

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

9:35 a.m.

CHAIRPERSON ANDERSON: All right, good morning, everyone, I would like to welcome you to the regular scheduled meeting of the District of Columbia Alcoholic Beverage Control Board.

Please know that today's Hearing will be conducted in accordance with D.C. official Code Section 2574 off the open meetings. Today is March 27, 2019.

I would like to introduce Members of the Board with us today. To my far right is Mr. Bobby Cato, to my immediate right is Mr. Nick Alberti, to my far left is Miss Rema Wahabzdah, to her right is Mr. Mike Silverstein, and to my immediate left is Mr. James Short.

My name is Donovan Anderson and I'm Chairman of the Board. We have six Members in attendance today. We do have a quorum to conduct business.

I would like to mention two things before we get started. First of all, if you have

1 any electronic devices, pagers, cell phones or
2 such, please make sure they're turned off to
3 avoid any interruption of the proceedings.

4 Secondly, there's a piece of paper on
5 each table. When you come forward as your case
6 is called, please take a seat at the table and
7 please sign in.

8 This is to ensure the correct spelling
9 of your name for the record. Additionally, when
10 you introduce yourself for the record, please
11 spell your name aloud for the court reporter.

12 I would note that the approximate time
13 is 9:47 a.m. The first case in our counter is a
14 Show Cause Hearing, status Case Number 18-AUD-
15 00087, Red Apron at Union Market, License Number
16 91030.

17 Would the parties please approach and
18 identify themselves for the record?

19 MR. ADAMS: Good morning, Mr.
20 Chairman, Walter Adams representing the District
21 of Columbia.

22 CHAIRPERSON ANDERSON: Good morning,

1 Mr. Adams.

2 MS. BABIN: Good morning, Mr.
3 Chairman, Stephanie Babin, B-A-B-I-N,
4 representing Red Apron.

5 CHAIRPERSON ANDERSON: And what's your
6 relationship to the establishment?

7 MS. BABIN: General Counsel.

8 CHAIRPERSON ANDERSON: I'm sorry, you
9 are?

10 MS. BABIN: General Counsel.

11 CHAIRPERSON ANDERSON: You're an
12 attorney?

13 MS. BABIN: Yes.

14 CHAIRPERSON ANDERSON: All right, are
15 there any preliminary matters in this case?

16 MR. ADAMS: Yes, Mr. Chairman, there
17 is a preliminary matter. The parties have
18 discussed the case where there is a single charge
19 for not following the oral statement.

20 The first issue is that the staff has
21 filed their gross statement, albeit late, and
22 otherwise, we do have offering compromise to

1 propose both of these staff should pay a fine in
2 the amount of \$2000 to be paid in a period of 60
3 days and on the condition that the establishment
4 does not pay the fine within the 60-day period,
5 that its license shall be suspended indefinitely
6 until the fine has been paid.

7 And as I already stated, this
8 establishment has, I'll submit, its pending
9 quarterly statements. So, that is the party's
10 proposal.

11 CHAIRPERSON ANDERSON: Ms. Babin, it's
12 my understanding that there is an offering
13 compromise and the offering compromise is that
14 there's a fine of \$2000 payable in 60 days.

15 If the fine is not payable in 60 days,
16 the license will be suspended until the fine has
17 been paid. Is this your understanding of the
18 offering compromise?

19 MS. BABIN: Yes, it is.

20 CHAIRPERSON ANDERSON: Are you aware
21 that by accepting an offering compromise that you
22 give up your right to a Hearing?

1 MS. BABIN: Yes.

2 CHAIRPERSON ANDERSON: Are you also
3 aware that by accepting an offering compromise
4 you're giving up your right to appeal this
5 matter?

6 MS. BABIN: Yes.

7 CHAIRPERSON ANDERSON: With that said,
8 I then make a motion that the offering compromise
9 of a fine of \$2000 payable in 60 days be
10 accepted.

11 If the fine is not payable in 60 days,
12 the license will be suspended until the fine has
13 been paid. Is there a second?

14 MEMBER SHORT: Second.

15 CHAIRPERSON ANDERSON: Mr. Short has
16 seconded the motion. All those in favor say aye?

17 (Chorus of aye.)

18 Those opposed? The matter passes 6-0-
19 0. We'll have you sign off on some paperwork,
20 ma'am, thank you very much.

21 (Whereupon, the above-entitled matter
22 went off the record at 9:39 a.m.)

