



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

2 9:40 a.m.

3 CHAIRPERSON ANDERSON: All right. Good  
4 morning, everyone. I would like to welcome you  
5 to the regular scheduled meeting of the District  
6 of Columbia Alcoholic Beverage Control Board.  
7 Today is October 23, 2019.

8 I would like to introduce the members  
9 of the Board with us today. To my far right is  
10 Ms. Rafi Crockett. To my immediate right is Mr.  
11 Bobby Cato. To my far left is Ms. Rema  
12 Wahabzadah. And to my immediate left is Mr.  
13 James Short.

14 My name is Donovan Anderson. I'm  
15 Chairman of the Board. We have five members in  
16 attendance today so therefore we do have a quorum  
17 to conduct business.

18 I would like to mention three things  
19 before we get started. First of all, if you have  
20 any electronic devices, pagers, cell phones or  
21 such, please make certain that they're turned off  
22 to avoid any interruptions of the proceeding.

23 Secondly, there is a piece of paper on  
24 each table. When you come forward as your case  
25 is called, please take a seat at the table and

1 please sign it. This is to ensure the correct  
2 spelling of your name for the record.

3 And lastly please note that today's  
4 hearing of the Alcoholic Beverage Control Board  
5 is governed by the Open Meetings Act. Please  
6 address any questions or concerns to the Office  
7 of Open Government at opengovoffice@dc.gov.

8 I would note that the approximate time  
9 is 9:43 a.m. I'm sorry. It's 9:43 a.m. And our  
10 first order of business today, it's a show cause  
11 hearing status, Case Number 19-CC-00068. Do we  
12 have the government? Do we have -- our first  
13 order in this case number was 16-CC-00068,  
14 Farmers and Distillers, License Number 100647.  
15 It's my understanding that the licensee is  
16 running late this morning. So I will recall this  
17 case once the licensee shows up. So I will  
18 recall that case.

19 (Whereupon, the above-entitled order  
20 to show cause hearing went off the record at 9:42  
21 a.m. and resumed at 9:55 a.m.)

22 CHAIRPERSON ANDERSON: All right. I  
23 am going to -- let's recall our show cause  
24 hearing status, Case Number 19-CC-00068, Farmers  
25 & Distillers License Number 100647. Would the

1 parties please approach and identify themselves  
2 for the record, please?

3 MR. ORTIZ: Stephen Ortiz on behalf of  
4 the District of Columbia.

5 CHAIRPERSON ANDERSON: Mr. Ortiz.

6 MR. O'BRIEN: Stephen O'Brien on  
7 behalf of the licensee.

8 CHAIRPERSON ANDERSON: Good morning,  
9 Mr. O'Brien.

10 MR. O'BRIEN: Good morning.

11 CHAIRPERSON ANDERSON: Are there any  
12 preliminary matters in this case?

13 MR. ORTIZ: Yes. The parties have  
14 reached an offer in compromise.

15 CHAIRPERSON ANDERSON: And what is the  
16 offer in compromise?

17 MR. ORTIZ: The offer in compromise is  
18 a warning.

19 CHAIRPERSON ANDERSON: Is a what?

20 MR. ORTIZ: A warning to the  
21 establishment.

22 CHAIRPERSON ANDERSON: Mr. O'Brien,  
23 it's my understanding that there is an offer in  
24 compromise and the offer in compromise is a  
25 written warning will be issued for this

1       infraction. Is this your understanding of the  
2       offer in compromise?

3               MR. O'BRIEN: Yes, sir, it is.

4               CHAIRPERSON ANDERSON: Is your client  
5       aware that by accepting the offer in compromise  
6       that they're giving up their right to a hearing?

7               MR. O'BRIEN: Yes. And their right to  
8       appeal for that matter.

9               CHAIRPERSON ANDERSON: I'm sorry? And  
10      their right -- with that said, I then make a  
11      motion that the offer in compromise of a fine --  
12      I'm sorry -- an offer in compromise -- I'm sorry.  
13      I make a motion that the offer in compromise of a  
14      written warning be accepted if there is there is  
15      a second.

