



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

2 2:46 p.m.

3 CHAIRPERSON ANDERSON: All right, all  
4 right, our next case is Case Number 21-CMP-00011,  
5 Nana Ethiopian Restaurant, formerly Mignot,  
6 License Number 100407.

7 And, Ms. Fashbaugh, can you please  
8 elevate the rights of the Government, which is  
9 Mr. Jordan, Mr. Ruiz -- I think Mr. Ruiz is  
10 already here -- and the Licensee and his or her  
11 witnesses in this case, please?

12 MS. FASHBAUGH: Please stand by.  
13 Rbeka Asefa, your rights have been elevated.  
14 James Jordan, your rights have been elevated.  
15 That is all, Mr. Chair.

16 CHAIRPERSON ANDERSON: Thank you.

17 All right, good afternoon, everyone.  
18 Let's -- so we'll have -- we'll start with --  
19 we'll have the Government, Mr. Jordan, can you  
20 please spell or -- spell and state your name for  
21 the record, please.

22 MR. JORDAN: Of course. Good  
23 afternoon, Mr. Chairperson, Members of the Board,  
24 James Jordan, J-A-M-E-S, J-O-R-D-A-N, on behalf  
25 of the District of Columbia.

1 CHAIRPERSON ANDERSON: Mr. Jordan, if  
2 this matter was to go to a hearing, do you have  
3 any witnesses -- do you have a witness that you  
4 wish to call?

5 MR. JORDAN: Yes, Mr. Chairperson. If  
6 this goes to show cause, the District would call  
7 Investigator Mark Ruiz.

8 CHAIRPERSON ANDERSON: Mr. Ruiz, can  
9 you please spell and state your name for the  
10 record, please, and your affiliation?

11 INVESTIGATOR RUIZ: Yes. I am ABRA  
12 Investigator Mark Ruiz, M-A-R-K, R-U-I-Z.

13 CHAIRPERSON ANDERSON: Ms. Asefa,  
14 Asefa, can you --

15 MS. ASEFA: Yes.

16 CHAIRPERSON ANDERSON: Can you please  
17 spell and state your name for the record, please,  
18 ma'am?

19 MS. ASEFA: Rbeka Asefa, R-B-E-K-A, A-  
20 S-E-F-A.

21 CHAIRPERSON ANDERSON: And what is  
22 your relationship to this establishment, ma'am?

23 MS. ASEFA: I'm the owner.

24 CHAIRPERSON ANDERSON: Good afternoon.

25 MS. ASEFA: Good afternoon.

1 CHAIRPERSON ANDERSON: All right. All  
2 right, this is a show cause hearing. Mr. Jordan,  
3 are there any preliminary matters in this case?

4 MR. JORDAN: No, Mr. Chairperson, the  
5 parties do not have an offer in compromise to  
6 present to the Board at this time.

7 CHAIRPERSON ANDERSON: All right,  
8 thank you. All right, ma'am, do you have a -- do  
9 you have any witnesses you wish to call today, or  
10 are you the only witness?

11 MS. ASEFA: Actually, I wasn't there,  
12 I was out of the country.

13 CHAIRPERSON ANDERSON: No, no, no.  
14 I'm -- that's -- I'm asking a different question,  
15 now.

16 MS. ASEFA: Okay.

17 CHAIRPERSON ANDERSON: Are you -- this  
18 is a hearing, so you're going to testify, so I'm  
19 saying did you bring anyone to testify with you  
20 today?

21 MS. ASEFA: No, not right (audio  
22 interference).

23 CHAIRPERSON ANDERSON: Okay, fine.  
24 All right, have you -- have you ever participated  
25 in a -- in a show cause hearing before?

1 MS. ASEFA: Yes, I have.

2 CHAIRPERSON ANDERSON: All right, so  
3 -- all right. All right, so you know that the  
4 way this works is that the Government -- both  
5 parties will have an opportunity to make opening  
6 statements.

7 The Government will -- will. You can  
8 also make an opening statement at this juncture  
9 if you so desire, or you can wait until you  
10 present your case. Then the Government will call  
11 its first witness.

12 Once -- excuse me. Once the  
13 Government has called its witness that witness  
14 will testify. You will have an opportunity to  
15 cross-examine the witness.

