

ALSO PRESENT:

GLADYS WEATHERSPOON, Attorney for Owner

ADDIS DEBEBE, Owner

SAMUEL ADEFORST

JOHNNY HOWARD, Landlord Attorney

STELLA JOHNSON, Landlord

SOLOMON ISSAYAS, Amharic Interpreter

INVESTIGATOR MARK BRASHEARS, ABRA

INVESTIGATOR KEVIN PUENTE, ABRA

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

2 10:10 a.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case is a Contested Fact-Finding Hearing,
5 Mesobe Restaurant and Deli Market, License No.
6 81030.

7 Would all parties for this matter,
8 please, appear and identify themselves for the
9 record, please?

10 INTERPRETER SOLOMON: I am an
11 interpreter.

12 CHAIRPERSON ANDERSON: All right. So
13 for whom?

14 INTERPRETER SOLOMON: Interpreter.

15 CHAIRPERSON ANDERSON: Who are you
16 interpreting for, sir?

17 INTERPRETER SOLOMON: For, I believe,
18 them for Mesobe.

19 CHAIRPERSON ANDERSON: I'm trying --
20 I want to make sure you are next to the person
21 that you are interpreting for, that's why I'm
22 asking. Yes, ma'am?

1 MS. WEATHERSPOON: I'm Gladys
2 Weatherspoon. I represent the restaurant owners
3 and we do have a preliminary matters. I don't
4 know if the Court, you all --

5 CHAIRPERSON ANDERSON: Well, who is
6 the lady behind you? Who is she?

7 MS. WEATHERSPOON: She is the
8 landlord. She is the property owner. Her lawyer
9 is not here yet.

10 CHAIRPERSON ANDERSON: All right. So
11 what time --

12 MS. JOHNSON: He is on the way. He
13 just texted me.

14 CHAIRPERSON ANDERSON: All right. All
15 right.

16 MS. JOHNSON: He will be here in a few
17 minutes.

18 CHAIRPERSON ANDERSON: All right.
19 Okay. So when the parties are there, the Board
20 is in recess. The Board is in recess, so when
21 the parties -- when the -- is this him? Is this
22 your attorney, ma'am?

1 MS. JOHNSON: Yeah.

2 CHAIRPERSON ANDERSON: All right. All
3 right. Sir, we have been waiting for you, so why
4 are you taking a seat, sir? I was told that we
5 are waiting for an attorney to show up. The
6 attorney shows up. I don't understand why the
7 attorney is taking a seat and everyone else is
8 standing up.

9 All right. What language is this?
10 I'm sorry, sir, what is it, sir? Hold on,
11 please.

12 MR. HOWARD: One, I want to apologize
13 for being late.

14 Two, my client is here. We probably
15 don't have enough space, that's why I just --

16 CHAIRPERSON ANDERSON: Pull chairs up,
17 please, sir.

18 MR. HOWARD: Okay.

19 CHAIRPERSON ANDERSON: And pull the
20 chairs up. You can sit on whatever side you
21 want, just pull the chairs up, so you can sit.

22 MS. WEATHERSPOON: Would it make sense

1 if they -- if the attorneys sat up here?

2 CHAIRPERSON ANDERSON: I don't care.
3 Make yourself comfortable. Just pull the chairs
4 up to the table and there is one microphone and
5 then just pull -- the only thing that I care
6 about is the Interpreter sitting next to the
7 person that they are going to interpret for.
8 Everyone else can pull the chairs up and make
9 themselves comfortable.

10 Ma'am, you can pull the chair up and
11 sit next to your attorney, ma'am.

12 CHAIRPERSON ANDERSON: All right.
13 Thank you. All right. Who is the interpreter?
14 Can you stand up, sir? What is the language?

15 INTERPRETER SOLOMON: Amharic.

16 CHAIRPERSON ANDERSON: Amharic? Can
17 you raise your right hand, please, sir?

18 Do you solemnly affirm that you will
19 faithfully and accurately interpret the
20 proceedings in this matter from English into
21 Amharic and from Amharic into English to the best
22 of your ability?

1 INTERPRETER SOLOMON: Yes, I do.

2 CHAIRPERSON ANDERSON: All right. Can
3 you introduce yourself for the record, sir,
4 please? Not you, ma'am. Introduce yourself for
5 the record.

6 INTERPRETER SOLOMON: My name is --

7 CHAIRPERSON ANDERSON: There is a
8 microphone on the table. So because there is a
9 lot of folks, there is a microphone on the table.
10 Can you speak --

11 INTERPRETER SOLOMON: Yes.

12 CHAIRPERSON ANDERSON: -- pull the
13 microphone to yourself.

14 INTERPRETER SOLOMON: My name is
15 Issayas Solomon and I'm Amharic Interpreter.

16 CHAIRPERSON ANDERSON: All right.
17 Have a seat, sir. There is a sign-in sheet that
18 I need everyone to sign-in their name on the
19 sign-in sheet. So can I have everyone introduce
20 themselves for the record? We can start with the
21 licensee. All right. We can -- yeah, well --

22 MS. DEBEBE: My name is Addis Debebe.

1 CHAIRPERSON ANDERSON: Good morning.

2 MS. DEBEBE: Good morning.

3 MR. ADEFORST: My name is Samuel

4 Adeforst.

5 CHAIRPERSON ANDERSON: Good morning.

6 MS. WEATHERSPOON: I'm Gladys

7 Weatherspoon.

8 CHAIRPERSON ANDERSON: Are you an

9 attorney? Who are you, ma'am?

10 MS. WEATHERSPOON: I'm sorry. I

11 represent the merchant.

12 CHAIRPERSON ANDERSON: Are you an

13 attorney?

14 MS. WEATHERSPOON: Yes.

15 CHAIRPERSON ANDERSON: Okay. I ask

16 that for a specific reason. I have different --

17 I hold attorneys to a different standard, so

18 that's why I asked.

19 MS. WEATHERSPOON: I see.

20 CHAIRPERSON ANDERSON: Okay. Yes,

21 sir?

22 MR. HOWARD: Good morning. I am

1 Johnny Howard. I am an attorney.

2 CHAIRPERSON ANDERSON: Good morning,
3 Mr. Howard. So all right, go ahead, sir.

4 MR. HOWARD: Good morning. I'm Johnny
5 Howard. I am an attorney and I represent Mrs.
6 Stella Johnson, who is present with me. She is
7 the owner of the building where the merchant's
8 business is occupied.

9 CHAIRPERSON ANDERSON: Okay. Good
10 morning, sir. You don't have to get up, ma'am.

11 MS. JOHNSON: Stella Johnson.

12 CHAIRPERSON ANDERSON: Good morning.

13 MS. JOHNSON: Owner of the property.

14 CHAIRPERSON ANDERSON: Good morning,
15 Ms. Johnson.

16 MS. JOHNSON: Good morning.

17 CHAIRPERSON ANDERSON: Yes, sir?

18 INVESTIGATOR BRASHEARS: Mark
19 Brashears, Investigator with ABRA.

20 CHAIRPERSON ANDERSON: Good morning,
21 Mr. Brashears.

22 INVESTIGATOR BRASHEARS: Yes, sir.

1 INVESTIGATOR PUENTE: Kevin Puente,
2 ABRA Investigator.

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

5 Now, who requested this hearing?

6 MS. WEATHERSPOON: We did, Your Honor.

7 CHAIRPERSON ANDERSON: All right.

8 MS. WEATHERSPOON: I'm happy to
9 address it, but I have a preliminary matter.

10 CHAIRPERSON ANDERSON: Yes?

11 MS. WEATHERSPOON: And that was that
12 we have a -- and we requested it, there is -- on
13 the Cease & Desist Order, there is a reference to
14 a report that we have not received and we have
15 asked for it and we still have not received it.

16 CHAIRPERSON ANDERSON: All right.
17 There was an issue with that report, so I'll make
18 sure that you can get the report.

19 But as a preliminary matter, you can
20 have a seat, ma'am, --

21 MS. WEATHERSPOON: Okay. Thank you.

22 CHAIRPERSON ANDERSON: -- I really

1 don't understand why we are even having this
2 hearing. And I'll tell you why.

3 MS. WEATHERSPOON: Okay.

4 CHAIRPERSON ANDERSON: Mesobe does not
5 currently have an active license. They can --
6 they do not have an active license to serve or
7 sell alcohol.

8 It became known to the establishment
9 that although they do not, and this establishment
10 has appeared in front of me many times, and it --
11 I don't know what goes on in the second floor in
12 the night. I was told, and I'm going to say it
13 this way, that we are a chicken establishment.
14 We sell chicken 9:00 to 5:00 and we go home. And
15 we don't know what goes on in the night, because
16 we go home.

