

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

IN THE MATTER OF:	:
	:
Meskerem Abebe, LLC,	:
t/a Right Spot	:
1917 9th Street NW	: Fact Finding
Retailer CR - ANC 1B	: Hearing
License No. 100631	:
Case #19-251-00053	:
	:
(Disorderly Conduct,	:
Assault on a Police	:
Officer)	:

Wednesday  
June 5, 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  
NICK ALBERTI, Member  
BBY CATO, JR., Member  
JAMES SHORT, Member  
MIKE SILVERSTEIN, Member  
REMA WAHABZADAH, Member

**ALSO PRESENT:**

**THOMAS ABEBE, APPLICANT**

**AMEN NEGES, APPLICANT**

**INVESTIGATOR KEVIN PUENTE, ABRA**

**OFFICER KFIR GAMLIEL, DC MPD**

**OFFICER JASON ROSS, DC MPD**

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

11:13 a.m.

CHAIRMAN ANDERSON:

We're back on the record. Our next case is a fact finding hearing, Case No. 19-251-00053, the Right Spot, License No. 100631.

Will the parties for the Right Spot please step forward and identify yourself for the record, please. Let's start with the investigator.

MR. PUENTE: ABRA Investigative Kevin Puente.

CHAIRMAN ANDERSON: Hold on one minute, please. May we have the officer identify himself for the record, please.

MR. GAMLIEL: Officer Kfir Gamliel, Metropolitan Police Department.

CHAIRMAN ANDERSON: Spell your name for the record, please.

MR. GAMLIEL: Absolutely. My first name is spelled K-F-I-R. My last name is spelled G-A-M-L-I-E-L.

1 CHAIRMAN ANDERSON: Okay. Good  
2 afternoon.

3 Sir.

4  
5 MR. ROSS: Lieutenant Jason Ross.

6 MR. ABEBE: My name is Thomas Abebe,  
7 Right Spot manager.

8 CHAIRMAN ANDERSON: Your last name?

9 MR. ABEBE: Abebe, A-B-E-B-E.

10 CHAIRMAN ANDERSON: Okay, Mr. Abebe.

11 And you, sir?

12 MR. NEGES: My name is Amen Neges,  
13 Right Spot manager.

14 CHAIRMAN ANDERSON: How do you spell  
15 your name?

16 MR. NEGES: Amen as a prayer, A-M-E-N,  
17 last name Neges, N-E-G-E-S.

18 CHAIRMAN ANDERSON: D-E-S?

19 MR. NEGES: G-E-S.

20 CHAIRMAN ANDERSON: G-E-S. What is  
21 your relationship to the establishment?

22 MR. NEGES: A manager.

1                   CHAIRMAN ANDERSON: Okay. There is a  
2 sign-in sheet. Please sign in your name.

3                   MR. NEGES: Okay.

4                   CHAIRMAN ANDERSON: We are having a  
5 fact finding hearing because the Chief of Police  
6 had requested that we have a fact finding hearing  
7 regarding an incident that occurred at the  
8 establishment I think somewhere around March 16,  
9 2019.

10                  Mr. Puente, did you do a report on  
11 this establishment?

12                  MR. PUENTE: Yes.

13                  CHAIRMAN ANDERSON: Can you please  
14 tell us what it is that you were able to find.

15                  MR. PUENTE: So on Saturday, March 16,  
16 2019, at approximately 2:45 MP officers observed  
17 patrons being pushed out of Right Spot. I went  
18 over to investigate. During that time an  
19 altercation ensued.

20                  The male suspect struck and assaulted  
21 an officer which led to a crowd surrounding the  
22 officers. The officers had to put out additional

1 units from all across MPD to respond which  
2 ultimately had almost all MPD resources on 9th  
3 Street during that time to help clear the scene.

4 That night I saw it unfold. Me and  
5 another investigator were monitoring  
6 establishments and we observed the crowd circle  
7 the officers and begin to -- some of them began  
8 to assault the officers as well as incite  
9 violence.

10 I was advised my MPD that they  
11 observed the females being pushed out from Right  
12 Spot, went over and spoke with an ABC manager Mr.  
13 Amen Neges.

14 MR. NEGES: Amen.

15 MR. PUENTE: Amen. Mr. Amen who  
16 advised that two patrons upstairs started to  
17 engage in a verbal altercation. Security  
18 separated them and escorted them outside. I have  
19 the video of that right here.

20 You'll see right where my cursor is at  
21 the female suspect walking right here. Something  
22 is said right here. They walk downstairs. I

1 have the other camera that catches them leaving.

