

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 Queen of Sheba 2, Inc., :
 t/a Queen's Restaurant : Fact Finding
 and Lounge : Hearing
 1503 9th Street NW :
 Retailer CR - ANC 6E :
 License No. 114299 :
 :
 (Review of New License :
 Application) :

Wednesday,
 July 10, 2019

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

ALSO PRESENT:

BERNARD C. DIETZ, APPLICANT COUNSEL
 SAMUEL BERAKI, APPLICANT
 INVESTIGATOR KEVIN PUENTE, ABRA

SUPERVISING INVESTIGATOR MARK BRASHEARS, ABRA

C-O-N-T-E-N-T-S

STATEMENTS:

Mark Brashears, Investigator 9
Kevin Puente, Investigator15
Samuel Beraki.20

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

2 2:16 p.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case is a Fact-Finding Hearing. It's
5 Queen's Restaurant and Lounge, License No.
6 114299.

7 Would the parties, please, approach
8 and identify themselves for the record, please?

9 MR. DIETZ: Bernard C. Dietz
10 representing the licensee and I have with me Mr.
11 Samuel Beraki Michael, who is the principal
12 owner.

13 CHAIRPERSON ANDERSON: Mr. who?

14 MR. BERAKI: Samuel Beraki.

15 CHAIRPERSON ANDERSON: Mr. Beraki.

16 INVESTIGATOR PUENTE: Kevin Puente,
17 Investigator.

18 CHAIRPERSON ANDERSON: Mr. Puente.

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

21 CHAIRPERSON ANDERSON: Mr. Brashears.

22 As you know, Mr. Dietz, this is an application

1 for a new license. And the Board has some
2 concerns, that's why we are having some Fact-
3 Finding, that's why we are having a Fact-Finding
4 Hearing to ascertain whether or not the owner --
5 well, I'll have either Mr. Puente or Mr.
6 Brashears, please, maybe can tell us what
7 familiarity you have with this new entity or the
8 entity Queen of Sheba.

9 INVESTIGATOR BRASHEARS: Sure, sir.

10 On August 5, 2018, approximately --

11 CHAIRPERSON ANDERSON: You know, hold
12 on. Hold on one minute. I'm sorry. Hold on
13 before we start. And I'm sorry.

14 Okay. Let me -- I apologize, Mr.
15 Brashears. So there is something else I was
16 supposed to have done before I started the
17 process.

18 All right. Good afternoon, everyone.
19 The ABC Board presently doesn't hold hearings on
20 applications for new license prior to placarding,
21 but because the ANC has already indicated their
22 support for this application, the Board would be

1 remiss if we did not give this application and
2 the applicant some initial scrutiny.

3 I say that because the Board is in
4 receipt of information that, if true, presents
5 concerns for the Board regarding the applicant's
6 management and operational practices.

7 Specifically, the Board is concerned
8 that you, Mr. Beraki, rather than Mr. Embza
9 Msgina, I know I'm not pronouncing --

10 MR. BERAKI: Embza.

11 CHAIRPERSON ANDERSON: Yes, and Mr.
12 Nigiati, N-I-G-I-A-T-I, Gebreyesus, the former
13 owners of Queen of Sheba, may have been
14 responsible for managing and running the Queen of
15 Sheba since late summer of 2018.

16 If that is the case, there are some
17 disturbing incidents that appear to have occurred
18 on your watch during this period.

19 In August of 2018, you operated
20 outside of your Board-approved hours and you
21 interfered with an investigation.

22 These are very serious issues. You

1 accepted an Offer in Compromise in February of
2 2019 and a fine was paid in April.

3 In November of 2018, you allowed
4 patrons to exit the premises with open containers
5 and you operated a sidewalk cafe without Board-
6 approval. Again, these are serious violations.

7 Hereto, you accepted an Offer in
8 Compromise in May of 2019 and a fine was due on
9 June 3rd, but not paid until June 17th.

10 As a result, ABRA had to suspend the
11 license for nonpayment of the fee -- of the fine.

12 On January 11, 2019, you sold an
13 alcoholic beverage to a minor. Most troubling is
14 that Mr. Msgina failed to renew the Queen of
15 Sheba license by March 30, 2019. Yet, you
16 continued to operate the establishment on an
17 expired license.

18 These are some -- there was some
19 confusion or misleading information that you, Mr.
20 Beraki, and Ms. -- and Helen Beraki were seeking
21 to have the Queen of Sheba license transferred to
22 yourselves, but that never materialized.

1 The Board held -- had an issue -- had
2 to issue a Cease & Desist Order and evidently
3 canceled the Queen of Sheba's license on June 26,
4 2019 in order to shut down the illegal operation.

5 Now, you are seeking to obtain a new
6 license and to run a restaurant in the former
7 Queen of Sheba location. Your track record as
8 manager sheds doubt on your abilities as an
9 owner.

10 As such, we are here today to take
11 testimony from ABRA Investigators, but you will
12 need to provide the Board with convincing
13 assurances that you will be a good and attentive
14 owner fully in compliance with the laws and
15 regulations that govern ABC licenses, ABRA
16 licenses.

17 If we are not satisfied with what we
18 learn today, it may be necessary to hold a
19 Qualifications Hearing in order to determine
20 whether you are fit to hold a license. Rest
21 assured that we are only here today to conduct a
22 Fact-Finding Hearing and we are keeping an open

1 mind.