17 So therefore, because there were some
18 activities that were going on in this
19 establishment, that it appeared that there might
20 have been some type of nightclub or I don't --
21 I'm just -- maybe the wrong choice of words and
22 so, therefore, Mesobe lost their license, that's

1 a matter of record. That was done a while back.

2 Our Investigators found out that there
3 were activities still going on there also. We
4 took away their license. They did not have a
5 license. That they cannot sell or serve alcohol
6 at any point.

7 And so once this Agency found out that
8 there was still activities going on there where
9 it appears that this -- that alcohol was being
10 sold or served. We issued a Cease & Desist Order
11 to the owner and also to the owner of the
12 building to say that ABRA has learned that this--
13 that there is no active license here. There is,
14 as far as we are concerned, illegal activity and
15 you need to stop doing this, because if not, we
16 are going to prosecute this matter. That's what
17 it is.

18 So but I don't -- so I don't
19 understand why anyone -- why there is any
20 confusion here. I don't understand why the --
21 yes, sir, I'm going to give you a chance to -- I
22 don't understand why the owner hired an attorney

1 and I don't understand why there are two
2 attorneys here, because we have no issue.

3 But as a courtesy, the Board will
4 listen to what you have to say. But -- yes, sir,
5 go ahead, what do you need to say?

6 MR. HOWARD: Thank you. The primary
7 reason why the owner is present as well as has
8 counsel is we received a notice indicating that
9 the owner had violated some provisions of the
10 law. And in order to maintain a clear record
11 regarding the owner's status, we wanted to be
12 present.

13 And present because, one, the
14 establishment leases the property. The owner
15 doesn't have anything to do with the day-to-day
16 operations of it, other than what is described in
17 the lease agreement. And in the lease agreement,
18 we believe it is as you stated, you know, a
19 restaurant-type business that serves food.

20 CHAIRPERSON ANDERSON: Okay.

21 MR. HOWARD: And so we weren't aware
22 of any other activity outside of what is

1 contained in the lease agreement. And we did not
2 want to be assessed with any kind of fine,
3 penalty or have a record to indicate that the
4 owner has condoned illegal activity.

5 And so we just want to make sure that
6 the owner's position is on record and that there
7 are no penalties or adverse matters to be
8 attributed to this owner. The owner owns other
9 property in the District of Columbia and
10 similarly does not want to have a tainted record.
11 An we are here to make sure that that record
12 remains pristine.

13 CHAIRPERSON ANDERSON: Well, thank you
14 for your representation, sir. There is no --
15 there is really nothing that this Agency can do
16 to the owner. We are just letting the owner know
17 that your tenant, as far as we are concerned, is
18 conducting some illegal activities, because your
19 tenant had, at one point, an alcohol license to
20 operate.

21 We took that license away from them.
22 Subsequently, they continued to operate, so we

1 are just telling you, as the owner, as an FYI,
2 this is what your tenant is doing.

3 You can take whatever action you want
4 to take against your tenant, but we don't have
5 any authority to do anything against you as an
6 ownership, as we are just bringing this to your
7 attention, so you will know, so you can do
8 whatever it is that you wish or want to do as far
9 as whether or not is your tenant -- are they
10 complying with your lease terms? You can do
11 whatever you want to do. It's just an FYI to the
12 ownership.

13 MR. HOWARD: Very well. Thank you.

14 CHAIRPERSON ANDERSON: All right.
15 Yes, ma'am, and who is it that you represent?

16 MS. WEATHERSPOON: I represent the
17 property tenant.

18 CHAIRPERSON ANDERSON: The tenant,
19 yes.

20 MS. WEATHERSPOON: Yes. And the
21 reason that we filed it, and it could be that
22 this is moot hearing what the Court is saying, is

1 that they still want to be able to apply for the
2 temporary daily licenses, if that came up, and it
3 appeared that the order suggested that they were
4 barred from doing that.

5 If that's not true, then I guess this
6 is moot, that they can always apply if they
7 wanted to have some kind of event and then the
8 Board would decide at that point if they would be
9 able to get the license once they applied.

10 CHAIRPERSON ANDERSON: All right.

11 Well, I don't -- you can -- I don't remember -- I
12 do not -- you can have a seat, ma'am. I don't
13 remember off the top of my head how we got to the
14 point where we got to. How is it that -- I know
15 that they were found in violation and I believe--
16 I don't remember if they had contested the -- I
17 don't remember if they had contested the
18 cancellation of the license.

19 I do not remember off the top of my
20 head. They have been here before. And I'm
21 saying --

22 MS. WEATHERSPOON: In fact --

1 CHAIRPERSON ANDERSON: -- yes, hold on
2 a minute. Just hold on.

3 MS. WEATHERSPOON: They actually gave
4 the license back.

5 CHAIRPERSON ANDERSON: Right. They
6 surrendered the license to -- they surrendered
7 the license. And so therefore, because they
8 surrendered the license, they can -- if they want
9 to reapply back to our Agency, and I don't off
10 the top of my head, I don't know what the rules
11 and regulations are when someone turns a license
12 in, if they want to apply for another license,
13 what they need to do.

14 You can consult with the Agency and
15 the Agency can let you know what it is that they
16 need to do if they want to reapply for a new
17 license, since they turned in their license in.
18 But that's up to them.

19 MS. WEATHERSPOON: Okay.

20 CHAIRPERSON ANDERSON: But the bottom
21 line though, and I'll say this, you surrender
22 your license and you continue to serve and sell

1 alcohol, and Miss, I see you are shaking your
2 head there, but you have been here before. And
3 the story is that I go home at 5:00 and either my
4 son or whoever is doing what they are doing
5 upstairs.

6 And I have made it perfectly clear to
7 you, ma'am, this is your license. It's your
8 responsibility. You cannot tell me that you
9 leave that -- you operate a legitimate
10 restaurant. I was told you operate a legitimate
11 business during the day.

12 But you cannot tell us that when you
13 lock up shop at 5:00, you have no idea what your
14 son or whoever it is what is going on upstairs,
15 because it's your license and you are the one who
16 is responsible. You have been here many times.
17 And I have had this conversation with you.

18 So I'll say this to you, if you apply
19 for another license, based on the record and I
20 don't know what the Agency is going to do, it
21 does not look good. Because this Agency should
22 not -- you should not surrender your license and

1 we have to -- our Investigators found out that
2 you are still operating, that someone is still
3 operating in your space.

4 And you can't say I don't know how
5 many people have keys for this establishment, but
6 you cannot say that I close up at 5:00 and I
7 don't know what is going on at 9:00 or 10:00. I
8 don't know if you go on social media, you are
9 seeing that -- and this is what I remember and
10 all of this I'm remembering from my memory in
11 previous cases that we have had.

12 That there is advertisement on social
13 media about what is going on at this
14 establishment after hours. So you can't say you
15 don't know, because I have made it perfectly
16 clear to you that this is your license and you
17 are responsible for everything that goes on with
18 this license.

19 Anything else anyone wants to say?

20 Yes, Mr. Short?

21 MEMBER SHORT: I would just like to
22 ask the attorney for the establishment, the

1 Certificate of Occupancy for the -- the building
2 was a two-story building, correct?

3 MS. WEATHERSPOON: Yes.

4 MEMBER SHORT: And the food
5 establishment is on the first floor?

6 MS. WEATHERSPOON: Yes.

7 MEMBER SHORT: Who has the C of O for
8 the second floor or does anyone have a C of O for
9 the second floor?

10 MS. WEATHERSPOON: I'm sorry, I didn't
11 hear the question.

12 MEMBER SHORT: The second floor of the
13 building --

14 MS. WEATHERSPOON: Yes.

15 MEMBER SHORT: -- the property, is
16 there a Certificate of Occupancy for the second
17 floor?

18 MS. WEATHERSPOON: It's the same. So
19 it covers both floors, the Certificate of
20 Occupancy.

21 MEMBER SHORT: Okay. So what is the
22 Certificate of Occupancy? What does it state on

1 the -- what is the use on the Certificate of
2 Occupancy?

3 MS. WEATHERSPOON: Can I have an
4 indulgence? It says restaurant. And it -- well,
5 it -- downstairs is where you buy the food and
6 upstairs is where there is seating. So there is
7 no seats downstairs. When you go in, there are
8 no chairs. If you want to sit to eat, you have
9 to go upstairs to eat.

10 MEMBER SHORT: Okay. So what was
11 going on after the restaurant closed on the first
12 floor during the day? What was happening at
13 night on the second floor?

