

ALSO PRESENT:

INVESTIGATOR COUNTEE GILLIAM, ABRA

THOMAS ABEBE, Licensee

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

2 2:12 p.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is a Fact-Finding Hearing, Case
5 No. 19-251-00012, Right Spot, License No. 100631.

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

8 INVESTIGATOR GILLIAM: ABRA
9 Investigator Countee Gilliam.

10 CHAIRPERSON ANDERSON: Good afternoon,
11 Mr. Gilliam.

12 INVESTIGATOR GILLIAM: Good afternoon,
13 Mr. Chair.

14 CHAIRPERSON ANDERSON: Yes, sir?

15 MR. ABEBE: Thomas Abebe.

16 CHAIRPERSON ANDERSON: I did not hear
17 you, sir.

18 MR. ABEBE: Thomas Abebe.

19 CHAIRPERSON ANDERSON: All right.
20 That only -- that records your voice for him.

21 MR. ABEBE: Oh, okay, I see.

22 CHAIRPERSON ANDERSON: So just talk so

1 we can hear you.

2 MR. ABEBE: Yes. Thomas Abebe, Right
3 Spot, Manager.

4 CHAIRPERSON ANDERSON: What's your
5 last name?

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

7 CHAIRPERSON ANDERSON: A-B?

8 MR. ABEBE: A-B-E-B-E.

9 CHAIRPERSON ANDERSON: Abebe?

10 MR. ABEBE: Yes, Abebe, A-B-E-B-E.

11 CHAIRPERSON ANDERSON: And how do you
12 pronounce it again?

13 MR. ABEBE: Abebe.

14 CHAIRPERSON ANDERSON: Abebe?

15 MR. ABEBE: Yes.

16 CHAIRPERSON ANDERSON: Mr. Abebe. You
17 are the manager. Do you have an authorization
18 that -- all right. Thank you.

19 All right. This is a Fact-Finding
20 Hearing and one of the reasons why -- I'm not
21 sure, did the Chief of Police ask for one or was
22 this us?

1 INVESTIGATOR GILLIAM: They didn't ask
2 for a Fact-Finding --

3 CHAIRPERSON ANDERSON: All right.

4 INVESTIGATOR GILLIAM: -- surrounding
5 this incident.

6 CHAIRPERSON ANDERSON: All right.

7 This is a Fact-Finding Hearing. And the reason
8 why we are having a Fact-Finding Hearing is
9 because it is to -- the Board has some concerns.
10 It is not an adversarial hearing. We cannot
11 order the establishment to do anything today.

12 It is just to gather information and
13 maybe the Board could say to you would you be
14 willing to put in some changes. I mean, you
15 don't have to agree to them. That's not going to
16 be prejudicial to you one way or the other. But
17 I'm just saying it's just a Fact-Finding, a
18 gathering of information.

19 And I think also one of the reasons
20 why the Board believes that it is also important
21 to bring you in, this is an establishment that
22 has a relative -- relatively was given a new

1 license. How long has this place been open?

2 MR. ABEBE: Almost three years. In
3 May it's going to be three years.

4 CHAIRPERSON ANDERSON: How many?

5 MR. ABEBE: In May it's going -- it
6 would be three years.

7 CHAIRPERSON ANDERSON: Three years?

8 I thought it was much younger than that. But
9 anyway, all right, so we will just hear -- the
10 way we will start off is that the incident, an
11 incident occurred. The Investigator did a
12 report. He is going to tell us what occurred.

13 And then once he goes over his report,
14 then you can tell it from your perspective. You
15 can explain to us what happened from your
16 perspective and the Board might ask questions of
17 the Investigator and ask some questions of you.

18 At the end of the hearing, the Board
19 has two options. We might decide to not make --
20 to not have any further action or we can decide
21 to refer this case over to the Office of the
22 Attorney General for them to do a Show Cause. So

1 those are the options that the Board has at the
2 end of the day.

3 So it is either not do anything or we
4 send to the Government and once it goes to the
5 Attorney General's Office, they can decide that
6 they are not going to prosecute it if -- the
7 recommendation to them from the Board. Okay?

8 MR. ABEBE: Okay.

9 CHAIRPERSON ANDERSON: So we will
10 start off with Mr. Gilliam, so he can let us
11 know, bring us up to speed about the incident,
12 why you are here today.

13 INVESTIGATOR GILLIAM: Okay. On
14 Monday, December 17th, a simple assault occurred
15 inside Right Spot specifically where two victims,
16 which were both employees of the restaurant, were
17 assaulted by two unknown suspects.

18 This investigation was initiated due
19 to MPD requesting ABRA's assistance. We got a
20 hotline call and I arrived at the scene. When I
21 first arrived at the establishment, I interviewed
22 the ABC manager on duty, Mr. Neges, and asked him

1 what had occurred.

2 He had advised me that two of his
3 waitresses got assaulted and one of them was on
4 the way to the hospital. He stated that the one
5 that -- the victim that was on the way to the
6 hospital was struck by a hookah base that was
7 thrown by one of the suspects and when it hit the
8 bartop, it shattered causing glass to injure the
9 victim.

