

IN THE MATTER OF: :
:
Zhou Hospitality Group, :
LLC :
t/a Umayya :
733 10th Street NW : Fact Finding
Retailer CT - ANC 2C : Hearing
License No. 94099 :
Case #19-251-00030 :
:
(Simple Assault) :

Wednesday,
March 27, 2019

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

CHRISTIAN MALLEA, Licensee's Manager
INVESTIGATOR COUNTEE GILLIAM, ABRA

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

2 11:21 a.m.

3 CHAIRPERSON ANDERSON: All right. We
4 are back on the record. Our next case is a Fact-
5 Finding Hearing, Case No. 19-251-00030, Umayá,
6 License No. 94099.

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

9 INVESTIGATOR GILLIAM: Countee
10 Gilliam, ABRA Investigator.

11 CHAIRPERSON ANDERSON: Good morning,
12 Mr. Gilliam.

13 INVESTIGATOR GILLIAM: Good morning.

14 MR. MALLEA: Christian Mallea, ABC
15 Manager for Umayá.

16 CHAIRPERSON ANDERSON: What's your
17 last name, sir?

18 MR. MALLEA: Mallea.

19 CHAIRPERSON ANDERSON: Mallea?

20 MR. MALLEA: Yes.

21 CHAIRPERSON ANDERSON: Do you have a
22 Letter of Authorization, sir?

1 MR. MALLEA: I don't, but I spoke with
2 somebody else where I might need it and you might
3 have it before in the past where I submitted a
4 letter.

5 CHAIRPERSON ANDERSON: But do you have
6 this -- do you have --

7 MR. MALLEA: Anything on me right now?
8 Sir, I don't.

9 CHAIRPERSON ANDERSON: When was the
10 last thing you provided the Agency with some
11 other information to say that you can represent
12 this establishment?

13 MR. MALLEA: Probably a little over
14 three months ago. Three or four months ago.

15 CHAIRPERSON ANDERSON: Yes? Yes, Mr.
16 Gilliam?

17 INVESTIGATOR GILLIAM: DeeDee is
18 actually checking to make sure they have it on
19 record. She is doing that right now.

20 CHAIRPERSON ANDERSON: Right. We are
21 going to check the record for that, but at the
22 same time, sir, this is a serious event that

1 occurred at the establishment. And for the
2 establishment's own protection, we have also
3 referred this matter over to the Office of
4 Attorney General for them to make a determination
5 whether or not they are going to prosecute this
6 establishment for committing an ABRA violation.

7 So one of the reasons why I'm stating
8 this is that you might not want to say nothing,
9 because, you know, what you say can be held
10 against you later on in the afternoon, at another
11 point. And also, I don't know if -- if I don't
12 have something here today, I don't even know if
13 the owner knows that you are here representing
14 them.

15 MR. MALLEA: Yes.

16 CHAIRPERSON ANDERSON: And so if we
17 have a Letter of Representation, I will allow you
18 to speak. But at the same time, because we are
19 going to prosecute this matter, you might not say
20 anything or you might not -- you don't -- and I'm
21 not giving legal advice. I can't give you legal
22 advice. I'm just letting you know the posture of

1 the case.

2 Normally, when we have a Fact-Finding
3 Hearing, we take information. We take the facts.
4 We go through the report. We take the facts and
5 then at the end of the hearing, the Board will
6 determine whether or not we are going to take no
7 further action or whether or not we are going to
8 send it to the Office of the Attorney General to
9 -- for prosecution.

10 In this particular case, we thought
11 the matter was egregious enough that we sent it
12 over there. So therefore, you need to know that
13 and then based on that, you need to know how to
14 respond.

15 But if I do not have a letter, a
16 current letter saying that you can represent this
17 establishment, then we are not going to have this
18 hearing today. So I assume we are checking our
19 file. All right?

20 MR. MALLEA: Yes.

21 CHAIRPERSON ANDERSON: And just in the
22 future, if any time if you are coming here or any

1 person from this establishment who is not an
2 owner, if they are coming to represent the
3 Agency, that person needs to have a letter on the
4 letterhead from the owner stating that I
5 authorize this particular person to represent me
6 today in front of the ABC Board. Okay.

7 So we are off the record for -- until
8 we can see what is in our file.

9 (Whereupon, the above-entitled matter
10 went off the record at 11:26 a.m. and resumed at
11 11:28 a.m.)

12 CHAIRPERSON ANDERSON: Let me go back
13 on the record. We are back on the record.

14 All right. I'm not going to move
15 forward with this hearing. And the reason I'm
16 not going to move forward with this hearing, I do
17 not have a Letter of Representation in our file.
18 You are mister?