2 CHAIRMAN ANDERSON: There is no camera  
3 in the staircase?

4 MR. PUENTE: No, just that one right  
5 there.

6 CHAIRMAN ANDERSON: All right.

7 MR. PUENTE: And this is the camera  
8 right above the front entrance.

9 CHAIRMAN ANDERSON: Where is the woman  
10 we saw?

11 MR. PUENTE: I believe they are coming  
12 downstairs.

13 CHAIRMAN ANDERSON: Okay. Where is  
14 this? Where are we looking at now?

15 MR. PUENTE: Just the front entrance.  
16 There's a little vestibule right there and the  
17 stairs going to the second floor.

18 CHAIRMAN ANDERSON: Okay.

19 MR. PUENTE: That was security  
20 escorting some of the girls out.

21 CHAIRMAN ANDERSON: Okay.

22 MR. PUENTE: Officers told me that

1 night that the establishment just threw people  
2 out on the street and shut the door and that was  
3 it. Then the girls started outside with MP  
4 officers.

5 One of the officers advised me that  
6 they have an issue with times when the  
7 establishment separates people from fights and  
8 kind of just puts them outside and that's it.

9 I advised Mr. Amen that he should  
10 really look into getting an RDO detail. Shortly  
11 a little bit after he finally got RDO detail  
12 they've been out there ever since so I'll let MP  
13 speak on that. Other than that, just that they  
14 were having issues with the occupancy.

15 Finally got them to apply for  
16 essential change to the occupancy to increase so  
17 they are going through that process right now. I  
18 told them they need a better handle on security  
19 procedures and to work with the RDO detail and  
20 figure out a way if something happens how to de-  
21 escalate it.

22 CHAIRMAN ANDERSON: Do they have any



1 outside cameras?

2 MR. PUENTE: No.

3 CHAIRMAN ANDERSON: And there are no  
4 cameras in the hallway?

5 MR. PUENTE: Just that one right  
6 there.

7 CHAIRMAN ANDERSON: Did you see any  
8 other -- were there any ABRA violations?

9 MR. PUENTE: We did an inspection that  
10 night and did not find any other violations.

11 CHAIRMAN ANDERSON: What type of  
12 establishment is this?

13 MR. PUENTE: It's a restaurant.

14 CHAIRMAN ANDERSON: It's a restaurant.  
15 A restaurant?

16 MR. PUENTE: Yes, downstairs is mostly  
17 eating. Upstairs from my experience working  
18 night shift it's people smoking hookah, dancing,  
19 and music on the second floor mainly.

20 MEMBER SHORT: Can you show the second  
21 floor again?

22 CHAIRMAN ANDERSON: Yes. This is the

1 second floor --

2 MR. PUENTE: Yes.

3 CHAIRMAN ANDERSON: This is the second  
4 floor of the restaurant?

5 MR. PUENTE: Yes.

6 MEMBER SHORT: Was any food being  
7 served there?

8 MR. PUENTE: It was 2:45 a.m. right at  
9 closing time so per the law they can't.

10 CHAIRMAN ANDERSON: Okay. Officer  
11 Gamliel.

12 MR. GAMLIEL: Yes, sir.

13 CHAIRMAN ANDERSON: Are you familiar  
14 with this incident?

15 MR. GAMLIEL: Yes, I am intimately  
16 familiar with this incident.

17 CHAIRMAN ANDERSON: Can you tell us  
18 from your perspective what occurred?

19 MR. GAMLIEL: As far as --

20 CHAIRMAN ANDERSON: And also what  
21 occurred on this night in this establishment?  
22 What can you add?

1  
2 MR. GAMLIEL: Again, like the ABRA  
3 investigator stated that night the event started  
4 inside and got pushed outside like many events  
5 before. Basically the event got pushed outside  
6 between those females and security. We got  
7 alerted by the commotion.

8 We were actually across the street at  
9 the MK Lounge. We were alerted by the commotion  
10 and came over. There was a fight ensuing between  
11 those females and security.

12 We were able to de-escalate most of  
13 the situation between the females and the  
14 security and send them on their way, except for  
15 one female that decided to take the orderly into  
16 the street which I decided to try to separate and  
17 then I got assaulted on the left side of my face.

18 CHAIRMAN ANDERSON: Are you familiar  
19 with this particular establishment?

20 MR. GAMLIEL: I am

21 CHAIRMAN ANDERSON: Tell us a little  
22 bit more. You're saying they get pushed out.

1       What do you mean by they pushed them out? Tell  
2       me.

3               MR. GAMLIEL: Again, I can only talk  
4       to this incident before. I can't talk to right  
5       now and what has happened because they have  
6       established an RDO from my knowledge.

7               CHAIRMAN ANDERSON: Right.

8               MR. GAMLIEL: Before situations would  
9       occur, we would be in the block situated --  
10      positioned in the block and they would either run  
11      over to us or we would be alerted to security  
12      pushing out the fight.