10 Upon talking with Mr. Neges, I didn't
11 talk to the victim. One of the victims, the one
12 that was still there, that was -- she did not
13 require hospital -- medical treatment at the
14 hospital. Her name was Ms. Endeshaw. She stated
15 that one of the suspects had a disagreement and
16 was trying to negotiate a better price for some
17 alcoholic beverages. She said a verbal
18 altercation ensued. And she then was assaulted
19 by alcoholic beverages that were filled in a
20 plastic cup.

21 After that, Mr. Abebe, he entered the
22 establishment and I identified myself. I talked

1 to him. I asked him could he display the video
2 surveillance footage of the incident, because I'm
3 aware that they can have it on their cell phones.
4 He complied. He showed it to me.

5 I conducted a regulatory inspection.
6 I exited out. During the course of the
7 investigation, I tried to interview the other
8 victim, the one that required treatment at the
9 hospital, Ms. Serpessa. When I first spoke to
10 her briefly, I identified myself, explained the
11 reason for the call. She said she would call me
12 back. She never did. I called her on two more
13 different occasions, she never returned my call.

14 I did a follow-up interview with the
15 reporting officers surrounding this incident,
16 Officer Schwartz and asked him what was his --
17 did he have any more updated information? He
18 stated that both of the victims, one was
19 providing false statements, and the other one did
20 not -- either they were providing false
21 statements or they wasn't being cooperative with
22 the investigation.

1 I reviewed the video surveillance
2 footage of the incident and during the incident,
3 Ms. Endeshaw, which was the victim that didn't
4 require hospital admission, she is observed first
5 actually attempting to assault somebody with an
6 unknown plastic object.

7 Briefly, you can tell, the camera
8 footage is not as clear, but you can tell that
9 there is speaking back and forth and then Ms.
10 Endeshaw is observed picking up an object and
11 throwing it at one of the suspects. And after
12 that, then both suspects started throwing plastic
13 cups, anything they can get their hands on.

14 After that, I talked to the owner for
15 another incident and advised that the
16 establishment was in need of a security plan.
17 And that as of today, the establishment does have
18 a security plan as it relates to the
19 establishment now. That has been approved by
20 ABRA.

21 CHAIRPERSON ANDERSON: You said so
22 they have a security plan?

1 INVESTIGATOR GILLIAM: As of now, yes.
2 I think they turned it in two to three weeks ago
3 and it was approved. So as of now, they have an
4 ABRA-approved security plan.

5 CHAIRPERSON ANDERSON: Now, did you
6 observe any ABRA violations?

7 INVESTIGATOR GILLIAM: During my
8 regulatory inspection, I didn't, but during the
9 course of the investigation, based on what Ms.
10 Endeshaw told me --

11 CHAIRPERSON ANDERSON: No. Now, who
12 is it again? Who is Ms. Endeshaw?

13 INVESTIGATOR GILLIAM: Ms. Endeshaw?

14 CHAIRPERSON ANDERSON: Yes.

15 INVESTIGATOR GILLIAM: That is -- she
16 is one of the victims, but she is employed at the
17 restaurant --

18 CHAIRPERSON ANDERSON: Okay.

19 INVESTIGATOR GILLIAM: -- as a
20 waitress.

21 CHAIRPERSON ANDERSON: Okay.

22 INVESTIGATOR GILLIAM: During my

1 initial interview, she just stated that she got
2 assaulted for no reason, but upon reviewing the
3 video footage, she was the one that actually
4 started this assault, so, in my opinion, that's
5 like utilizing the establishment for unlawful
6 purpose.

7 CHAIRPERSON ANDERSON: So were you
8 able to find out what was -- what the dispute was
9 about?

10 INVESTIGATOR GILLIAM: Well, the
11 dispute is -- back up. That it did start over a
12 disagreement as it related to paying for the cost
13 of alcoholic beverages. That's where it
14 initially started, that was the thing.

15 CHAIRPERSON ANDERSON: So but you are
16 saying that you believe that the waitress was the
17 one who initiated, so how --

18 INVESTIGATOR GILLIAM: Well, I feel
19 like the waitress, she initiated the actual
20 assault beginning, because she was observed on
21 the video camera footage actually attempting to
22 hit a patron with an unknown object. It's not

1 clear, but you can see an object where she is
2 swinging at a patron and I can't tell if she made
3 contact or not. But that was the beginning.
4 That was the reason for both suspects started
5 throwing things at the -- at both victims.

6 But from the video footage, the
7 behaviors of the suspects are actually trying to
8 assault Ms. Endeshaw. And Victim 2, Ms.
9 Serpessa, the one that actually got injured to
10 the stomach, she basically was at the wrong place
11 at the wrong time. They was throwing things and
12 an injury of the hookah base when it hit the
13 bartop, she was caught in the line of fire.

14 CHAIRPERSON ANDERSON: Yes, but based
15 on the video you have seen, I'm not sure how far
16 -- I mean, how did this incident occur? How did
17 this incident start? Because since you have
18 video, so were you able to take video to go far
19 afield back to see how this incident started?

20 INVESTIGATOR GILLIAM: Well, from the
21 video, the video footage is -- the way it is
22 projected upon review, the incident happened to

1 the left of the screen.

