



T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

2 (3:30 p.m.)

3 CHAIRPERSON ANDERSON: We are back on  
4 the record. Our next case is Case No. -- is a  
5 Fact-Finding Hearing, Danael H. Tesfaye, holder  
6 for a one-day temporary license, Class G License,  
7 License No. 112503.

8 Would the parties, please -- would all  
9 parties for this case, please, appear and  
10 identify themselves for the record, please?

11 MS. YOHANNES: Sidon Yohannes on  
12 behalf of the applicant.

13 CHAIRPERSON ANDERSON: Good afternoon,  
14 Ms. Yohannes.

15 MS. YOHANNES: Good afternoon.

16 MR. TEFAYE: Danael Tesfaye.

17 CHAIRPERSON ANDERSON: Mr. Tesfaye,  
18 you are the owner of the establishment?

19 MR. TEFAYE: Yes.

20 CHAIRPERSON ANDERSON: Good afternoon.  
21 There is a sign-in sheet. Have you signed in?  
22 Please, sign-in.

1                   INVESTIGATOR BRASHEARS: Supervisory  
2 Investigator Mark Brashears with ABRA.

3                   CHAIRPERSON ANDERSON: Investigator  
4 Brashears, good afternoon.

5                   Good afternoon, everyone. I see that  
6 we have a very large crowd here today for a Fact-  
7 Finding Hearing. This is not something that we  
8 normally have, that's good that I see there is a  
9 large crowd of folks here.

10                  I want everyone to, please, pay  
11 attention to my opening remarks, because I want  
12 to be very clear regarding what this hearing is  
13 about and what it is not about.

14                  Today is a Fact-Finding Hearing. It  
15 is about the conduct and operation of an event  
16 and managed by Mr. Tesfaye utilizing a temporary  
17 Class G License. Specifically, this Board  
18 approved an application for a temporary license  
19 for the period of December 31, 2018 through  
20 January 3, 2019.

21                  During that time frame of events, ABRA  
22 received numerous noise complaints from

1 neighbors. The Board will hear from Supervisory  
2 Investigator Mark Brashears who will speak with  
3 greater detail regarding the results of his  
4 investigation into these complaints.

5 Following that series of events, the  
6 applicant then applied for a second temporary  
7 license for the dates January 11, 2019 through  
8 January 13, 2019.

9 Given the concerns raised by the  
10 community about the management of the initial  
11 temporary license event, the Board denied that  
12 application.

13 Unfortunately, even after the  
14 applicant was informed that the Board had denied  
15 his temporary application for January 11th through  
16 the 13th event, social media reports indicated  
17 that the event was still going to take place.

18 ABRA Investigators were assigned to  
19 monitor the event, but the doors were locked and  
20 they were unable to gain entry. From a partially  
21 covered window, they were able to see people  
22 inside the establishment as well as large

1 quantities of alcohol.

2 ABRA Investigators called MPD for  
3 assistance, but despite MPD's presence, no one  
4 from the establishment allowed the Investigators  
5 inside.

6 Before leaving the establishment, an  
7 ABRA Investigator spoke with a neighbor who  
8 stated that the establishment frequently receives  
9 large quantities of alcohol.

10 Further investigation by Investigator  
11 Brashears revealed that DCRA's records do not  
12 show any current licenses issued to Play DC at  
13 1541 7th Street, N.W., address.

14 So against this backdrop, let us  
15 begin. Let me be clear. Today's hearing  
16 concerns the licensed events of December 31, 2018  
17 through January 3, 2019 and the unlicensed events  
18 of January 11 through 13, 2019.

19 The Board acknowledges that Mr.  
20 Tesfaye also has a transfer application pending  
21 with this Agency seeking a permanent license for  
22 this address.

1           This hearing today, however, is not  
2           about the transfer application or Mr. Tesfaye's  
3           pursuit of a permanent license or even a protest.

4           So please understand that while the  
5           Board welcomes testimony at its public hearings,  
6           please, do so in an orderly fashion and speak  
7           only to the events that I have described above.

8           Additionally, I will terminate any  
9           testimony that is redundant or repetitive.

10           We have another hearing at 4:00, so we  
11           will try to get this not too long. It was only  
12           scheduled for half an hour. If we need more  
13           time, I'll give them more time, but we do have  
14           another hearing at 4:00.

15           We normally don't have that many  
16           people show up from the public, so that it's  
17           good. So we will start off with Mr. Brashears.  
18           Can you, please, let us know, just give us some  
19           backdrop about this hearing today, sir.

20           And also, I'm sorry, this is a Fact-  
21           Finding Hearing. We are only gathering facts.  
22           The Board cannot order, and again this is not an

1 establishment -- this is not a licensed event.  
2 There is not much this Board can do at this  
3 juncture regarding the events that have occurred,  
4 because the Board -- so we are only talking about  
5 what has occurred and not regarding whether or  
6 not he will be or will not be granted a license  
7 in a future event.

8 Okay. So go ahead, Mr. Brashears.

9 INVESTIGATOR BRASHEARS: On Thursday,  
10 January 3, 2019, I received a complaint from the  
11 ABRA Chief of Enforcement in reference to  
12 neighborhood disturbances, loud music emanating  
13 from 1541 7th Street, N.W., Washington, D.C. I  
14 was instructed to verify if the establishment  
15 possessed an ABC License and to visit the  
16 establishment and report my findings.

17 Prior to going to the establishment,  
18 I conducted a review of ABRA records relevant to  
19 the address. The review disclosed a transfer of  
20 ownership application that had been filed on  
21 November 29, 2018 for that location by Play DC  
22 with Mr. Danael Tesfaye listed as a managing



1 member.

2 My review also disclosed that the  
3 filed application had not been completed. The  
4 review also disclosed that the location was  
5 approved by the ABC Board to operate under a  
6 temporary G License from the period of December  
7 31, 2018 through January 3, 2019.

8 The review further disclosed that Mr.  
9 Tesfaye applied for a temporary G License for the  
10 period of January 11, 2019 through January 13,  
11 2019, but was denied.

12 On January 3, 2019 at approximately  
13 12:00 p.m., I visited Play DC at the listed  
14 address to monitor the establishment due to the  
15 noise complaints and other issues that had been  
16 reported.

17 On arriving at the establishment, I  
18 observed that there was no exterior signage or  
19 anything to identify the name of the  
20 establishment. Upon closer inspection, I noted  
21 that the front glass windows of the establishment  
22 were covered with some type of curtains or opaque

1 covering. I monitored the establishment for  
2 approximately 20 minutes and there was no  
3 activity observed.

4           Upon returning to ABRA, I queried  
5 social media relevant to the address, which  
6 disclosed an article written concerning Play DC  
7 by PoPville and the gist of the article spoke of  
8 a New Year's Eve event which included bouncers,  
9 folks dressed up in glittery getups and a valet  
10 service.

11           The article also mentioned an update  
12 from the Metropolitan Police Department who  
13 stated they had responded to the establishment  
14 for a 911 call regarding a loud explosion. The  
15 update further stated that MPD believed the  
16 explosion was an M-80 firework.

17           I reached out and spoke with DCRA  
18 concerning the Certificate of Occupancy and basic  
19 business license for the address. The C of O was  
20 issued on April 14, 2005 to ASK Investment  
21 Corporation Incorporated. The C of O does not  
22 list an occupant load or seating and the approved

1 uses are listed as retail. The description of  
2 use section lists retail sales of general  
3 merchandise.

4 The BBL lists the license period from  
5 April 1, 2017 to March 31, 2019. However, the  
6 corporation name was listed as ASK Investment  
7 Corporation Incorporated and the trade name was  
8 listed as the Dollar Plus Savings.

9 According to DCRA, the C of O and BBL  
10 being utilized were not valid or current for the  
11 occupant of the premise.

12 I subsequently advised ABRA  
13 Investigator Cameron Royster of the situation and  
14 asked him to monitor the establishment as we had  
15 reviewed social media and found that the  
16 establishment had planned to operate although  
17 their temporary license had been denied for 11  
18 through 13 January.

19 On January 11, 2019 at approximately  
20 12:40 a.m., ABRA Investigators Cameron Royster  
21 and Countee Gilliam visited Play DC at 1541 7th  
22 Street, N.W. Upon arriving at the establishment,

1 the Investigators approached and attempted to  
2 enter, the door was locked. Although the  
3 majority of the front glass surface area was  
4 covered, Investigator Royster observed  
5 approximately four people inside the  
6 establishment, a bar and a large amount of  
7 alcohol in storage through a small opening that  
8 was uncovered.