16 Once you have cross-examined the  
17 witness, the Board Members will have an  
18 opportunity to -- to cross-examine -- to ask  
19 questions of that witness also.

20 Now, once the Government has rested  
21 its case, then it's your opportunity to present  
22 your case. If you're the only witness, I'll  
23 swear you in, you will testify, the Government  
24 will have an opportunity to cross-examine you --  
25 to cross-examine you.

1                   And then the Board will ask -- ask --  
2                   the Board will -- might ask questions of you. At  
3                   the end, the Government will make a closing  
4                   argument -- closing -- closing argument.

5                   You'll make a closing argument, we'll  
6                   close the case and the -- which, we'll close the  
7                   record and the Board will take this matter under  
8                   advisement and issue a decision 90 days from  
9                   today. Any questions from either party?

10                   MS. ASEFA: No.

11                   MR. JORDAN: No.

12                   CHAIRPERSON ANDERSON: All right.

13                   Now, Mr. Jordan, you wish to call your -- do you  
14                   have the -- does the Government have a witness  
15                   that it -- all right, I'm sorry. Does the  
16                   Government wish to have an -- make an opening  
17                   statement?

18                   MR. JORDAN: Yes, Mr. Chairperson, a  
19                   brief opening statement.

20                   CHAIRPERSON ANDERSON: Go ahead.

21                   MR. JORDAN: Good afternoon, Mr.  
22                   Chairperson and Board Members. We are here today  
23                   in a show cause matter for Nana Ethiopian  
24                   Restaurant, formerly known as Mignot, located at  
25                   4815 Georgia Avenue, NW.

1           The show cause notice issued in this  
2 matter concerns the charges that the Licensee  
3 failed to comply with the Board's tenth emergency  
4 rulemaking, in violation of 23 District of  
5 Columbia Municipal Regulation Section 810, who  
6 made a substantial change by expanding to another  
7 floor without a permit in violation of the  
8 District of Columbia Code Section 25-762(b)(3).

9           The facts will establish that, on  
10 Friday, February 5th, ABRA Investigator Mark Ruiz  
11 visited the establishment formerly known as  
12 Mignot and determined it was not in compliance  
13 with the Board's emergency rulemaking.

14           At approximately 12:15 a.m.,  
15 Investigator Ruiz attempted to enter the  
16 establishment but found the door locked. After  
17 calling for assistance from another investigator  
18 and from the Metropolitan Police Department, he  
19 went to the establishment's rear entrance.

20           There, he saw two men emerge and  
21 identified himself as an ABRA Investigator and  
22 asked to speak to the ABC Manager. When that  
23 manager emerged, Investigator Ruiz asked him to  
24 open the front door so that Investigator Prout  
25 and MPD officers could enter.

1                   Inside, Investigator Ruiz witnessed  
2 several violations of the Board's tenth emergency  
3 rulemaking in an unpermitted substantial change  
4 in operation.

5                   These violations involved the patrons  
6 not wearing masks, not social distancing,  
7 drinking alcoholic beverages while standing, and  
8 allowing consumption of alcoholic beverages after  
9 10:00 p.m.

10                   At the end of this hearing, the  
11 Government will request that the Board apply a  
12 penalty consistent with DC Code Section 25-830.  
13 Thank you.

14                   CHAIRPERSON ANDERSON: All right,  
15 thank you. All right, ma'am, do you wish to make  
16 an opening statement now, or you want to do that  
17 when you present your case?

18                   MS. ASEFA: No, I want to wait.

19                   CHAIRPERSON ANDERSON: All right,  
20 thank you. All right, Mr. Jordan, do you have a  
21 witness you wish to call?

22                   MR. JORDAN: Yes, Mr. Chairperson, the  
23 Government will call Investigator Mark Ruiz.

24                   CHAIRPERSON ANDERSON: Mr. Ruiz, can  
25 you raise your right hand, please? Do you swear



1 or affirm to tell the truth and nothing but the  
2 truth?