2 CHAIRPERSON ANDERSON: Okay.

3 INVESTIGATOR GILLIAM: And what the
4 establishment did was since they have a program
5 on their cell phone, when they provided me the
6 footage, somebody actually took a picture, took a
7 video of a computer screen, so therefore, that
8 messes the clarity up, but as it relates to your
9 question, I didn't go -- I didn't get anything
10 before prior to today. So I just got maybe
11 moments up until the assault began.

12 CHAIRPERSON ANDERSON: Well, because
13 I know because you are saying that in reviewing
14 the video, it appeared that the waitress is the
15 one who initiated, who was -- but I guess what
16 I'm trying to find out did something happen? One
17 could say that -- could argue it was self
18 defense, that she was defending herself. That's
19 why I was just asking.

20 INVESTIGATOR GILLIAM: Oh, based on
21 the video footage, Mr. Chairman, all I can say is
22 that a verbal altercation occurred. From the

1 point, from the footage that I reviewed, it's a
2 verbal altercation and it actually explodes into
3 -- it starts into Ms. Endeshaw, one of the
4 employees at the restaurant, actually throwing an
5 unidentified object at one of the suspects.

6 I didn't see anything else before and
7 I didn't get anything prior to that. I got maybe
8 15 seconds. The incident starts, it's 15 seconds
9 and you can see them -- you can just see movement
10 and the next you know, the assault begin. I
11 didn't see anything before that.

12 CHAIRPERSON ANDERSON: All right. Let
13 me ask you another question. I apologize. How
14 cooperative or not cooperative was the employee?

15 INVESTIGATOR GILLIAM: Well, all
16 employees, they were very cooperative.

17 CHAIRPERSON ANDERSON: No, this
18 particular employee, Ms. --

19 INVESTIGATOR GILLIAM: I mean, she was
20 cooperative with the investigation, but, you
21 know, upon the conclusion of my investigation, I
22 feel like she left the key aspect out that she

1 actually started the -- that she actually
2 attempted to assault one of the suspects first.

3 But I mean, she was cooperative. She
4 answered all my questions. It was just me, I
5 felt like that was -- I ain't going to say a
6 false statement. She omitted a relative fact
7 that she didn't convey to me during my interview
8 of her.

9 CHAIRPERSON ANDERSON: Okay. Mr.
10 Abebe, what, if anything, can you provide us?

11 MR. ABEBE: Okay. Yes, we have a very
12 serious security plan that we follow. And I just
13 want to just -- because Investigator --

14 CHAIRPERSON ANDERSON: You have to
15 speak up so we can hear you.

16 MR. ABEBE: Yes. Investigator Gilliam
17 already explained the situation and I was trying
18 to emphasize that, you know, we have a security
19 plan. We also investigate on our side.

20 CHAIRPERSON ANDERSON: Yes, but your
21 security plan was after the fact, so you didn't
22 have a security -- at least from what I was told,

1 you had a plan after the fact. So tell me -- I
2 mean, I'm glad to hear that and I want to hear
3 that more, but what can -- I mean, and from what
4 I am being told, was the employee defending
5 herself? I mean, can you tell us what happened?

6 MR. ABEBE: Yes. So what happened was
7 there was argument over a price, which was the
8 price of \$30 drink. The customer asked for \$20
9 and she wouldn't let them, you know, to have it
10 for \$20. So that initiated the argument.

11 So the customer willing to pay the \$30
12 drink and share it to her friends, so she left
13 and got her friend and they came back. So when
14 they came back, you know, they start argument
15 with the bartender and then it is a very split of
16 second that they throw the clear plastic cup on
17 her face with the ice on.

18 So the waitress, the bartender, she
19 reacted based on her -- they threaten her, so she
20 reacted, which is not acceptable, I understand
21 that, but she reacted on it and she throw
22 whatever she grabbed in front of her.

1 Then someone pulled her back and they
2 start throwing, you know, whatever they reach.
3 So then the security reacted right away in about,
4 you know, seconds and they grabbed her, they
5 grabbed them and escort them out.

6 CHAIRPERSON ANDERSON: Escort who out?

7 MR. ABEBE: The customers.

8 CHAIRPERSON ANDERSON: So what about--

9 MR. ABEBE: The work -- the bartender,
10 she already backed out. At that point, she
11 already backed out, after she threwed it, she
12 just ran away.

13 CHAIRPERSON ANDERSON: So is this
14 bartender still working for the establishment?

15 MR. ABEBE: No. No, she got
16 suspended.

17 CHAIRPERSON ANDERSON: I mean, she --

18 MR. ABEBE: I mean, she got --

19 CHAIRPERSON ANDERSON: -- got what?

20 MR. ABEBE: -- terminated.

21 CHAIRPERSON ANDERSON: Okay.

22 MR. ABEBE: Because of the --

1 CHAIRPERSON ANDERSON: So and I guess
2 the bottom line is you said that the drink was
3 \$30. They tried to negotiate a \$20, I mean,
4 what --

5 MR. ABEBE: Yes.

6 CHAIRPERSON ANDERSON: -- I mean,
7 explain this to me. I mean, we don't go to a bar
8 and negotiate prices of --

9 MR. ABEBE: Yes.

10 CHAIRPERSON ANDERSON: -- maybe you
11 can explain your establishment. I don't go out
12 that much. Okay.

13 MR. ABEBE: Okay.

14 CHAIRPERSON ANDERSON: But the couple
15 of times I go out, I mean, I go to the -- I go, I
16 order a drink. You are told the price, so what's
17 this about negotiating the price?