9 Due to the fact that the establishment  
10 did not possess a valid ABC License, the ABRA  
11 Investigators believed the alcohol they observed  
12 to be from a previous one-day license, valid from  
13 December 31, 2018 through January 3, 2019.

14 The Investigators also observed  
15 someone standing near the window covering.  
16 Unable to gain entry, they contacted MPD for  
17 assistance. A short time later, two MPD officers  
18 arrived on-scene and although the officers  
19 knocked on the door and announced their presence,  
20 the establishment refused to open the door.

21 The MPD officers and then  
22 Investigators could not gain entry and while that

1 situation was going on, someone inside of the  
2 establishment covered the area of the window that  
3 the Investigators were looking through  
4 effectively blocking their view inside the  
5 establishment.

6 Prior to departing the area,  
7 Investigator Gilliam spoke with the manager of  
8 the ABC establishment next door and was informed  
9 that the owners of 1541 7th Street, N.W., were  
10 frequently receiving large amounts of alcohol.

11 On Thursday, January 24, 2019, a  
12 member of our Adjudication Section at ABRA  
13 reached out to DCRA to confirm the status of the  
14 BBL and C of O for 1541 7th Street, N.W. As of  
15 that date, it was confirmed that Play DC had not  
16 been issued a valid C of O or a BBL for the  
17 location.

18 And that concludes my report, sir.

19 CHAIRPERSON ANDERSON: Thank you, Mr.  
20 Brashears.

21 Ms. Yohannes, how does your client  
22 respond to the allegations of the report?

1 MS. YOHANNES: Sure. The first thing  
2 that I want to address is the temporary licenses.  
3 So Mr. Tesfaye applied for and was approved for  
4 temporary licenses from December 31, 2018 to  
5 January 3rd. He did subsequently apply for  
6 another temp for January 11th to January 13th,  
7 which, as the Investigator said, was denied.

8 He did not operate or intend to  
9 operate on January 11th. I understand social  
10 media indicated that the event was still going to  
11 occur. However, there was no event. There was  
12 nothing that occurred. There was no operations.

13 Regarding the Certificate of Occupancy  
14 and the business license, in applying for the  
15 one-day licenses, Mr. Tesfaye, as a new owner and  
16 operator, he completed the application with ABRA.  
17 He submitted it. He was approved for it. The  
18 license was issued.

19 He thought he was okay to operate. He  
20 was not okay to operate, but that's what he  
21 thought. He didn't know he needed a new C of O.  
22 He didn't know that he needed, the BBL needed to

1 be under their names. There was quite a few  
2 things that he had to backtrack and talk to  
3 counsel about.

4 He didn't have counsel when he applied  
5 for these one-days. And not to minimize the  
6 applicant's conduct by any means, but ABRA has a  
7 different way of reviewing temporary license  
8 applications. So with a temporary license  
9 application, if you apply for it, you are not  
10 required to show a Certificate of Occupancy or a  
11 business license like you are required to do so  
12 for a permanent license.

13 So he was under the impression, he was  
14 confused, that because he was issued a license,  
15 he was able to operate. He now has talked to  
16 counsel and he now is fully aware that that's not  
17 the case and since that time, he has not  
18 operated.

19 And that is in regards to, you know,  
20 the Certificate of Occupancy and the BBL. He  
21 does not plan to apply for any more temporary  
22 licenses. He does not plan to operate until he

1 has a valid Certificate of Occupancy. He is  
2 currently working with an architect and working  
3 with DCRA in order to get that.

4           Regarding the January 11th, the  
5 Investigator going to the establishment on  
6 January 11th and the interference with the  
7 investigation. So I'm not sure how there was an  
8 interference here when there wasn't anything  
9 happening at this establishment.

10           The owner was not at the  
11 establishment. There may have been, from what  
12 the report indicates is that there was people in  
13 the establishment. The people who were -- you  
14 know, any one who was in the establishment, at  
15 that time, there was a meeting that occurred  
16 prior. The people that were there were cleaning  
17 up and ready to leave.

18           The operator has no knowledge of  
19 anybody interfering with MPD, anybody interfering  
20 with ABRA. And I will say and add, I don't  
21 believe that there was a police report that was  
22 ever filed regarding this January 11th visit to



1 the establishment. So there was no refusal here.  
2 I mean, even thereafter, I want to point out that  
3 the owner did speak to the ANC Commissioner, Alex  
4 Padro, he has also spoken to other members of the  
5 community regarding the events that occurred  
6 during New Year's Eve.

7 He understands and we understand that  
8 it is concerning to the community. There are  
9 concerns here. We are happy to discuss it with  
10 them and to address those concerns.

11 CHAIRPERSON ANDERSON: So what  
12 happened during that period of time? The reason  
13 that I remember that we denied their -- any  
14 further application, were based on the complaints  
15 that we received, so what happened?

16 MS. YOHANNES: The complaints were  
17 regarding noise.

18 CHAIRPERSON ANDERSON: Yes, so --

19 MS. YOHANNES: So to speak as to the  
20 noise, the music was too loud because the doors  
21 were open. He had the doors open. Moving  
22 forward, he will not have any doors that are open

1 and he understands that and it was New Year's  
2 Eve, people were celebrating. He understands  
3 that that is not appropriate. There are noise  
4 ordinances. There are things that need to be  
5 followed.

6 I will say regarding the loud  
7 explosion, fireworks, that did not come from this  
8 establishment. I know that there has been  
9 reports. I think the one that was attached to  
10 this report that an explosion was neighboring at  
11 that time, but it did not come from this  
12 establishment.

13 CHAIRPERSON ANDERSON: All right. I'm  
14 trying to get some information from our counsel,  
15 but I would hope that ABRA is not being blamed,  
16 because I think what I'm told is that, you know,  
17 I applied for a temporary license and I'm trying  
18 to find out from counsel what it is that when  
19 someone applies for a temporary license, what do  
20 they need to provide, in the sense of a  
21 Certificate of Occupancy.

22 And although I'm not intimately

1 involved with my other Board Members and when  
2 they apply for a one-day license, but I think  
3 most of the times when one-day licenses are  
4 applied for, we ask for a Certificate of  
5 Occupancy. We do not grant a one-day license for  
6 more than what the Certificate of Occupancy  
7 states.

8           So I'm just trying to find out so what  
9 information was provided to ABRA? What  
10 Certificate of Occupancy was provided to ABRA  
11 when this one-day license was applied for.  
12 Because I know that, and I'm going to be speak it  
13 and as an attorney you're not supposed to speak  
14 if you don't know the answer to this, but I'm  
15 going to come out on a limb to say that I'm sure  
16 that the ABC Board would not approve a one-day  
17 license if there was not a Certificate of  
18 Occupancy provided.

19           MS. YOHANNES: Right. It's my  
20 understanding that there was not one provided.  
21 Routinely with temporary license applications, a  
22 Certificate of Occupancy and a business license

1 is not required. It is required for a permanent  
2 license, but ABRA does not check.

3 And I'm not blaming ABRA. I am not  
4 saying that this is not serious and that this  
5 license and that this applicant does not take  
6 what occurred to be serious. We are not  
7 minimizing it. I am just saying that he was not  
8 aware, because he was not told. He thought he  
9 was following the right procedures. He did not  
10 have counsel at the time. And that's the reason  
11 why he was unaware, because it was issued by  
12 ABRA.

13 CHAIRPERSON ANDERSON: Well, I'm  
14 looking at our own regulation that's on the  
15 application. And the application says that, and  
16 these are the pertinent portions of the  
17 application, it says that:

18 An applicant must be 21 years of age.

19 An applicant for the ABC license must  
20 be present.

21 A letter from the true and actual  
22 owner or designated agent of the premises.

1           A Certificate of Occupancy from the  
2 Department of Consumer and Regulatory Affairs.

3           A diagram, police clearance.

4           So are you telling me that no  
5 Certificate of Occupancy was provided once -- so  
6 I stand corrected that a Certificate of Occupancy  
7 was provided to the Agency. So what was provided  
8 to the Agency?

9           MS. YOHANNES: I don't believe a  
10 Certificate of Occupancy was provided.

11          CHAIRPERSON ANDERSON: All right. We  
12 can leave that alone.

13          MS. YOHANNES: All right.

14          CHAIRPERSON ANDERSON: I know that you  
15 are the attorney, so that's why I'm asking.

16          MS. YOHANNES: Can I also add, when we  
17 do permanent license applications, they do not  
18 get -- a license will not be issued until the  
19 Certificate of Occupancy and the business license  
20 match with the entity name. And in this case, if  
21 that were the situation, the license would not  
22 have been issued.