3 INVESTIGATOR RUIZ: I do.

4 CHAIRPERSON ANDERSON: All right,  
5 fine, thank you. Your witness, sir.

6 DIRECT EXAMINATION

7 MR. JORDAN: Thank you, Mr.  
8 Chairperson. Investigator Ruiz, where are you  
9 currently employed?

10 INVESTIGATOR RUIZ: The Alcoholic  
11 Beverage Regulation Administration.

12 BY MR. JORDAN:

13 Q And what is your position with the  
14 Alcoholic Beverage Regulation Administration?

15 A I am an Investigator.

16 Q And how long have you been an  
17 Investigator?

18 A A little over two-and-a-half years,  
19 now.

20 Q And what duties and responsibilities  
21 do you have as an Investigator?

22 A I conduct inspections and various  
23 investigations for ABC licensed establishments  
24 within the District of Columbia.

25 Q And how many investigations would you

1 say you have performed as an Investigator?

2 A I'd say well over 150 at this time.

3 Q Okay. Are you familiar with Nana  
4 Ethiopian Restaurant, formerly known as Mignot?

5 A I am.

6 Q How are you familiar with this  
7 establishment?

8 A On February 5th, 2020 - 2021, I was  
9 conducting monitoring of the Georgia Avenue  
10 corridor, all of the establishments along that  
11 area.

12 I noticed a couple of times through my  
13 pass-throughs multiple vehicles located in front  
14 of the establishment. I've known prior visits  
15 for the establishment door to be locked, so I  
16 assumed that they were operating after-hours.

17 So I decided to conduct surveillance  
18 for a while and observed several people enter the  
19 front entrance of the establishment, at which  
20 time I notified ABRA Investigator Travil Prout to  
21 come and assist me with the investigation.

22 While conducting that surveillance and  
23 waiting for the door to open, because multiple  
24 knocks was not getting an answer from the  
25 establishment, I noticed individuals exiting from

1 the rear, two individuals.

2 I approached one individual that was  
3 locking the gate, as I -- after letting somebody  
4 out. As I approached I identified myself as ABRA  
5 Investigator Ruiz. Notified them that we were  
6 trying to enter the establishment, we see that  
7 they're operating. And I asked for the ABC  
8 Manager or owner, he said he would go get them.

9 He went and got the ABC Manager, who  
10 came out, and that's -- I advised him to unlock  
11 the front door for the ABRA Investigator, as well  
12 as for MPD, as they were arriving.

13 (Off the record comments.)

14 INVESTIGATOR RUIZ: While --

15 MR. JORDAN: Oh, and what happened  
16 after he unlocked the door?

17 (Simultaneous speaking.)

18 INVESTIGATOR RUIZ: So he complied and  
19 unlocked the door for us. And as he entered the  
20 establishment -- there's prior knowledge that  
21 they use the basement.

22 So I directly went to the basement  
23 area, where I found multiple tables set up with  
24 individuals sitting at the tables with red cups  
25 and -- of a -- which appeared to me to be beer,

1 which I confirmed with the ABC Manager that was  
2 present that night. And also the individuals  
3 there were unmasked as well as playing card  
4 games.

5 BY MR. JORDAN:

6 Q Okay. And how close would you say the  
7 tables the individuals were sitting at were?

8 A I'd probably say within three feet.

9 Q Okay. And were all patrons sitting at  
10 the time?

11 A There were some people standing up as  
12 well, and sitting.

13 Q Okay. At approximately what time do  
14 you -- or did you enter the establishment?

15 A It was approximately 12:20, 12:30-ish.

16 Q Okay. And under the emergency  
17 rulemaking in effect at the time -- the tenth  
18 emergency rulemaking -- when were establishments  
19 supposed to stop serving alcohol?

20 A 10:00 p.m.

21 Q Okay.

22 MR. JORDAN: Mr. Chairperson, may I  
23 show my screen?

24 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
25 can you allow Mr. Jordan to share his screen,

1 please?

2 Ms. Fashbaugh?

3 Ms. Fashbaugh, can you give Mr. Jordan  
4 the ability to share his screen, please?

5 Give me a minute, please.

6 INVESTIGATOR RUIZ: Mr. Chairperson,  
7 I was just able to communicate with Ms.  
8 Fashbaugh, she said he should be able to now.

9 CHAIRPERSON ANDERSON: Thank you. Mr.  
10 Jordan, you should be able just to share your  
11 screen now.

12 MR. JORDAN: Thank you Mr.  
13 Chairperson, I believe I can.

14 CHAIRPERSON ANDERSON: Thank you.

15 MR. JORDAN: Investigator Ruiz, I am  
16 showing you what has been marked as Government's  
17 Exhibit 1 for identification purposes.

