PRESENT:**

**EYOS ASHBEHA, APPLICANT**

**SIDON YOHANNES, COUNSEL FOR APPLICANT**

**REBECCA BARNES, DC OAG**

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

2 2:38 p.m.

3 CHAIRPERSON ANDERSON: I am going to  
4 call Case No. 19-251-00032, Kiss Tavern, License  
5 No. 104710.

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

8 MS. BARNES: Rebecca Barnes on behalf  
9 of the District of Columbia.

10 CHAIRPERSON ANDERSON: Good afternoon,  
11 Ms. Barnes.

12 MS. YOHANNES: Hello, good afternoon.  
13 Sidon Yohannes on behalf of the licensee.

14 CHAIRPERSON ANDERSON: Good afternoon,  
15 Ms. Yohannes.

16 MR. ASHBEHA: Eyos Ashbeha.

17 CHAIRPERSON ANDERSON: Good afternoon,  
18 Mr. Ashbeha.

19 I know this matter was scheduled for  
20 a Show Cause Hearing today, but are there any  
21 preliminary matters in this case?

22 MS. BARNES: Yes, Mr. Chairman. The

1 District would like to move to request a  
2 continuance.

3 CHAIRPERSON ANDERSON: What's the  
4 purpose of requesting a continuance?

5 MS. BARNES: Due to witness  
6 unavailability, our primary witness is not  
7 available at this time.

8 CHAIRPERSON ANDERSON: And when --  
9 just as background information, when is it that  
10 the Government was aware that the witness was not  
11 available?

12 MS. BARNES: We just became aware of  
13 this yesterday.

14 CHAIRPERSON ANDERSON: Ms. Yohannes,  
15 your position?

16 MS. YOHANNES: Yes. Our position is  
17 that we object to the continuance that is being  
18 requested. We are prepared to move forward.  
19 It's the Government's burden and if they are not  
20 prepared and the witness is not available, we  
21 move to dismiss.

22 CHAIRPERSON ANDERSON: Ms. Barnes?

1 MS. BARNES: We understand. We have  
2 previously extended them the courtesy of a  
3 continuance in this matter. We had hoped for the  
4 same courtesy to be returned and this is  
5 circumstances outside the District's control.

6 CHAIRPERSON ANDERSON: All right. The  
7 motion I'm making to the Board is that I'm going  
8 to deny the Government's motion to postpone this  
9 matter. Is there a second?

10 MEMBER CROCKETT: Second.

11 CHAIRPERSON ANDERSON: Ms. Crockett  
12 has seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON ANDERSON: Those opposed?  
16 The matter passes 5-0-0.

17 Where do we stand now that -- oh, I'm  
18 sorry. And so we are denying the motion to  
19 dismiss. I'm sorry, we are denying the motion to  
20 grant a continuance.

21 And so you have a motion to -- I'm  
22 sorry, renew your motion, please. I apologize.

1 MS. YOHANNES: Based on the denial, I  
2 would like to make a motion that we dismiss.  
3 It's the Government's burden. The Government  
4 doesn't have any witnesses available. So we  
5 would move for a dismissal in this matter.

6 CHAIRPERSON ANDERSON: Ms. Barnes?

7 MS. BARNES: I respectfully oppose  
8 that. The Government does have an additional  
9 witness it could bring forward today, based on a  
10 report, if that's the Board's position.

11 And if they insist, that they would  
12 like to go forward, we would like to move forward  
13 based on this report.

14 CHAIRPERSON ANDERSON: You have a  
15 report or you have a witness? Do you have a  
16 witness? Which one? I thought that that was the  
17 only witness that you have.

18 MS. BARNES: If the Board is not going  
19 to grant a continuance in this matter, we would  
20 like to move forward based -- with a witness  
21 based on the supervisor in this matter.

22 CHAIRPERSON ANDERSON: So you are

1 saying that you have a witness that is --

2 MS. BARNES: My primary witness is  
3 unavailable in this matter. We have an MPD  
4 Officer who was prepared to testify today at the  
5 earlier time. He is not available this  
6 afternoon. We would like to reschedule this  
7 matter for a later time when he is available, but  
8 if the alternative is dismissing this, then the  
9 Government would be prepared to move forward with  
10 this witness, based on the report itself.

11 CHAIRPERSON ANDERSON: All right. So  
12 it's the Government's -- the Government then is  
13 then able to move forward with a witness, which  
14 is, as the Government said, a supervising -- the  
15 supervisor of the report. That's the  
16 Government's position?

17 MS. BARNES: That is the Government's  
18 position. I might ask the Board for a brief  
19 recess to consult with my supervisor.

20 CHAIRPERSON ANDERSON: Sure.

21 MS. BARNES: Okay.

22 CHAIRPERSON ANDERSON: So we are in

1 recess. For how long do you -- where -- how long  
2 do you need for this? Go ahead.

3 MS. YOHANNES: Just for the record, if  
4 the Government can state who this witness is or  
5 who the Supervising Investigators that will be  
6 testifying?

7 CHAIRPERSON ANDERSON: I'm asking  
8 this. I don't know.

9 MS. BARNES: The witness that we would  
10 be introducing is John Suero, the Nightshift  
11 Supervisor, ABRA Investigator.