14 MS. WEATHERSPOON: They closed at
15 different times. I'm not sure if you are asking
16 me in general or --

17 MEMBER SHORT: In general.

18 MS. WEATHERSPOON: -- a specific day.
19 They just close at a particular time and this is
20 one of the reasons why I wanted to see this
21 report, because it talks --

22 CHAIRPERSON ANDERSON: All right.

1 Hold on, hold on, hold on. I'm going to say this
2 and I'm going to put it on the record.

3 MS. WEATHERSPOON: Okay.

4 CHAIRPERSON ANDERSON: Your clients
5 are not being honest with you. Okay? You need
6 to talk to your client. And you need to ask your
7 client what is going on? Why is it that they
8 seek -- why did your client voluntarily turn
9 their license over to this Agency?

10 Okay. They can't say they don't know
11 what is going on up there. And they can't say we
12 close at 5:00. When they close, when they stop
13 selling whatever they stopped selling, whatever
14 time they go home for the evening, there is
15 entertainment going on in this establishment
16 upstairs.

17 They know what is going on. Under no
18 circumstances -- and that's one of the reasons
19 why as the ownership we brought you here, okay,
20 to let you know that there is, as far as this
21 Agency is concerned, illegal activity going on
22 after hours in your establishment, ma'am.

1 Simple as that, that's the only
2 reason. We didn't bring you here to say that we
3 are going to bring any fines against you and we
4 are going to find you in contempt. No. This is
5 not against you. It's just to let you know that
6 we have deemed that after hours, this -- they are
7 operating without a license and you need to know
8 that.

9 And your client, ma'am, cannot state
10 that they don't know what is going on. They
11 cannot in good conscience. They have been here
12 too many times in front of me. They cannot state
13 that -- initially when they first came, it was
14 like yes, and I was concerned. I wasn't sure if
15 it was a legitimate business. I was told it was
16 a chicken place. I was told they do wonderful
17 business during the day selling chicken, that's
18 what I was told.

19 Okay. I was told it was always
20 crowded. But they can't say -- but clearly at
21 5:00, whatever time they leave, they have turned
22 the keys over to somebody else and they have

1 given their license to someone else and this
2 other person that they have given the license to
3 have committed all these violations.

4 And based on the violations, they turn
5 their license to us. They know why. Okay? We
6 are having this hearing, because I'm just
7 entertaining you folks, because there is no
8 reason to have this hearing. But as a courtesy,
9 we have brought you here, because we are just
10 saying you don't have a license. And you should
11 not allow anything -- you should not facilitate
12 the selling of alcohol.

13 You can't have a BYOB. You can't turn
14 your license in and then have a party and tell
15 people to bring their own booze, their own
16 alcohol. You cannot do that. So they cannot
17 facilitate any alcohol. They can have a party.
18 They can party until 1999, although 1999 is gone.
19 So us older folks, you know, we thought the world
20 was going to come to end in 1999.

21 But as long as they do not facilitate
22 the sale or service of alcohol, they are fine.

1 We are only involved if alcohol is being served.

2 Yes, Mr. Alberti?

3 MEMBER ALBERTI: I just want to make
4 it clear to the attorneys that if there are
5 future allegations of the service of alcohol,
6 sale or service of alcohol in this establishment
7 without a license, the matter will be referred to
8 the Office of the Attorney General for criminal
9 prosecution. All right? Just so you understand
10 what the ramifications are.

11 MS. WEATHERSPOON: I do have one
12 question.

13 CHAIRPERSON ANDERSON: Yes, ma'am.

14 MS. WEATHERSPOON: And that was that
15 you said -- because maybe my reading is just
16 wrong about --

17 CHAIRPERSON ANDERSON: Um-hum.

18 MS. WEATHERSPOON: -- having guests.
19 Like if you had a private party, would they be
20 permitted to serve alcohol --

21 CHAIRPERSON ANDERSON: No.

22 MS. WEATHERSPOON: -- at a private

1 party?

2 CHAIRPERSON ANDERSON: No. You can
3 have a private party in your home and you can
4 serve. This is not their home.

5 MS. WEATHERSPOON: Right.

6 CHAIRPERSON ANDERSON: This is a
7 business. That they had a license that they
8 surrendered to the Agency and that's one of the
9 reasons why I said you can't do a BYOB. That's
10 why I said that specifically.

11 MS. WEATHERSPOON: Very well.

12 CHAIRPERSON ANDERSON: They cannot
13 facilitate the service of alcohol in this
14 facility without a license. And they do not have
15 a license. They turned in their license to the
16 Agency months ago. And just you know, I'm going
17 to further this.

18 Mr. Brashears or Mr. Puente, who wants
19 to take the lead? Can you, please, inform the
20 building owner and the attorney what is going on
21 in this facility?

22 INVESTIGATOR PUENTE: Yes, so --

1 CHAIRPERSON ANDERSON: So there will
2 be no misunderstanding.

3 MS. WEATHERSPOON: Do you have a copy
4 of the report?

5 CHAIRPERSON ANDERSON: We will give
6 you -- yeah, I know it is -- there is some
7 administrative foul-up, but let me ask you a
8 question though. We have had older reports. Can
9 -- what about -- no. If not the current -- there
10 is an issue with the report regarding the current
11 activities right now.

12 MS. WEATHERSPOON: Yes.

13 CHAIRPERSON ANDERSON: But I'll try to
14 see if I can give you the reports of how we got
15 to the Cease & Desist.

16 MS. WEATHERSPOON: That would be
17 helpful.

18 CHAIRPERSON ANDERSON: So I'll make
19 sure that you get, because they had the previous
20 reports, how we got to where we are, but we will
21 try to get you a copy of the report while we
22 issue the Cease & Desist, so you will get an oral

1 -- just an oral of what -- so go ahead. Go
2 ahead, sir.

3 MEMBER ALBERTI: I just want to make
4 it clear.

5 CHAIRPERSON ANDERSON: Yes, Mr.
6 Alberti?

7 MEMBER ALBERTI: I just want to make
8 it clear for the record that the facts in the
9 report are the same as what is in the Cease &
10 Desist Order. So I'm putting that in. The Cease
11 & Desist Order contains all the pertinent facts
12 that you will see in the report.

13 CHAIRPERSON ANDERSON: But we will--

14 MEMBER ALBERTI: Just for the record.

15 CHAIRPERSON ANDERSON: -- get you the
16 report and we will get you -- we will also get
17 you the previous reports that were generated that
18 resulted in them turning their license in,
19 because I think there might have been -- and I
20 don't remember, because I wasn't prepared for
21 that, but I do not recall why they -- I know that
22 we could have had a hearing where they could have

1 challenged whatever the proceedings are, but they
2 elected to turn the license in and not to contest
3 the matter. And that's why they voluntarily
4 turned their license in.

5 But go ahead, Mr. Puente. You can --
6 and if you are -- I know -- I'm not sure if you
7 are prepared for this, but if you can throw out
8 previously what was going on, that would be
9 helpful.

10 INVESTIGATOR PUENTE: All right. So
11 between May 1, 2017 and August 20, 2017, the
12 establishment was operating after hours on
13 numerous occasions to the point where MPD had to
14 call us on multiple occasions due to the crowd
15 out front, someone was fighting, I think
16 ultimately glass was broken on the front door,
17 someone possibly got stabbed with the glass.

18 On August 19th and 20, 2017, me
19 personally along with Supervisor Brashears and
20 MPD and a couple other investigators went out
21 there. And undercover Investigator went in,
22 purchased alcohol upstairs after 4:00 a.m. The

1 crowd upstairs saw us. They immediately went
2 onto the roof, down the fire escape, into the
3 neighboring apartment building, out their
4 emergency escape into the alley.

5 During that time, the Investigator got
6 hurt because there was no lights in the back and
7 he got hurt on the fire escape.

8 We made entry. It was -- someone
9 claimed to be a son or a brother was there having
10 some party. We had to call the owner. Made him
11 call the owner, MPD and the owners to your left
12 showed up. Starting yelling at Nighttime
13 Supervisor John Suero.

14 So ultimately, after those two -- the
15 next night the same thing after we went back.
16 They did after hours again the following night.
17 MPD called us. We went out there, myself and
18 Investigator Brashears, and found approximately
19 20 to 30 people upstairs drinking alcohol,
20 smoking hookah. MPD told everyone to leave.

21 No one was there to lock the door on
22 the establishment, so MPD had to sit there until

1 they can get a hold of someone to come lock the
2 front door.

3 Then on April 1, 2018, the owner
4 surrendered the license to ABRA, because they had
5 pending matters. There were pending Show Cause
6 matters for those cases.