19 MR. MALLEA: Christian Mallea.

20 CHAIRPERSON ANDERSON: Mr. Mallea.
21 Although Mr. Mallea is the general manager, you
22 are the ABC Manager who was mentioned in the

1 report, he does not have a letter from the
2 ownership. I'm sorry, from the licensee
3 authorizes him -- authorizing him today to speak
4 on behalf of the licensee.

5 Because the ABC Board has decided to
6 have referred this case over to the Office of
7 Attorney General prior to this Fact-Finding, I do
8 not believe that without having a letter from the
9 licensee, I'm not going to allow -- we are not
10 going to move forward with this hearing today.

11 I am not going to state that the
12 licensee did not show up, because the licensee
13 did show up today, but I would prefer that -- so
14 what I'm going to do is that -- and I'll -- Mr.
15 Mallea, who is here, I'll recommend that you
16 don't -- you just -- you don't need to respond.

17 So I'll have Mr. Gilliam, he will tell
18 us since we are here, just tell us about the
19 incident and we will leave the record at that.

20 So why don't you let us know about the
21 incident that occurred.

22 INVESTIGATOR GILLIAM: Okay. On

1 Tuesday, January 1, 2019, at approximate 2:27 in
2 the morning, a simple assault occurred at Umay.

3 During the course of the
4 investigation, I interviewed Mr. Mallea and Mr.
5 Mallea stated that some of the victims actually
6 requested to play two more songs from the DJ.
7 Mr. Mallea advised that he told the DJ go on and
8 play the songs.

9 Mr. Mallea then exited the area, but
10 he didn't know at that time, that the DJ had
11 already unplugged his equipment and it was
12 impossible for him to play the two songs.

13 Members of the victim's party started
14 to tell the waitress, which Ms. Yanez listed in
15 the report, and they became irate with her and
16 telling them that Mr. Mallea told him to play two
17 more songs. She in turn alerted the suspect,
18 which was a security employee at the
19 establishment.

20 The security employee approached the
21 party who was making gestures. Then he took it
22 upon himself to take his left hand and actually

1 moosh one of the victims, Mr. Alexander, in the
2 face with so much force that the victim fell down
3 to the floor and actually slid back.

4 After that happened, members of the --
5 other members of the establishment security
6 actually came and started escorting people out.
7 And then the female security officer -- excuse
8 me, her name was --

9 CHAIRPERSON ANDERSON: It's in the
10 report.

11 INVESTIGATOR GILLIAM: -- Ms. Sherman.

12 CHAIRPERSON ANDERSON: Go ahead.

13 INVESTIGATOR GILLIAM: And she
14 actually was listed in the MPD report as a
15 victim. She stated that her hair got pulled.
16 Upon reviewing the video surveillance, I couldn't
17 see where her hair actually got pulled, but I'm
18 not saying that it didn't occur. It just wasn't
19 captured on video surveillance.

20 While they was moving the parties to
21 the exit door, one of the -- somebody in the
22 opposing party with the victim barely pushed her

1 like generally a tap and she responded with two
2 punches striking and striking the victim.

3 And because of that, the -- after
4 reviewing all the video surveillance footage, I
5 felt like they used the establishment for
6 unlawful and disorderly purpose.

7 CHAIRPERSON ANDERSON: Any questions
8 by any Board Members of the Investigator?

9 You said unlawful purpose. Why did
10 you come to that conclusion?

11 INVESTIGATOR GILLIAM: Because both of
12 the employees actually assaulted two victims, two
13 different victims.

14 CHAIRPERSON ANDERSON: Okay. I'm just
15 going to ask just one question just -- Mr.
16 Mallea, this one you can answer.

17 These two employees who allegedly did
18 this action, are they still employed with the
19 establishment?

20 MR. MALLEA: No.

21 CHAIRPERSON ANDERSON: No? Okay. All
22 right. All right. So I'm going to adjourn this

1 hearing.

2 The Office of the Attorney General
3 might or might not prosecute it, because the
4 process is that we send it over and they will
5 decide whether or not they believe that there is
6 a violation to prosecute.

7 If they decide to prosecute, you will
8 -- the licensee will be -- the same way they were
9 notified about this hearing. If you are going to
10 come or if someone else is going to come who is
11 not the owner, who is meaning that if their name
12 is not here at ABRA, then whoever shows up needs
13 to come with a letter stating that they are
14 authorized to represent the licensee in any
15 matters prior to ABRA.

16 Okay. Thank you for coming here
17 today. All right. We are adjourned. So the
18 Board then is in recess until our 1:30 hearing.

19 (Whereupon, the Fact-Finding Hearing
20 was concluded at 11:34 a.m.)
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: Umayra

Before: DC ABRA

Date: 03-27-19

Place: Washington, DC

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my direction; further, that said transcript is a
true and accurate record of the proceedings.



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