1                   CHAIRPERSON ANDERSON: Well, I'm just  
2 reading the form that has the instructions. And  
3 on the form that has the instructions, the form  
4 clearly states that. And I'll say this to you,  
5 as the Board Chair, my other Board Members, they  
6 normally sign-off on one-day licenses. And I  
7 know one -- and so therefore, I usually don't  
8 sign-off on those myself, but I know that the  
9 conversation that our Agency Director comes to us  
10 when he says whether or not what the  
11 recommendation from the Agency to us is that if  
12 the person asks for 200, the Agency Director  
13 always says to us that the Certificate of  
14 Occupancy said that they could have 200.

15                   I have seen occasions where the person  
16 asks for 250 and the Certificate of Occupancy  
17 says 200 and so we only approve 200. So I find  
18 it very unlikely that this information was not  
19 provided to the Board. But I digress.

20                   All right. All right. Any questions  
21 by any Board Members? Yes, Mr. Silverstein?

22                   MEMBER SILVERSTEIN: Thank you all.

1 Investigator Brashears presented a report,  
2 Supervisory Investigator, detailing the Agency's  
3 description of the events. Counsel for the  
4 property owner then responded with your version.

5 I would ask Mr. Brashears if he would  
6 have rebuttal, if there were any points of  
7 disagreement in what Ms. Yohannes told me or  
8 anything that you would want to add?

9 INVESTIGATOR BRASHEARS: Well, the  
10 only thing that I would add was in reference to  
11 the presence of ABRA Investigators and the  
12 Metropolitan Police Department. The individuals  
13 inside the establishment, we can't say who they  
14 were, but our Investigators observed  
15 approximately four people and someone by a small  
16 opening who was watching them as we basically  
17 watched them, who noted the Investigators were  
18 outside, who noted that MPD officers were  
19 outside, yet chose not to open the door.

20 Now, from that standpoint --

21 MEMBER SILVERSTEIN: Did you seek to  
22 gain entry?

1 INVESTIGATOR BRASHEARS: Yes.

2 MEMBER SILVERSTEIN: But you did not?

3 INVESTIGATOR BRASHEARS: Yes, sir. So  
4 from that standpoint to me, regardless if the  
5 owner is there or not, the owner is responsible  
6 for the building, the establishment, the people  
7 inside and as such, no none allowed MPD in. And  
8 that's what was troubling to me, because had MPD  
9 officers and ABRA Investigators been allowed  
10 inside, they could have walked through and  
11 inspected more closely and found out in fact what  
12 was going on.

13 MEMBER SILVERSTEIN: Thank you. No  
14 further questions.

15 CHAIRPERSON ANDERSON: Any other  
16 questions? Go ahead, Mr. Short.

17 MEMBER SHORT: Mr. Brashears,  
18 Investigator Brashears, thank you for that  
19 excellent report. Normally if a C of O is  
20 requested for a temporary license and if that C  
21 of O says this is a retail store, which would be  
22 for an event, it would not be any numbers on



1       there about occupancy, because there is obviously  
2       no seating. Is that correct?

3               INVESTIGATOR BRASHEARS: Yes, sir.

4       This C of O did not list an occupant load or  
5       seating. It listed that it was for retail.

6               MEMBER SHORT: And would that have  
7       been the previous occupancy?

8               INVESTIGATOR BRASHEARS: Yes, sir.

9               MEMBER SHORT: And then someone went  
10       in and designed a club and did not get the  
11       occupancy or get the C of O changed. Is that  
12       correct?

13              INVESTIGATOR BRASHEARS: I have not  
14       been able to enter the establishment. From what  
15       I understand, it does have a bar and seating and  
16       could be construed as a club. And as of the  
17       publishing of my report, DCRA did not have any  
18       new Certificate of Occupancy indicating anything  
19       other than retail, sir.

20              MEMBER SHORT: Okay. I'm going to  
21       give just a little comment and then I'll ask my  
22       last question.

1           Pretty much we know in certain other  
2 major cities in this country, we have had people  
3 to die in illegal nightclubs, because they didn't  
4 get the occupancy correct or they just went and  
5 violated the law.

6           So basically, would you consider this  
7 a very dangerous or hazardous situation to the  
8 community?

9           INVESTIGATOR BRASHEARS: I would say  
10 that any time where gathering individuals in an  
11 establishment where there is no clear Certificate  
12 of Occupancy listing a load, that the potential  
13 could be there for, you know, large amounts of  
14 people to be there and it could, in fact, become  
15 a dangerous situation, because there is no  
16 guidance as to what they should have.

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

19           CHAIRPERSON ANDERSON: Mr. Alberti?

20           MEMBER ALBERTI: Investigator  
21 Brashears, thank you for your report. You said  
22 that you observed alcoholic beverages in a

1 storage area?

2 INVESTIGATOR BRASHEARS: No, sir. I  
3 did not. Investigators Royster and Gilliam  
4 reported that there was a small, approximately 12  
5 x 12, opening through the window covering that  
6 they were looking through. They observed a large  
7 amount of alcohol they said on racks and that  
8 they could see that there were individuals inside  
9 the establishment.

10 And then at some point, they could see  
11 an individual near that opening and then that  
12 individual, as they were peering in, covered it.

13 MEMBER ALBERTI: Okay. So they  
14 described it as a large amount of alcohol?

15 INVESTIGATOR BRASHEARS: Yes, sir.

16 MEMBER ALBERTI: All right. Mr.  
17 Tesfaye?

18 MR. TEFAYE: Yes, sir?

19 MEMBER ALBERTI: Was this your  
20 alcohol?

21 MR. TEFAYE: That's the alcohol we  
22 order for the event for New Year's Eve event.

1 MEMBER ALBERTI: But --

2 MR. TESFAYE: From January 3rd to  
3 January 4th.

4 MEMBER ALBERTI: -- why was it there?

5 MR. TESFAYE: It was a large amount of  
6 liquor so we put it in a storage.

7 MEMBER ALBERTI: It doesn't matter.  
8 You weren't licensed to have alcohol there. You  
9 -- it's not a licensed establishment. You can't  
10 store alcohol at a non-licensed establishment.

11 Ms. Yohannes, you want to respond to that?

12 MS. YOHANNES: Sure, sure, yes.

13 MEMBER ALBERTI: What you do --

14 MS. YOHANNES: I think that this is  
15 also an area where there isn't clarity. I mean,  
16 the regulations say that alcohol that is not  
17 consumed shall be stored in a secure location.  
18 This is for a temporary license, so if there is  
19 left over alcohol, it should be stored in a  
20 secure location.

21 There isn't really -- there hasn't  
22 been any clarity by the Board or by the

1 regulations as to what happens to the left over  
2 alcohol after these one-day events.

3 MEMBER ALBERTI: You -- all right.  
4 How was it secured?

5 MS. YOHANNES: Do you want to explain  
6 where your alcohol is?

7 MR. TESFAYE: So the -- it's in a  
8 storage room. There is a door lock in it.

9 MEMBER ALBERTI: And how is this  
10 visible from the outside then?

11 MR. TESFAYE: The outside, this is a  
12 glass door.

13 MEMBER ALBERTI: Yeah.

14 MR. TESFAYE: So stain it.

15 MEMBER ALBERTI: No, no, no, no, no.  
16 If this is in a separate room, how were the  
17 officers -- how were our Investigators able to  
18 look in through -- looked in through the front  
19 window. Is that correct, Mr. Brashears?

20 INVESTIGATOR BRASHEARS: There was a--  
21 basically, the whole front, when I visited, had  
22 some kind of opaque black covering. And

1 Investigators Gilliam and Royster stated that  
2 there was like a small opening in which they  
3 could see through. And when they looked through  
4 that, they stated that they observed  
5 approximately four people inside, a bar and  
6 alcohol stored on some type of shelving, shelving  
7 or racks.

8 MEMBER ALBERTI: In that same room?

9 INVESTIGATOR BRASHEARS: Through that  
10 -- through the window, sir, they weren't specific  
11 on that.

12 MEMBER ALBERTI: So it doesn't make  
13 sense to me that you can look through the front  
14 and see the alcohol. Is your storage room open  
15 to the public for view?

16 MR. TESFAYE: No, there is two doors.  
17 There is a door like to go to the storage room.  
18 After that, you go to the lounge area.

19 MEMBER ALBERTI: Okay. So it wasn't  
20 secured?

21 MR. TESFAYE: The door was open.

22 MEMBER ALBERTI: It was open. It

1 wasn't secured. It was open. Am I correct?