13              The fight ensures in front of their  
14      establishment and then we are left to, again,  
15      deal with their patrons in the manner that they  
16      are either fighting or cussing and yelling and  
17      screaming intoxicated or under the influence of  
18      something else.

19              CHAIRMAN ANDERSON: So you're saying  
20      they now have RDO?

21              MR. GAMLIEL: From my knowledge, yes.  
22      They have RDO on the weekends; Friday, Saturday,

1 and Sunday, I think.

2 CHAIRMAN ANDERSON: What day of the  
3 week did this incident occur? Do you recall?

4 MR. GAMLIEL: 3:16. I can't even  
5 remember the day. It was a Saturday.

6 CHAIRMAN ANDERSON: Okay. All right.  
7 Lieutenant Ross, anything you want to  
8 add?

9 MR. ROSS: Yes. Not too long ago we  
10 had a city-wide 1033 which is officer needs  
11 assistance pretty much calling units from other  
12 districts, from all other districts. Since then  
13 we've been having to get three officers from  
14 another districts to come down here to assist us  
15 with this block including this restaurant. It's  
16 been an ongoing issue.

17 CHAIRMAN ANDERSON: All right.

18 Mr. Abebe.

19 MR. ABEBE: Yes.

20 CHAIRMAN ANDERSON: So what can you  
21 tell us about this incident and the response by  
22 your security?

1 MR. ABEBE: Okay. Wherever the  
2 camera. I wasn't there. Mr. Amen was there at  
3 the moment but wherever the camera and we spoke  
4 to the security personnel. They have then  
5 according to the security plan, according to  
6 their procedure where they --

7 CHAIRMAN ANDERSON: Who do you mean  
8 "they?"

9 MR. ABEBE: Security personnel.

10 CHAIRMAN ANDERSON: Who is the  
11 security?

12 MR. ABEBE: The one who's --

13 CHAIRMAN ANDERSON: No. You said they  
14 like they are not you. Those people over there,  
15 this is what they -- it's not they, it's you.  
16 Who is security? Go ahead.

17 MR. ABEBE: Our security personnel  
18 have -- we have a security plan and they know  
19 exactly what they have to do as they have been  
20 trained which is they separate them into two  
21 groups and escort the first one out and keep the  
22 second party inside so that they won't have an

1       altercation outside.

2                       Once they note that they are under MPD  
3       hand, they let the other party out. But even  
4       with that, after that the officer said we have  
5       RDO right now so that we can operate that. We  
6       are even working on the area to have more RDOs in  
7       the other establishments so that we can have a  
8       peaceful environment in the club. On our side we  
9       have been --

10                   CHAIRMAN ANDERSON: So what are the  
11       procedures? Specifically what are the procedures  
12       that are followed by your security staff? The  
13       allegation I'm hearing is that there is some type  
14       of infraction inside the establishment and your  
15       security just pushed them out in the street.  
16       That's what I'm being told. What is it that your  
17       security does?

18                   MR. ABEBE: If there is an altercation  
19       between two parties, the security personnel  
20       separate the two parties and escort one party out  
21       from the establishment.

22                   CHAIRMAN ANDERSON: All right. I'm

1 more curious about what the officer stated that  
2 people are being pushed out. Specifically what  
3 happened? I mean, is it that the person is  
4 pushed out and the doors are closed?  
5 Specifically that are the procedures when an  
6 incident occurred and you have to escort someone  
7 out. What is that specific procedure that's  
8 followed?

9 MS. NEGES: I was there. Can I speak  
10 now?

11 CHAIRMAN ANDERSON: Do you want him to  
12 speak?

13 MR. ABEBE: Yes.

14 CHAIRMAN ANDERSON: Give your name  
15 again for the record, sir.

16 MR. NEGES: My name is Amen Neges. I  
17 work as the manager.

18 CHAIRMAN ANDERSON: All right.

19 MR. NEGES: First of all, that's not  
20 true we are pushing -- like you see in the video  
21 we are not pushing people into the street.

22 CHAIRMAN ANDERSON: Well, that's on



1 the video.

2 MR. NEGES: What we do is the two  
3 females that was fighting, one, my security they  
4 tried to take her outside so I was at the door.  
5 Once I see the police is involved, I opened the  
6 door and then the other one went out. That was  
7 the happening. We don't push customers like  
8 that.

9 CHAIRMAN ANDERSON: So you're saying  
10 you did what?

11 MR. NEGES: The first thing we do --  
12 the first thing is we halt it and take one person  
13 out. When I see the police officer is involved  
14 in handling that, I told him to take out the  
15 other one so we take out the other one, too.

16 CHAIRMAN ANDERSON: But specifically  
17 prior to your hiring RDO, specifically what is  
18 the procedure when something happens? How is it  
19 that a person is put out of the establishment?  
20 What happens? From what I've been told, someone  
21 opened the door, pushed them out, locked the door  
22 and whatever happens happens.