18 MR. ABEBE: Most of the time when they
19 ask for a cheaper price, they want to pay lower
20 price. So but no one -- you know, we don't
21 negotiate, but people ask.

22 CHAIRPERSON ANDERSON: For a drink?

1 The people negotiate price?

2 MR. ABEBE: Some people they want to
3 have a discount. They want to get free stuff.

4 CHAIRPERSON ANDERSON: I understand
5 people want to get free stuff.

6 MR. ABEBE: Yes.

7 CHAIRPERSON ANDERSON: Everybody wants
8 to get free stuff, but maybe you can more -- is
9 this a cultural thing? You go to a bar to order
10 a drink and you negotiate the price?

11 MR. ABEBE: Not that I --

12 CHAIRPERSON ANDERSON: But you are --

13 MR. ABEBE: -- know of.

14 CHAIRPERSON ANDERSON: -- saying, you
15 said a lot of people want to negotiate. I
16 understand people want to get free stuff.

17 MR. ABEBE: Yes.

18 CHAIRPERSON ANDERSON: That part is
19 everybody wants to get free stuff. But I don't
20 understand why -- how is there negotiation
21 between prices for -- because doesn't it always
22 lead to having this type of incident?

1 MR. ABEBE: I mean, it's very -- like
2 it's not negotiation. They ask for it to pay
3 less price, which we don't agree lower money.
4 And we, you know, tell them or, you know, they
5 call manager say we deal with them and we explain
6 to them that we don't sell, you know --

7 CHAIRPERSON ANDERSON: But the
8 question I'm asking, sir --

9 MR. ABEBE: Yes.

10 CHAIRPERSON ANDERSON: -- why is it
11 that people believe that they can negotiate the
12 price? I mean, is it your policy that, you know,
13 you don't have a price list, so people believe
14 that they -- because you are telling me it
15 doesn't appear to me that it's an isolated
16 incident.

17 It appears, from what I'm hearing from
18 you, people routinely try to negotiate the price
19 of drinks in your establishment. That's what I'm
20 hearing.

21 MR. ABEBE: Oh, no negotiate. It's
22 nothing to negotiate. They ask for it. They ask

1 for -- they want to pay less. Whatever -- if
2 they have like \$20, they come to us and say can I
3 buy for \$20. That time we can't -- we tell them
4 we can't sell you for this price, because we have
5 a price list. We have a menu. They see it, but
6 unfortunately sometimes they ask that question,
7 but most of the time, we avoid it.

8 CHAIRPERSON ANDERSON: Well, would you
9 consider maybe put -- since you said you have a
10 menu, the price list --

11 MR. ABEBE: Yes.

12 CHAIRPERSON ANDERSON: -- would you
13 consider putting on there that the prices are not
14 negotiable?

15 MR. ABEBE: Sure, yes.

16 CHAIRPERSON ANDERSON: I'm asking
17 because --

18 MR. ABEBE: It is --

19 CHAIRPERSON ANDERSON: -- I don't
20 understand the concept that you are saying people
21 are -- this is -- people are trying to negotiate
22 the price of a drink. And so -- and if that is

1 going to lead to a dispute, I'm trying to figure
2 out why.

3 I mean, Mr. Gilliam, I mean, you have
4 been working in the regulatory -- have you heard
5 about things like this before or am I just naive?

6 INVESTIGATOR GILLIAM: Well, as it
7 relates to this establishment?

8 CHAIRPERSON ANDERSON: Just generally.

9 INVESTIGATOR GILLIAM: From my
10 experience in the field is whatever the price is
11 advertised, you pay. You don't negotiate. You
12 don't attempt to negotiate a lower price.

13 CHAIRPERSON ANDERSON: Because it
14 appears that this is what -- it's this
15 negotiation what caused and you are not
16 explaining, also explaining to me. I guess what
17 you said is that the lady said the drink was \$30.
18 She tried to negotiate it. Then it appeared that
19 she had agreed to the \$30, but she went to get
20 her friend to do what? To share the drink or why
21 did she go get her friend?

22 And so after her friend came, if they

1 had already agreed on the price, why was there a
2 dispute?

3 MR. ABEBE: That is why like I am not
4 aware of why she grabbed her friend for, because
5 she just went out and grabbed her friend and came
6 back and they, you know, after that they, that's
7 the argument they start.

8 CHAIRPERSON ANDERSON: Any other
9 questions, because I'm lost. Go ahead, Mr.
10 Alberti.

11 MEMBER ALBERTI: I'm not lost. So I
12 want to get back to the heart of this matter,
13 Investigator Gilliam.

14 So Mr. Abebe is saying that this was
15 initiated by the customers throwing a cup of
16 water or a cup of liquid at the bartender. All
17 right. So I'm looking at your two blurbs on the
18 cameras and the first one says the first thing
19 you saw was the victim, meaning the bartender,
20 throwing something in the direction of the
21 suspect.