18 (Whereupon, the above-referred to  
19 document was marked as Government Exhibit No. 1  
20 for identification.)

21 MR. JORDAN: Could you identify what  
22 this is?

23 BY MR. JORDAN:

24 Q Investigator Ruiz, I believe you are  
25 muted.

1           A       My apologies. This is the case report  
2 that I drafted for this investigation.

3           Q       Okay. And is it a normal part of your  
4 duty as an Investigator to draft these case  
5 reports?

6           A       Yes.

7           Q       Okay. And scrolling through, this is  
8 confirmed to be the report that you drafted here?

9           A       It is.

10          Q       Okay.

11                 MR. JORDAN: At this time, Chairperson  
12 Anderson, the Government would like to move  
13 Government's Exhibit 1 -- the case report -- into  
14 evidence.

15                 CHAIRPERSON ANDERSON: So moved.

16                 (Whereupon, the above-referred to  
17 document was received into evidence as Government  
18 Exhibit No. 1.)

19                 MR. JORDAN: Thank you, Mr.  
20 Chairperson. Now, Investigator Ruiz, looking at  
21 the exhibits attached to the case report and  
22 beginning with Exhibit 2, did you identify what  
23 this is?

24                 INVESTIGATOR RUIZ: This is a photo of  
25 a cup of beer that was located on a table.

1 BY MR. JORDAN:

2 Q And who took this photo?

3 A I did.

4 Q And where was it taken?

5 A On a table in the basement.

6 Q Now directing your attention to  
7 Exhibit 3 of the case report, did you identify  
8 this?

9 A This was another cup of beer that was  
10 located in the basement on the table.

11 Q Okay. And continuing on to Exhibit 4,  
12 could you identify the -- this photograph,  
13 please?

14 A This was an additional cup of beer  
15 found on another table in the basement of the  
16 establishment with additional cup -- empty cups.

17 Q And moving to Exhibit 6 of the case  
18 report, could you identify what this is?

19 A This is the Certificate of Occupancy  
20 that was posted in the establishment that  
21 evening.

22 Q And according to this Certificate of  
23 Occupancy, what floors does this establishment  
24 have access to?

25 A The first floor.

1 MR. JORDAN: Thank you. The Board's  
2 indulgence to stop sharing my screen.

3 (Pause.)

4 MR. JORDAN: And Investigator Ruiz, at  
5 the time of your visit to the establishment, how  
6 many patrons were inside the restaurant?

7 INVESTIGATOR RUIZ: I counted  
8 approximately 20.

9 MR. JORDAN: Okay. The Government  
10 rests at this time. Or no further questions.

11 CHAIRPERSON ANDERSON: Ms. Asefa, do  
12 you have any questions of the Investigator?

13 MS. ASEFA: No, I don't.

14 CHAIRPERSON ANDERSON: Any questions  
15 of the Investigator by any Board Members?

16 MEMBER SHORT: Yes, Mr. Chair, Mr.  
17 Short would like to ask --

18 CHAIRPERSON ANDERSON: Go ahead --

19 MEMBER SHORT: -- some questions.

20 CHAIRPERSON ANDERSON: -- Mr. Short.

21 (Simultaneous speaking.)

22 MEMBER SHORT: Thank you very much.  
23 Good afternoon, Investigator Ruiz.

24 INVESTIGATOR RUIZ: Good afternoon,  
25 Mr. Short.



1                   MEMBER SHORT: Thank you for an  
2 excellent report.

3                   INVESTIGATOR RUIZ: You're welcome.

4                   MEMBER SHORT: When you entered it was  
5 after-hours, after 10 o'clock, correct?

6                   INVESTIGATOR RUIZ: Correct.

7                   MEMBER SHORT: When you finally got  
8 in?

9                   INVESTIGATOR RUIZ: Correct.

10                  MEMBER SHORT: And the front door was  
11 locked?

12                  INVESTIGATOR RUIZ: Correct.

13                  MEMBER SHORT: And when you finally  
14 did get in and you entered the basement, the  
15 basement area that they were using, did it have a  
16 second means of egress, did -- was there a door  
17 to the outside or did they have to come back up  
18 the steps to go out the front door?