1 MR. NEGES: That's not true. We never  
2 lock the door. That's not true.

3 CHAIRMAN ANDERSON: So what --

4 MR. NEGES: I was at the door so one  
5 person I took her out. When I see the officers  
6 involving, I told him he --

7 CHAIRMAN ANDERSON: All right.

8 MR. NEGES: -- and the other one.

9 CHAIRMAN ANDERSON: All right. Okay.  
10 In this particular case an officer was there.  
11 With no officer what is it that you guys do. If  
12 a fight occurs, an infraction occurs, what is the  
13 process?

14 MR. NEGES: Yeah.

15 CHAIRMAN ANDERSON: In this case you  
16 said that an officer was there and because the  
17 officer was there, okay, fine. We're fine.  
18 There's no officer. What is it that you do?

19 MR. NEGES: So what I'm going to do is  
20 I'm going to call 911. With the police officers  
21 coming we can hold it and not let them out. If  
22 they go out, they are going to fight and the area

1 is going to be crazy so we can hold the person as  
2 the officer is coming.

3 CHAIRMAN ANDERSON: Yes, sir.

4 MR. ABEBE: I don't change anything.  
5 Our procedure is to call 911 if there's no  
6 officer in the area. We let one person out so  
7 one person cannot fight with anyone so they just  
8 stay outside until the other party come out. Our  
9 procedure is to call the police.

10 CHAIRMAN ANDERSON: I'm looking at  
11 this video and it's closing time. I'm not  
12 talking about the fight. I'm looking at the  
13 video. It's 2:45 in the morning. You are a  
14 restaurant. Is this typically what happens at  
15 2:45? Well, not the fight itself but, I mean,  
16 the crowd of people that I'm seeing in your  
17 restaurant. Is this a typical weekend night in  
18 your restaurant?

19 MR. ABEBE: This is at closing time.  
20 That's why everybody is standing there about to  
21 leave. They are in the process of leaving.  
22 Normally if you view a video, like the previous

1 one, at 2:00 or 1:00, people are sitting eating,  
2 drinking as the music plays.

3 CHAIRMAN ANDERSON: So is there  
4 dancing?

5 MR. ABEBE: We don't have a dance  
6 floor and we don't allow a group dance.

7 CHAIRMAN ANDERSON: All right.

8 MR. ABEBE: Since there's music,  
9 people, you know, have actions while they are  
10 sitting.

11 CHAIRMAN ANDERSON: I'm going to come  
12 back to the officers but I want -- since I've  
13 been asking all the questions, I'm going to allow  
14 some Board members to ask.

15 Go ahead, Mr. Short.

16 MEMBER SHORT: You say you have a  
17 security plan?

18 MR. ABEBE: Yes.

19 MEMBER SHORT: What exactly does your  
20 security plan say you do when there is a fight or  
21 some type of confrontation in your restaurant?

22 MR. ABEBE: Our security plan?

1 MEMBER SHORT: Yes, what does it say.

2 MR. ABEBE: It says we notify MPD if  
3 there is no MPD out front. Security personnel  
4 they separate two parties in the altercation and  
5 escort out.

6 MEMBER SHORT: How often do you have  
7 confrontations or fights in your restaurant?

8 MR. ABEBE: Once in awhile.

9 MEMBER SHORT: One a month? Two a  
10 month? One a month? Two a month?

11 MR. ABEBE: It depends on the level of  
12 the confrontation. People maybe confront like  
13 maybe every week.

14 MEMBER SHORT: Is that tolerated?

15 MR. ABEBE: It's not like this one  
16 that happens maybe in three months.

17 MEMBER SHORT: Okay. You said this is  
18 closing time. While the video was going people  
19 are still smoking a hookah pipe. What time do  
20 you shut the hookah pipe off to be closed?

21 MR. ABEBE: Yeah, we close at 2:30.

22 MEMBER SHORT: This was 2:45.

1 MR. ABEBE: Yes.

2 MEMBER SHORT: People were still  
3 smoking the pipe. Can you run it again?

4 MR. ABEBE: I believe it was not 2:45.

5 MEMBER SHORT: What time was this?

6 MR. ABEBE: We close by 3:00. We  
7 clear everybody by 3:00 and everything is done.

8 MEMBER SHORT: What time was this  
9 fight?

10  
11 MR. ABEBE: I believe 2:30 and 55  
12 seconds.

13 MEMBER SHORT: What time is your last  
14 call?

15 MR. ABEBE: 2:30.

16 MEMBER SHORT: So this was 2:45.

17 MR. ABEBE: No, this is 2:30. at 2:30  
18 we flash the light so people know that's the last  
19 call and then we do the mic to say last call.