16              MEMBER SHORT: Second.

17              CHAIRPERSON ANDERSON: Mr. Short  
18      accepted the motion. Is there a second -- I'm  
19      sorry. All those in favor say aye.

20              (Chorus of ayes.)

21              CHAIRPERSON ANDERSON: Those opposed.

22              (No audible response.)

23              CHAIRPERSON ANDERSON: It passes 5-0-  
24      0. Now that this case is over, Mr. O'Brien, I am  
25      disappointed that the owner of this establishment

1 is not here.

2 As you are aware, for a first  
3 infraction that if an applicant or licensee does  
4 a sale to a minor, it is a staff settlement where  
5 it is an automatic warning. However, in this  
6 case, the Board considered it egregious. That's  
7 one of the reasons why the Board sent this matter  
8 over to the Office of Corporation Counsel for it  
9 to be prosecuted.

10 And in this particular case on April  
11 26, 2019, the ABRA investigators, we were  
12 conducting compliance checks with the assistance  
13 of a 15-year-old minor.

14 A 15-year-old minor went to this  
15 establishment. The bartender asked her for her  
16 license, for her identification. She showed this  
17 individual her identification that stated that  
18 she was 15-years-old, and your client sold her  
19 alcohol. And this is egregious.

20 I believe that if a 15-year-old -- we  
21 do sale to minor always. And if you tell me that  
22 a person is 20-years-old, 19, 18, 17, you know,  
23 people look. But if it's a 15-year-old who shows  
24 -- you ask you for an identification and she  
25 shows you an identification saying that she was

1 born in 2004, how can your client -- how can this  
2 occur, sir?

3 And that's not a reason -- I think I  
4 was told that we were going to pass this on for  
5 another week because the owner could not be here  
6 today. But it's something that as Chair I take  
7 this very serious. And I believe that if we send  
8 a 15-year-old to an establishment that's a  
9 freebie.

10 That's like someone looking to say,  
11 you know, she's so young. It's like thank you  
12 for sending someone so young so we know that we  
13 pass this test. But it's just something that I  
14 take this very seriously. And it's just, at  
15 least for me, it's egregious. And that's all I  
16 can say.

17 CHAIRPERSON ANDERSON: Yes, Mr. Short.

18 MEMBER SHORT: Mr. O'Brien.

19 MR. O'BRIEN: Good morning, sir.

20 MEMBER SHORT: You're highly respected  
21 amongst a lot of people in this city and  
22 especially by this Board member.

23 MR. O'BRIEN: Thank you, sir.

24 MEMBER SHORT: And I'd like for that  
25 owner to know that if this ever happens again, in

1 this establishment, 15-year-old, I have  
2 grandchildren that age. It's not acceptable at  
3 all. That's all I have to share.

4 CHAIRPERSON ANDERSON: Thank you, Mr.  
5 Short. Yes, Mr. O'Brien.

6 MR. O'BRIEN: May I speak?

7 CHAIRPERSON ANDERSON: Yes, sir.

8 MR. O'BRIEN: As far as what the Chair  
9 as the service of a 15-year-old, I've got nothing  
10 to say other than I agree with you 100 percent.  
11 But I do want to explain the absence --

12 CHAIRPERSON ANDERSON: I'm aware why  
13 -- I'm aware why he's absent. So you don't have  
14 to. I was told that -- from what I was told from  
15 a procedural matter, he would not have been here.  
16 They were going to postpone it for another week  
17 for him to be here. At least that's what I was  
18 told, so I'm not -- but if you have a --

19 MR. O'BRIEN: Let me set the record.  
20 I knew nothing about -- I represent this  
21 establishment and its sister establishments in  
22 the city --

23 CHAIRPERSON ANDERSON: Okay.

24 MR. O'BRIEN: -- on ABC measures. I  
25 knew nothing about this until I would guess

1 around 6 o'clock last night, maybe a little bit  
2 earlier when the Board's general counsel, as a  
3 courtesy telephoned me because she recognized my  
4 name being associated with this licensee.

5 I immediately got ahold of the owner,  
6 who knew nothing about it. He knew that there  
7 had been an incident back in April but knew  
8 nothing about a hearing.