2 So I'll then have Mr. -- so you now
3 know why you are here today. The Board has an
4 open mind, but clearly as a new owner, there are
5 some significant issues.

6 And as -- once we will gather this
7 information, the Board will have to issue a
8 decision whether or not we should offer you the
9 privilege of operating this business.

10 So with all that was said, okay, so
11 Mr. Brashears?

12 INVESTIGATOR BRASHEARS: Yes, sir. I
13 became familiar with Queen of Sheba on August 5,
14 2018. At approximately 3:25 in the morning,
15 myself and Investigator Puente, Investigator Peru
16 were driving on 9th Street, conducting after hours
17 monitoring and when we drove past Queen of Sheba,
18 we saw people entering the establishment, so
19 clearly after Board-approved hours.

20 We pulled up across the street, sat
21 and began to monitor the establishment. While we
22 were monitoring, we continued to see people come

1 and go. We exited the vehicle, crossed the
2 street, attempted to enter the establishment and
3 the doors were locked. The doors were locked,
4 curtains were pulled, yet, we could hear music
5 and people conversing.

6 We knocked on the door several times.
7 No one would open the door. There were a couple
8 of times when someone opened the door,
9 specifically at one point, they opened the door,
10 they saw Investigator Puente standing there with
11 a badge around his neck and they slammed the
12 door.

13 So it was to the point we reached out
14 to MPD for assistance, because we couldn't gain
15 entry. And while we were waiting for MPD, the
16 side door to the establishment was opened again,
17 we believe by a patron. At that point, the three
18 of us made entry.

19 Upon entering the establishment, there
20 were approximately 45 people in the
21 establishment. They were engaged in smoking
22 hookah, drinking alcohol, some people were

1 watching television. Basically, the
2 establishment was in full operation.

3 CHAIRPERSON ANDERSON: I'm sorry, what
4 time again was this?

5 INVESTIGATOR BRASHEARS: When we
6 initially stopped, it was 3:25 a.m.

7 CHAIRPERSON ANDERSON: And?

8 INVESTIGATOR BRASHEARS: So it was a
9 Saturday over to a Sunday morning, so it was
10 Sunday morning.

11 CHAIRPERSON ANDERSON: And so what
12 time?

13 INVESTIGATOR BRASHEARS: 3:00 a.m.,
14 sir.

15 CHAIRPERSON ANDERSON: Okay. Thank
16 you. Go ahead.

17 INVESTIGATOR BRASHEARS: So when we
18 got inside, we began to ask for an ABC manager or
19 owner and that's when Mr. Beraki approached us
20 and advised us he was the owner of the
21 establishment and provided his DC Driver's
22 License as verification.

1 Investigator Peru advised Mr. Beraki
2 that the establishment was operating past its
3 licensed hours of sales and operation. Mr.
4 Beraki replied stating that the establishment
5 was, in fact, closed and that he was trying to
6 get patrons to exit the establishment, but they
7 refused.

8 I have asked Mr. Beraki that the
9 patrons would most likely leave if the music were
10 turned off, lights were brought up and the
11 alcohol were turned off. He insisted the
12 establishment was closed, but we were able to
13 actually observe bartender -- the bartender
14 continuing to pour drinks while we were there,
15 basically, advising them of the violations.

16 So Investigator Peru requested camera
17 footage to refute the fact that the establishment
18 wasn't operating. Mr. Beraki stated that the
19 establishment had eight cameras. He showed us
20 the camera feeds and basically agreed to provide
21 us video footage.

22 On Monday, August 6th, I received a

1 voicemail from Mr. Beraki stating that he could
2 not access the video footage requested.

3 On Wednesday, August 22nd, I visited
4 the establishment to conduct a regulatory
5 inspection as part of this investigation. When I
6 entered the establishment, I requested to speak
7 with an ABC manager or owner of the
8 establishment. Mr. Beraki approached me and this
9 time he stated that he was the ABC manager and
10 provided me an ABC manager's card.

11 So I asked him if -- why would he need
12 an ABC manager's license if he were, in fact, the
13 owner and it was at that point that he told me
14 that he was in the process of purchasing the
15 establishment from the actual owners. And he
16 stated that he was required to be an ABC manager
17 until such time that he became the actual owner.

18 I asked him if he had filed the
19 necessary paperwork with ABRA to purchase the
20 establishment. I asked him if a TORP was in
21 place with ABRA. He stated that he had a
22 contract with the owner to purchase the

1 establishment and was working through his
2 attorney, Mr. Dietz, for the transaction.

3 And as to regarding the video, he
4 stated the owner of the establishment had the
5 password and he could not provide us the footage.

6 So I conducted the regulatory
7 inspection and upon leaving the establishment, I
8 cautioned Mr. Beraki that until he is the actual
9 owner of the establishment, that he should, you
10 know, disregard doing that and identify himself
11 as the ABC manager on duty.

12 I got back to ABRA. I conducted a
13 review of our records and it showed two other
14 individuals that, you know not him, were listed
15 as the owners. So then I spoke with the
16 licensing specialist who was handling the actual
17 transfer and was informed that he was, Mr.
18 Beraki, in fact, working through Mr. Dietz to
19 complete the transaction of the transfer, but
20 there was no TORP in place and that ABRA was
21 waiting on necessary documentation to complete
22 the sale.