20 MEMBER SHORT: Can you play the tape?  
21 It looks like people were still smoking. What  
22 time do they stop --

1 MR. NEGES: They can smoke until we  
2 close at 3:00.

3 MEMBER SHORT: You close at 3:00 and  
4 they can smoke to 3:00.

5 MR. NEGES: No one was there by like  
6 2 --

7 MEMBER SHORT: There it is right there  
8 in front of us.

9 MR. NEGES: This is 2:30 so everybody  
10 is leaving. We told them to leave. This is  
11 2:30.

12 MEMBER SHORT: But they're still  
13 smoking.

14  
15 MR. NEGES: Yeah, they can smoke until  
16 3:00.

17 MEMBER SHORT: So what time do people  
18 leave your club? You close at 3:00. What time  
19 do people close?

20 MR. NEGES: We announce by like 2:30,  
21 yeah, this is last call. Please everybody finish  
22 your drink. Finish whatever you're doing. We

1 wait until maybe --

2 MEMBER SHORT: You said they are  
3 smoking until 3:00.

4 MR. NEGES: They can smoke until 3:00  
5 but we have to make sure --

6 MEMBER SHORT: Legally you're closed  
7 at 3:00 so 3:00 people are still there.

8 MR. NEGES: We do not allow them to  
9 keep smoking until 3:00 because we evacuate all  
10 the people.

11 MEMBER SHORT: Mr. Manager, please  
12 slow down for a moment. I'm trying to hear you.

13 MR. NEGES: I'm sorry.

14 MEMBER SHORT: Okay?

15 MR. NEGES: All right.

16 MEMBER SHORT: We just saw on the  
17 video it was 2:30, as you said. People are still  
18 smoking. I don't see anybody leaving and you  
19 said they can smoke until 3:00.

20 MR. NEGES: What I was trying to say  
21 that the license says they can stay until 3:00.  
22 We have to clear by 3:00. No one is suppose to



1 be there.

2 MEMBER SHORT: If they are still  
3 smoking at 3:00, at 3:01 is everybody out?

4 MR. NEGES: No, I didn't say they  
5 smoke until 3:00. It was not until 3:00. By  
6 2:30, 2:45 everybody out. At 2:00 we notify  
7 them.

8 MEMBER SHORT: At 2:00?

9 MR. NEGES: 2:00. We turn the light  
10 on and off and everybody gets signals. At 2:30  
11 that's going to be -- that's the time where all  
12 the lights are on and everything is closed. We  
13 have like 15 minutes to clear everybody out so we  
14 don't --

15 MEMBER SHORT: Real quick. The video  
16 looked more like a club than a restaurant on that  
17 second floor. It looked like a club. The people  
18 are still smoking until 3:00. When they all come  
19 out at 3:00, I guess they are a little --

20 MR. ABEBE: We have bar and we have  
21 food serving until 3:00 -- until 2:30.

22 MEMBER SHORT: Because you're a

1 restaurant, you don't have to have a security  
2 camera but you have one anyway. Right?

3 MR. ABEBE: Yes.

4 MEMBER SHORT: Do you mind if you  
5 share it with the --

6 CHAIRMAN ANDERSON: We have a copy of  
7 it, Mr. Short. I'm going to ask some other  
8 questions. It's part of the documents.

9 MEMBER SHORT: I'll just say this.  
10 The restaurant -- nobody eats upstairs. Does  
11 anybody eat upstairs?

12 MR. ABEBE: I'm sorry?

13 MEMBER SHORT: On the second floor  
14 does anyone consume food on the second floor?

15 MR. ABEBE: Yes, all the time.

16 MEMBER SHORT: On the video we just  
17 saw --

18 MR. ABEBE: Yes, because we are in the  
19 process of closing so people usually what they do  
20 is when they see the light, they ask for a to-go  
21 box and they take the to-go box so that they  
22 don't stay longer because of the food. People

1 usually finish up around 2:30, between 2:30 and  
2 2:45.

3 MEMBER SHORT: Thank you. That's all  
4 I have, Mr. Chairman.

5 CHAIRMAN ANDERSON: Any other  
6 questions by other Board members?

7 Officer Gamliel.

8 MR. GAMLIEL: Yes.

9 CHAIRMAN ANDERSON: I see some  
10 wonderful smiles on your face while the testimony  
11 was going on so maybe you could explain to us --

12 MR. GAMLIEL: I'm just a happy guy.

13 CHAIRMAN ANDERSON: I didn't read it  
14 that way so maybe you can tell us why you  
15 disagree, if you disagree, with some of the  
16 testimony that you heard.

17 MR. GAMLIEL: Well, I can only talk  
18 from, again, before this situation, before that.  
19 If you look at some of the reports I have filed,  
20 me personally, I filed -- again, are we only  
21 talking about this day or do you want me to refer  
22 to my experience?