19                  INVESTIGATOR RUIZ: They had to come  
20 up the steps out the back door.

21                  MEMBER SHORT: In your professional  
22 opinion, why is it against the law for an  
23 alcoholic beverage establishment which you  
24 inspect to have your doors locked while patrons  
25 are inside?

1 INVESTIGATOR RUIZ: Doing something  
2 they weren't supposed to.

3 MEMBER SHORT: Okay. Well that's a  
4 great answer, but I -- I'll just simply say this,  
5 thank you for your report, again, and thank you  
6 for the information you just gave to me. Thank  
7 you.

8 INVESTIGATOR RUIZ: Thank you, sir.

9 CHAIRPERSON ANDERSON: Any other  
10 questions by any of the Board Members?

11 I just -- the question I want to ask  
12 you, Mr. Ruiz, did you --

13 INVESTIGATOR RUIZ: Yes, sir.

14 CHAIRPERSON ANDERSON: -- where -- on  
15 this Certificate of Occupancy, where -- what --  
16 what floor are they supposed to be operating on?

17 INVESTIGATOR RUIZ: The first floor.  
18 There's a box that says floors occupied and it  
19 simply says the first, number one and ST.

20 CHAIRPERSON ANDERSON: So why did you  
21 go to the basement?

22 INVESTIGATOR RUIZ: There's been prior  
23 knowledge of a prior case from another  
24 Investigator that they were utilizing this  
25 basement for drinking and possibly gambling.

1                   CHAIRPERSON ANDERSON: So -- do you  
2 know whether or not the establishment -- you said  
3 from prior knowledge, from prior investigation --  
4 I mean, do you know whether or not anyone had any  
5 conversation with -- or did you have a  
6 conversation with anyone about whether or not  
7 they should or should not be using the basement?

8                   INVESTIGATOR RUIZ: Not prior to this  
9 day, no. I was not involved in the prior  
10 investigation.

11                   CHAIRPERSON ANDERSON: Okay. All  
12 right. Ms. Asefa, do you have any questions --  
13 do you -- do you have any questions of the  
14 Investigator based on the questions that the  
15 Board just asked him?

16                   MS. ASEFA: No, sir.

17                   CHAIRPERSON ANDERSON: Okay. All  
18 right, Mr. Jordan, do you have any questions --  
19 any follow-up questions based on the questions --  
20 any follow-up questions based on the questions  
21 the Board -- the Board asked?

22                   MR. JORDAN: No, Chairperson Anderson.

23                   CHAIRPERSON ANDERSON: All right.  
24 Does the Government rest?

25                   MR. JORDAN: Yes, Chairperson

1 Anderson, the Government rests.

2 CHAIRPERSON ANDERSON: All right,  
3 fine. Ms. Asefa, all right, do you wish to make  
4 an opening statement -- and what I will do -- so  
5 you're going to make an opening statement, then  
6 you're going to -- you're going to explain your  
7 case, is that what -- is that the way you're  
8 going to defend yourself, ma'am?

9 MS. ASEFA: Like I said, I was out of  
10 the country --

11 CHAIRPERSON ANDERSON: Hold on. Hold  
12 on. Hold on, one minute. Can you raise your  
13 right hand, please?

14 MS. ASEFA: Yes.

15 CHAIRPERSON ANDERSON: Do you swear or  
16 affirm to tell the truth and nothing but the  
17 truth?

18 MS. ASEFA: Yes, I do.

19 CHAIRPERSON ANDERSON: Go ahead,  
20 ma'am.

21 DIRECT EXAMINATION

22 MS. ASEFA: Like I said, I was out of  
23 the country at that time, so it was my husband  
24 that's the one with the actual ABC license that  
25 opened the door.

1                   And I mean, there's nothing I could  
2 say, I -- I wasn't there, so -- and he's not here  
3 to -- he's in dialysis right now, so he's not  
4 here to be a witness or say whatever happened, so  
5 there's really nothing I could say.

6                   CHAIRPERSON ANDERSON: That's it?

7                   MS. ASEFA: I mean, this is like  
8 actually my first time doing this, so I don't  
9 know what else I'm supposed to say other than, I  
10 guess -- I mean, I wasn't there, so --

11                  CHAIRPERSON ANDERSON: All right. All  
12 right. If you don't have any other -- if you  
13 don't have any other -- any other comments to  
14 make, then I'm going to have Mr. Jordan cross-  
15 examine you.                   So are you done?