1 Now, what is not listed in my report,
2 that I learned later in discussing the situation
3 with other ABRA Investigators, that Mr. Beraki --
4 is that there was some type of either clean hands
5 tax situation or something that was owed by the
6 previous owner that was prohibiting the
7 transaction to go through.

8 CHAIRPERSON ANDERSON: All right. Do
9 you have anything to add, Mr. Puente?

10 INVESTIGATOR PUENTE: Yes. On
11 November 3, 2018, myself and Supervisory
12 Investigator Brashears were working that night
13 and we got a complaint of loud music from Queen
14 of Sheba. We headed over to Queen of Sheba.
15 When we got there, we observed a crowd out front,
16 approximately, 10 to 15 patrons. We observed
17 people consuming alcohol on the sidewalk and loud
18 music emanating almost a block away.

19 We went inside. We observed the
20 crowd. We went back outside. We observed people
21 still continuing to drink alcohol. A few minutes
22 later, the ABC manager, named Yohannes Beraki,

1 came up and identified himself as the ABC
2 manager. We told him you can't have patrons out
3 here drinking. He said let me call the owner, so
4 you can speak to them. He called Mr. Samuel
5 Beraki.

6 I spoke to Mr. Beraki on the phone and
7 advised him of the violations of allowing people
8 to come outside drinking alcohol and you can't
9 allow that and of the noise complaints we were
10 receiving.

11 He advised me that the people were
12 from next door who were outside drinking. I told
13 him no, we observed people coming out the front
14 entrance drinking. So I advised him of the
15 violation.

16 Then on January 11, 2019, myself and
17 another Investigator were assigned to sale to
18 minor compliance checks of 9th Street, Queen of
19 Sheba was on the list. We sent a minor inside.
20 The minor went to the bar. The minor ordered a
21 drink. The bartender never asked for ID and
22 served him, sold the drink to the minor.

1 Mr. Beraki was there that day.
2 Another Investigator did a notification and
3 advised Mr. Beraki of the sale to minor
4 violation.

5 CHAIRPERSON ANDERSON: Okay. Thank
6 you.

7 INVESTIGATOR PUENTE: Yes, sir.

8 CHAIRPERSON ANDERSON: Mr. Dietz, so
9 how does your client respond to these allegations
10 at this Fact-Finding?

11 MR. DIETZ: Yes. First of all, the
12 underlying problem regarding the application
13 process itself was the result of the former
14 owners lack of cooperation in clearing their
15 accounts with the DC Tax.

16 I was not familiar with what went on
17 at 3:00 a.m., but what I am familiar with is that
18 we have been working with the ANC and we have
19 worked out a voluntary agreement with the ANC
20 regarding the operation of this club.

21 So I cannot explain away what happened
22 in the past, but I can assure this Board in the

1 future that would not happen, that the ANC is
2 actively involved regarding this business, that
3 Mr. Beraki is actively involved in maintaining a
4 clean operation with his full participation with
5 the Advisory Neighborhood Commission.

6 Other than that, I really can't tell
7 you anything. What I can tell you is this, that
8 until recently, we were under the impression that
9 the former owner would be able to sell this
10 business to Mr. Beraki. And when it became clear
11 that that would not happen, my client voluntarily
12 surrendered the license.

13 At the point of surrender is when my
14 client found out that the license hadn't been
15 renewed. The renewal fee hadn't been paid. And
16 basically what you had is you had two parties,
17 each working in the dark from each other and
18 there was no excuse for that. There is no
19 rationalization for that. It happened.

20 But this Board, I know at least one
21 member of this Board knows for a fact that I do
22 not tolerate that kind of conduct with my client.

1 For Members of the Board, the reason you haven't
2 seen me here very often is because my clients
3 have to behave themselves. That's a fact.

4 Okay. I personally represent over 60
5 ABC establishments in the District of Columbia.
6 And I -- this is the first time I've been down
7 here in I don't know how many years regarding a
8 situation like this.

9 Unfortunately, I'm going to have to be
10 down here again next week about another one. I
11 don't know what is going on, but the fact of the
12 matter is this establishment will be maintaining
13 its hours of operation. It will be carding all
14 its customers.

15 Okay. The stores I represent have a
16 sign in them that say "We Card Everybody." I
17 don't care how old they are.

18 CHAIRPERSON ANDERSON: All right. I
19 guess what I'm trying to find out, Mr. Dietz, and
20 this is Mr. Samuel Beraki, is that correct?

21 MR. BERAKI: Yes.

22 CHAIRPERSON ANDERSON: All right. And

1 what has been your relationship with the Queen of
2 Sheba, the former establishment?

3 MR. BERAKI: I mean, I was working
4 with them and they were trying to go to Ethiopia
5 and open a new business. So I was going to --
6 before his wife was here, so I was working with
7 her, but she had another company, cleaning
8 company for upstairs office, so she be in and
9 out. So I was working there and I saw that like
10 they were trying to leave. And I asked them like
11 if I could buy it while I was working there?
12 They like just work with us and then we will
13 think about it.

14 So they went back home, so they did
15 not pay taxes. So --

16 CHAIRPERSON ANDERSON: Well, I guess
17 a lot of the allegations, what I read, it appears
18 that you, you were involved. I mean, there were
19 some violations that I believe that you came
20 before us and that you accepted an Offer in
21 Compromise and you paid it.