9 And what I understand may have  
10 happened late yesterday was that someone from the  
11 Attorney General's office made a call and spoke  
12 to a bookkeeper there. And the bookkeeper  
13 apparently spoke to someone in the Attorney  
14 General's office and maybe someone in ABRA -- I  
15 don't know -- saying we didn't know about this.

16 Now I'm not arguing whether the Notice  
17 to Show Cause was served properly or not. That's  
18 not what I'm saying. I'm simply saying that the  
19 owner did not have personal knowledge of it.

20 And in order that the Board not be  
21 stood up, it was agreed that I would come this  
22 morning. But this should not be interpreted at  
23 all as indifference on the part of the ownership.  
24 And you may rest assured, Mr. Chair, and if I can  
25 ask Board staff to send me a copy of the

1       investigative report, you may be assured that I  
2       will counsel the owner --

3                   CHAIRPERSON ANDERSON:   Fine.

4                   MR. O'BRIEN:   -- about this and  
5       express the Board's concerns, which I will pile  
6       on with.

7                   CHAIRPERSON ANDERSON:   Fine.   Well,  
8       thank you, again, Mr. O'Brien for your  
9       representation, but to the owner's defense at  
10      least, I was not informed that he was indifferent  
11      and that is why he is not here.   So, right, I was  
12      informed that he was not indifferent.

13                   But as I stated that I prefer when we  
14      have these matters for at least this 15-year-old  
15      that the owner is here for the owner to know how  
16      seriously the Board considers this matter for  
17      someone who is 15 and who looks 15.   Because when  
18      the Agency does the sale to a minor, reasonable  
19      people will look at these young people and agree  
20      that they do look their stated age.

21                   Because, as we know, there's some  
22      folks today who you look at them, you would on  
23      first blush you would not state that they're the  
24      stated age.   But the young people we use,  
25      reasonable people will agree that they do look

1 their age.

2 And I'm not sure if it's even better  
3 that they didn't check the ID. But I cannot  
4 believe that someone could check an ID and it  
5 says that the person was born in 2004 and that  
6 doesn't compute that that's not 21. But all  
7 right. But thank you for your representation.

8 MR. O'BRIEN: Thank you, sir.

9 (Whereupon, the above-entitled matter  
10 went off the record at 10:03 a.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