16                  MS. ASEFA: Yes, sure.

17                  CHAIRPERSON ANDERSON: Do you have any  
18 questions, Mr. Jordan?

19                  MR. JORDAN: Only a few, Mr.  
20 Chairperson.

21                  CHAIRPERSON ANDERSON: Go ahead,  
22 please.

23                  CROSS-EXAMINATION

24                  MR. JORDAN: Ms. Asefa, how long have  
25 you been in the ownership of this establishment?

1 MS. ASEFA: Since we opened in 2015.

2 BY MR. JORDAN:

3 Q And at -- I'm sorry. Have you only  
4 ever occupied the first floor of the  
5 establishment?

6 A Yes, for the most part, other than  
7 that time.

8 MR. JORDAN: Okay. I have no further  
9 questions, Your Honor -- or Mr. Chairperson.

10 CHAIRPERSON ANDERSON: Any questions  
11 of -- by any Board Members?

12 MEMBER GRANDIS: Mr. Chairman?

13 CHAIRPERSON ANDERSON: Yes, Mr.  
14 Grandis.

15 MEMBER GRANDIS: Thank you. I -- I  
16 may mispronounce your name, but I want to thank  
17 you for being here. Just for clarification, I  
18 thought earlier you said that you had -- you were  
19 familiar with this type of hearing, did I  
20 misunderstand you?

21 MS. ASEFA: Well, it was just a  
22 hearing the first time, and that was just it, and  
23 then whatever happened after that. I've never  
24 had to, like, you know, be cross-examined or  
25 anything like that in the -- in the past. This

1 will be my first time. That's all I was saying.

2 MEMBER GRANDIS: And -- okay. And --  
3 and how did you get notice of the hearing today?

4 MS. ASEFA: Through an email and Mr.  
5 James Jordan had called me to let me know.

6 MEMBER GRANDIS: And did that notice  
7 tell you that this was a hearing with the  
8 opportunity for you to bring witnesses?

9 MS. ASEFA: Yes, but I -- I didn't  
10 understand. Like, I don't understand all the  
11 language in the -- you know, like, I didn't -- I  
12 really didn't understand.

13 My husband would've been here but he's  
14 in dialysis right now. And he could better  
15 explain it as -- he could've been my witness, but  
16 he's not here, so --

17 MEMBER GRANDIS: So did he know there  
18 was a hearing today?

19 MS. ASEFA: No, he did not. But he  
20 goes on Mondays and Wednesdays and Fridays, so  
21 that's just -- he wasn't going to be here,  
22 anyways.

23 MEMBER GRANDIS: When -- what date was  
24 the notice that you received, or approximately  
25 how long ago did you receive the notice?

1 MS. ASEFA: I'm not exactly sure.

2 MEMBER GRANDIS: Was it yesterday?

3 MS. ASEFA: No, I believe it was last  
4 week.

5 MEMBER GRANDIS: And you did not tell  
6 your spouse that there was a hearing --

7 MS. ASEFA: No that was --

8 MEMBER GRANDIS: -- about --

9 MS. ASEFA: No I did not.

10 (Simultaneous speaking.)

11 MEMBER GRANDIS: And are you aware  
12 that -- that the basement was occupied with  
13 customers the date that the inspector went there?

14 MS. ASEFA: Yes. I was --

15 MEMBER GRANDIS: So you don't -- you  
16 don't challenge that. You don't challenge the  
17 fact -- what -- what the inspector says.

18 MS. ASEFA: No I don't.

19 MEMBER GRANDIS: Okay. Thank you very  
20 much. Thank you, Chairman.

21 CHAIRPERSON ANDERSON: Ms. Asefa, are  
22 --

23 MS. ASEFA: Yes?

24 (Simultaneous speaking.)

25 CHAIRPERSON ANDERSON: Are you on --



1 you're on the license, is that correct?

2 MS. ASEFA: Yes, sir.

3 CHAIRPERSON ANDERSON: Now, are you  
4 aware that whether or not you're on the property  
5 or not that you are responsible for everything  
6 that happens in the establishment?