22 So I guess what I'm trying to figure

1 out is that as far back as April of -- I mean,
2 August of 2018, as I stated, we are talking about
3 you. So tell me. I mean, your name is written
4 all over this. And Mr. Dietz can advise you how
5 you respond to this.

6 But you are coming to us asking for a
7 license and these violations that were charged
8 and that were paid for, it appears that it had
9 your fingerprints all over them. I mean, I don't
10 -- if you are not the owner, then you shouldn't
11 do an Offer in Compromise. You shouldn't have
12 paid.

13 So I guess what I'm trying to find out
14 is that were you the -- acting as the owner
15 during this period of time? Are you the one who
16 is responsible for all these violations that
17 occurred during this period of time? And if that
18 is so, that doesn't give the Board any confidence
19 that we should grant your license.

20 You can make sure that your lawyer is
21 in agreement with how you answer the question,
22 sir. I am never -- it's never my job that I'm

1 going to try to catch someone. And because you
2 have an attorney, so make sure that your attorney
3 knows what is coming out of your mouth, because
4 once it comes out of your mouth, he can't fix it,
5 but he can fix it before it comes out of your
6 mouth.

7 MR. BERAKI: It's true. Everything is
8 true. So I was working and then like they can
9 stay in business. So there was a Festival of
10 Ethiopian. I'm trained, but they were having
11 here a festival in August. At that time, I'm the
12 one who called the police, not them. There is a
13 record. You guys can check that.

14 I called the police and then I told
15 them to lock the door, because that was the
16 Festival of Ethiopians. Like I mean South of the
17 Border. So they locked the door. So I can't --
18 I'm the one who opened the door to Mr. Puente, at
19 the time. And we had conversation with them.

20 So I mean, honestly, I don't know what
21 the allegations are, but the time was 3:00. They
22 came in at 3:15, the time that was 3:15. But it

1 was explained to you like 3:25, that was not
2 exactly right.

3 CHAIRPERSON ANDERSON: But the
4 business was --

5 MR. BERAKI: It was closed.

6 CHAIRPERSON ANDERSON: -- supposed to
7 be closed at -- what does it mean -- all right.

8 What does it mean by 3:00? What does
9 that mean to you? If it says the business is
10 closed at 3:00, what does that mean?

11 MR. BERAKI: I understand that we
12 close.

13 CHAIRPERSON ANDERSON: I'm asking you
14 what does that mean, sir?

15 MR. BERAKI: Do not serve alcohol
16 after that.

17 CHAIRPERSON ANDERSON: No, no, that's
18 not what it means. What it means is that maybe
19 if your employees are cleaning up the place at
20 3:01, maybe we can have your employees in there
21 at 3:01 cleaning up, but you can't have any
22 customers in your business at 3:01. It says that

1 the doors need to be locked at 3:00.

2 So you are not helping yourself by
3 saying it's 3:15.

4 MR. BERAKI: Yeah, but --

5 CHAIRPERSON ANDERSON: Rather than
6 3:25. It don't make no difference. It's after
7 3:00.

8 MR. BERAKI: Yes, but can I speak?

9 CHAIRPERSON ANDERSON: Sure. Go
10 ahead.

11 MR. BERAKI: Now, I was not the owner.
12 That's the difference like, you're not the owner,
13 they would just come into the building. So we
14 locked both of the doors.

15 The problem is that the other door
16 upstairs lounge and what's it called, Airbnb, and
17 they have a lounge upstairs. So people can come
18 in and out through that door. So we don't have
19 any -- that was the door they came in like Mr.
20 Puente.

21 CHAIRPERSON ANDERSON: Right. They
22 came in the side door because nobody would let --

1 they saw people coming in through the front door.
2 They knocked on the door. No one would like them
3 in. People looked. They heard business and so
4 therefore, they were a student of -- because they
5 are -- was familiar with the exits and entrances
6 for the building, that they knew there was a side
7 door.

8 So but what the -- the testimony was
9 that there was a front door that was locked and
10 that when they got in there, there were 46 people
11 in there, to give you the benefit of the doubt,
12 at 3:15 in the morning, because you said it was
13 3:15 and not 3:25. There were 46 people in there
14 at 3:15 in the morning and the bar was operating.
15 There is a bartender sitting behind there.

16 So how can you explain that? So who
17 were you during that time period of time?

18 MR. BERAKI: Sir, that's why I said I
19 called the -- I left the door. I was pointing to
20 the owner. You can see, because her husband was
21 back and he was at --

22 CHAIRPERSON ANDERSON: So who was

1 running the business? Who was running the
2 business? Who was the ABC manager there?

3 MR. BERAKI: I was the manager and
4 then another lady came like there.

5 CHAIRPERSON ANDERSON: So you were the
6 ABC manager there?

7 MR. BERAKI: There were two people.

8 CHAIRPERSON ANDERSON: But you were
9 the ABC manager? Is that correct that you were
10 the ABC manager?

11 MR. BERAKI: Yes.

12 CHAIRPERSON ANDERSON: And as the ABC
13 manager, you don't know what time the business
14 was supposed to close?

15 MR. BERAKI: I call the police. I
16 call the police and I asked the owner shall I --
17 these are your people, can you, please, tell them
18 to leave?