1                   CHAIRMAN ANDERSON: You can speak to  
2 your experience with this establishment.

3                   MR. GAMLIEL: So my experience with  
4 this establishment is there's a lot of talk with  
5 not a lot of action. Okay. So I've said one  
6 thing and then another thing happens. There's a  
7 bunch of smiles between me and the managers of  
8 the establishment and they say yes, we'll close  
9 at 3:00. They are never closed at 3:00.

10                  I've literally had to stand outside  
11 their establishment and stare at the door and to  
12 watch people come out at 3:05, at 3:06, and even  
13 past that. If you look at some of the reports  
14 I've filed not much before this, they didn't have  
15 a basic business license for a year, I believe.  
16 They had an ABRA license which I went and looked  
17 at their ABRA license and they didn't even have  
18 that. So they didn't have a basic business  
19 license but they had an ABRA license.

20                  I looked at their ABRA agreement and  
21 per their ABRA agreement what they agreed to with  
22 the city, which I read, was that anything in

1 front of their establishment their security is  
2 responsible for in front of the establishment.  
3 The other side, not responsible for. In front of  
4 their establishment they are responsible per  
5 their agreement with the city from what I read  
6 from their ABRA agreement.

7 Also, when I asked for a security  
8 plan, because I was doing checks around, that was  
9 my block primarily that I took care of, me and my  
10 partner Officer Lisko.

11 We would go and check up on people's  
12 licenses, certifications, if they were allowed to  
13 have what they have, things of that nature. When  
14 I asked for a security plan, it could not be  
15 presented to me. They didn't even have a copy of  
16 it on site.

17 Again, I'm the officer that  
18 investigated the occupancy, much like this ABRA  
19 investigator spoke on, and I was to find that  
20 there was no one on the first floor but everybody  
21 was on the second floor which, per their  
22 occupancy, couldn't even happen which I

1 personally investigated. I believe their  
2 occupancy was 120. They had 120 upstairs.

3 From my experience, the one day that  
4 we went in to check their business license we had  
5 one officer who speaks Spanish. The cook was  
6 Hispanic. He asked what are you making today.  
7 He said spaghetti. That is what they serve,  
8 spaghetti, at their restaurant.

9 On the day we investigated they did  
10 not have a basic business license. That was,  
11 again, for almost a year. With that being said,  
12 that is my experience with that. Since then I've  
13 heard they got an RDO. Maybe things have changed  
14 but from that day before, that is my experience  
15 with them.

16 CHAIRMAN ANDERSON: Thank you for your  
17 testimony.

18 Do you have anything else you want to  
19 add, Mr. Puente?

20 MR. PUENTE: Yes, they had two  
21 violations for the occupancy. One is still going  
22 through the process, and the other one was giving

1 a warning by the Board. Myself and Investigator  
2 Mark Brashears addressed occupancy with them many  
3 times.

4 On my many occasions there, there are  
5 maybe four or five people on the first floor just  
6 sitting and everyone else is upstairs smoking  
7 hookah, the DJ playing music. At times I believe  
8 it's not running as a restaurant, it's more  
9 running like a nightclub, especially on the  
10 weekends. That's all I have to add, sir.

11 CHAIRMAN ANDERSON: All right.

12 Yes, Mr. Silverstein.

13 MEMBER SILVERSTEIN: Officer Gamliel.

14 MR. GAMLIEL: Yes, sir.

15 MEMBER SILVERSTEIN: I guess your  
16 testimony begs the question how can they get a  
17 license from us without a BBL? My question is  
18 did they have a basic business license that  
19 lapsed, or did they somehow get a license, an  
20 ABRA license, without a basic business license in  
21 the first place?

22 MR. GAMLIEL: Well, through my

1 investigation when they applied for the ABRA  
2 license, they did at the time have a basic  
3 business license. The basic business license  
4 lapsed and then either by them forgetting or  
5 negligence or whatnot, it wasn't renewed until we  
6 did the investigation. We went in and checked  
7 their papers and they just didn't have one. From  
8 what I saw from my investigation, it was almost a  
9 year.

10 MEMBER SILVERSTEIN: So then it's your  
11 observation and your testimony there are some  
12 pretty sloppy business practices involved here?

13 MR. GAMLIEL: Absolutely.

14 MEMBER SILVERSTEIN: It's not a well-  
15 run establishment in terms of handling these  
16 matters.

17 MR. GAMLIEL: Absolutely.

18 MEMBER SILVERSTEIN: No further  
19 questions.

20 CHAIRMAN ANDERSON: Yes, Lieutenant.

21 MR. ROSS: This is one of the clubs  
22 that we're having a problem with.



1                   CHAIRMAN ANDERSON: The restaurant  
2                   you're having a problem with.

3                   MR. ROSS: Right.

4                   CHAIRMAN ANDERSON: The restaurant,  
5                   sir. I just want to make sure it's a restaurant.