2 MR. TESFAYE: Yes.

3 MEMBER ALBERTI: I mean, if they could  
4 see it, it wasn't secured. You got four people  
5 walking around in there and nobody is licensed  
6 and the alcohol is accessible to these folks,  
7 right?

8 MR. TESFAYE: Yes.

9 MEMBER ALBERTI: Right? None of them  
10 are on the license. You are the only person on  
11 the license. You are the only person responsible  
12 for this. Am I correct?

13 MR. TESFAYE: Yes, sir.

14 MEMBER ALBERTI: All right. Ms.  
15 Yohannes, go ahead.

16 MS. YOHANNES: I will just add that he  
17 placed the alcohol where he thought it was best  
18 secured, which is in his establishment, in one  
19 location where there is -- where he had no other  
20 guidance as to where --

21 MEMBER ALBERTI: Okay.

22 MS. YOHANNES: -- to put the alcohol.

1 MEMBER ALBERTI: So here is what is  
2 bothering me.

3 MS. YOHANNES: Yes.

4 MEMBER ALBERTI: And you can respond  
5 to this if you want, you don't have to. All  
6 right.

7 You were denied these licenses. The  
8 New Year's Eve was 10 days prior. Why is the  
9 alcohol still there?

10 MS. YOHANNES: What else should he do  
11 with it?

12 MEMBER ALBERTI: Dispose of it some  
13 how.

14 MS. YOHANNES: Well --

15 MEMBER ALBERTI: It doesn't belong at  
16 that premise. He is not guaranteed that he is  
17 going to have a license. He has just been denied  
18 temporary licenses. It shouldn't have been  
19 there. Just FYI. I'm not sure how the rest of  
20 my Board Members feel about it, but that's my  
21 interpretation.

22 CHAIRPERSON ANDERSON: Are you done?



1 MEMBER ALBERTI: I'm done.

2 CHAIRPERSON ANDERSON: Any other  
3 questions by any other Board Members? Go ahead,  
4 Mr. Short.

5 MEMBER SHORT: This is to the owner.  
6 The night that you opened up and were  
7 entertaining guests, clients, how many people  
8 were inside of that building?

9 MR. TESHAYE: It was about like 150.

10 MEMBER SHORT: 150?

11 MR. TESHAYE: Yeah, on New Year's Eve.

12 MEMBER SHORT: And how many is on your  
13 -- on the Certificate of Occupancy?

14 CHAIRPERSON ANDERSON: The --

15 MEMBER SHORT: No, I understand. I  
16 want this on the record, Mr. Chair.

17 MR. TESHAYE: When I filled the  
18 application out, I put 200.

19 MEMBER SHORT: I didn't ask you that.  
20 When you went to DCRA and told them you were  
21 applying for a liquor license, you gave an  
22 address, correct?

1 MR. TESHAYE: Yes, sir.

2 MEMBER SHORT: Okay. Then you tell me  
3 what the establishment is going to be?

4 MR. TESHAYE: My guess is about 200  
5 people.

6 MEMBER SHORT: No, no, no. What did  
7 you say to DCRA when you told them I'm applying  
8 to get a liquor license and open up a business on  
9 7th Street, N.W.? What did you tell them, what  
10 kind of business were you going to have?

11 MR. TESHAYE: Restaurant and lounge.

12 MEMBER SHORT: So you told them it was  
13 going to be a restaurant --

14 MR. TESHAYE: And lounge.

15 MEMBER SHORT: -- but the C of O says  
16 a retail store. And you were operating with a C  
17 of O that said retail store. Is that correct?

18 MR. TESHAYE: Yes, sir.

19 MEMBER SHORT: Why?

20 MR. TESHAYE: That's the C of O is the  
21 old C of O. We working on getting the new C of O  
22 by restaurant and lounge.

1                   MEMBER SHORT: But again, you know how  
2 dangerous that is you putting that number of  
3 people in a place that is not capable, because  
4 you would have had to have an inspection of  
5 building and fire to see if you have enough  
6 exits.

7                   How many exits do you have from the  
8 building, besides the one in the front we see on  
9 the pictures? How many exits do you have from  
10 the building?

11                  MR. TESFAYE: Two exits.

12                  MEMBER SHORT: For the whole building?

13                  MR. TESFAYE: Actually, it's three  
14 exits. Two in the front, one in the back.

15                  MEMBER SHORT: Okay. And how many  
16 people did you have in there?

17                  MR. TESFAYE: 150.

18                  MEMBER SHORT: Okay. I'll tell you  
19 right now, I don't think you have enough exits to  
20 have that many people in there. And so I am  
21 going to recommend any other applications come  
22 for one-days at that address, that we, as a

1 Board, think about public safety and make sure  
2 that anybody using that building, not only you,  
3 anyone using that building has an appropriate  
4 Certificate of Occupancy and has done all the  
5 things that are required for a place of public  
6 assembly.

7 A place of public assembly is 50 or  
8 more people in a building. You have to have a  
9 certain number of doors over that number that you  
10 get for a Certificate of Occupancy or no one is  
11 going to sign-off on it.

12 But you went ahead, after you got away  
13 with it the first time, after you got approved  
14 for it the first time and then you still stayed  
15 doing business there after you applied the second  
16 time. Is that correct?

17 MR. TESFAYE: No, sir, we don't open  
18 after that one.

19 MEMBER SHORT: Okay.

20 MR. TESFAYE: We don't operate.

21 MEMBER SHORT: You weren't open.

22 Okay. Are you responsible for everything that

1 happens in that building? Are you the owner?

2 MR. TESHAYE: Yes, sir.

3 MEMBER SHORT: So if you weren't there  
4 the night when the police and the Investigator  
5 knocked on the door, you don't know what those  
6 people were doing, do you?

7 MR. TESHAYE: We was there early.  
8 Like we had a meeting about --

9 MEMBER SHORT: No, no, no. The  
10 question I'm asking you is when the four people  
11 that were observed through the window by the  
12 Investigators, were you there when the police and  
13 the Investigators knocked on the door and were  
14 not allowed to come in?

15 MR. TESHAYE: No, I wasn't there.

16 MEMBER SHORT: So you left someone  
17 else in charge, correct?

18 MR. TESHAYE: Yes, sir.

19 MEMBER SHORT: So you don't know if  
20 there was alcohol on the bar or anywhere in the  
21 place. You don't have a clue what was going on  
22 at your establishment. Is that correct?

1 MR. TESFAYE: Yes, sir.

2 MEMBER SHORT: Okay. Do you know when  
3 you have an ABC License, even if you get a one-  
4 day, somebody needs to have some knowledge of the  
5 ABC Laws. If you had a business, you would have  
6 to have ABC Manager there or the owner. But you  
7 left that building with someone else in charge  
8 with that alcohol stored in there. So you don't  
9 know what took place. Is that correct?

10 MR. TESFAYE: Yes, sir.

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

13 CHAIRPERSON ANDERSON: Ms. Yohannes,  
14 and I should have read the case report in front  
15 of me, but I see that your client provided us a  
16 Certificate of Occupancy. Do you have the case  
17 report in front of you?

18 MS. YOHANNES: Yes, I do.

19 CHAIRPERSON ANDERSON: And if you look  
20 in the case report, Exhibit 4 has a Certificate  
21 of Occupancy.

22 MS. YOHANNES: My understanding and I

1 can -- let me look again, is that that  
2 Certificate of Occupancy was provided by DCRA to  
3 the Investigator.

4 INVESTIGATOR BRASHEARS: Are we  
5 talking about Exhibit 4, sir?

6 CHAIRPERSON ANDERSON: Yes.

7 INVESTIGATOR BRASHEARS: That was  
8 provided by DCRA, sir.

9 CHAIRPERSON ANDERSON: All right.  
10 Thank you. And what about Exhibit 5? That was  
11 also provided to us by DCRA?

12 INVESTIGATOR BRASHEARS: Yes, sir.

13 CHAIRPERSON ANDERSON: All right.

14 MEMBER ALBERTI: May I ask a question?

15 CHAIRPERSON ANDERSON: Yes, Mr.  
16 Alberti?

17 MEMBER ALBERTI: Just to be fair to  
18 the licensee, ABRA routinely issues temporary  
19 licenses for retail establishments. In this  
20 case, we suspect that maybe that privilege was  
21 abused, that's only suspicion. I'm not saying.  
22 All right. And that's why we are here. All

1 right?

2 I know it was abused by the storage of  
3 alcohol, at least if not something more. But  
4 that's the case, so I just want everyone to keep  
5 that in mind. When we do this for store owners  
6 who want to have a one-day event, we do this all  
7 the time.