19 CHAIRPERSON ANDERSON: But why -- all
20 right. The Investigator said there is a
21 bartender. So why would I leave an establishment
22 if I can still smoke, if I can still buy -- I

1 ain't going to leave if I can still smoke, I can
2 still buy alcohol. So don't tell me that you are
3 trying. No, that's not --

4 MR. BERAKI: I mean, you guys --

5 CHAIRPERSON ANDERSON: No, huh-uh. If
6 you -- if the Investigator didn't testify that
7 there was a bartender back there, I can
8 understand. You know, I can understand that, you
9 know, we are there having a great time. We are
10 not ready to --

11 MR. BERAKI: Right.

12 CHAIRPERSON ANDERSON: -- I have had
13 parties at my house and, you know, hey, I want
14 them to leave, but if I want them to leave, I
15 turn the light on. I turn the music off. Stop
16 serving liquor, people kind of get the idea.

17 So if you are telling me that, you
18 know, we turned the light on. The bartender
19 wasn't -- there was no bartender there. We were
20 trying to get the people to leave and they won't
21 leave, that's a different story.

22 MR. BERAKI: Yes, there was a lady

1 back in the bar, but she was not serving any
2 alcohol. As I was locking the door and went the
3 other way to open the door for them. They saw
4 me. I'm the one who opened the door.

5 CHAIRPERSON ANDERSON: Yes, Mr.
6 Puente?

7 INVESTIGATOR PUENTE: I remember when
8 I went and when I first entered the
9 establishment, the front door is on 9th Street.
10 The front door had a table at the front being
11 blocked with patrons sitting down and consuming
12 alcoholic beverages.

13 As soon as I got the door slammed in
14 my face, I don't know who slammed it in my face,
15 I immediately got on the radio I was carrying and
16 radioed for MPD officers, who were there within a
17 minute after I made the call.

18 We were there for a good 7, 8 minutes.
19 No police arrived until I made that radio
20 transmission saying ABRA Investigators need
21 assistance and within a minute they were there
22 after I radioed for the MPD assistance.

1 And as soon as we get into the
2 establishment, the bartenders were serving drinks
3 behind the bar. We witnessed it. There was no
4 doubt. Lights were off. People were sitting
5 down. Music was playing. The bar was still
6 doing at full operation. There was no -- to us,
7 it was not being shut down at all.

8 INVESTIGATOR BRASHEARS: No, and I
9 agree. I would have -- obviously, as an ABRA
10 Investigator, there is a difference to me in an
11 establishment, you know, a few people sitting
12 somewhere, it looks like they are finishing their
13 drink at 3:00, 3:01, that wasn't the case.

14 I mean, I believe -- yeah, I have
15 video of the bartender pouring drinks well after
16 3:00. So the excuse that, you know, I can't get
17 them out when, as I advised him cut the music,
18 put the music off, turn the lights up, open the
19 doors, like I said it was -- I wondered had we
20 not happened upon it, how long it would have gone
21 on. I mean, they were just in full operation
22 from what we could observe.

1 CHAIRPERSON ANDERSON: And was it just
2 that we -- is it every night? Is it being
3 operated like that or is it just we just happened
4 to be there that one night and so we caught them
5 that one night?

6 INVESTIGATOR BRASHEARS: Yes, sir.

7 CHAIRPERSON ANDERSON: At a Fact-
8 Finding Hearing, sir, we asked questions and your
9 job is to -- you are not under oath. We can't
10 order you to -- but it's your job to answer from
11 your perspective, to give us an explanation, so
12 at the end of the day the Board will have
13 confidence that, you know what, maybe there are
14 some errors or he was not the one who was running
15 the operation at that time, so -- or yes, I was
16 operating it. I was wrong, that was an error in
17 judgment.

18 And so therefore, if you were to give
19 me a license, this is what I know moving forward
20 that this cannot occur. That's what -- when one
21 gathering facts, that's what it is that we are
22 trying to elicit from someone who is coming to

1 us. That's what I'm trying to get at.

2 I mean, I'm not -- and I have not made
3 any position -- I have not made up my mind what
4 is going to happen, but I'm just saying that is
5 what is supposed to happen at a Fact-Finding
6 Hearing, because I put in some -- to say this is
7 what we heard and it's your job to say that's not
8 true.

9 This is from my perspective. Okay,
10 fine. I was the ABC manager. I wasn't the
11 owner. I was the ABC manager during this period
12 of time. So I'm not the one who was running the
13 ship. I'm just the ABC manager. But it appears
14 that you are giving excuses, so I'm not quite
15 sure what role.

16 I don't care if there are two people
17 there. You said you were the ABC manager. So I
18 don't really care that there is another person
19 there, because if you said I'm not the -- I
20 wasn't the ABC manager, that's fine. Okay, fine.
21 You are not the ABC manager, there is another
22 person there and they are the ABC manager, but

1 when ABRA comes to an establishment, they ask for
2 the owner or an ABC manager.

3 Meaning that they are asking for
4 someone who can make decisions, who can represent
5 the establishment. And so if you are saying that
6 you are the ABC manager, then yes, it says that
7 the management ownership have confidence in you
8 to run my business on my behalf.

9 And so that's what it is that I expect
10 to hear. And now you are coming to us and you
11 are asking us to give you -- put that trust in
12 you to give you a license to operate.