7 MS. ASEFA: Yes, sir.

8 CHAIRPERSON ANDERSON: All right. All  
9 right. Any -- any questions, Mr. Jordan --

10 MEMBER GRANDIS: Mr. Chairman --

11 CHAIRPERSON ANDERSON: -- based on the  
12 questions --

13 MEMBER GRANDIS: Mr. Chairman --

14 CHAIRPERSON ANDERSON: -- that were --  
15 I'm sorry, Mr. -- yes, Mr. --

16 MEMBER GRANDIS: I apologize. And I'm  
17 interrupt --

18 CHAIRPERSON ANDERSON: -- sir.

19 MEMBER GRANDIS: -- interrupting you,  
20 I apologize, but I -- I do have another question,  
21 if you would allow me, and I --

22 CHAIRPERSON ANDERSON: You are allowed  
23 to --

24 (Simultaneous speaking.)

25 MEMBER GRANDIS: Oh. Okay. You are.

1       What I'm sort of concerned about is that the --  
2       you -- I'm sure you're concerned about your  
3       safety and public safety during the operation of  
4       your -- of your establishment.

5                   MS. ASEFA:   Yes, sir.

6                   MEMBER GRANDIS:   Okay.   So you  
7       understand that there is a concern about people  
8       being -- I, I see -- about being in the basement  
9       without having it been licensed, because that  
10      would've -- that would've protected -- that  
11      protects the licensee as well as protects the  
12      Agency because there would be public safety  
13      things, concerns that would've had to be  
14      addressed, so --

15                   MS. ASEFA:   Yes.

16                   MEMBER GRANDIS:   -- you are aware of  
17      -- of that?

18                   MS. ASEFA:   Yes, I was aware of that.  
19      But with all the rules changing and, you know,  
20      you know, with the times changing because of  
21      COVID, you know, just everything was just  
22      changing.

23                   I didn't know what the rules were, you  
24      know, I'm -- I know I shouldn't have people in  
25      the basement.   But as far as the mask and

1 everything and the time and everything, we  
2 weren't sure of.

3 MEMBER GRANDIS: Well let's just say  
4 with the basement, you understand that there's a  
5 public safety concern?

6 MS. ASEFA: Yes, sir. Yes, sir.

7 MEMBER GRANDIS: Okay. Thank you.

8 CHAIRPERSON ANDERSON: Any other  
9 questions by any other Board Members?

10 Mr. Jordan, any questions -- any  
11 follow-up questions based on the questions that  
12 were asked by the Board?

13 MR. JORDAN: No, Mr. Chairperson.

14 CHAIRPERSON ANDERSON: Ms. Asefa, any  
15 final comments that you want to -- I mean, do you  
16 -- do you need to clarify your answers based on  
17 any of the -- based on the questions that any of  
18 the Board Members asked you?

19 MS. ASEFA: No. I can't think of  
20 anything at this moment.

21 CHAIRPERSON ANDERSON: Do you rest?  
22 Do you have anything else you want to say?

23 MS. ASEFA: Say that again?

24 CHAIRPERSON ANDERSON: Do you have  
25 anything else you want to say?

1 MS. ASEFA: No.

2 CHAIRPERSON ANDERSON: All right. Mr.  
3 Jordan, do you wish to make a closing statement?

4 MR. JORDAN: Yes, Mr. Chairperson, a  
5 brief closing.

6 Mr. Chairperson and Members of the  
7 Board, the Government has proven by a  
8 preponderance of evidence that the Licensee  
9 violated this Board's tenth emergency rulemaking  
10 and operated with an unpermitted substantial  
11 change in violation of DC Code Section 25-  
12 762(b)(3) and 23 DCMR Section 810.

13 You've heard from Investigator Ruiz,  
14 who visited the establishment on February 5th,  
15 2021. After making contact with the ABC Manager  
16 and having him unlock the doors, Investigator  
17 Ruiz observed patrons not complying with the  
18 emergency rulemaking.

19 He testified that patrons did not have  
20 face masks on, they were not all sitting at  
21 tables to drink alcohol. Tables were less than  
22 six feet apart and the establishment was open and  
23 serving alcohol after 10:00 p.m. Investigator  
24 Ruiz further stated the establishment was  
25 operating in the basement despite not having a

1 permit to do so at the time.