<b>A</b>	<b>bit</b> 9:1 <b>blush</b> 10:23 <b>Board</b> 1:2,15 2:6,9,15 3:4 6:6,7 7:22 9:20,25 10:16 <b>Board's</b> 9:2 10:5 <b>Bobby</b> 1:20 2:11 <b>bookkeeper</b> 9:12,12 <b>born</b> 7:1 11:5 <b>Building</b> 1:16 <b>business</b> 2:17 3:10	<b>D.C</b> 1:16 <b>DC</b> 1:6,24 <b>defense</b> 10:9 <b>devices</b> 2:20 <b>disappointed</b> 5:25 <b>Distillers</b> 1:6 3:14,25 <b>Distillers/</b> 1:7 <b>Distillery</b> 1:8 <b>District</b> 1:1 2:5 4:4 <b>Donovan</b> 1:17,19 2:14	<b>immediately</b> 9:5 <b>incident</b> 9:7 <b>indifference</b> 9:23 <b>indifferent</b> 10:10,12 <b>individual</b> 6:17 <b>informed</b> 10:10,12 <b>infraction</b> 5:1 6:3 <b>interpreted</b> 9:22 <b>interruptions</b> 2:22 <b>introduce</b> 2:8 <b>investigative</b> 10:1 <b>investigators</b> 6:11 <b>issued</b> 4:25
<b>a.m</b> 2:2 3:9,9,21,21 11:10 <b>ABC</b> 8:24 <b>above-entitled</b> 3:19 11:9 <b>ABRA</b> 6:11 9:14 <b>absence</b> 8:11 <b>absent</b> 8:13 <b>acceptable</b> 8:2 <b>accepted</b> 5:14,18 <b>accepting</b> 5:5 <b>Act</b> 3:5 <b>address</b> 3:6 <b>age</b> 8:2 10:20,24 11:1 <b>Agency</b> 10:18 <b>agree</b> 8:10 10:19,25 <b>agreed</b> 9:21 <b>ahold</b> 9:5 <b>alcohol</b> 6:19 <b>Alcoholic</b> 1:2,15,15 2:6 3:4 <b>ALIYA</b> 1:20 <b>ANC</b> 1:9 <b>Anderson</b> 1:17,19 2:3 2:14 3:22 4:5,8,11,15 4:19,22 5:4,9,17,21 5:23 7:17 8:4,7,12,23 10:3,7 <b>apparently</b> 9:13 <b>appeal</b> 5:8 <b>applicant</b> 1:24 6:3 <b>approach</b> 4:1 <b>approximate</b> 3:8 <b>April</b> 6:10 9:7 <b>arguing</b> 9:16 <b>asked</b> 6:15 <b>assistance</b> 6:12 <b>associated</b> 9:4 <b>assured</b> 9:24 10:1 <b>attendance</b> 2:16 <b>Attorney</b> 9:11,13 <b>audible</b> 5:22 <b>automatic</b> 6:5 <b>Avenue</b> 1:9 <b>avoid</b> 2:22 <b>aware</b> 5:5 6:2 8:12,13 <b>aye</b> 5:19 <b>eyes</b> 5:20	<b>C</b>	<b>E</b>	<b>J</b>
<b>back</b> 9:7 <b>bartender</b> 6:15 <b>behalf</b> 4:3,7 <b>believe</b> 6:20 7:7 11:4 <b>better</b> 11:2 <b>Beverage</b> 1:2,15,15 2:6 3:4	<b>call</b> 9:11 <b>called</b> 2:25 <b>case</b> 1:10 2:24 3:11,13 3:17,18,24 4:12 5:24 6:6,10 <b>Cato</b> 1:20 2:11 <b>cause</b> 1:9 3:10,20,23 9:17 <b>cell</b> 2:20 <b>certain</b> 2:21 <b>Chair</b> 7:6 8:8 9:24 <b>Chairman</b> 2:15 <b>Chairperson</b> 1:16,19 2:3 3:22 4:5,8,11,15 4:19,22 