13 MR. BERAKI: I mean, can I speak?

14 CHAIRPERSON ANDERSON: You can, yes,
15 this is your -- yes.

16 MR. BERAKI: I mean, you cannot -- I
17 work with the ANC-6E. I do a lot of meeting work
18 for them. And I do events with them. So you can
19 ask anyone, any request. As a matter of fact, at
20 the time I called the owner, because like I said,
21 there was a festival often, so I came that night,
22 so that's why I was telling you there was

1 Ethiopian Festival.

2 So I can ask the lady, too, but I am
3 the one who will be working with them for long.
4 But I literally got the manager license.

5 CHAIRPERSON ANDERSON: When did you
6 get your manager's license?

7 MR. BERAKI: I don't remember. I
8 think it was 2017.

9 CHAIRPERSON ANDERSON: 2017?

10 MR. BERAKI: Yes.

11 CHAIRPERSON ANDERSON: So you heard
12 that there was a sale to minor, January 11, 2019.
13 Were you there on January 11th?

14 MR. BERAKI: I was there. Can I talk
15 about the ID card?

16 CHAIRPERSON ANDERSON: Huh?

17 MR. BERAKI: Is that what you are
18 asking?

19 CHAIRPERSON ANDERSON: I'm saying
20 there was a sale to minor there in January.

21 MR. BERAKI: Yes. I was there, at
22 some point, the other guy were commenting on like

1 the recording camera. I saw them. And I was --
2 I thought like for them it's like that guy was in
3 a hood. It's like well -- and then Mr. Puente
4 come like right in behind him.

5 CHAIRPERSON ANDERSON: Okay.

6 MR. BERAKI: So I was like was it
7 filming or something and the other guy --

8 CHAIRPERSON ANDERSON: Right.

9 MR. BERAKI: Oh, I forgot his name.

10 CHAIRPERSON ANDERSON: Right.

11 MR. BERAKI: A huge guy.

12 CHAIRPERSON ANDERSON: Okay.

13 MR. BERAKI: I don't like the way they
14 came in. I was tending there.

15 CHAIRPERSON ANDERSON: All right.

16 MR. BERAKI: And I sort of like -- the
17 guy was like Sami can I give him an alcohol? I
18 said like that was fine. So it was just a movie
19 like. I honestly at the time I would sound
20 really, really mad if that's the way you guys
21 treating people, that's wrong. I was really mad.

22 CHAIRPERSON ANDERSON: But it doesn't

1 matter how people come in.

2 MR. BERAKI: I understand that, but --

3 CHAIRPERSON ANDERSON: But listen,
4 listen, sir. It doesn't matter how somebody
5 comes in. If someone comes in and they order,
6 that's the night you were there --

7 MR. BERAKI: Right.

8 CHAIRPERSON ANDERSON: Someone -- you
9 know, someone comes in and they are wearing a
10 hoodie and what or whatever it is that -- as you
11 are saying and they buy liquor and what? You
12 just like give it to them?

13 MR. BERAKI: We don't. We always ID,
14 but this guy was just like kind of talking to Mr.
15 Puente.

16 CHAIRPERSON ANDERSON: Okay. And
17 what? Yeah?

18 MR. BERAKI: And I thought like that
19 was for them and like I was talking to one person
20 right next to me.

21 CHAIRPERSON ANDERSON: Right.

22 MR. BERAKI: And again, Mr. Puente

1 comes to the --

2 CHAIRPERSON ANDERSON: So who sold the
3 liquor?

4 MR. BERAKI: Not me. There was a lady
5 and then she asking me like some can I like pour
6 him a drink? I was like I didn't even know Mr.
7 Puente was right behind. So I was like -- that
8 was the first time for me to get like that kind
9 of situation as a manager.

10 So I was like okay, what's going on?
11 But we don't do it, like we don't sell to minors.
12 You guys can ask the community. I've been there
13 for long time, so everyone knows who I am. So I
14 don't --

15 CHAIRPERSON ANDERSON: Well, on this
16 particular occasion, it says that you sold an
17 alcoholic beverage to a minor.

18 MR. BERAKI: Yes, sir.

19 CHAIRPERSON ANDERSON: In January and
20 you were there.

21 MR. BERAKI: I was there, yes, but I
22 told you like I said, I knew they were coming

1 like --

2 CHAIRPERSON ANDERSON: Okay. You knew
3 they were --

4 MR. BERAKI: I was asking her to ID
5 them.

6 CHAIRPERSON ANDERSON: Wait a minute,
7 wait a minute. But they didn't. You know what,
8 this is one of the things I know for a fact,
9 factual. When we do that, the minors, they look
10 like a minor. If you ask them for an ID, they
11 will give you their ID and it will say to you
12 that I'm not 21.

13 You know, it will say that I'm not 21.
14 Their ID will say that. Our job -- we're not
15 trying to fool you. We are try -- we want to
16 give you a commendation to say to you that you
17 know what, we sent someone into your
18 establishment who clearly is not 21 and you did
19 the right thing, that's what we do.

20 We want to give you commendation to
21 say we sent you someone who clearly, who doesn't
22 look 21, who doesn't give you a phony ID. They

1 give you their real ID. And it is even more
2 egregious that you saw two ABRA Investigators
3 that you know are in your establishment.

4 MR. BERAKI: See, I --

5 CHAIRPERSON ANDERSON: That you know
6 and you still got caught.

7 MR. BERAKI: Yeah, I told to ID, but
8 when he calls me, the other guy, the ABRA
9 Investigator was like first of all, you guys sell
10 alcohol to -- I was like we don't sell that. I
11 mean, like I can prove you for the 100 percent.
12 I have done it many times. We have done it many
13 times.