22 And Camera 2 says an unidentified

1 female is observed picking up an object and
2 throwing it at the bar area. An unidentified
3 female patron is observed throwing a cup with a
4 liquid at the bar area.

5 Do you know which of those two camera
6 views happened first?

7 INVESTIGATOR GILLIAM: Camera 1.

8 MEMBER ALBERTI: Okay. So according
9 to what you saw, are you confident, based on the
10 video that you saw, that it appears that the
11 bartender initiated it?

12 Well, let me put it this way. Are you
13 confident that the throwing of the liquid
14 happened after the bartender threw something at
15 the person?

16 INVESTIGATOR GILLIAM: Yes, sir, I am.

17 MEMBER ALBERTI: Okay. It appears,
18 unless there is something you didn't see prior to
19 the bartender throwing something, you would have
20 to conclude that the bartender initiated this?

21 INVESTIGATOR GILLIAM: Yes, based on
22 the video footage, yes, sir.

1 MEMBER ALBERTI: Based on the video
2 footage.

3 INVESTIGATOR GILLIAM: Yes.

4 MEMBER ALBERTI: So Board Members, I
5 have got a concern here that, you know, it was
6 the establishment that initiated this problem.
7 And that's a concern to me. Training,
8 responsibility for the actions of the employees,
9 that's a problem when your staff is starting
10 problems.

11 CHAIRPERSON ANDERSON: And I agree
12 with you, Mr. Alberti. And that's one of the
13 reasons I was asking Mr. Gilliam was he able to
14 get even earlier video to see what started it.

15 MEMBER ALBERTI: Yes. So again, I
16 asked him because that's all we have --

17 CHAIRPERSON ANDERSON: Right.

18 MEMBER ALBERTI: -- from the licensee
19 is that liquid was thrown at the bartender, but
20 Mr. Gilliam is saying well, in the video, the
21 only liquid he saw being thrown at the bartender
22 happened after the bartender threw the first

1 item.

2 CHAIRPERSON ANDERSON: Right. But he
3 doesn't know what happened.

4 MEMBER ALBERTI: He doesn't know what
5 happened before that.

6 CHAIRPERSON ANDERSON: Right, that's
7 right, correct.

8 MEMBER ALBERTI: He didn't know what
9 happened before that. But this excuse that the
10 bartender was assaulted with a cup of liquid is
11 not holding water, no pun intended, because it
12 happened after the employee threw something.
13 That's my point. You all can do whatever you
14 want with it, but that's my point.

15 CHAIRPERSON ANDERSON: Go ahead, Mr.
16 Short.

17 MEMBER SHORT: Mr. Abebe, the 1900
18 Block of 9th Street, we do get a lot of instances
19 of assaults and crimes happening and your
20 establishment is right in the middle of that
21 block, correct?

22 MR. ABEBE: Yes.

1 MEMBER SHORT: How busy is your
2 establishment?

3 MR. ABEBE: Fairly busy.

4 MEMBER SHORT: Okay. This question is
5 for the Investigator. You couldn't get a
6 thumbdrive? They only gave you a copy of
7 something on your phone? A video?

8 INVESTIGATOR GILLIAM: Well --

9 MEMBER SHORT: Did you see the whole
10 video for the evening or just that snippet they
11 gave you?

12 INVESTIGATOR GILLIAM: And my
13 apologies to the Board, he showed me the video,
14 the footage of the incident. I didn't request
15 anything prior. So they have a program on their
16 phone. What he did, he emailed me a copy of the
17 video at a later date, but my apologies to the
18 Board. I didn't go back to ask for what happened
19 prior.

20 And let me clarify on an earlier
21 statement. During the interview of Ms. Endeshaw,
22 she had stated that when they was negotiating the

1 drinks, that the victims, the suspects had got
2 upset and started screaming profanities at her,
3 but they had paid the bill. So that was another
4 reason when I'm looking at the video footage, I'm
5 trying to determine, okay, well, if there was a
6 situation, why did they return? And I just
7 didn't go back and get the --

8 MEMBER SHORT: Okay. Well, I
9 understand. But normally when you do
10 investigations, you have testified before this
11 Board before, normally the Investigator goes into
12 the establishment and views a very plain, clear
13 camera shot of the incident and you can see
14 prior, way before and see after, right?

15 But when you only get a snippet, then
16 nobody's story can be collaborated, because there
17 is not enough -- you said that it was fuzzy, you
18 could barely see. So if we were in a court of
19 law, this would be thrown out. It just wouldn't
20 have any credence at all. So -- but go ahead.

21 INVESTIGATOR GILLIAM: All right.
22 Well, when I was at the establishment during the

1 night -- during the morning of the incident, he
2 showed me the actual video --

3 MEMBER SHORT: Okay.

4 INVESTIGATOR GILLIAM: -- from the
5 cell phone. He showed me the cell phone with the
6 video on it. That was clear. I could see
7 everything that I -- that basically I mentioned
8 in the report.