8 MS. YOHANNES: Thank you.

9 MEMBER ALBERTI: All right.

10 CHAIRPERSON ANDERSON: Do you have any  
11 further representation that either side wants to  
12 make at this juncture?

13 MS. YOHANNES: I would just say that  
14 we acknowledge that the event that occurred, he  
15 was operating without the proper C of O and  
16 business license. It won't happen again. Moving  
17 forward, he -- we have been talking. He is  
18 talking to counsel as well as the community and  
19 we hope to resolve any issues that the community  
20 has as well.

21 CHAIRPERSON ANDERSON: I see there is  
22 a lot of folks from the community, so, as I said,



1 I have another hearing scheduled for 4:00, but if  
2 you want to come up and I'll give you one minute  
3 to state what you need to say. Yes, Mr.  
4 Silverstein?

5 MEMBER SILVERSTEIN: I do want to ask  
6 Mr. Tesfaye a question following up on Mr. Short.  
7 The time when our Investigator showed up and  
8 there were perhaps four people, perhaps more in  
9 the building and you say you were not there. Who  
10 were those people?

11 MR. TEFAYE: Those --

12 MEMBER SILVERSTEIN: Do you know their  
13 names? Could you give us names?

14 MR. TEFAYE: -- no, they are my  
15 partner's friend. And then a guy works there  
16 like clean up.

17 MEMBER SILVERSTEIN: How many were  
18 there?

19 MR. TEFAYE: There was four people.

20 MEMBER ALBERTI: Mr. Short, Mr.  
21 Silverstein, you want their names, right?

22 MEMBER SILVERSTEIN: Yes. Do you have

1 their names?

2 MEMBER ALBERTI: They are your  
3 partners, right?

4 MR. TESFAYE: I know the guy --

5 MEMBER ALBERTI: No, wait, wait, wait.  
6 They are your partners?

7 MR. TESFAYE: No, no, no, my partner's  
8 friend.

9 MEMBER ALBERTI: They are partners  
10 meaning that they are going to be partners in the  
11 permanent license?

12 MS. YOHANNES: No. No, there is only  
13 one other member.

14 MEMBER ALBERTI: He said partners.

15 MS. YOHANNES: Well --

16 CHAIRPERSON ANDERSON: All right.

17 MEMBER ALBERTI: So give us some  
18 names, at least the partner name.

19 CHAIRPERSON ANDERSON: Hold on. Hold  
20 on one minute. Hold on one minute, please. This  
21 isn't formal. Ms. Yohannes, as an attorney, I  
22 know you are an attorney, so you speak to your

1 client before he answers the questions.

2 MS. YOHANNES: Thank you.

3 MR. TESFAYE: One of the guy was Leul  
4 and then the other one is Tesfalleem, who works  
5 there, and then there was a guy, the manager,  
6 Teddy. I think those was it.

7 MS. YOHANNES: And to clarify, Leul is  
8 a member, but he was not one of the four that was  
9 present.

10 MEMBER ALBERTI: Well, then who was  
11 the partner who was present?

12 MS. YOHANNES: He -- when he said  
13 partner that was present, he was present with  
14 him, so they were there together and then they  
15 left and were remained, they remained.

16 MEMBER ALBERTI: So I'm sorry to  
17 interrupt, Mr. Silverstein.

18 MEMBER SILVERSTEIN: Go ahead.

19 MEMBER ALBERTI: But Mr. Silverstein  
20 asked specifically four people there, who were  
21 they.

22 MS. YOHANNES: And you just named

1 three of them. Go ahead.

2 MR. TESHAYE: Yeah, Tesfalleem the  
3 worker, and Teddy the manager, and Leul and  
4 then --

5 MEMBER ALBERTI: Leul, what's his  
6 position?

7 MR. TESHAYE: Leul.

8 MEMBER ALBERTI: Lew?

9 MR. TESHAYE: Leul.

10 MEMBER ALBERTI: Can you spell it?

11 MR. TESHAYE: L-E-U-L.

12 MEMBER ALBERTI: Okay. L-E-U-L, okay,  
13 Leul. All right.

14 MEMBER SHORT: And the last name?

15 MEMBER ALBERTI: And his position?

16 MR. TESHAYE: He is partner.

17 MEMBER ALBERTI: Okay. So he -- so  
18 that is the partner.

19 MR. TESHAYE: So which basically so --

20 MEMBER ALBERTI: No, no, wait, wait.

21 MS. YOHANNES: I'm sorry.

22 MEMBER ALBERTI: Can you clarify, Ms.

1 Yohannes?

2 MS. YOHANNES: Yes. Was Leul with you  
3 when you left?

4 MR. TESFAYE: Yes, he left with me,  
5 yeah.

6 MS. YOHANNES: So he wasn't one of the  
7 four that remained inside when you and -- you two  
8 left, four people remained inside. Leul was not  
9 one of them. Am I right?

10 MEMBER ALBERTI: I'm having trouble  
11 understanding.

12 MR. TESFAYE: He wasn't one.

13 MEMBER ALBERTI: Do you know who was  
14 inside?

15 MR. TESFAYE: I don't know the two  
16 other guys. So like --

17 MS. YOHANNES: Okay.

18 MEMBER ALBERTI: You don't know them  
19 why?

20 MR. TESFAYE: Because that was Leul's  
21 friends. Like I don't know them.

22 MEMBER ALBERTI: Ah, so they were

1 somebody else's friends.

2 MS. YOHANNES: That you didn't --

3 MEMBER ALBERTI: And you didn't know  
4 who they were. All right. Thank you. That  
5 doesn't give me any comfort.

6 CHAIRPERSON ANDERSON: All right. All  
7 right. There is a sign-in sheet, so you can  
8 identify yourself. Identify your name for the  
9 record and sign-in and you can state whatever you  
10 need to state. And again, this is only about the  
11 December 31st through January 3rd. And if there  
12 was an event there January the 11th to the 13th,  
13 you can talk about that.

14 MR. MARETTE: Where would you like me  
15 to stand or sit?

16 CHAIRPERSON ANDERSON: You can sit at  
17 the table, sir. And just identify your name for  
18 the record. You can have a seat and identify  
19 your name, yourself for the record, please.

20 MR. MARETTE: Okay. My name is  
21 Michael Marette. I live at 636 Q Street, N.W.,  
22 Apartment No. 3.

1 I thought it would be important and I  
2 will make this as brief as possible, but to have  
3 a personal perspective of a resident whose  
4 bedroom along with the rest of the owners in my  
5 condo association are 15 yards from the back of  
6 the venue.

7 I know we are focused on the events of  
8 that day, but just quickly for your awareness,  
9 there were events being held at this club prior  
10 to that first day of that license.

11 There was an event held on Friday  
12 night. I observed it from the platform of our--

13 CHAIRPERSON ANDERSON: Date? Can you  
14 give the date?

15 MR. MARETTE: That was on Friday  
16 night, December 25th. Music and loud bass going  
17 until after 2:00 a.m. that night. And I observed  
18 it coming from that establishment, because I can  
19 see the back door from the landing down to our  
20 parking area.

21 They were also on three or four  
22 different occasions from early December up

1 through that date having loud music that began at  
2 3:00 a.m. every night. A number of us were woken  
3 up at 3:00 or around 3:00 a.m. every night. I  
4 don't know if that was an event or they were  
5 testing the sound system.

6           Regardless, so just to quickly go  
7 through the events of the 31st through the 3rd: On  
8 Monday night the 31st, the music was audible from  
9 6th Street, N.W., over a block away. I was  
10 walking home from a friend's house party around  
11 1:00 a.m. and my entire apartment was actually  
12 shaking.

13           Bass and music were loud and clearly  
14 audible from the front of the house facing Q  
15 Street and it was much louder in my bedroom,  
16 which as I stated, we have four owners and four  
17 master bedrooms that are about 15 to 20 yards  
18 from the back of this club.

19           I called DC Police and the police  
20 arrived at about 3:15 a.m., two officers came  
21 into my apartment to hear the loud music and to  
22 feel the shaking. The officers informed me



1       though that the venue had legal permits and  
2       stated that DC Police couldn't really get  
3       involved, because they didn't have jurisdiction  
4       over noise issues when a venue had a legal ABRA  
5       permit. So they kind of -- they were super  
6       helpful in everything else, but they basically  
7       said talk to Alex, he can help you with this.

8               On Tuesday night the 1st, the music  
9       went until after 4:00 a.m. that night. On  
10      Tuesday night, January 1st, the exact same  
11      scenario played out. The music started around  
12      10:00 p.m. that evening and continued to past  
13      4:00 a.m. My partner, who lives long distance  
14      from me and was only in town for four nights, and  
15      I were forced to attempt to sleep on the couches  
16      in my living room for the second night in a row.