6                   MR. ROSS: There are no to-go boxes on  
7                   the table. There are no plates on the tables.  
8                   Basically what they're doing is they are over-  
9                   serving and at 3:00 they just shove everybody out  
10                  on the street and it just becomes a block party  
11                  out there.

12                  They are dancing on cars, fighting and  
13                  people getting punched in the face. Like I said,  
14                  we're calling in additional resources from other  
15                  districts to come down there and assist us with  
16                  this. That's the problem we're having. I would  
17                  love for you guys to come out there and do a  
18                  ride-a-long or come out there to see it for  
19                  yourself.

20                  CHAIRMAN ANDERSON: The Board will at  
21                  some point do a ride-a-long to view the District  
22                  to see what goes on out there. We're not going

1 to get out of our vehicle.

2 MR. ROSS: No, no, no. Trust me, I'm  
3 the lieutenant in that area. I will make sure  
4 you guys are very safe and I will --

5 CHAIRMAN ANDERSON: No, no. We do  
6 something organized as we go out with one of our  
7 supervisory investigators and we stay in our  
8 vehicle just to see. We don't go in the  
9 establishment. Just to see what goes on.

10 MR. ROSS: Yeah. No, I wouldn't want  
11 you guys in the establishment either. Don't go  
12 into the establishment because it just turns  
13 into --

14 MEMBER SILVERSTEIN: So it's your  
15 testimony that the term "push out" here is  
16 literal and not figurative?

17 MR. ROSS: Yes.

18 CHAIRMAN ANDERSON: Is there -- do you  
19 know how long they've had RDO?

20 MR. PUENTE: Since this incident in  
21 March I talked to them about the RDO process. I  
22 want to say towards the end of March or beginning

1 of April.

2 CHAIRMAN ANDERSON: The reason I was  
3 asking is if you have seen a difference now that  
4 they have RDO.

5 MR. PUENTE: Yes.

6 CHAIRMAN ANDERSON: For the better I'm  
7 assuming?

8 MR. PUENTE: Yes.

9 CHAIRMAN ANDERSON: Yes, sir. Go  
10 ahead.

11 MR. ABEBE: I would like to recover  
12 our name about the kitchen. Our kitchen is the  
13 most popular kitchen. You can look at it and see  
14 the food. We have a variety of food; pasta,  
15 chicken wings, from steak all the way down to  
16 chicken wings.

17 We serve all kinds of food all the  
18 time. Everybody around the area even ask us to  
19 come over after 3:00. We are closed after 3:00  
20 but everybody -- I mean, it's on the record our  
21 food is. I mean, I'm proud of something that we  
22 have done about our kitchen and our chef is very

1 good.

2 CHAIRMAN ANDERSON: Yes, Mr. Short.

3 MEMBER SHORT: I hear what you're  
4 saying but I saw the video and I heard your own  
5 testimony that you wait until 3:00 to put  
6 everybody out.

7 MR. ABEBE: Yes.

8 MEMBER SHORT: Do you think that's a  
9 good business practice that the police officers  
10 have just simply stated?

11 MR. ABEBE: Actually, it's like this  
12 is something that we don't agree.

13 MEMBER SHORT: You're not the only  
14 ones. I don't like it either. I'll just make  
15 this statement. Your hours are a privilege.

16 MR. ABEBE: Yes, yes.

17 MEMBER SHORT: You don't have to stay  
18 open until 3:00.

19 MR. ABEBE: That's what I'm saying.

20 MEMBER SHORT: That's all I'm going to  
21 say.

22 I want to thank you, Lieutenant, and

1       thank the officer for showing up. Thank you for  
2       your service, gentlemen.

3               I'll just say this. You can help  
4       clean up your act before we help you clean up  
5       your act.

6               MR. ABEBE: We will.

7               MEMBER SHORT: I hope you do. Both of  
8       you, I hope you do.

9               CHAIRMAN ANDERSON: Mr. Abebe, this is  
10      a fact finding hearing. In a fact finding  
11      hearing the Board cannot order you to do  
12      anything. We can make some suggestions.

13              One of the suggestions I would ask,  
14      you have a security plan but would you agree --  
15      the reason I'm asking is restaurants normally do  
16      not have security plans but I'm a little  
17      concerned based on the video that I saw that this  
18      is not a typical restaurant.

19              It might not be a typical restaurant  
20      and that's one of the reasons I would ask you is  
21      this typical. Not the fight. I'm not talking  
22      about the fight but I saw a lot of activity even

1 before the fight.

2 There were a lot of people there at  
3 2:30 in the morning for a restaurant. Since you  
4 have a security plan, would you agree to work  
5 with ABRA to develop an appropriate ABRA  
6 compliant security plan?