7 Fast forward to this past January,
8 ABRA started receiving multiple complaints from
9 neighbors from the condos right above the
10 establishment. They were hearing loud music.
11 They were observing people going up the fire
12 escape. People out back smoking, being loud and
13 drinking.

14 Me and Investigator Brashears went one
15 night. We couldn't get in. There was blacked
16 out curtains on the door. The door was blacked
17 out. The front door was locked and chained with
18 a steel barricade.

19 The following weekend, we received
20 complaints again from the neighbors saying they
21 were being woken up to the noise and people
22 outside. It was multiple neighbors calling us.

1 We called MPD. MPD said they will
2 assist us. We pulled up. Someone saw the MPD
3 vehicles and one of the complainants started
4 calling the hotline and informed us that everyone
5 was running down the back staircase.

6 Due to my past experience with the
7 establishment, I knew how to get to the back
8 staircase. I went through the neighboring
9 apartment building, through the fire doors, we
10 waited, myself, MPD and the other Investigators.
11 We heard multiple people coming down the fire
12 escape. We waited for the door to open. When
13 the door opened, MPD made entry.

14 The first person to walk out was a guy
15 carrying a large DJ turntable. He immediately
16 left. Myself and the MPD officer went up the
17 staircase, the fire escape, which was completely
18 dark. Everyone started running back inside.
19 They locked the door on us. We waited. MPD
20 officer called out numerous times to advise them
21 who he was. No one would open the door for us.

22 While we were waiting, I looked around

1 on the roof with the flashlight, there was tons
2 of trash, debris, there was a sink, there was
3 multiple steel old rustic stuff just laid out
4 everywhere, multiple beer cans, empty beer boxes.

5 Someone finally opened the back door,
6 because they saw there was MPD officers out front
7 banging on the front door. So everyone thought
8 we were gone in the back, so they opened up the
9 back door. We made entry. We found 15 to 20
10 people inside. The floor was completely wet and
11 slippery, because I almost slipped on it.

12 At that time, the owner to your left,
13 Ms. Debebe was downstairs. She wouldn't open the
14 front door for the Investigators and MPD
15 officers. Finally, they were able to get the
16 door open. Ms. Debebe ran into a side door onto
17 the first floor, locked it, put a table in front
18 of that door and never came back out. We left.

19 MPD and my Supervisor Peru asked her
20 numerous times to come out. She wouldn't come
21 out.

22 CHAIRPERSON ANDERSON: I'm sorry, when

1 did this occur again?

2 INVESTIGATOR PUENTE: January 6, 2019.

3 CHAIRPERSON ANDERSON: All right. Go
4 ahead. And again, they had surrendered their
5 license when?

6 INVESTIGATOR PUENTE: April 1, 2018.

7 CHAIRPERSON ANDERSON: Thank you. Go
8 ahead.

9 INVESTIGATOR PUENTE: While we were
10 inside, there was people sitting at the bar. For
11 the record, there is no tables and chairs
12 upstairs. There were several bar stools, so I
13 don't know where people are sitting at eating
14 upstairs.

15 There is just a bar and that's it.
16 There was fresh hookah burning in the sink.
17 Hookah on the ground. We could smell the hookah
18 smoke. Myself and the officers started looking
19 around. We found approximately 20 to 30 liquor
20 bottles. There was a freezer filled with Moet
21 Champagne that looked like it was just bought.
22 There was alcohol everywhere. There was coke,

1 ginger ale, sprite, stuff to mix with alcohol.

2 There was former licensees, who myself
3 and Investigator Supervisor Peru recognized from
4 other establishments there. And everyone claimed
5 that it was a private birthday party and whatnot,
6 but to us, it was another nightclub night.

7 CHAIRPERSON ANDERSON: Does anybody
8 else need any further clarification of where we--
9 of why we issued the Cease & Desist Order? And
10 why is it that folks allegedly say they didn't
11 know what was going on. Probably the only person
12 who did not know what was going on here is the
13 landlord.

14 And we just brought the landlord here,
15 not to bring charges against the landlord, but
16 just to let the landlord know that after hours
17 there is a party that is going on there and it
18 appears that there is a lot of illegal activities
19 going on here. And maybe ABRA can't do anything
20 against you, but if this continues, the MPD --
21 you could lose your building.

22 I'm sorry, go ahead, Mr. Puente.

1 INVESTIGATOR PUENTE: MPD did advise
2 us, the Lieutenant and the 3D Commander said if
3 they get complaints again for them operating,
4 they will be looking to arrest the owners or go
5 after the building owner as well.

6 CHAIRPERSON ANDERSON: So --

7 INVESTIGATOR PUENTE: They stated it
8 is becoming a nuisance for them.

9 MEMBER SILVERSTEIN: Say again,
10 please, Mr. Puente?

11 INVESTIGATOR PUENTE: MPD's 3rd
12 District Commander Emerman stated that he is
13 willing to make arrests of the owners as well as
14 the building owner to stop this nuisance that he
15 is having.

16 CHAIRPERSON ANDERSON: Yes, Mr.
17 Brashears? You have something you want to add?

18 INVESTIGATOR BRASHEARS: Not to
19 beleaguer the topic, sir, but the incident that
20 Investigator Puente is speaking of happened on
21 January 6th, I was manning the ABRA hotline on
22 the night of January 8th, two nights later we

1 received another call referring to the
2 establishment operating and playing music.

3 The individual said he was standing on
4 his balcony. He could see people on the roof
5 smoking, going in and out.

6 Myself and Investigator Gilliam
7 responded to the establishment along with MPD.
8 In the front of the establishment they have a
9 metal gate, a security door. The security door
10 was secured. The glass door leading to the
11 second floor was open. We could hear music. We
12 could hear people. Despite knocking, despite MPD
13 basically getting on their bullhorn shining
14 lights through the windows and the individual
15 that notified us was on the phone with us, they
16 are running. They are doing this. We could not
17 get them to come to the door.

18 And this was two nights after MPD had
19 made entry.

20 CHAIRPERSON ANDERSON: I'm sorry, your
21 name again, sir?

22 MR. HOWARD: John Howard.

1 CHAIRPERSON ANDERSON: Mr. Howard?

2 MR. HOWARD: Yes.

3 CHAIRPERSON ANDERSON: All right.

4 ABRA might not be able to have any enforcement
5 against your client, but there might be another
6 agency out there that will be after your client
7 to say that this is a nuisance property. So
8 that's something that as an FYI I'm glad that you
9 are here, that you can hear this, so you can see,
10 because some other agency might be out there who
11 is going to take action against your landlord,
12 because what the -- what this other agency is
13 saying is that your landlord is creating a
14 nuisance by having all of this.

15 MR. HOWARD: Yeah, no, we understand.

16 CHAIRPERSON ANDERSON: All right.

17 MR. HOWARD: We understand.

18 CHAIRPERSON ANDERSON: So I'm glad.

19 Maybe you are glad you are here today. Not --
20 but to find out what your neighbors are saying
21 about you.

22 MR. HOWARD: Right.

1 CHAIRPERSON ANDERSON: All right.

2 Ma'am, do you need any further clarification?

3 Ma'am, any other questions?

4 MS. WEATHERSPOON: No. My -- again,
5 and I understand your point, I just wanted it
6 opened that if they wanted to apply, whatever
7 happened happened, but this order says that you
8 will no longer issue temporary one-day licenses.

9 CHAIRPERSON ANDERSON: Well, you know,
10 all right, I'll say this. Ma'am, you're -- I
11 think you are missing the point. You are missing
12 the point.

13 MS. WEATHERSPOON: I'm not missing the
14 point.

15 CHAIRPERSON ANDERSON: Yes, ma'am, you
16 are missing the point. The point is that your
17 client surrendered its license to ABRA on April
18 4, 2018.

19 MS. WEATHERSPOON: Right.

20 CHAIRPERSON ANDERSON: A year ago.

21 MS. WEATHERSPOON: Right.

22 CHAIRPERSON ANDERSON: Okay? What

1 does it mean if you turn your license over to the
2 Agency? What that says I voluntarily, I am not
3 going to serve or sell alcohol again until I come
4 back to you and apply for another license.
5 That's what you -- we didn't take it from them.
6 They voluntarily gave it to us.

7 So if they gave us their license on
8 April -- and I'm going to say this on the record,
9 okay? As Board Chair and I'm one Member as the
10 Chair, if they apply for a license, based on what
11 I heard what happened in January, I'm not going
12 to vote for it. I don't know what my other Board
13 Members are going -- would do, but I personally
14 will never vote for a -- vote to grant them a
15 liquor license to operate in the District.