5:4,9,17,21 5:23 7:17 8:4,7,12,23 10:3,7 <b>check</b> 11:3,4 <b>checks</b> 6:12 <b>Chorus</b> 5:20 <b>city</b> 7:21 8:22 <b>client</b> 5:4 6:18 7:1 <b>Columbia</b> 1:1 2:6 4:4 <b>come</b> 2:24 9:21 <b>compliance</b> 6:12 <b>compromise</b> 4:14,16 4:17,24,24 5:2,5,11 5:12,13 <b>compute</b> 11:6 <b>concerns</b> 3:6 10:5 <b>conduct</b> 2:17 <b>conducting</b> 6:12 <b>considered</b> 6:6 <b>considers</b> 10:16 <b>Control</b> 1:2,15,15 2:6 3:4 <b>copy</b> 9:25 <b>Corporation</b> 6:8 <b>correct</b> 3:1 <b>counsel</b> 6:8 9:2 10:2 <b>courtesy</b> 9:3 <b>CR</b> 1:9 <b>Crockett</b> 1:20 2:10	<b>earlier</b> 9:2 <b>egregious</b> 6:6,19 7:15 <b>electronic</b> 2:20 <b>ensure</b> 3:1 <b>especially</b> 7:22 <b>establishment</b> 4:21 5:25 6:15 7:8 8:1,21 <b>establishments</b> 8:21 <b>explain</b> 8:11 <b>express</b> 10:5	<b>James</b> 1:21 2:13 <b>JR</b> 1:20
	<b>D</b>	<b>F</b>	<b>K</b>
		<b>far</b> 2:9,11 8:8 <b>Farmers</b> 1:6,7 3:14,24 <b>favor</b> 5:19 <b>fine</b> 5:11 10:3,7 <b>first</b> 2:19 3:10,12 6:2 10:23 <b>five</b> 2:15 <b>folks</b> 10:22 <b>forward</b> 2:24 <b>Founding</b> 1:7 <b>freebie</b> 7:9	<b>knew</b> 8:20,25 9:6,6,7 <b>knowledge</b> 9:19
		<b>G</b>	<b>L</b>
		<b>general</b> 9:2 <b>General's</b> 9:11,14 <b>giving</b> 5:6 <b>governed</b> 3:5 <b>government</b> 3:7,12 <b>grandchildren</b> 8:2 <b>guess</b> 8:25	<b>lastly</b> 3:3 <b>late</b> 3:16 9:10 <b>left</b> 2:11,12 <b>let's</b> 3:23 <b>license</b> 1:10 3:14,25 6:16 <b>licensee</b> 3:15,17 4:7 6:3 9:4 <b>little</b> 9:1 <b>LLC</b> 1:6 <b>look</b> 6:23 10:19,20,22 10:25 <b>looking</b> 7:10 <b>looks</b> 10:17 <b>lot</b> 7:21
		<b>H</b>	<b>M</b>
		<b>happened</b> 9:10 <b>happens</b> 7:25 <b>hearing</b> 1:9,15 3:4,11 3:20,24 5:6 9:8 <b>highly</b> 7:20	<b>Massachusetts</b> 1:8 <b>matter</b> 1:5 5:8 6:7 8:15 10:16 11:9 <b>matters</b> 4:12 10:14 <b>measures</b> 8:24 <b>meeting</b> 1:3 2:5 <b>Meetings</b> 3:5 <b>member</b> 1:20,20,21,21 5:16 7:18,20,22,24 <b>members</b> 2:8,15 <b>mention</b> 2:18 <b>met</b> 1:15 <b>minor</b> 1:11 6:4,13,14,21 10:18 <b>morning</b> 2:4 3:16 4:8 4:10 7:19 9:22 <b>motion</b> 5:11,13,18
		<b>I</b>	
		<b>ID</b> 11:3,4 <b>identification</b> 6:16,17 6:24,25 <b>identify</b> 4:1 <b>immediate</b> 2:10,12	