2 In Exhibits 2, 3, and 4 to the case  
3 report, Investigator Ruiz photographed several  
4 cups of what he identified as beer in the  
5 basement. In Exhibit 6, he photographed the  
6 Certificate of Occupancy that shows the  
7 establishment is only cleared to operate on the  
8 first floor.

9 By operating in the basement without  
10 a permit and allowing patrons to not wear face  
11 masks, stand and sip alcohol, and sit at tables  
12 less than six feet apart, the establishment is in  
13 violation of DC Code Section 25-763 -- 762(b)(3)  
14 and 23 DCMR Section 810.

15 The Government has therefore proven  
16 the charges in the notice to show cause and  
17 recommends the Board apply penalty consistent  
18 with DC Code Section 25-830. Thank you.

19 CHAIRPERSON ANDERSON: Thank you. Ms.  
20 Asefa, this is your chance to wrap up by what is  
21 it you want the Board to do?

22 MS. ASEFA: I mean, I don't know what  
23 my options are. I know there's a penalty but I  
24 don't know exactly what the penalty's going to  
25 be. I'm just -- I don't know.

1                   CHAIRPERSON ANDERSON: What do you  
2 want us to do?

3                   MS. ASEFA: I hope you forgive me and  
4 dismiss it and, you know -- and it will never  
5 happen again. But I don't know what you guys are  
6 going to decide.

7                   CHAIRPERSON ANDERSON: All right.  
8 That's it?

9                   MS. ASEFA: Yes.

10                  CHAIRPERSON ANDERSON: All right.  
11 Thank you.

12                  MS. ASEFA: All right, thank you.

13                  CHAIRPERSON ANDERSON: All right, I --  
14 the record is closed. The Board will issue a  
15 decision within 90 days, so let me read -- let me  
16 read it just to -- to officially close this case.

17                  As Chairperson of the Alcoholic  
18 Beverage Control Board for the District of  
19 Columbia, in accordance with DC Official Code  
20 Section 2-574(b)(13) of the Open Meetings Act, I  
21 move that the ABC Board hold a closed meeting for  
22 the purpose of seeking legal advice on our  
23 counsel on Case Number 21-CMP-00011, Nana  
24 Ethiopian Restaurant, formerly Mignot, pursuant  
25 to DC Official Code Section 2-574(b)(4) of the

1 Open Meetings Act, and deliberate upon Case  
2 Number 21-CMP-00011, Nana Ethiopian Restaurant,  
3 formerly Mignot, pursuant to DC Official Code  
4 Section 2-574(b)(4) of the Open Meeting -- I'm  
5 sorry, for the reasons cited in DC Official Code  
6 Section 2-574(b)(13) of the Open Meetings Act, is  
7 there a second?

8 MEMBER SHORT: I second.

9 CHAIRPERSON ANDERSON: Mr. Short has  
10 seconded the motion. I will now take a roll call  
11 vote on the motion before us. Mr. Short?

12 MEMBER SHORT: Mr. Short, I agree.

13 CHAIRPERSON ANDERSON: Mr. Cato?

14 MEMBER CATO: Bobby Cato, I agree.

15 CHAIRPERSON ANDERSON: Ms. Crockett?

16 MEMBER CROCKETT: Rafi Crockett, I  
17 agree.

18 CHAIRPERSON ANDERSON: Ms. Hansen?

19 MEMBER HANSEN: Jeni Hansen, I agree.

20 CHAIRPERSON ANDERSON: Mr. Grandis?  
21 Mr. Grandis?

22 Mr. Anderson, I agree. The matter  
23 passed five-zero-zero. As it appears that the  
24 motion has passed, I hereby -- hereby give notice  
25 that the ABC Board will recess this proceeding to

1 hold a closed meeting in the ABC Board conference  
2 room pursuant to Section 574(b) of the Open  
3 Meetings Act.

4 Thank you very much for your  
5 presentation today. The Board will issue a  
6 decision within the next 90 days. Thank you.  
7 Have a good day.

8 (Whereupon, the hearing in the above-  
9 entitled matter was concluded at 3:21 p.m.)

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In the matter of: Nana Ethiopian

Before: DC ABRA

Date: 12-01-21

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