7 MR. ABEBE: Sure.

8 CHAIRMAN ANDERSON: And provide that  
9 to us within the next 30 days? You can talk to  
10 the investigator.

11 MR. ABEBE: This plan is approved by  
12 ABRA. Right?

13 CHAIRMAN ANDERSON: I don't know.

14 MR. ABEBE: Yes, it is.

15 CHAIRMAN ANDERSON: I'm not sure if  
16 this is --

17 Do you know whether or not, Mr.  
18 Puente, if this is an agreement that was approved  
19 by --

20 MR. PUENTE: I have it on file but I  
21 think it's a little outdated.

22 CHAIRMAN ANDERSON: Right. So would

1       you agree to update your security --

2                   MR. ABEBE:   Why not?   We do agree in  
3       what you're saying.

4                   CHAIRMAN ANDERSON:   Fine.   I would  
5       like you to work with the agency to provide us  
6       within the next 30 days a legally compliant  
7       security plan.

8                   Based on this incident I think for  
9       your protection, and I'm not sure if it's  
10      feasible, it would appear that you should have a  
11      camera coming down the hallway because if someone  
12      falls down the hallway, the camera will protect  
13      you.

14                   I was asking the question about I saw  
15      what happened at the beginning of the stairs but  
16      you don't know what goes on in the staircase.   It  
17      might be appropriate to have a camera.

18                   MR. ABEBE:   Yes.

19                   CHAIRMAN ANDERSON:   And it might also  
20      be appropriate to have a camera at the front of  
21      your establishment because, again, the officers  
22      are saying you're pushing folks out.   If you're

1 saying that's not your procedure, let's see the  
2 video tape.

3 It would say for your protection that  
4 see, we don't push folks out. This is what we  
5 do. This is our procedure. I would suggest that  
6 you work with the investigator to provide us with  
7 a legally sufficient security plan. You can also  
8 talk to them about camera location. Is that is  
9 something you would be agreeable to?

10 MR. ABEBE: Yes.

11 CHAIRMAN ANDERSON: Okay.

12 Any other comments by anyone else?

13 MEMBER SHORT: Just one last thing.

14 CHAIRMAN ANDERSON: Yes, Mr. Short.

15 MEMBER SHORT: The police chief  
16 requested that this hearing happen. That doesn't  
17 happen for restaurants normally in the city.  
18 That should be a signal that maybe some things  
19 should change.

20 I'm glad you got the RDO and I'm glad  
21 you're now agree to update your security plan and  
22 camera angles. Investigator Puente can help you



1 with that. Your business practice is going to  
2 have to reflect a change also. What we're seeing  
3 on this video doesn't appear to be a normal  
4 restaurant.

5 If the police chief asked for and  
6 requested us to talk to you, it's not for fun and  
7 games. This is real business. Your license is  
8 something you should cherish. I'm quite sure you  
9 do, but your actions reflect the way you respect  
10 that license.

11 I would expect as a Board member that  
12 you are going to make some changes for the  
13 better. If your hours until 3:00 are too much  
14 for you, maybe the hours should be rolled back.  
15 You wouldn't want that, would you?

16 MR. ABEBE: No.

17 MEMBER SHORT: Okay. I'll just say  
18 this. Hopefully you will reflect what you're  
19 stating and what you testified to here today.

20 MR. ABEBE: Yes.

21 MEMBER SHORT: That's all I have, Mr.  
22 Chair. Thank you very much.

1 CHAIRMAN ANDERSON: All right.

2 Any comments by anyone else?

3 Well, Lieutenant Ross, thank you for  
4 being here today.

5 Officer, I should have gotten it by  
6 now.

7 MR. GAMLIEL: Gamliel.

8 CHAIRMAN ANDERSON: Gamliel.

9 MR. GAMLIEL: Thank you, sir, for  
10 trying.

11 CHAIRMAN ANDERSON: Thank you for  
12 being here today. Mr. Puente, Mr. Abebe, Mr.  
13 Neges, thank you for being here today. The  
14 agreement is that you are going to provide the  
15 ABC Board with a legally sufficient security plan  
16 within the next 30 days.

17 With that said, I make a motion that  
18 we take no further action on this matter. Is  
19 there a second?

20 MEMBER CATO: Second.

21 MEMBER SILVERSTEIN: Second.

22 CHAIRMAN ANDERSON: Both Mr. Cato and

1 Mr. Silverstein seconded the motion. All those  
2 in favor say aye.

3 (Chorus of ayes.)

4 CHAIRMAN ANDERSON: Those opposed?

5 MEMBER SHORT: Opposed.

6 CHAIRMAN ANDERSON: The matter passes  
7 3 to 1 with Mr. Short opposing. Thank you very  
8 much.

9 Have a good day.

10 (Whereupon, the above-entitled matter went  
11 off the record at 11:51 a.m.)  
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