14 CHAIRPERSON ANDERSON: What else do
15 you want to say?

16 MR. BERAKI: I don't -- like I mean,
17 as I father I know myself like I'm a good person.
18 And I run a business, that was not my first time
19 to be manager. I been manager. I've been doing
20 everything like in the right way, but the only
21 thing was the persons that happen to that
22 business, because I was not the owner. And then

1 I had to follow whatever they say.

2 But as I am, I can 100 percent tell
3 you like I'm a good citizen and I do everything
4 in the right way. That's what I can tell you.

5 CHAIRPERSON ANDERSON: How long have
6 you been working -- how long have you worked?
7 Did you work at Queen of Sheba?

8 MR. BERAKI: Five years.

9 CHAIRPERSON ANDERSON: Five years. I
10 don't know what the Board is going to do, but so
11 are you the sole owner of this establishment?

12 MR. BERAKI: I have a brother and
13 sister who --

14 CHAIRPERSON ANDERSON: No. The
15 application that you submitted to us, are you the
16 sole owner or is it your brother and sister who
17 are on -- who are owners of -- who are going to
18 be owners of this establishment?

19 MR. BERAKI: Yes.

20 CHAIRPERSON ANDERSON: So who --

21 MR. BERAKI: Three of us.

22 CHAIRPERSON ANDERSON: I'm sorry?

1 MR. BERAKI: Three of us, three.

2 CHAIRPERSON ANDERSON: So the
3 application you submitted said what?

4 MR. BERAKI: Say again? I'm the
5 president of the --

6 CHAIRPERSON ANDERSON: So you base --
7 and so are their names listed on the application?

8 MR. DIETZ: I believe yes.

9 MR. BERAKI: Say what? Yes.

10 CHAIRPERSON ANDERSON: I don't know.

11 And I am asking.

12 MR. DIETZ: Yes, they are.

13 MR. BERAKI: Yes.

14 CHAIRPERSON ANDERSON: So --

15 MR. DIETZ: Please, listed on the
16 application is Samuel Opam Beraki, he is
17 president; Yohannes Okbam Beraki is vice
18 president; and Helen Okbam Beraki is secretary/
19 treasurer. They each are 1/3 owners of the
20 business.

21 CHAIRPERSON ANDERSON: All right.

22 MR. DIETZ: Again, I just want the

1 Board to understand though that Mr. Beraki is
2 working very closely with the Advisory
3 Neighborhood Commission and, at this point, has
4 the support of the Advisory Neighborhood
5 Commission, which, in fact, is prepared to sign
6 an interim licensing agreement during the posting
7 period.

8 The business is being turned around.
9 It is being closely watched. Okay, and the
10 stakes are raised. He can't explain it away.
11 Okay. My client made mistakes, but people are
12 allowed to have a second chance.

13 Okay? It has been a year since that
14 incident happened.

15 CHAIRPERSON ANDERSON: Which incident?
16 The sale to minor was in January.

17 MR. DIETZ: No, I'm not talking about
18 the sales to minor.

19 CHAIRPERSON ANDERSON: What are you
20 talking about?

21 MR. DIETZ: I'm talking about what
22 happened in August.

1 CHAIRPERSON ANDERSON: Well, maybe
2 that's our fault. Why --

3 MR. DIETZ: Okay.

4 CHAIRPERSON ANDERSON: -- but in that
5 year, it was supposed to be a transfer of the
6 license. We had to cancel the license because it
7 was not renewed. So you are saying a lot of
8 negative things. And I know that that's not his
9 fault that the previous owner had -- did not
10 renew the license.

11 All right. But a lot of negatives
12 have occurred in that year. And your client was
13 there when all these negative things happened.

14 MR. DIETZ: But now the positive is in
15 force.

16 MR. BERAKI: I was coming asking to --

17 MR. DIETZ: Okay. Okay. Please, give
18 the guy a chance. What else can I say?
19 Seriously, I have been counseling with him. I
20 have been working with him. The ANC is working
21 with him.

22 CHAIRPERSON ANDERSON: I don't come to

1 these hearings, Mr. Dietz, with my mind made up
2 to say I'm not going to do this or I'm not going
3 to do this or this is what I'm going to do.

4 I come here with an open mind to
5 listen and that's one of the reasons why I said
6 over and over, it's a Fact-Finding Hearing. This
7 is your opportunity to tell me why is it that we
8 -- you are a good owner. And why is it that we
9 should entrust you to give you a license to
10 operate?

11 Yes, it's positive that appears that
12 the ANC, I think, has agreed to provide a TORP.
13 I think that's what it is. And so the Board has
14 to vote separately, if we decide separately
15 whether or not we will grant the TORP, so he can
16 operate until he goes through the process.

17 So I mean, these are all decisions
18 that the Board has. So that is positive. I
19 mean, it is positive that you have -- that the
20 ANC supports the business. That's a positive.
21 But I'm not sure if the ANC knows about these
22 other things. So that's why we are -- well, I'm

1 coming to you. You are going to get your chance.
2 And I like the fact you want to say something.

3 So yeah, these are positives. The ABC
4 Board, we can only talk about things that -- as
5 these incidents that we were -- you had two
6 Investigators who they weren't looking for --
7 they weren't trying to pick on Queen of Sheba.
8 They were just driving on 9th Street, because they
9 know when places are supposed to be closed.
10 Because they just go in their car driving and
11 like oh, my God, this is what is -- let me go
12 further and investigate.