16 As long as I remain Board Chair, I
17 personally, as one Member of the Board, will
18 never vote to allow them to operate. And what I
19 heard, especially what I just heard from Mr.
20 Puente, that this owner was in the facility in
21 January. That -- not that my brother or some
22 other person, but this owner was in the facility

1 in January when all these illegal activities
2 occurred.

3 I will never, and I'm going to put
4 this on the record, vote to grant them a license.
5 My other -- there are seven of us on the Board.
6 And I will never prevent other Board Members from
7 doing whatever they want to do, but I know that
8 this one Board Member will never grant this owner
9 a license to operate, either a permanent or a
10 temporary or a one-day or whatever it is or a
11 caterer license, I will never, because this is
12 outrageous.

13 It's outrageous. And especially what
14 Mr. Puente just stated about this owner being
15 there, that the police was there, the
16 presentation that was made to me before is that I
17 was never there. We are not here. And that's
18 what I remember.

19 I started off by saying that. What
20 I'm told is that we operate a restaurant in the
21 day and we lock up shop and went. And I did not
22 believe that it was not -- initially, I didn't --

1 you know, maybe I'm new to this and I hear people
2 and I try to be very open and I listen to what
3 folks say.

4 I don't -- I never come here and make
5 up my mind. I listen to what folks have to say
6 and I always have an open mind to make a
7 decision. And when they initially came to me,
8 you know, we operate our business and we lock up
9 shop and we go home. And you know what, and
10 that's one of the reasons why I talk about -- and
11 I'll say also on the record, also talk to our
12 general counsel and she said she drives past
13 there. It's -- they do a great business during
14 the day selling chicken.

15 I apologize. I apologize. But
16 anyway, but I'm just appalled, okay? I'm just
17 saying that to you, I'm appalled. And I'm
18 appalled based on what Mr. Puente said about that
19 this owner was there in January when they were
20 there and MPD was there. And when this owner has
21 been here many times in front of this Board and
22 making representations about I'm not here.

1 I don't know what, and so I was open
2 to that. I'm not open any more based on what was
3 just stated by Mr. Puente in his report.

4 Yes, Mr. Alberti?

5 MEMBER ALBERTI: Just an FYI. I mean,
6 you heard the Chair. I happen to agree with him,
7 but you should know that this order will stay in
8 place, but you do have the right to file a motion
9 with the Board to lift this order.

10 And there is only two ways this order
11 will be lifted: Unilaterally by the Board, which
12 doesn't seem to be likely in the near future, as
13 you have heard; or you can file a motion to lift
14 it.

15 MS. WEATHERSPOON: That was --

16 MEMBER ALBERTI: But that is the
17 avenue to do that. And if you file a motion,
18 then there will be a hearing and all of this
19 evidence will -- whatever evidence is in the
20 record will be -- may be presented at that
21 hearing. But that's your legal right. And I
22 just want to make sure you understand that.

1 MS. WEATHERSPOON: Thank you. Can we
2 have an indulgence? So we can always just file a
3 motion?

4 CHAIRPERSON ANDERSON: You are given
5 the -- you have the order. And doesn't the order
6 -- I don't have the order in front of me, but
7 doesn't the order tell you what you can do?

8 MEMBER ALBERTI: No.

9 CHAIRPERSON ANDERSON: No?

10 MS. WEATHERSPOON: No.

11 CHAIRPERSON ANDERSON: It doesn't
12 state? All right. All right. This order was
13 issued and if -- well, on the last page of the
14 order it has -- it tells you that you have the
15 right -- this order was issued -- no, they can't
16 do that. This license -- this order was issued
17 on January 16, 2019.

18 MS. WEATHERSPOON: Right.

19 CHAIRPERSON ANDERSON: And yes, when--

20 MEMBER ALBERTI: They always have the
21 right to file.

22 CHAIRPERSON ANDERSON: No, they had 10

1 days. It says they have 10 days to --

2 MEMBER ALBERTI: But they can -- not
3 to appeal it. They have run -- you cannot appeal
4 the order, but you can file a formal motion in
5 writing to the Board to lift the order. All
6 right. But today is not the time to do that.
7 Today is not the time to enter a verbal motion.

8 If you want to lift this motion, then
9 you need to file a formal motion with the Board
10 to lift it, but that's your choice. You have
11 heard the sentiments here, so you have all the
12 information you need.

13 MS. WEATHERSPOON: Thank you.

14 CHAIRPERSON ANDERSON: Anything else?
15 We are adjourned for the day. Thank you.

16 MR. HOWARD: Thank you very much.

17 CHAIRPERSON ANDERSON: The Board is in
18 recess.

19 (Whereupon, the Contested Fact-Finding
20 Hearing was concluded at 10:50 a.m.)
21
22

A

a.m. 3:2 29:22 45:20
ability 6:22
able 16:1,9 33:15 38:4
ABRA 2:17,18 9:19
 10:2 12:12 31:4,8
 35:19 36:21 38:4
 39:17
accurately 6:19
action 15:3 38:11
active 11:5,6 12:13
activities 11:18 12:3,8
 14:18 27:11 35:18
 41:1
activity 12:14 13:22
 14:4 22:21
add 36:17
Addis 1:6 2:12 7:22
address 10:9
Adeforst 2:13 8:3,4
adjourned 45:15
administrative 27:7
adverse 14:7
advertisement 19:12
advise 32:20 36:1
affirm 6:18
agency 12:7 14:15 17:9
 17:14,15 18:20,21
 22:9,21 26:8,16 38:6
 38:10,12 40:2
ago 26:16 39:20
agree 43:6
agreement 13:17,17
 14:1
ahead 9:3 13:5 28:1,2
 29:5 34:4,8 35:22
Alberti 1:18 25:2,3 28:3
 28:6,7,14 43:4,5,16
 44:8,20 45:2
alcohol 11:7 12:5,9
 14:19 18:1 24:12,16
 24:17,22 25:1,5,6,20
 26:13 29:22 30:19
 34:22 35:1 40:3
Alcoholic 1:2,13,13
ale 35:1
allegations 25:5
allegedly 35:10
alley 30:4
allow 24:11 40:18
Amharic 2:16 6:15,16
 6:21,21 7:15
ANC 1:8
Anderson 1:15,17 3:3
 3:12,15,19 4:5,10,14
 4:18 5:2,16,19 6:2,12
 6:16 7:2,7,12,16 8:1,5
 8:8,12,15,20 9:2,9,12

9:14,17,20 10:3,7,10
 10:16,22 11:4 13:20
 14:13 15:14,18 16:10
 17:1,5,20 21:22 22:4
 25:13,17,21 26:2,6,12
 27:1,5,13,18 28:5,13
 28:15 33:22 34:3,7
 35:7 36:6,16 37:20
 38:1,3,16,18 39:1,9
 39:15,20,22 44:4,9,11
 44:19,22 45:14,17
anybody 35:7
anyway 42:16
apartment 30:3 32:9
apologize 5:12 42:15
 42:15
appalled 42:16,17,18
appeal 45:3,3
appear 3:8
appeared 11:10,19 16:3
appears 12:9 35:18
applied 16:9
apply 16:1,6 17:12
 18:18 39:6 40:4,10
approximately 30:18
 34:19
April 1:11 31:3 34:6
 39:17 40:8
arrest 36:4
arrests 36:13
asked 8:18 10:15 33:19
asking 3:22 21:15
assessed 14:2
assist 32:2
attention 15:7
attorney 2:11,14 4:22
 5:5,6,7 6:11 8:9,13
 9:1,5 12:22 19:22
 25:8 26:20
attorneys 6:1 8:17 13:2
 25:4
attributed 14:8
August 29:11,18
authority 15:5
avenue 43:17
aware 13:21

B

back 12:1 17:4,9 30:6
 30:15 31:12 32:5,7,18
 33:5,8,9,18 40:4
balcony 37:4
banging 33:7
bar 34:10,12,15
barred 16:4
barricade 31:18
based 18:19 24:4 40:10
 42:18 43:2

basically 37:13
becoming 36:8
beer 33:4,4
beleaguer 36:19
believe 3:17 13:18
 41:22
believe-- 16:15
best 6:21
Beverage 1:2,13,13
birthday 35:5
blacked 31:15,16
Board 1:2,13 4:19,20
 13:3 16:8 40:9,12,16
 40:17 41:5,6,8 42:21
 43:9,11 45:5,9,17
BOBBY 1:18
booze 24:15
bottles 34:20
bottom 17:20
bought 34:21
boxes 33:4
Brashears 2:17 9:18,19
 9:21,22 26:18 29:19
 30:18 31:14 36:17,18
bring 23:2,3 24:15
 35:15
bringing 15:6
broken 29:16
brother 30:9 40:21
brought 22:19 24:9
 35:14
building 1:14 9:7 12:12
 20:1,2,13 26:20 30:3
 32:9 35:21 36:5,14
bullhorn 37:13
burning 34:16
business 9:8 13:19
 18:11 23:15,17 26:7
 42:8,13
buy 21:5
BYOB 24:13 26:9