12 CHAIRPERSON ANDERSON: Okay. All  
13 right. Okay. So we will -- how much time do you  
14 need?

15 MS. BARNES: Give me 15 minutes to get  
16 in contact with him.

17 CHAIRPERSON ANDERSON: All right.  
18 Fine. So this case is in recess until 3:00.

19 MS. BARNES: All right. Thank you  
20 very much.

21 CHAIRPERSON ANDERSON: All right.

22 (Whereupon, the above-entitled matter



1 went off the record at 2:43 p.m. and resumed at  
2 3:33 p.m.)

3 CHAIRPERSON ANDERSON: I'm going to  
4 recall Case No. 19-251-00032, Kiss Tavern,  
5 License No. 104710.

6 Would the parties, please, approach  
7 again and let me know basically where we are.

8 The Government had asked for a  
9 continuance that was denied by the Board.

10 Counsel, the licensee then had asked  
11 for -- had asked that the matter be dismissed and  
12 I'm waiting to hear from the Government what  
13 their position is.

14 MS. BARNES: Yes, Mr. Chairman. After  
15 consultation with my supervisor, the Government  
16 would like to Move to Dismiss this matter.

17 CHAIRPERSON ANDERSON: All right.  
18 With that then, I make a motion that the  
19 Government accepts the -- supports the  
20 Government's Motion to Dismiss. Is there a  
21 second?

22 MEMBER SHORT: Second.

1 CHAIRPERSON ANDERSON: Mr. Short has  
2 seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON ANDERSON: Those opposed?

6 The matter passes 5-0-0.

7 This is not an -- I want the licensee  
8 to know that no decision was made on the merit of  
9 the case. The matter was dismissed on a  
10 procedural violation, so I don't want the  
11 licensee to leave thinking that the Government --  
12 I'm sorry, the Board made a determination on the  
13 merits of this case.

14 It was only made on a procedural  
15 matter. Okay? Thank you very much. This matter  
16 is closed. Have a great day.

17 The Board is in recess. All right.

18 (Whereupon, the Show Cause Hearing was  
19 concluded at 3:35 p.m.)  
20  
21  
22

<b>A</b>	<p><b>ABC</b> 1:11  <b>able</b> 7:13  <b>above-entitled</b> 8:22  <b>ABRA</b> 8:11  <b>accepts</b> 9:19  <b>additional</b> 6:8  <b>afternoon</b> 3:10,12,14  3:17 7:6  <b>Agreement</b> 1:13  <b>ahead</b> 8:2  <b>Alcohol</b> 1:12  <b>Alcoholic</b> 1:2,16,17  <b>alternative</b> 7:8  <b>ANC</b> 1:7  <b>Anderson</b> 1:18,20 3:3  3:10,14,17 4:3,8,14  4:22 5:6,11,15 6:6,14  6:22 7:11,20,22 8:7  8:12,17,21 9:3,17  10:1,5  <b>apologize</b> 5:22  <b>APPLICANT</b> 2:10,11  <b>approach</b> 3:6 9:6  <b>Ashbeha</b> 2:10 3:16,16  3:18  <b>asked</b> 9:8,10,11  <b>asking</b> 8:7  <b>August</b> 1:15  <b>available</b> 4:7,11,20 6:4  7:5,7  <b>aware</b> 4:10,12  <b>aye</b> 5:13,14 10:3,4</p>	<p><b>case</b> 1:8 3:4,21 8:18 9:4  10:9,13  <b>CATO</b> 1:20  <b>Cause</b> 1:6 3:20 10:18  <b>Chairman</b> 3:22 9:14  <b>Chairperson</b> 1:18,20  3:3,10,14,17 4:3,8,14  4:22 5:6,11,15 6:6,14  6:22 7:11,20,22 8:7  8:12,17,21 9:3,17  10:1,5  <b>circumstances</b> 5:5  <b>closed</b> 10:16  <b>Columbia</b> 1:1 3:9  <b>concluded</b> 10:19  <b>consult</b> 7:19  <b>consultation</b> 9:15  <b>contact</b> 8:16  <b>continuance</b> 4:2,4,17  5:3,20 6:19 9:9  <b>control</b> 1:2,16,17 5:5  <b>Counsel</b> 2:11 9:10  <b>courtesy</b> 5:2,4  <b>Crockett</b> 1:22 5:10,11  <b>CT</b> 1:7</p>	<b>G</b>	<p><b>Give</b> 8:15  <b>Government</b> 4:10 6:3,8  7:9,12,14 8:4 9:8,12  9:15,19 10:11  <b>Government's</b> 4:19 5:8  6:3 7:12,16,17 9:20  <b>grant</b> 5:20 6:19</p>	<b>H</b>	<p><b>hear</b> 9:12  <b>Hearing</b> 1:7,17 3:20  10:18  <b>Hello</b> 3:12  <b>hoped</b> 5:3  <b>Hours</b> 1:9</p>	<b>N</b>	<p><b>met</b> 1:17  <b>MIKE</b> 1:21  <b>minutes</b> 8:15  <b>motion</b> 5:7,8,12,18,19  5:21,22 6:2 9:18,20  10:2  <b>move</b> 4:1,18,21 6:5,12  6:20 7:9,13 9:16  <b>MPD</b> 7:3</p>
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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: Kiss Tavern

Before: DC ABRA

Date: 08-07-19

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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