9 But when he emailed it to me, somebody
10 actually took a video of it on the computer
11 screen, so when I'm looking at it through that
12 angle, the --

13 MEMBER SHORT: Did you request a
14 thumbdrive or --

15 INVESTIGATOR GILLIAM: He emailed it
16 to me and then I didn't request it.

17 MEMBER SHORT: Okay. All right.
18 Well, hopefully the next time you can get a
19 thumbdrive.

20 INVESTIGATOR GILLIAM: My apologies.
21 Normally, that's what I do.

22 MEMBER SHORT: I understand. This is

1 the first time it has ever happened.

2 But I guess what I wanted to say to
3 Mr. Abebe, you say you terminated the employee
4 who caused that incident? And it has been
5 established, I think the Chairman asked you about
6 either putting signs up or putting something that
7 there is no negotiating of prices.

8 MR. ABEBE: Yes. We put up on the
9 menu under -- there is no negotiation, but it was
10 not -- we don't allow negotiation from the
11 beginning. This is what -- you know, there is no
12 negotiation on prices, because we have price on
13 the menu clearly listed.

14 MEMBER SHORT: Okay. But it sounds
15 like this wouldn't have happened had not there
16 been a conversation --

17 MR. ABEBE: Yes.

18 MEMBER SHORT: -- that started about
19 I don't want to pay \$30. I would rather pay \$20.

20 MR. ABEBE: \$20, yes.

21 MEMBER SHORT: So it seems like to me
22 the employee should have said hey, it's \$30.

1 MR. ABEBE: \$30.

2 MEMBER SHORT: And if they start
3 getting boisterous, then call security.

4 MR. ABEBE: True, yes.

5 MEMBER SHORT: But the back and forth
6 is -- and again, you have been open for three
7 years and how many violations have you had in
8 three years?

9 MR. ABEBE: Two.

10 MEMBER SHORT: We have four here on
11 our investigative history of you. We have one
12 for September 3, 2000 -- it actually starts in
13 January of 2018. And then you have one September
14 of 2018, operating outside the hours approved by
15 the Board. And then on 12/17/18, December 17,
16 2018, you had a simple assault. On 12/31/18, you
17 had a simple assault. And on 1/11/19, this year,
18 you had a sale to minor, but you have had several
19 simple assaults.

20 So is fighting a part of your
21 business?

22 MR. ABEBE: No.

1 MEMBER SHORT: Why so many assaults in
2 that short period of time? I mean, do you have
3 any idea what is causing these patrons to want to
4 fight or assault?

5 MR. ABEBE: I mean, I can speak on
6 this one, it was a misunder --

7 CHAIRPERSON ANDERSON: Speak up, sir.

8 MR. ABEBE: -- communication -- for
9 this one, it was a communication skill that is --

10 MEMBER SHORT: Okay. Let me ask you
11 this question. Your security staff, how many do
12 you have?

13 MR. ABEBE: We have four on Friday,
14 Saturday, Sunday. And the rest, Monday through
15 Thursday, we have two.

16 MEMBER SHORT: Okay. What kind of
17 training does that security staff have? What
18 kind of training about conflict resolution or
19 anything --

20 MR. ABEBE: They --

21 MEMBER SHORT: -- getting -- what kind
22 of training do they have? And who do they get it

1 from?

2 MR. ABEBE: -- come from -- through a
3 company. And they get conflict resolution and
4 escorting.

5 MEMBER SHORT: What night did this
6 event happen? Was this a Monday night?

7 MR. ABEBE: It was a Sunday to Monday,
8 yes.

9 MEMBER SHORT: How many security?

10 MR. ABEBE: What happened was --

11 MEMBER SHORT: How many security were
12 working that night?

13 MR. ABEBE: It was four security.

14 MEMBER SHORT: Four security were
15 working that night.

16 MR. ABEBE: Yes.

17 MEMBER SHORT: And how large is your
18 establishment? Is it two floors? One floor?

19 MR. ABEBE: It's two floor. It is two
20 floor.

21 MEMBER SHORT: Okay. So where was
22 security when this --

1 MR. ABEBE: They arrived at the -- in
2 about 10 to 15 seconds.

3 MEMBER SHORT: So within 10 to 15
4 seconds --

5 MR. ABEBE: They were there in 15
6 seconds.

7 MEMBER SHORT: -- a hookah bottle got
8 broken and someone got cut.

9 MR. ABEBE: Yes.

10 MEMBER SHORT: And had to be
11 transported to the hospital?

12 MR. ABEBE: Yes. Yes, they -- right
13 after the video shows right after the hookah got
14 thrown, the security already got the customer.

15 MEMBER SHORT: But by then someone had
16 thrown water, someone had thrown some other
17 things, so a lot of things got thrown in between
18 the time the incident first started, okay,
19 someone threw something and apparently your, one
20 of your employees, someone threw a cup of water
21 in her face and then all kinds of things started
22 flying.

1 So how much time did that take?

2 MR. ABEBE: Based on the video, it's
3 about 15 seconds that took.

4 MEMBER SHORT: So it wasn't a lot of
5 back and forth?

6 MR. ABEBE: Yeah, I mean, the argument
7 was, it took longer than that, but the --

8 MEMBER SHORT: I'm quite concerned,
9 Mr. Abebe.

10 MR. ABEBE: Yes.

11 MEMBER SHORT: That someone got cut
12 through their clothing --

13 MR. ABEBE: Yes.

14 MEMBER SHORT: -- with that hookah
15 glass and had to be transported to the hospital.
16 How serious was that person injured?