17             At around 2:30 a.m. is when the M-80  
18      went off in the intersection. I don't really  
19      know for sure whether that was related to the  
20      club or not. It's something else that happened.

21             That evening the music didn't go off  
22      until around 4:15 a.m., again, I was unable to

1 fall asleep that night from all of the extreme  
2 stress caused by the situation. I went to work  
3 the next morning and was physically ill and had  
4 to leave and take sick leave for the rest of the  
5 day on Wednesday, January 2nd.

6 Wednesday night on the 2nd, I had to  
7 sleep at a friend's place. I took anti-anxiety  
8 medication because I couldn't deal with the  
9 situation one more night in a row.

10 On Thursday night the 3rd, the music  
11 and bass started again at around 10:00 p.m. I  
12 walked over and spoke with the owners and the  
13 manager of the venue. I explained what extreme  
14 stress and lack of sleep that the venue was  
15 causing the neighborhood.

16 The owner and the manager were  
17 friendly and provided me with their contact info.  
18 However, they didn't seem at least to truly  
19 understand the enormity of the problem. They  
20 agreed to turn down the bass that evening, but it  
21 was still quite audible in our bedrooms and  
22 again, it didn't go off until -- it wasn't turned

1 off until after 2:00 a.m. that night.

2 At least it wasn't 4:00 a.m. and I was  
3 able to get four hours of sleep and go to work  
4 the next day, but we should never be put in a  
5 situation where we are saying we were fortunate  
6 to get four hours of sleep in a night because a  
7 club decided to turn off its music at 2:00 a.m.

8 I have been a resident of the  
9 neighborhood for over 8 years and a resident of  
10 Shaw for 10 years. I would like to stay in this  
11 neighborhood. It is my home. I consider it my  
12 neighborhood, but if a venue like this is allowed  
13 to open and play music that is penetrating our  
14 bedroom walls, I will be forced to sell my house  
15 and move. And I would imagine that would not be  
16 very good at all for property values in the  
17 neighborhood.

18 Thanks for your time. I would like to  
19 submit a more robust description over email if  
20 you are interested, I'm happy to do that. I know  
21 we have other neighbors who have written up  
22 descriptions of their experiences that night, but

1 I defer to you, of course, on what you can take.

2 CHAIRPERSON ANDERSON: This is just a  
3 Fact-Finding Hearing about the event that  
4 occurred at that time, so I'm just allowing folks  
5 to just state something on the record.

6 MR. MARETTE: Okay.

7 CHAIRPERSON ANDERSON: Okay. So if  
8 someone else wants to say something? I know Mr.  
9 Silverstein. I don't want to -- we have a 4:00  
10 hearing and the folks are here, so I don't want  
11 to -- and I want to give as many people as  
12 possible who want to say something an  
13 opportunity. So, please, identify yourself for  
14 the record.

15 MS. SIDAWY: Yes, thank you very much.  
16 I'm Leila Sidawy. I am also a resident of the  
17 neighborhood. I am adhering to your request to  
18 not repeat things that have been already said.  
19 So I am just going to supplement what my  
20 neighbor, Mike, has talked about.

21 But first, I do want to address just  
22 a couple of things that I heard earlier. In

1 terms of the back door that was described as an  
2 exit, it is absolutely not. Our backyard faces  
3 it. It's a junkyard. There is no clear path to  
4 walk out and it is fenced off and it shares a  
5 fence with our garage. So if that is being  
6 counted as one of the exits, it really should not  
7 be.

8           And then something else that I wanted  
9 to address in terms of the noise, the  
10 amplification of the noise being caused by the  
11 club doors being open, that is also not the case.  
12 The doors were all closed. In fact, when I was  
13 on my -- peering over my balcony to see the door,  
14 someone did open it to throw out some trash and  
15 it intensified threefold.

16           So with the door closed, it was  
17 absolutely completely audible. So it was not an  
18 issue of the door being open or closed. I just  
19 wanted to address those two points. And then a  
20 colleague or another neighbor of ours submitted a  
21 very clear and thorough letter. I would love to  
22 be able to read it. If not, I can submit it or

1 at least if I could read portions of it?

2 CHAIRPERSON ANDERSON: You can read a  
3 portion of it, please.

4 MS. SIDAWY: I can read it?

5 CHAIRPERSON ANDERSON: Yes, portions  
6 of it.

7 MS. SIDAWY: Thank you very much.

8 Okay. "Dear Chairman Anderson" -- oh, I'm sorry,  
9 just to let you know, this was submitted by our  
10 next door neighbor, Douglas Bunch, and he  
11 explains that he lives at 640 Q Street and this  
12 letter is in regards to that time frame you  
13 talked about when that permit, that temporary  
14 permit was granted.

15 So the nights of December 31, January  
16 1 and 2 were the three most unpleasant nights I  
17 have ever experienced since moving into the Shaw  
18 neighborhood. I slept very little. The same is  
19 true of our out-of-town visitor. Loud music and  
20 high volume maximum bass began late each night  
21 until 4:00 a.m. There were loud voices and  
22 traffic from guests arriving and departing the

1 establishment.

2 I want to jump in right here and say  
3 that there was a valet service on 7th that was  
4 blocking the street completely and cars were not  
5 able to pass, other than crossing the double  
6 line. So I read online and I'm not sure if this  
7 is true, but the valet was not licensed, but --

8 MR. MARETTE: That was confirmed with  
9 DDOT. Alex confirmed that with Jeff Meridian.

10 MS. SIDAWY: Okay.

11 MR. MARETTE: There was no license for  
12 the valet.

13 MS. SIDAWY: Thank you, Mike. So I  
14 have not heard that mentioned yet today and I  
15 just wanted to call that out. That was also very  
16 disruptive to the neighborhood.

17 And then he goes on to talk about like  
18 you have heard already the loud volume, the bass.  
19 He goes into detail about the valet and just how  
20 mismanaged everything was.

21 And you know, I'm going to add on to  
22 his note. We are around bars that is fine. I am

1 not someone who is coming here saying there  
2 should be no evening establishments in Shaw. I  
3 welcome the bars. Dacha is an outdoor beer  
4 garden that is catty-cornered to us.

5 MR. MARETTE: Don't mention that name.

6 CHAIRPERSON ANDERSON: I don't need to  
7 know where.

8 MS. SIDAWY: But my --

9 CHAIRPERSON ANDERSON: For some Board  
10 Members that's a sore spot.

11 MS. SIDAWY: -- point to you is that  
12 they have managed it very well. They have  
13 managed their volume.

14 CHAIRPERSON ANDERSON: Okay.

15 MS. SIDAWY: I actually have -- I am  
16 impressed with how they handle their volume. So  
17 I'm bringing out in the sense of this is an  
18 example of good behavior.

19 CHAIRPERSON ANDERSON: Okay.

20 MS. SIDAWY: So this is not just some  
21 frustrated neighbors coming saying oh, we don't  
22 want some nightlife in the area. This was



1 completely and utterly disruptive. And I  
2 understand that we can't pinpoint the M-80 to  
3 someone leaving the club, but I had damage that  
4 was caused from it. A neighbor's door shattered.  
5 I had glasses that literally vibrated off the  
6 shelf from my wedding and shattered.

7 So there is, you know, personal  
8 implications to this as well. So I would like to  
9 submit Doug's letter if that's all right.

10 CHAIRPERSON ANDERSON: You can provide  
11 to the Agency and we will --

12 MS. SIDAWY: Okay.

13 CHAIRPERSON ANDERSON: -- keep it in  
14 our file. So thank you.

15 MS. SIDAWY: And those are my  
16 additional.

17 CHAIRPERSON ANDERSON: If you need to  
18 say something, I'll give you one minute and then  
19 we will -- I'll give you one minute to say what--  
20 state your name. There is a sign-in.

21 MEMBER ALBERTI: While we are waiting,  
22 can I just make a note to Mr. Brashears?

1 CHAIRPERSON ANDERSON: Go ahead.

2 MEMBER ALBERTI: Mr. Brashears, would  
3 you take it upon yourself to talk to the  
4 neighbors about how to call ABRA Hotline in these  
5 situations and their ability and the need for  
6 them to call ABRA Hotline in these types of  
7 situations, even if they are not -- the  
8 establishment is not licensed?