C

C 20:7,8
call 29:14 30:10,11 37:1
called 30:17 32:1,20
calling 31:22 32:4
cancellation 16:18
cans 33:4
care 6:2,5
carrying 32:15
case 3:4
cases 19:11 31:6
caterer 41:11
CATO 1:18
Cause 31:5
Cease 10:13 12:10
 27:15,22 28:9,10 35:9

Certificate 20:1,16,19
 20:22 21:1
chained 31:17
chair 6:10 40:9,10,16
 43:6
Chairperson 1:14,17
 3:3,12,15,19 4:5,10
 4:14,18 5:2,16,19 6:2
 6:12,16 7:2,7,12,16
 8:1,5,8,12,15,20 9:2,9
 9:12,14,17,20 10:3,7
 10:10,16,22 11:4
 13:20 14:13 15:14,18
 16:10 17:1,5,20 21:22
 22:4 25:13,17,21 26:2
 26:6,12 27:1,5,13,18
 28:5,13,15 33:22 34:3
 34:7 35:7 36:6,16
 37:20 38:1,3,16,18
 39:1,9,15,20,22 44:4
 44:9,11,19,22 45:14
 45:17
chairs 5:16,20,21 6:3,8
 21:8 34:11
challenged 29:1
Champagne 34:21
chance 12:21
charges 35:15
chicken 11:13,14 23:16
 23:17 42:14
choice 11:21 45:10
circumstances 22:18
claimed 30:9 35:4
clarification 35:8 39:2
clear 13:10 18:6 19:16
 25:4 28:4,8
clearly 23:20
client 5:14 22:6,7,8
 23:9 38:5,6 39:17
clients 22:4
close 19:6 21:19 22:12
 22:12
closed 21:11,14
coke 34:22
Columbia 1:1 14:9
come 24:20 31:1 33:20
 33:20 37:17 40:3 42:4
comfortable 6:3,9
coming 32:11
Commander 36:2,12
committed 24:3
complainants 32:3
complaints 31:8,20
 36:3
completely 32:17 33:10
complying 15:10
concerned 12:14 14:17
 22:21 23:14

concluded 45:20
condoned 14:4
condos 31:9
conducting 14:18
confusion 12:20
conscience 23:11
consult 17:14
contained 14:1
contains 28:11
contempt 23:4
contest 29:2
contested 1:6 3:4 16:16
 16:17 45:19
continue 17:22
continued 14:22
continues 35:20
Control 1:2,13,13
conversation 18:17
copy 27:3,21
correct 20:2
counsel 13:8 42:12
couple 29:20
Court 4:4 15:22
courtesy 13:3 24:8
covers 20:19
CR 1:8
creating 38:13
criminal 25:8
crowd 29:14 30:1
crowded 23:20
current 27:9,10
currently 11:5
curtains 31:16

D

D.C 1:14
daily 16:2
dark 32:18
day 18:11 21:12,18
 23:17 41:21 42:14
 45:15
day-to-day 13:15
days 45:1,1
Debebe 1:6 2:12 7:22
 7:22 8:2 33:13,16
debris 33:2
decide 16:8
decision 42:7
deemed 23:6
Deli 1:7 3:5
described 13:16
Desist 10:13 12:10
 27:15,22 28:10,11
 35:9
despite 37:12,12
different 8:16,17 21:15
District 1:1 14:9 36:12
 40:15

DJ 32:15
doing 12:15 15:2 16:4
 18:4,4 37:16 41:7
Donovan 1:15,17
door 29:16 30:21 31:2
 31:16,16,17 32:12,13
 32:19,21 33:5,7,9,14
 33:16,16,18 37:9,9,10
 37:17
doors 32:9
downstairs 21:5,7
 33:13
drinking 30:19 31:13
drives 42:12
due 29:14 32:6

E

eat 21:8,9
eating 34:13
either 18:3 41:9
elected 29:2
emergency 30:4
Emerman 36:12
empty 33:4
enforcement 38:4
English 6:20,21
enter 45:7
entertaining 24:7
entertainment 22:15
entry 30:8 32:13 33:9
 37:19
escape 30:2,4,7 31:12
 32:12,17
especially 40:19 41:13
establishment 11:8,9
 11:13,19 13:14 19:5
 19:14,22 20:5 22:15
 22:22 25:6 29:12
 30:22 31:10 32:7 37:2
 37:7,8

establishments 35:4
evening 22:14
event 16:7
evidence 43:19,19
experience 32:6

F

facilitate 24:11,17,21
 26:13
facility 26:14,21 40:20
 40:22
fact 1:6 16:22
Fact-Finding 3:4 45:19
facts 28:8,11
faithfully 6:19
far 12:14 14:17 15:8
 22:20
Fast 31:7

fighting 29:15
file 43:8,13,17 44:2,21
 45:4,9
filed 15:21
filled 34:20
finally 33:5,15
find 23:4 38:20
Finding 1:7
fine 14:2 24:22
finances 23:3
fire 30:2,7 31:11 32:9
 32:11,17
first 20:5 21:11 23:13
 32:14 33:17
flashlight 33:1
floor 11:11 20:5,8,9,12
 20:17 21:12,13 33:10
 33:17 37:11
floors 20:19
folks 7:9 24:7,19 35:10
 42:3,5
following 30:16 31:19
food 13:19 20:4 21:5
formal 45:4,9
former 35:2
forward 31:7
foul-up 27:7
found 12:2,7 16:15 19:1
 30:18 33:9 34:19
freezer 34:20
fresh 34:16
front 11:10 23:12 29:15
 29:16 31:2,17 33:6,7
 33:14,17 37:8 42:21
 44:6
further 26:17 35:8 39:2
future 25:5 43:12
FYI 15:1,11 38:8 43:5

G

gate 37:9
general 21:16,17 25:8
 42:12
generated 28:17
getting 37:13
Gilliam 37:6
ginger 35:1
give 12:21 27:5,14
given 24:1,2 44:4
glad 38:8,18,19
Gladys 2:11 4:1 8:6
glass 29:16,17 37:10
go 9:3 11:14,16 13:5
 18:3 19:8 21:7,9
 22:14 28:1,1 29:5
 34:3,7 35:22 36:4
 42:9
goes 11:11,15 19:17

going 6:7 11:12,18 12:3
 12:8,16,21 18:14,20
 19:7,13 21:11 22:1,2
 22:7,11,15,17,21 23:3
 23:4,10 24:20 26:16
 26:20 29:8 31:11
 35:11,12,17,19 37:5
 38:11 40:3,8,11,13
 41:3
good 8:1,2,5,22 9:2,4,9
 9:12,14,16,20 10:3
 18:21 23:11
grant 40:14 41:4,8
great 42:13
ground 34:17
guess 16:5
guests 25:18
guy 32:14

H

hand 6:17
happen 43:6
happened 36:20 39:7,7
 40:11
happening 21:12
happy 10:8
head 16:13,20 17:10
 18:2
hear 20:11 37:11,12
 38:9 42:1
heard 32:11 40:11,19
 40:19 43:6,13 45:11
hearing 1:7,9,13 3:4
 10:5 11:2 15:22 24:6
 24:8 28:22 31:10
 43:18,21 45:20
helpful 27:17 29:9
hired 12:22
hold 5:10 8:17 17:1,2
 22:1,1,1 31:1
home 11:14,16 18:3
 22:14 26:3,4 42:9
honest 22:5
Honor 10:6
hookah 30:20 34:16,17
 34:17
hotline 32:4 36:21
hours 19:14 22:22 23:6
 29:12 30:16 35:16
Howard 2:14 5:12,18
 8:22 9:1,3,4,5 13:6,21
 15:13 37:22,22 38:1,2
 38:15,17,22 45:16
hurt 30:6,7

I

idea 18:13
identify 3:8

illegal 12:14 14:4,18
22:21 35:18 41:1
immediately 30:1 32:15
incident 36:19
indicate 14:3
indicating 13:8
individual 37:3,14
indulgence 21:4 44:2
inform 26:19
information 45:12
informed 32:4
initially 23:13 41:22
42:7
inside 32:18 33:10
34:10
interpret 6:7,19
interpreter 2:16 3:10,11
3:14,14,17 6:6,13,15
7:1,6,11,14,15
interpreting 3:16,21
introduce 7:3,4,19
Investigator 2:17,18
9:18,19,22 10:1,2
26:22 29:10,21 30:5
30:18 31:14 34:2,6,9
35:3 36:1,7,11,18,20
37:6
investigators 12:2 19:1
29:20 32:10 33:14
involved 25:1
Issayas 2:16 7:15
issue 10:17 13:2 27:10
27:22 39:8
issued 12:10 35:9
44:13,15,16