<p style="text-align: center;">A</p> <p>a.m 2:2 3:13 6:22 above-entitled 6:21 accepted 6:10 accepting 5:21 6:3 Adams 1:21 3:19,20 4:1 4:16 Additionally 3:9 albeit 4:21 Alberti 1:18 2:14 Alcoholic 1:2,13,14 2:6 aloud 3:11 amount 5:2 ANC 1:8 Anderson 1:15,17 2:3 2:17 3:22 4:5,8,11,14 5:11,20 6:2,7,15 appeal 6:4 approach 3:17 approximate 3:12 Apron 1:6 3:15 4:4 attendance 2:19 attorney 1:22 4:12 avoid 3:3 aware 5:20 6:3 aye 6:16,17</p> <hr/> <p style="text-align: center;">B</p> <p>B-A-B-I-N 4:3 Babin 1:22 4:2,3,7,10 4:13 5:11,19 6:1,6 Beverage 1:2,13,14 2:6 Board 1:2,13 2:6,12,18 Bobby 1:18 2:13 Building 1:14 business 2:20</p> <hr/> <p style="text-align: center;">C</p> <p>called 3:6 case 1:9 3:5,13,14 4:15 4:18 Cato 1:18 2:13 Cause 1:7 3:14 cell 3:1 Chairman 2:18 3:20 4:3 4:16 Chairperson 1:15,17 2:3 3:22 4:5,8,11,14 5:11,20 6:2,7,15 charge 4:18 Chorus 6:17 Code 2:9 Columbia 1:1 2:6 3:21 come 3:5 compromise 4:22 5:13 5:13,18,21 6:3,8 condition 5:3 conduct 2:19</p>	<p>conducted 2:8 Control 1:2,13,14 2:6 correct 3:8 Counsel 4:7,10 counter 3:13 court 3:11 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:15 2:8 days 5:3,14,15 6:9,11 devices 3:1 discussed 4:18 District 1:1 2:5 3:20 Donovan 1:15,17 2:17</p> <hr/> <p style="text-align: center;">E</p> <p>electronic 3:1 ensure 3:8 establishment 4:6 5:3,8</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:10 far 2:12,14 favor 6:16 File 1:10 filed 4:21 fine 5:1,4,6,14,15,16 6:9,11,12 first 2:22 3:13 4:20 following 4:19 forward 3:5</p> <hr/> <p style="text-align: center;">G</p> <p>General 4:7,10 give 5:22 giving 6:4 gross 4:21 Group 1:6</p> <hr/> <p style="text-align: center;">H</p> <p>Hearing 1:8,14 2:7 3:14 5:22</p> <hr/> <p style="text-align: center;">I</p> <p>identify 3:18 immediate 2:13,16 indefinitely 5:5 interruption 3:3 introduce 2:11 3:10 issue 4:20</p> <hr/> <p style="text-align: center;">J</p> <p>James 1:19 2:16 JR 1:18,19</p> <hr/> <p style="text-align: center;">K</p>	<p style="text-align: center;">L</p> <p>late 4:21 left 2:14,16 license 1:8 3:15 5:5,16 6:12 Licensee's 1:22 LLC 1:6</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 6:20 March 1:12 2:10 Market 1:7 3:15 matter 1:4 4:17 6:5,18 6:21 matters 4:15 meeting 1:3 2:5 meetings 2:9 Member 1:18,18,19,19 1:20 6:14 Members 2:11,18 mention 2:21 met 1:14 Mike 1:19 2:15 morning 2:4 3:19,22 4:2 motion 6:8,16</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:14 name 2:17 3:9,11 NE 1:7 Neighborhood 1:5 Nick 1:18 2:13 note 3:12 Number 3:14,15</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:21 offering 4:22 5:12,13 5:18,21 6:3,8 official 2:8 open 2:9 opposed 6:18 oral 4:19</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 paggers 3:1 paid 5:2,6,17 6:13 paper 3:4 paperwork 6:19 parties 3:17 4:17 party's 5:9 passes 6:18 pay 5:1,4 payable 5:14,15 6:9,11</p>	<p>pending 5:8 period 5:2,4 phones 3:1 piece 3:4 please 2:7 3:2,6,7,10,17 preliminary 4:15,17 PRESENT 1:16,21 presiding 1:15 proceedings 3:3 proposal 5:10 propose 5:1</p> <hr/> <p style="text-align: center;">Q</p> <p>quarterly 1:10 5:9 quorum 2:19</p> <hr/> <p style="text-align: center;">R</p> <p>record 3:9,10,18 6:22 Red 1:6 3:15 4:4 Reeves 1:14 regular 2:5 relationship 4:6 Rema 1:20 2:14 reporter 3:11 representing 3:20 4:4 Restaurant 1:5 Retailer 1:8 Room 1:14</p> <hr/> <p style="text-align: center;">S</p> <p>scheduled 2:5 seat 3:6 second 6:13,14 seconded 6:16 Secondly 3:4 Section 2:9 Short 1:19 2:16 6:14,15 Show 1:7 3:14 sign 3:7 6:19 Silverstein 1:19 2:15 single 4:18 six 2:18 sorry 4:8 spell 3:11 spelling 3:8 staff 4:20 5:1 started 2:22 stated 5:7 statement 1:10 4:19,21 statements 5:9 status 1:8 3:14 Stephanie 1:22 4:3 Street 1:7,14 submit 5:8 Suite 1:15 suspended 5:5,16 6:12</p> <hr/> <p style="text-align: center;">T</p>
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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: Red Apron

Before: DC ABRA

Date: 03-27-19

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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