9 INVESTIGATOR BRASHEARS: I will do  
10 that, sir.

11 MEMBER ALBERTI: Thank you.

12 MEMBER SILVERSTEIN: And, Mr. Chair,  
13 let's take 30 seconds.

14 CHAIRPERSON ANDERSON: Yes, Mr.  
15 Silverstein?

16 MEMBER SILVERSTEIN: The metric that  
17 we use is from Title 25 § 725. The licensee in  
18 this case, this individual, "under an on-premise  
19 retail license shall not produce any sound, noise  
20 or music of such intensity that it may be heard  
21 in any premises other than the licensed  
22 establishment."

1           So in other words, if you can hear it  
2 with your windows closed in your house, in your  
3 apartment, it is beyond acceptable limits.  
4 That's our metric.

5           CHAIRPERSON ANDERSON: Introduce  
6 yourself for the record, please, ma'am.

7           MS. COLLINS: Hello, my name is Rita  
8 Collins. I live in Shaw, 645 Q Street. I'm  
9 across the street from most of the people who  
10 spoke, so I have not usually heard these sounds.

11           The night I want to address is the  
12 night of the -- what sounded like an explosion.  
13 And like we said, we don't know where exactly it  
14 came from, but I have lived in Shaw for 17.5  
15 years. I have heard gunshots. I have heard  
16 fireworks. I have never heard anything like  
17 this.

18           I have lived in Manhattan for 15  
19 years. I have never heard any noise like this.  
20 This was an explosion that broke the windows in  
21 my apartment. It cost the landlord \$500 to  
22 replace it. It terrified the community.

1                   CHAIRPERSON ANDERSON: Okay. Thank  
2 you. Sir, you don't need to raise your hand.  
3 What I'm doing is that if you need to speak, you  
4 can come up, you identify. There is a sign-in  
5 sheet. You can speak. Yes, you can speak. I'm  
6 going to end this hearing at 4:30, so we have  
7 seven more minutes, because we are -- okay. So  
8 you have one minute to speak. And I heard your  
9 name mentioned earlier, Mr. Padro, so I'm glad  
10 that you decided to come up and say something.

11                   MR. PADRO: Thank you, Mr. Chairman  
12 and Members of the Board. For the record, I'm  
13 Alexander M. Padro. I'm Advisory Neighborhood  
14 Commissioner for ANC-6E01. I have represented  
15 the neighborhood for the past 19 years. I am  
16 also Executive Director of Shaw Main Streets, a  
17 commercial and revitalization organization that  
18 serves 7th and 9th Streets in Central Shaw.

19                   From those dual capacities, I have had  
20 the opportunity to work with about 500 different  
21 licensees, ABC-licensed establishments in our  
22 jurisdiction and I have to say that in those 19

1 years, I have not encountered an operator or a  
2 manager or an owner of an establishment, a  
3 licensee that was so ill-prepared for the  
4 responsibilities of holding even a temporary ABC  
5 License issued by this Board.

6 As I often tell business owners having  
7 an ABC License issued by the District of Columbia  
8 is a privilege. It is not a right. There are a  
9 number of obligations that pertain to anyone who  
10 receives such a license.

11 And one of those, several of those  
12 requirements are that a series of appropriate  
13 licenses and certifications be obtained from the  
14 District of Columbia Government in order to be  
15 able to ensure the public safety.

16 On the morning of the first of January  
17 of this year, I received a total of about nearly  
18 three dozen phone calls and emails regarding the  
19 incidents that are the subject of this hearing.  
20 You have heard a number of characterizations by  
21 neighborhood residents about their personal  
22 experiences. I don't need to add to that.

1 I live about a block away as the crow  
2 flies. My first awareness of the problem on that  
3 occasion was about 2:30 in the morning when I  
4 heard, what is being referred to as, the  
5 explosion. I was standing in my kitchen at the  
6 alley side of our residence on the 1500 Block of  
7 8th Street and I can honestly say that the  
8 explosion sounded like it was actually happening  
9 in my house.

10 With that having been said, there is  
11 no proof that there was a direct relationship  
12 between this explosion and the operation of Play  
13 DC.

14 However, when I began to investigate  
15 what actually had happened to result in this  
16 number of complaints, I was the one that began to  
17 question as to whether or not this had -- this  
18 establishment had an appropriate Certificate of  
19 Occupancy because as a result of my long times  
20 residence in the neighborhood, working in the  
21 neighborhood, I know that the building that the  
22 establishment is located in was formerly a retail

1 establishment known as Dollar Plus Savings.

2 And I was actually instrumental in  
3 convincing the tenant in the building to work  
4 with another neighbor to develop a tavern, which  
5 requested a license and was granted a license by  
6 this Board, although the license was never issued  
7 because the space was never built-out.

8 So when I further, you know,  
9 investigated the situation with the C of O and  
10 the business license and the valet and learning  
11 from all of the appropriate agencies that there  
12 were no current permits that were provided, I  
13 contacted someone that knew one of the investors  
14 in the business to let them know that I had been  
15 reaching out to the business owner, but had not  
16 been able to get any response from them.

17 After having asked that communication  
18 be established, I did get a phone call from Mr.  
19 Tesfaye. This was on the 4th of January. I was  
20 able to meet Mr. Tesfaye on the premises, so I  
21 can attest to the fact that what has been built  
22 out there is a nightclub. It is not a tavern as

1 was originally contemplated by the individuals  
2 that obtained the license, which has been in  
3 safekeeping and never issued.

4 In my opinion, this set of  
5 circumstances is very similar to the Shaw's  
6 Tavern situation. Back in the last decade,  
7 Shaw's Tavern at 520 Florida Avenue, N.W., had  
8 applied for a liquor license, had held an event  
9 in advance of the issuance of their liquor  
10 license where alcohol was served.

11 Subsequently the owners of the  
12 establishment were deemed ineligible to receive a  
13 liquor license by this Board and subsequently the  
14 business had to be sold, because those  
15 individuals had not met the high burden of proof  
16 of what is needed in order to be able to receive  
17 a liquor license.

18 I suggest that the Board take into  
19 consideration the experience of Shaw's Tavern,  
20 the inability and the failure of this particular  
21 operator even to this date to obtain the  
22 necessary, you know, licenses and permits and



1 inspections to ensure the public safety and the  
2 safe operation of this proposed operation.

3 And it is my opinion that not only  
4 should they not be granted any further temporary  
5 licenses --

6 CHAIRPERSON ANDERSON: We are --

7 MR. PADRO: -- but they should not be  
8 granted --

9 CHAIRPERSON ANDERSON: -- I'll have  
10 you end right there.

11 MR. PADRO: -- any permanent licenses.

12 CHAIRPERSON ANDERSON: I'll have you  
13 end right there, because as I said before, we are  
14 only talking about temporary license, not in the  
15 future if they apply for a permanent license.  
16 That's not approach that. Okay. Thank you, Mr.  
17 Padro.

18 MR. PADRO: Yes, I was relaying my  
19 information.

20 CHAIRPERSON ANDERSON: All right. Any  
21 other person want to speak?

22 MR. PACIFIC: Yes.

1 CHAIRPERSON ANDERSON: Can you --

2 MR. PACIFIC: 15 seconds.

3 CHAIRPERSON ANDERSON: -- remove your  
4 hat, sir, please? Unless it's for religion.

5 MR. PACIFIC: I'm so sorry.

6 CHAIRPERSON ANDERSON: There is a  
7 sign-in sheet. Say what you have to say, please.

8 MR. PACIFIC: Okay.

9 CHAIRPERSON ANDERSON: One minute.  
10 I'm going to bring this to a close.

11 MR. PACIFIC: So my name is Erik  
12 Pacific, 638 Q Street, N.W., sandwiched right in  
13 between the two -- the first and second speakers.

14 Some of us, I'm representing the  
15 demographic, have kids. I don't see them much,  
16 every other weekend, but this also doesn't do  
17 well for those of us who have kids when they go  
18 back to their custodial parent and say, you know,  
19 that there is a lot of noise, there is a bomb  
20 going off, whatever else, one point.

21 Second point, this is not confirmed,  
22 but there has been a U-Haul parked in front of 7th

1 and Q Street for weeks now. I don't know who  
2 that belongs to. There are rumors that that  
3 belongs to this establishment. That is also is a  
4 little bit unsafe. It blocks, you know, the  
5 people from crossing the street and whatever  
6 else. You might want to investigate that, too.

7           Again, it could be a rumor, it could  
8 not be, but thank you very much for your time and  
9 welcome to the neighborhood. I hope that this is  
10 about respect. If we can, you know, make this  
11 right, fine. I am, like the rest of my  
12 neighbors, we are a very welcoming bunch. I  
13 think I frequent some bars some times. No  
14 problem with that. It's just noise levels and  
15 respect for the neighborhood people. It's a  
16 residential neighborhood and some children in  
17 there as well. Thank you.