13 So it's not like we went out to see if
14 the Queen of Sheba was operating after hours. It
15 just so happened and when they got there, the
16 reception was not. And the sale to minor, we go
17 through a list randomly. The Queen of Sheba came
18 up. We went there with a minor who it is clear
19 to everyone that this is a minor. If you ask for
20 ID, you show -- they show the ID.

21 I'll say this to you, we have had
22 establishments that have sold to a 14 year-old

1 girl, asked for the ID and it says she is 14 and
2 she is still sold. So I'm just -- so we don't
3 pick on folks.

4 MEMBER SHORT: I just have one
5 question.

6 CHAIRPERSON ANDERSON: Yes, Mr. Short?

7 MEMBER SHORT: This is to the owner.
8 Something I heard that was quite disturbing and I
9 hope you would tell the truth about it. When the
10 Investigators came and at 3:15 knocked on your
11 door and they wouldn't let them in the front
12 door. Is that true?

13 MR. BERAKI: Yes, that's true.

14 MEMBER SHORT: Was there a table
15 blocking that front door?

16 MR. BERAKI: I didn't see that, but I
17 can tell you one of --

18 MEMBER SHORT: Well, the reason, let
19 me finish, because if that's true, that meant if
20 there was a fire in your kitchen area or near
21 that back door, people would have been trapped in
22 there. People would have died. Do you realize

1 that?

2 MR. BERAKI: Yes, we have three doors.

3 MEMBER SHORT: It makes no difference.

4 If you had one door with a table in front of it,
5 you are not getting what I'm saying to you. If
6 that's true that there was a table blocking that
7 door, people would have been trapped in there had
8 there been a fire in another area of your
9 business.

10 Do you realize how dangerous that is?

11 Do you want someone's life on your hands? Do
12 you?

13 MR. BERAKI: (No audible answer).

14 MEMBER SHORT: So you realize how
15 dangerous that is to have a table blocking the
16 door? Do you realize how dangerous that is?

17 MR. BERAKI: I do realize it's
18 dangerous, but I don't see that.

19 CHAIRPERSON ANDERSON: All right.

20 MEMBER SHORT: Okay. Why wouldn't you
21 let the Investigator in the front door?

22 MR. BERAKI: Again?

1 MEMBER SHORT: Why wouldn't someone
2 let the Investigator in the front door? There
3 were 30 or 40 people, 50 people in there. Why
4 wouldn't someone open the door and let the
5 Investigator in?

6 MR. BERAKI: That's what I'm saying.
7 So I was calling to the owner. I was -- that's
8 when I left the door. I called the police. But
9 I was constantly to the owner, she like we had a
10 festival. I'm in --

11 MEMBER SHORT: That's enough. I don't
12 need to hear any more.

13 MR. BERAKI: Okay.

14 MEMBER SHORT: Thank you, Mr. Chair.
15 That's all I have. Thank you.

16 CHAIRPERSON ANDERSON: You wanted to
17 say something earlier, now, so if you remember?
18 What do you want to say?

19 MR. BERAKI: I forget. I mean, like,
20 all I can say is I have been working with ANC 12,
21 So they all know me. I do things for the
22 community. So I understand and on my watch of me

1 being the owner, I know what decisions that I'm
2 going to make. We have a lot of projects working
3 with them too, but I don't want to do things to
4 just hurt the community.

5 I understand like the noise, whatever,
6 like you guys -- they say oh, Mr. Puente to -- I
7 don't do those kind of things. I do things the
8 right way, honestly. When I am the owner, I know
9 what I do. So everything happened was under like
10 the previous owners.

11 I have to follow whatever they said.
12 The only reason about the license, to renew the
13 license, I was coming and Karen Jackson knows me.
14 I have been trying to do everything. She asked
15 me to bring a Clean Hands. I brought mine and my
16 brothers, like the owners. So for some reason,
17 coming back here, I don't know what worries they
18 have. That's why I decide to talk to the
19 landlord. I talked to him and then just get the
20 lease from him. They were having the lease until
21 everything like apart.

22 So I have to deal with the landlord,

1 the taxes and everything. And then there is
2 nothing I can do.

3 CHAIRPERSON ANDERSON: All right. All
4 right. Any other questions by any other Board
5 Members? Mr. Puente, Mr. Brashears?

6 INVESTIGATOR BRASHEARS: No, sir.

7 CHAIRPERSON ANDERSON: All right. I
8 would like to thank you, Mr. Brashears, Mr.
9 Puente for being here today.

10 Mr. Beraki, Mr. Dietz, thank you for
11 your presentation.

12 The Board will take this matter under
13 advisement. And so we will make a determination
14 what the next steps are.

15 I believe, as I said before, since we
16 have -- we have to decide whether or not we will
17 sign off on the TORP, so you can operate while
18 you go through the process or -- I'm sorry, I'm
19 sorry.

20 That as a new license, as a new
21 license, so we will -- or whether or not we need
22 to have a qualifications hearing. I don't know,

1 but we will take this matter under advisement and
2 make a determination what the next steps are.

3 Okay. Have a good day. Thank you for
4 being here today.

5 MR. BERAKI: Thank you.

6 (Whereupon, the Fact-Finding Hearing
7 was concluded at 3:03 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Queen of Sheba

Before: DCABRA

Date: 07-10-19

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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