J

JAMES 1:20
January 31:7 34:2
36:21,22 40:11,21
41:1 42:19 44:17
John 30:13 37:22
Johnny 2:14 9:1,4
Johnson 2:15 4:12,16
5:1 9:6,11,11,13,15
9:16
JR 1:18

K

Kevin 2:18 10:1
keys 19:5 23:22
kind 14:2 16:7
knew 32:7
knocking 37:12
know 4:4 11:11,15
13:18 14:16 15:7
16:14 17:10,15 18:20
19:4,7,8,15 22:10,17

22:20 23:5,7,10 24:5
24:19 26:16 27:6
28:21 29:6 34:13
35:11,12,16 39:9
40:12 41:7 42:1,8,9
43:1,7
known 11:8

L

lady 4:6
laid 33:3
landlord 2:14,15 4:8
42:7
35:13,14,15,16 38:11
38:13
language 5:9 6:14
large 32:15
late 5:13
law 13:10
lawyer 4:8
lead 26:19
leading 37:10
learned 12:12
lease 13:17,17 14:1
15:10
leases 13:14
leave 18:9 23:21 30:20
left 30:11 32:16 33:12
33:18
legal 43:21
legitimate 18:9,10
23:15
letting 14:16
license 1:8 3:5 11:5,6
11:22 12:4,5,13 14:19
14:21 16:9,18 17:4,6
17:7,8,11,12,17,17,22
18:7,15,19,22 19:16
19:18 22:9 23:7 24:1
24:2,5,10,14 25:7
26:7,14,15,15 28:18
29:2,4 31:4 34:5
39:17 40:1,4,7,10,15
41:4,9,11 44:16
licensee 7:21
licensees 35:2
licenses 16:2 39:8
Lieutenant 36:2
lift 43:9,13 45:5,8,10
lifted 43:11
lights 30:6 37:14
line 17:21
liquor 34:19 40:15
listen 13:4 42:2,5
lock 18:13 30:21 31:1
41:21 42:8
locked 31:17 32:19
33:17
long 24:21 40:16

longer 39:8
look 18:21
looked 32:22 34:21
looking 34:18 36:4
lose 35:21
lost 11:22
lot 7:9 35:18
loud 31:10,12

M

ma'am 3:22 4:22 6:10
6:11 7:4 8:9 9:10
10:20 15:15 16:12
18:7 22:22 23:9 25:13
39:2,3,10,15
maintain 13:10
making 42:22
manning 36:21
Mark 2:17 9:18
Market 1:7 3:5
matter 1:5 3:7 6:20 10:9
10:19 12:1,16 25:7
29:3
matters 4:3 14:7 31:5,6
mean 40:1 43:5
media 19:8,13
MEETING 1:3
Member 1:18,18,19,20
19:21 20:4,7,12,15,21
21:10,17 25:3 28:3,7
28:14 36:9 40:9,17
41:8 43:5,16 44:8,20
45:2
Members 40:13 41:6
memory 19:10
merchant 8:11
merchant's 9:7
Mesobe 1:6 3:5,18 11:4
11:22
met 1:13
metal 37:9
microphone 6:4 7:8,9
7:13
MIKE 1:19
mind 42:5,6
minute 17:2
minutes 4:17
missing 39:11,11,13,16
misunderstanding 27:2
mix 35:1
Moet 34:20
months 26:16
moot 15:22 16:6
morning 8:1,2,5,22 9:2
9:4,10,12,14,16,20
10:3
motion 43:8,13,17 44:3
45:4,7,8,9

MPD 29:13,20 30:11,17
30:20,22 32:1,1,2,10
32:13,16,19 33:6,14
33:19 35:20 36:1 37:7
37:12,18 42:20
MPD's 36:11
multiple 29:14 31:8,22
32:11 33:3,4
music 31:10 37:2,11

N

N.W 1:14
name 7:6,14,18,22 8:3
37:21
near 43:12
need 7:18 12:15 13:5
17:13,16 22:5,6 23:7
35:8 39:2 45:9,12
neighboring 30:3 32:8
neighbors 31:9,20,22
38:20
never 33:18 40:14,18
41:3,6,8,11,17 42:4
new 17:16 42:1
NICK 1:18
night 11:12,15 21:13
30:15,16 31:15 35:6
36:22
nightclub 11:20 35:6
nights 36:22 37:18
Nighttime 30:12
noise 31:21
notice 13:8
notified 37:15
nuisance 36:8,14 38:7
38:14
numerous 29:13 32:20
33:20
NW 1:7

O

O 20:7,8
observing 31:11
occasions 29:13,14
Occupancy 20:1,16,20
20:22 21:2
occupied 9:8
occur 34:1
occurred 41:2
Office 25:8
officer 32:16,20
officers 33:6,15 34:18
okay 4:19 5:18 8:15,20
9:9 10:21 11:3 13:20
17:19 20:21 21:10
22:3,5,10,19 23:19
24:5 39:22 40:9 42:16
old 33:3

older 24:19 27:8
once 12:7 16:9
one-day 39:8 41:10
open 32:12,21 33:13,16
 37:11 42:2,6 43:1,2
opened 32:13 33:5,8
 39:6
operate 14:20,22 18:9
 18:10 40:15,18 41:9
 41:20 42:8
operating 19:2,3 23:7
 29:12 36:3 37:2
operations 13:16
oral 27:22 28:1
order 10:13 12:10 13:10
 16:3 28:10,11 35:9
 39:7 43:7,9,10 44:5,5
 44:6,7,12,14,15,16
 45:4,5
outrageous 41:12,13
outside 13:22 31:22
owner 2:11,12 4:8 9:7
 9:13 12:11,11,22 13:7
 13:9,14 14:4,8,8,16
 14:16 15:1 26:20
 30:10,11 31:3 33:12
 36:5,14 40:20,22 41:8
 41:14 42:19,20
owner's 13:11 14:6
owners 4:2 30:11 36:4
 36:13
ownership 15:6,12
 22:19
owns 14:8

P

P-R-O-C-E-E-D-I-N-G-S
 3:1
page 44:13
particular 21:19
parties 3:7 4:19,21
party 24:14,17,18 25:19
 26:1,3 30:10 35:5,17
penalties 14:7
penalty 14:3
pending 31:5,5
people 19:5 24:15
 30:19 31:11,12,21
 32:11 33:10 34:10,13
 37:4,12 42:1
perfectly 18:6 19:15
permanent 41:9
permitted 25:20
person 3:20 6:7 24:2
 32:14 35:11 40:22
personally 29:19 40:13
 40:17
pertinent 28:11

Peru 33:19 35:3
phone 37:15
place 23:16 43:8
playing 37:2
please 3:8,9 5:11,17
 6:17 7:4 26:19 36:10
point 12:6 14:19 16:8
 16:14 29:13 39:5,11
 39:12,14,16,16
police 41:15
position 14:6
possibly 29:17
preliminary 4:3 10:9,19
prepared 28:20 29:7
present 1:16 2:9 9:6
 13:7,12,13
presentation 41:16
presented 43:20
presiding 1:15
prevent 41:6
previous 19:11 27:19
 28:17
previously 29:8
primary 13:6
pristine 14:12
private 25:19,22 26:3
 35:5
probably 5:14 35:11
proceedings 6:20 29:1
property 4:8 9:13 13:14
 14:9 15:17 20:15 38:7
prosecute 12:16
prosecution 25:9
provisions 13:9
Puente 2:18 10:1,1,4
 26:18,22 29:5,10 34:2
 34:6,9 35:22 36:1,7
 36:10,11,20 40:20
 41:14 42:18 43:3
pull 5:16,19,21 6:3,5,8
 6:10 7:12
pulled 32:2
purchased 29:22
put 22:2 33:17 41:3
putting 28:10