18           MS. YOHANNES: Appreciate that.

19           CHAIRPERSON ANDERSON: Anyone else  
20 want to speak? Yes, sir?

21           MR. BELAY: Does it matter?

22           CHAIRPERSON ANDERSON: You can stay

1           wherever. State your name for the record and  
2           there is a sign-in sheet. You can sign-in, sir.

3           MR. BELAY: I'm Teddy Belay.

4           MEMBER SHORT: Sign-in.

5           MR. BELAY: Sorry, sir?

6           CHAIRPERSON ANDERSON: At some point  
7           sign-in. State what your name is, sir, and there  
8           is a sign-in sheet.

9           MR. BELAY: I am Teddy Belay. I am  
10          currently employed --

11          CHAIRPERSON ANDERSON: You need to  
12          speak -- there is a microphone, sir, we need to  
13          hear you.

14          MR. BELAY: Oh, okay.

15          CHAIRPERSON ANDERSON: The court  
16          reporter needs to hear you.

17          MR. BELAY: Okay. Can you hear me?  
18          Is it loud enough?

19          CHAIRPERSON ANDERSON: You are fine,  
20          sir.

21          MR. BELAY: Okay. So I am an employee  
22          at Play DC. And first and foremost, I just want

1 to start off by saying that at Play DC we  
2 apologize for starting off on the wrong foot with  
3 the community. And it was never our intentions  
4 to represent ourselves in this manner.

5 We conduct ourselves accordingly. We  
6 want to conduct ourselves accordingly and abide  
7 by the law and most importantly, maintain a  
8 relationship with the community.

9 So with that said, I also wanted -- we  
10 had no idea about the noise. It wasn't until  
11 Mike from 636 came in to tell us about the noise  
12 situation. He was kind. He presented himself  
13 saying he is a neighbor. And that for the past  
14 few days he was not able to sleep and that can we  
15 do something about it?

16 He spoke to myself and he spoke to  
17 another person where we said we apologize for our  
18 behavior. What is it that we can do? We brought  
19 him inside and he told us it is not the sound of  
20 the music, but it's the bass that is thumping on  
21 the wall.

22 CHAIRPERSON ANDERSON: I'm -- this is

1 hearing just about what happened when the  
2 temporary license was --

3 MR. BELAY: Yes.

4 CHAIRPERSON ANDERSON: -- granted. So  
5 that's all. So I hear what you have to say, sir,  
6 but --

7 MR. BELAY: Okay.

8 CHAIRPERSON ANDERSON: -- so you are  
9 here.

10 MR. BELAY: Okay. Thank you.

11 CHAIRPERSON ANDERSON: I heard you  
12 have expressed your apologies to the neighbors.  
13 This is not the forum for this.

14 MR. BELAY: Okay.

15 CHAIRPERSON ANDERSON: So we need to  
16 move on with the record.

17 MR. BELAY: So I just want to conclude  
18 by just saying --

19 CHAIRPERSON ANDERSON: Yes, sir?

20 MR. BELAY: -- that we are willing to  
21 work with the neighborhood.

22 CHAIRPERSON ANDERSON: All right.

1 MR. BELAY: That's all.

2 CHAIRPERSON ANDERSON: This is the  
3 last person. Sign-in and say your name for the  
4 record.

5 MR. TASEW: Hi, how are you all doing  
6 today? My name is Beniam Tasew. I'm actually  
7 one of the DJs from the place. I was not there  
8 on the 31st of December, but on the 1st I -- when  
9 I came to the place, I seen the way they set the  
10 sound system wasn't right. It was actually loud.  
11 So after the 1st, 2nd, 3rd, I wasn't included. I  
12 took the volumes down, including the bass. I  
13 turned one of the bass off because I figured it  
14 was loud enough that could bother the  
15 neighborhood.

16 But on the 31st, on the 1st when I  
17 walked in, one of the manager in the place told  
18 me that we had a noise complaint yesterday, which  
19 is on the 31st of December, that it was too loud.  
20 And I had to turn it down and they end up firing  
21 the other DJs that was actually the DJ on the 31st  
22 of December. They fired the DJs.

1                   Then after that, I was in the  
2 building, the explosions cannot come out of the  
3 speakers. I have experience in the sound system.  
4 It cannot -- like an explosion that big enough  
5 that they can hear it from two, three blocks away  
6 from the place, it cannot come from this spot.  
7 So it came from somewhere else.

8                   But I believe that the sound system  
9 affects them personally. I put the bass down  
10 after that, after the 31st on the 1st, the 2nd, the  
11 3rd. We really apologize what happened after  
12 that.

13                   CHAIRPERSON ANDERSON: Thank you. All  
14 right. All right. Mr. Brashears, based on what  
15 you have, any final comments you want to make?

16                   INVESTIGATOR BRASHEARS: I would just  
17 like to add, sir, I plan to follow-up on this  
18 matter as, you know, several people have attested  
19 that the establishment has gone from a dollar  
20 store, basically, to a club now. And seeing as  
21 how it doesn't have the appropriate Certificate  
22 of Occupancy, I am going to follow-up to make



1       sure the correct permitting and things were  
2       acquired for the build-out to ensure everything  
3       is done properly.

4               CHAIRPERSON ANDERSON: Thank you. Ms.  
5       Yohannes, any final comments you want to make on  
6       behalf of your client?

7               MS. YOHANNES: Very quickly. We don't  
8       plan to apply for any more temporary licenses.  
9       The applicant will do what they can, what he can  
10      to get the Certificate of Occupancy and we would  
11      like an opportunity to get licensed lawfully.

12              CHAIRPERSON ANDERSON: Well, that's --

13              MS. YOHANNES: And work with the  
14      community as well.

15              CHAIRPERSON ANDERSON: -- this is not  
16      the purpose of this --

17              MS. YOHANNES: I know.

18              CHAIRPERSON ANDERSON: -- hearing.

19              MS. YOHANNES: I know.

20              CHAIRPERSON ANDERSON: And one of the  
21      things that I hope that there was an allegation,  
22      and I don't know if it's true, but I would hope

1 that since you state that your client does not  
2 plan to apply for any more temporary licenses,  
3 that at least your client does not post any other  
4 parties at this location.

5 MS. YOHANNES: He will not.

6 CHAIRPERSON ANDERSON: And so if the  
7 alcohol is -- still exists, it needs to be  
8 properly disposed of. It cannot sit and you can  
9 talk to the Agency --

10 MS. YOHANNES: I will, I will.

11 CHAIRPERSON ANDERSON: -- to find out  
12 how is it that -- how to properly dispose of the  
13 alcohol that is there. I assume -- I'm not going  
14 to -- so you can talk to our Agency how to  
15 properly dispose of the alcohol, but it cannot be  
16 -- from what I'm told, it doesn't appear that it  
17 is secure, because if it is in a storage room,  
18 then one should not see it outside. But you  
19 should talk to our Agency about how to properly  
20 dispose of the alcohol.

21 MS. YOHANNES: Absolutely.

22 CHAIRPERSON ANDERSON: All right.

1 Thank you. I want to thank everyone for being  
2 here. It is always --

3 MS. SIDAWY: A question?

4 CHAIRPERSON ANDERSON: Yes, ma'am?

5 MS. SIDAWY: And I don't know if you  
6 have the answer to this, but what steps does a  
7 business have to take in order to obtain a permit  
8 license? And are residents consulted in  
9 something like that?

10 CHAIRPERSON ANDERSON: You can talk to  
11 Mr. Padro if necessary.

12 MS. SIDAWY: Okay.

13 CHAIRPERSON ANDERSON: He will -- this  
14 is not his first rodeo. He will let you know.  
15 He will let you know what it is. And I'm saying  
16 that with all -- because this is something that  
17 he has done.

18 MS. SIDAWY: Okay.

19 CHAIRPERSON ANDERSON: And so he can  
20 answer and since he is the ANC Commissioner, I  
21 think, for the area, and he is very knowledgeable  
22 in this area, he will let you know what it is.

1 And if and when a license is applied, a permanent  
2 license is applied for this area, you will know  
3 that it is, because we will inform the neighbors  
4 that there is -- that a license was applied for.

5 MS. SIDAWY: Thank you.

6 CHAIRPERSON ANDERSON: Okay. So I  
7 want to thank everyone for their presentation  
8 today and the Agency will take this under  
9 advisement for further action. Thank you very  
10 much.

11 MS. YOHANNES: Thank you.

12 (Whereupon, the Fact-Finding Hearing  
13 was concluded at 4:37 p.m.)  
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