17 MR. ABEBE: She was fine after --

18 MEMBER SHORT: She was fine?

19 MR. ABEBE: -- a couple hours. After
20 a couple of hours, she get fine. But she got
21 transported and then get medical treatment.

22 MEMBER SHORT: Okay. I'm not trying

1 to make you uncomfortable. I'm not trying to put
2 you on the hot seat, but we want to let you know
3 this Board does not appreciate --

4 MR. ABEBE: I understand.

5 MEMBER SHORT: -- Washington, D.C.
6 having incidents like this. They start out small
7 and then the next thing you know, they keep
8 happening in the same location, somebody gets
9 very badly injured --

10 MR. ABEBE: Yes.

11 MEMBER SHORT: -- or maybe even worse.

12 MR. ABEBE: I understand.

13 MEMBER SHORT: But if it becomes a
14 part of your culture that people can come there
15 and fight and send people to the hospital, then
16 it has got to stop before it gets started.

17 MR. ABEBE: That is true, yes.

18 MEMBER SHORT: Hopefully we aren't
19 going to see you any time soon with this same
20 kind of incident. And I'm quite sure the
21 Investigators will be giving you some special
22 attention until we know you are steady on your

1 feet. You don't have a problem with that, do
2 you?

3 MR. ABEBE: No.

4 MEMBER SHORT: Okay. And with the
5 cameras, as I was asking the Investigator,
6 normally, what we like for a licensee to do is
7 get a thumbdrive --

8 MR. ABEBE: Okay.

9 MEMBER SHORT: -- hand it to him.

10 MR. ABEBE: Okay.

11 MEMBER SHORT: So he can come back to
12 the office and thoroughly go over it. But a
13 telephone of video, that should not be acceptable
14 to you or to him, because if someone sues your
15 establishment, you then have some liability that
16 you might not have had if there was a clearer
17 video to protect you. You do understand?

18 MR. ABEBE: Yes.

19 MEMBER SHORT: Okay. Thank you, Mr.
20 Chair, that's all I have.

21 CHAIRPERSON ANDERSON: Yes, Mr. Short.

22 Any other questions by any other Board Members?

1 Well, the question I want to ask you,
2 sir, you now have a security plan, I was told,
3 that was approved by ABRA. So what specifically
4 is now in your security plan that could have
5 prevented this incident from occurring?

6 MR. ABEBE: The training is there,
7 so --

8 CHAIRPERSON ANDERSON: What's the
9 training?

10 MR. ABEBE: The conflict resolution.

11 CHAIRPERSON ANDERSON: What does it
12 say?

13 MR. ABEBE: Before it happens, if
14 anyone complete -- we have complete -- I mean,
15 employees have -- if they have a conflict with
16 customers, they should dive to a manager to
17 handle it. And not -- you know, they can't
18 handle it themselves. They have to transfer it
19 to a manager, so that we can handle it.

20 CHAIRPERSON ANDERSON: So your
21 security plan says if there is a conflict between
22 the customer and one of the employees, that the

1 employee needs to turn to or bring it to the
2 attention of the manager.

3 And suppose if they don't bring it to
4 the attention of the manager, what happens?

5 MR. ABEBE: Then we can listen the
6 customer side.

7 CHAIRPERSON ANDERSON: No, no. I'm
8 saying if the employee doesn't do that, what
9 happens?

10 MR. ABEBE: Oh.

11 CHAIRPERSON ANDERSON: What, if
12 anything, happens to the employee?

13 MR. ABEBE: That automatically
14 termination.

15 CHAIRPERSON ANDERSON: So is that in
16 your security plan?

17 MR. ABEBE: In our training, yes, but
18 not in the security plan.

19 CHAIRPERSON ANDERSON: I'm sorry, you
20 said? What do mean it's in your training?

21 MR. ABEBE: Yes.

22 CHAIRPERSON ANDERSON: How? Explain

1 to me it's in your training. Explain to me what
2 you mean by that, it's in your training.

3 MR. ABEBE: When we train the
4 employees, we -- they have a signed contract that
5 they have the -- they get this training, which is
6 in case of, you know, conflict with a customer
7 right away, you know, giving to attention to the
8 manager, so that the manager can handle the case
9 accordingly.

10 CHAIRPERSON ANDERSON: Okay. All
11 right. Any other questions by any other Board
12 Members?

13 Mr. Gilliam, any final comments you
14 want to make?

15 INVESTIGATOR GILLIAM: No, sir.

16 CHAIRPERSON ANDERSON: Any final
17 comments you want to make, sir?

18 MR. ABEBE: This is a family business
19 that we run for the last three years. And there
20 is family members working. Customers, we have
21 almost 80 percent return back customers, which
22 they feel safe. And unfortunately, this happens

1 and we don't like that to happen. And we take
2 this very seriously.

3 And I would like the Board to
4 understand, you know, when this happens, we
5 don't, you know, tolerate this. So we take this
6 very seriously. And we apologize for whatever
7 happened to this matter. That's all.