<b>N</b>	<b>PRESENT</b> 1:18,23 <b>presiding</b> 1:17 <b>procedural</b> 8:15 <b>proceeding</b> 2:22 <b>properly</b> 9:17 <b>prosecuted</b> 6:9	<b>showed</b> 6:16 <b>shows</b> 3:17 6:23,25 <b>sign</b> 3:1 <b>simply</b> 9:18 <b>sir</b> 5:3 7:2,19,23 8:7 11:8 <b>sister</b> 8:21 <b>sold</b> 6:18 <b>sorry</b> 3:9 5:9,12,12,19 <b>speak</b> 8:6 <b>spelling</b> 3:2 <b>Spirits</b> 1:7 <b>spoke</b> 9:11,13 <b>staff</b> 6:4 9:25 <b>started</b> 2:19 <b>state</b> 10:23 <b>stated</b> 6:17 10:13,20,24 <b>status</b> 1:9 3:11,24 <b>Stephen</b> 1:24,24 4:3,6 <b>stood</b> 9:21 <b>Street</b> 1:16 <b>Suite</b> 1:16	<b>written</b> 4:25 5:14
	<b>Q</b>		<b>X</b>
	<b>questions</b> 3:6 <b>quorum</b> 2:16		<b>Y</b>
<b>O</b>	<b>R</b>		<b>yesterday</b> 9:10 <b>young</b> 7:11,12 10:19,24
<b>O'Brien</b> 1:24 4:6,6,9,10 4:22 5:3,7,24 7:18,19 7:23 8:5,6,8,19,24 10:4,8 11:8 <b>o'clock</b> 9:1 <b>OAG</b> 1:24 <b>occur</b> 7:2 <b>October</b> 1:13 2:7 <b>offer</b> 4:14,16,17,23,24 5:2,5,11,12,13 <b>office</b> 3:6 6:8 9:11,14 <b>once</b> 3:17 <b>Open</b> 3:5,7 <b>opengovoffice@dc.g...</b> 3:7 <b>opposed</b> 5:21 <b>order</b> 3:10,13,19 9:20 <b>Ortiz</b> 1:24 4:3,3,5,13,17 4:20 <b>owner</b> 5:25 7:5,25 9:5 9:19 10:2,15,15 <b>owner's</b> 10:9 <b>ownership</b> 9:23	<b>Rafi</b> 1:20 2:10 <b>reached</b> 4:14 <b>reason</b> 7:3 <b>reasonable</b> 10:18,25 <b>reasons</b> 6:7 <b>recall</b> 3:16,18,23 <b>recognized</b> 9:3 <b>record</b> 3:2,20 4:2 8:19 11:10 <b>Reeves</b> 1:16 <b>regular</b> 2:5 <b>Rema</b> 1:21 2:11 <b>report</b> 10:1 <b>represent</b> 8:20 <b>representation</b> 10:9 11:7 <b>respected</b> 7:20 <b>response</b> 5:22 <b>rest</b> 9:24 <b>resumed</b> 3:21 <b>Retailer</b> 1:9 <b>Room</b> 1:16 <b>running</b> 3:16	<b>T</b>	<b>Z</b>
	<b>S</b>	<b>t/a</b> 1:7 <b>table</b> 2:24,25 <b>telephoned</b> 9:3 <b>tell</b> 6:21 <b>test</b> 7:13 <b>thank</b> 7:11,23 8:4 10:8 11:7,8 <b>things</b> 2:18 <b>three</b> 2:18 <b>today</b> 2:7,9,16 3:10 7:6 10:22 <b>today's</b> 3:3 <b>told</b> 7:4 8:14,14,18 <b>turned</b> 2:21	<b>0</b>
<b>P</b>			<b>0</b> 5:24
<b>P-R-O-C-E-E-D-I-N-G-S</b> 2:1 <b>paggers</b> 2:20 <b>paper</b> 2:23 <b>part</b> 9:23 <b>particular</b> 6:10 <b>parties</b> 4:1,13 <b>pass</b> 7:4,13 <b>passes</b> 5:23 <b>people</b> 6:23 7:21 10:19 10:19,24,25 <b>percent</b> 8:10 <b>person</b> 6:22 11:5 <b>personal</b> 9:19 <b>phones</b> 2:20 <b>piece</b> 2:23 <b>pile</b> 10:5 <b>please</b> 2:21,25 3:1,3,5 4:1,2 <b>postpone</b> 8:16 <b>prefer</b> 10:13 <b>preliminary</b> 4:12		<b>U</b>	<b>1</b>
		<b>understand</b> 9:9 <b>understanding</b> 3:15 4:23 5:1 <b>use</b> 10:24	<b>10:03</b> 11:10 <b>100</b> 8:10 <b>100647</b> 1:10 3:14,25 <b>14th</b> 1:16 <b>15</b> 10:17,17 <b>15-year-old</b> 6:13,14,20 6:23 7:8 8:1,9 10:14 <b>15-years-old</b> 6:18 <b>16-CC-00068</b> 3:13 <b>17</b> 6:22 <b>18</b> 6:22 <b>19</b> 6:22 <b>19-CC-00068</b> 1:10 3:11 3:24
		<b>V</b>	<b>2</b>
		<b>Violation</b> 1:11	<b>20-years-old</b> 6:22 <b>2000</b> 1:16 <b>20009</b> 1:16 <b>2004</b> 7:1 11:5 <b>2019</b> 1:13 2:7 6:11 <b>21</b> 11:6 <b>23</b> 1:13 2:7 <b>26</b> 6:11 <b>2C</b> 1:9
		<b>W</b>	<b>3</b>
		<b>W</b> 1:17,19 <b>Wahabzadah</b> 1:21 2:12 <b>warning</b> 4:18,20,25 5:14 6:5 <b>Washington</b> 1:16 <b>Wednesday</b> 1:13 <b>week</b> 7:5 8:16 <b>welcome</b> 2:4 <b>went</b> 3:20 6:14 11:10	<b>4</b>
			<b>400S</b> 1:16
			<b>5</b>
			<b>5-0-5</b> :23
			<b>6</b>
			<b>6</b> 9:1 <b>600</b> 1:8
			<b>7</b>
			<b>8</b>
			<b>9</b>
			<b>9:40</b> 2:2

9:42 3:20  
9:43 3:9,9  
9:55 3:21

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Farmers and Distillers

Before: DCABRA

Date: 10-23-19

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.



-----  
Court Reporter

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701