Q

question 20:11 25:12
 27:8
questions 39:3

R

raise 6:17
ramifications 25:10
ran 33:16
reading 25:15
really 10:22 14:15
reapply 17:9,16

reason 8:16 13:7 15:21
 23:2 24:8
reasons 21:20 22:18
 26:9 42:10
recall 28:21
received 10:14,15 13:8
 31:19 37:1
receiving 31:8
recess 4:20,20 45:18
recognized 35:3
record 3:9 7:3,5,20 12:1
 13:10 14:3,6,10,11
 18:19 22:2 28:8,14
 34:11 40:8 41:4 42:11
 43:20
Reeves 1:14
reference 10:13
referred 25:7
referring 37:1
regarding 13:11 27:10
regulations 17:11
remain 40:16
remains 14:12
remember 16:11,13,16
 16:17,19 19:9 28:20
 41:18
remembering 19:10
report 10:14,17,18
 21:21 27:4,10,21 28:9
 28:12,16 43:3
reports 27:8,14,20
 28:17
represent 4:2 8:11 9:5
 15:15,16
representation 14:14
representations 42:22
Request 1:9
requested 10:5,12
responded 37:7
responsibility 18:8
responsible 18:16
 19:17
restaurant 1:6 3:5 4:2
 18:10 21:4,11 41:20
restaurant-type 13:19
resulted 28:18
Retailer 1:8
right 3:3,12 4:10,14,15
 4:18 5:2,3,9 6:12,13
 6:17 7:2,16,21 9:3
 10:7,16 15:14 16:10
 17:5 21:22 25:9 26:5
 27:11 29:10 31:9 34:3
 38:3,16,22 39:1,10,19
 39:21 43:8,21 44:12
 44:12,15,18,21 45:6
roof 30:2 33:1 37:4
Room 1:14

rules 17:10
run 45:3
running 32:5,18 37:16
rustic 33:3

S

sale 24:22 25:6
Samuel 2:13 8:3
sat 6:1
saw 30:1 32:2 33:6
saying 15:22 16:21
 24:10 31:20 38:13,20
 41:19 42:17
says 21:4 39:7 40:2
 45:1
seat 5:4,7 7:17 10:20
 16:12
seating 21:6
seats 21:7
second 11:11 20:8,9,12
 20:16 21:13 37:11
secured 37:10
security 37:9,9
see 8:19 18:1 21:20
 27:14 28:12 37:4 38:9
seeing 19:9
seek 22:8
sell 11:7,14 12:5 17:22
 40:3
selling 22:13,13 23:17
 24:12 42:14
sense 5:22
sentiments 45:11
serve 11:6 12:5 17:22
 25:20 26:4 40:3
served 12:10 25:1
serves 13:19
service 24:22 25:5,6
 26:13
seven 41:5
shaking 18:1
sheet 7:17,19
shining 37:13
shop 18:13 41:21 42:9
Short 1:20 19:20,21
 20:4,7,12,15,21 21:10
 21:17
show 5:5 31:5
showed 30:12
shows 5:6
side 5:20 33:16
sign-in 7:17,18,19
SILVERSTEIN 1:19
 36:9
similarly 14:10
Simple 23:1
sink 33:2 34:16
sir 3:16 5:3,4,10,10,17

6:14,17 7:3,17 8:21
 9:3,10,17,22 12:21
 13:4 14:14 28:2 36:19
 37:21
sit 5:20,21 6:11 21:8
 30:22
sitting 6:6 34:10,13
slipped 33:11
slippery 33:11
smell 34:17
smoke 34:18
smoking 30:20 31:12
 37:5
social 19:8,12
sold 12:10
solemnly 6:18
Solomon 2:16 3:10,14
 3:17 6:15 7:1,6,11,14
 7:15
somebody 23:22
son 18:4,14 30:9
sorry 5:10 8:10 20:10
 33:22 35:22 37:20
space 5:15 19:3
speak 7:10
speaking 36:20
specific 8:16 21:18
specifically 26:10
sprite 35:1
stabbed 29:17
staircase 32:5,8,17
stand 6:14
standard 8:17
standing 5:8 37:3
start 7:20
started 31:8 32:3,18
 34:18 41:19
Starting 30:12
state 20:22 23:9,12
 44:12
stated 13:18 36:7,12
 41:14 43:3
status 13:11
stay 43:7
steel 31:18 33:3
Stella 2:15 9:6,11
stools 34:12
stop 12:15 22:12 36:14
stopped 22:13
story 18:3
Street 1:7,14
stuff 33:3 35:1
Subsequently 14:22
Suero 30:13
suggested 16:3
Suite 1:14
Supervisor 29:19 30:13
 33:19 35:3

sure 3:20 10:18 14:5,11
 21:15 23:14 27:19
 29:6 43:22
surrender 17:21 18:22
surrendered 17:6,6,8
 26:8 31:4 34:4 39:17

T

t/a 1:6
table 6:4 7:8,9 33:17
tables 34:11
tainted 14:10
take 15:3,4 26:19 38:11
 40:5
talk 22:6 42:10,11
talks 21:21
tell 11:2 18:8,12 24:14
 44:7
telling 15:1
tells 44:14
temporary 16:2 39:8
 41:10
tenant 14:17,19 15:2,4
 15:9,17,18
terms 15:10
texted 4:13
thank 6:13 10:21 13:6
 14:13 15:13 34:7 44:1
 45:13,15,16
thing 6:5 30:15
think 28:19 29:15 39:11
this-- 12:12
thought 24:19 33:7
throw 29:7
time 4:11 21:19 22:14
 23:21 30:5 33:12 45:6
 45:7
times 11:10 18:16
 21:15 23:12 32:20
 33:20 42:21
today 38:19 45:6,7
told 5:4 11:12 18:10
 23:15,16,18,19 30:20
 41:20
tons 33:1
top 16:13,19 17:10
topic 36:19
trash 33:2
true 16:5
try 27:13,21 42:2
trying 3:19
turn 22:8 24:4,13 29:2
 40:1
turned 17:17 23:21
 26:15 29:4
turning 28:18
turns 17:11
turntable 32:15

two 5:14 13:1 30:14
 36:22 37:18 43:10
two-story 20:2
type 11:20

U

ultimately 29:16 30:14
Um-hum 25:17
undercover 29:21
understand 5:6 11:1
 12:19,20,22 13:1 25:9
 38:15,17 39:5 43:22
Unilaterally 43:11
upstairs 18:5,14 21:6,9
 22:16 29:22 30:1,19
 34:12,14
use 21:1

V

vehicles 32:3
verbal 45:7
violated 13:9
violation 16:15
violations 24:3,4
voluntarily 22:8 29:3
 40:2,6
vote 40:12,14,14,18
 41:4

W

W 1:15,17
waited 32:10,12,19
waiting 5:3,5 32:22
walk 32:14
want 3:20 5:12,21 14:2
 14:5,10 15:3,8,11
 16:1 17:8,12,16 21:8
 25:3 28:3,7 36:17
 41:7 43:22 45:8
wanted 13:11 16:7
 21:20 39:5,6
wants 19:19 26:18
Washington 1:14
wasn't 23:14 28:20
way 4:12 11:13
ways 43:10
we-- 35:8
Weatherspoon 2:11 4:1
 4:2,7 5:22 8:6,7,10,14
 8:19 10:6,8,11,21
 11:3 15:16,20 16:22
 17:3,19 20:3,6,10,14
 20:18 21:3,14,18 22:3
 25:11,14,18,22 26:5
 26:11 27:3,12,16 39:4
 39:13,19,21 43:15
 44:1,10,18 45:13
Wednesday 1:11

weekend 31:19
went 29:20,21 30:1,15
 30:17 31:14 32:8,16
 41:21
weren't 13:21
wet 33:10
whatnot 35:5
when-- 44:19
will-- 28:13
willing 36:13
windows 37:14
wish 15:8
woken 31:21
wonderful 23:16
words 11:21
world 24:19
wouldn't 33:13,20
writing 45:5
wrong 11:21 25:16

X

Y

yeah 5:1 7:21 27:6
 38:15
year 39:20
yelling 30:12

Z

0

1

1 29:11 31:3 34:6
10 1:11 44:22 45:1
10:00 19:7
10:10 3:2
10:50 45:20
14th 1:14
15 33:9
16 44:17
1853 1:7
1999 24:18,18,20
19th 29:18
1B 1:8

2

20 29:11,18 30:19 33:9
 34:19
2000 1:14
20009 1:14
2017 29:11,11,18
2018 31:3 34:6 39:18
2019 1:11 34:2 44:17

3

30 30:19 34:19
3D 36:2

3rd 36:11

4

4 39:18

4:00 29:22

400S 1:14

5

5:00 11:14 18:3,13 19:6
22:12 23:21

6

6 34:2

6th 36:21

7

7th 1:7

8

81030 1:8 3:6

8th 36:22

9

9:00 11:14 19:7

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Debebe Addis

Before: Alcoholic Beverage Control Board

Date: 04-10-19

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.

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