8 CHAIRPERSON ANDERSON: All right.

9 INVESTIGATOR GILLIAM: Mr. Chairman?

10 CHAIRPERSON ANDERSON: Yes, sir?

11 INVESTIGATOR GILLIAM: Just so the
12 Board is aware, as Mr. Short was saying, during
13 the nature of the operation, it has been coming
14 up among the Investigators that we are having
15 like several issues.

16 I have actually talked to Mr. Abebe,
17 the owner, Mrs. Abebe about the constant
18 incidents happening and they are putting their
19 ABC License in jeopardy. So I had that during an
20 investigation I was conducting the same one,
21 December, it was a different investigation. So I
22 had that talk with all of them and told them they

1 need to be mindful of it.

2 And that's why I actually had told the
3 owner she needed to get a security plan. And so
4 the licensee and all the ABC management staff of
5 the establishment has been educated on what they
6 need to do to ensure smooth operations or how to
7 take care of a situation now.

8 And now they have the ABRA-approved
9 security plan for them to function the way they
10 need to. But they have been educated on what
11 they need to do as it relates to not putting
12 their ABC License into jeopardy.

13 MEMBER SHORT: I would just like to
14 ask real quick. The camera angles, are you
15 satisfied with the number of cameras and the
16 camera angles? Do they give -- are there any
17 blind spots in the club? Are there any -- in the
18 establishment are there any enhancements with the
19 camera that would help?

20 INVESTIGATOR GILLIAM: Well, this
21 situation hasn't been before the Board yet.
22 There is another assault that occurred on the

1 31st. I don't --

2 CHAIRPERSON ANDERSON: Yes, let's not
3 talk about that yet.

4 INVESTIGATOR GILLIAM: All right.
5 Well, I can't answer that, because cameras can be
6 moved, so --

7 MEMBER SHORT: Okay. Thanks very
8 much.

9 CHAIRPERSON ANDERSON: Well, Mr.
10 Abebe, Mr. Short went through your investigative
11 history. And I know that you have a security
12 plan, but, you now have a security plan, why is
13 it that -- what about your establishment so
14 you're having -- you stated that you have four
15 security.

16 MR. ABEBE: Yes.

17 CHAIRPERSON ANDERSON: So why is it
18 that you are having all these violent incidents
19 at your establishment? Why? What is the -- why?
20 Why is that so? What is going on?

21 MR. ABEBE: I mean, it's going to be
22 case-by-case basis, but for this particular, you

1 know, incident, it was unfortunate that they have
2 an argument with that and we would handle it.

3 Regarding the security plan, we
4 initially or when we applied, the person who
5 applied it he already submitted and it wasn't
6 even filed. But back in October, I send out
7 email that to put the security plan -- I mean,
8 not to put, but when I apply for extended hours,
9 I submit it, but it will not -- wouldn't get to
10 attention, it was not going to find that, we
11 didn't know.

12 CHAIRPERSON ANDERSON: No, I know, but
13 I'm just saying like you have had some assaults
14 there. Okay. I know we had a hearing last week
15 with your establishment and so we issued a
16 warning, because there was a simple assault. And
17 so I'm just -- and there was an event, there was
18 also I'm not sure if the same -- I'm not sure if
19 it was the same event, but there was also another
20 event on 12/31. There was also another event on
21 12/17. So I'm just looking at your investigative
22 history.

1 So why is it that you said it's a
2 family-owned business, it's a small business. I
3 mean, why are you having all these -- why are
4 these adult -- assault incidents occurring at
5 your establishment?

6 MR. ABEBE: I have to look at it
7 closely, like for those cases, I haven't studied
8 them. But when -- what I understand is when this
9 happened, based on the report or every time
10 around there how the security react before or,
11 you know, right after it happens. You know, how
12 long it took them to get it controlled, you know,
13 those kind of things.

14 CHAIRPERSON ANDERSON: Well, maybe you
15 need to look at your -- the training.

16 MR. ABEBE: Yes.

17 CHAIRPERSON ANDERSON: Or the amount
18 of security that you are having because that's
19 what -- this was like two assaults in one month.
20 Like two weeks apart there was an assault.

21 And so maybe you need to look at,
22 revisit the type of training and the level of

1 security that you have.

2 MR. ABEBE: I will consider that, too.

3 CHAIRPERSON ANDERSON: All right.

4 MR. ABEBE: Increase the security.

5 CHAIRPERSON ANDERSON: All right.

6 Okay. Thank you for that, sir.

7 The Board will take this under
8 advisement. I don't know what we are going to
9 do. I'll tell you what, the options are either
10 no further action or the Board will send this to
11 the Attorney General's Office for prosecution. I
12 don't know what we are going to do, so right now
13 it's we will just take it under advisement.

14 Okay?

15 MR. ABEBE: Thank you.

16 CHAIRPERSON ANDERSON: Thank you. You
17 are free to go.

18 (Whereupon, the Fact-Finding Hearing
19 was concluded at 2:54 p.m.)
20
21
22

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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: Meskerem Abebe, LLC, t/a Right Spot

Before: DC ABRA

Date: 03-13-19

Place: Washington, DC

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