

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

IN THE MATTER OF:                   :  
                                                                   :  
 801 Restaurant, LLC,                 :  
 t/a 801 Restaurant & Bar             :  
 801 Florida Ave NW                 : Show Cause  
 License #103120                     : Hearing (Status)  
 Retailer CT - ANC 1B               :  
 Case # 19-CMP-00186               :  
                                                                   :  
 (Exceeded Capacity)                 :

Wednesday  
 February 24, 2021

The Alcoholic Beverage Control Board  
 met via WebEx videoconference, Chairperson  
 Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
 BOBBY CATO, JR., Member  
 RAFI ALIYA CROCKETT, Member  
 EDWARD S. GRANDIS, Member  
 JENI HANSEN, Member  
 REMA WAHABZADAH, Member

ALSO PRESENT:

WALTER ADAMS, DC OAG  
 SIMONE ANDREWS, DC ABRA Staff  
 ANDREW KLINE, Licensee's Counsel

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

2 10:56 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 in our calendar is Case No. 19-CMP-00186, 801  
5 Restaurant and Bar, License No. 103120. Ms.  
6 Andrews, can you please elevate the rights of the  
7 licensee in this case, please?

8 MS. ANDREWS: Sure, stand by. Mr.  
9 Kline, your rights have been elevated. That's  
10 all, Mr. Chair.

11 CHAIRPERSON ANDERSON: Thank you. Mr.  
12 Adams, can you please identify yourself for the  
13 record, please?

14 MR. ADAMS: Yes, Mr. Chairman, Walter  
15 Adams representing the District of Columbia.

16 CHAIRPERSON ANDERSON: Mr. Kline, can  
17 you please identify yourself for the record,  
18 please?

19 MR. KLINE: Yes, Andrew Kline on  
20 behalf of the Applicant. The Applicant may also  
21 be here, Mr. Heidenberger.

22 CHAIRPERSON ANDERSON: Ms. Andrews, is  
23 there a Mr. Heidenberger on the line?

24 MS. ANDREWS: He was on the line  
25 earlier, but he's not anymore.

1 MR. KLINE: Okay, no worries. I'm  
2 here for the Applicant.

3 CHAIRPERSON ANDERSON: You sure about  
4 that, Mr. Kline, we can -- or do you want to take  
5 a break for us to find your client? It's up to  
6 you.

7 MR. KLINE: No, it's okay. We have an  
8 OIC to present, so I don't -- I thought he would  
9 be here, and if he is, I would want him on, but  
10 if he's not, that's fine.

11 CHAIRPERSON ANDERSON: All right,  
12 thank you. Mr. Adams, since Mr. Kline kind of  
13 let the cat out of the bag, so I'm going to act  
14 like I am surprised. Let me ask a question that  
15 I don't know the answer of. Are there any  
16 preliminary matters in this case?

17 MR. ADAMS: Yes, Mr. Chairman, as Mr.  
18 Kline has stolen my thunder, there is a  
19 preliminary matter in this case.

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: What are the  
22 preliminary matters, please?

23 MR. ADAMS: Yes, Mr. Chairman. For  
24 the charge in this case, the parties have  
25 discussed it and have offered to negotiate a

1 settlement. We're proposing an offer in  
2 compromise, in which the establishment receives a  
3 written warning to resolve this case.

4 CHAIRPERSON ANDERSON: Thank you. Mr.  
5 Kline, it's my understanding there is an OIC, and  
6 the OIC is that the Government has stated that  
7 there is a written warning. Is this your  
8 understanding of the OIC, sir?

9 MR. KLINE: Yes, it is, Mr. Chairman.

10 CHAIRPERSON ANDERSON: Is your client  
11 aware that by accepting an OIC that they're  
12 giving up their right to a hearing?

13 MR. KLINE: Yes.

14 CHAIRPERSON ANDERSON: Is your client  
15 also aware that by accepting an OIC that they're  
16 giving up their right to appeal this matter?

17 MR. KLINE: Yes.

18 CHAIRPERSON ANDERSON: I make a motion  
19 that the offer in compromise of a written warning  
20 be accepted. Is there a second?

21 MEMBER CATO: Bobby Cato seconds.

22 CHAIRPERSON ANDERSON: Mr. Cato has  
23 seconded the motion. We'll now have a roll call  
24 vote on the motion that has been properly  
25 seconded by Mr. Cato. Mr. Cato.

1 MEMBER CATO: Bobby Cato. I agree.

2 CHAIRPERSON ANDERSON: Ms. Wahabzadah.

3 MEMBER WAHABZADAH: Rema Wahabzadah.

4 I agree.

5 CHAIRPERSON ANDERSON: Ms. Crockett.

6 MEMBER CROCKETT: Rafi Crockett. I

7 agree.

8 CHAIRPERSON ANDERSON: Ms. Hansen.

9 MEMBER HANSEN: Jeni Hansen. I agree.

10 CHAIRPERSON ANDERSON: Mr. Grandis.

11 MEMBER GRANDIS: Edward Grandis. I

12 agree.

13 CHAIRPERSON ANDERSON: I am Mr.

14 Anderson. I agree. The matter passes 6-0-0.

15 Thank you, Mr. Kline. Thank you, Mr. Adams, for  
16 providing OIC to the Board. Thank you very much  
17 and have a great day.

18 MR. ADAMS: Thank you, Mr. Chairman.

19 (Whereupon, the above-entitled matter  
20 went off the record at 10:59 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 5:20  <b>above-entitled</b> 5:19  <b>ABRA</b> 1:24  <b>accepted</b> 4:20  <b>accepting</b> 4:11,15  <b>act</b> 3:13  <b>Adams</b> 1:23 2:12  2:14,15 3:12,17  3:23 5:15,18  <b>agree</b> 5:1,4,7,9,12  5:14  <b>Alcoholic</b> 1:2,13  <b>ALIYA</b> 1:17  <b>ANC</b> 1:8  <b>Anderson</b> 1:14,16  2:3,11,16,22 3:3  3:11,21 4:4,10,14  4:18,22 5:2,5,8,10  5:13,14  <b>Andrew</b> 1:25 2:19  <b>Andrews</b> 1:24 2:6,8  2:22,24  <b>answer</b> 3:15  <b>anymore</b> 2:25  <b>appeal</b> 4:16  <b>Applicant</b> 2:20,20  3:2  <b>Ave</b> 1:7  <b>aware</b> 4:11,15</p>	<p><b>Cato</b> 1:17 4:21,21  4:22,25,25 5:1,1  <b>Cause</b> 1:7  <b>Chair</b> 2:10  <b>Chairman</b> 2:14 3:17  3:23 4:9 5:18  <b>Chairperson</b> 1:13  1:16 2:3,11,16,22  3:3,11,21 4:4,10  4:14,18,22 5:2,5,8  5:10,13  <b>charge</b> 3:24  <b>client</b> 3:5 4:10,14  <b>Columbia</b> 1:1 2:15  <b>compromise</b> 4:2,19  <b>Control</b> 1:2,13  <b>Counsel</b> 1:25  <b>Crockett</b> 1:17 5:5,6  5:6  <b>CT</b> 1:8</p>	<p style="text-align: center;"><b>H</b></p> <p><b>Hansen</b> 1:18 5:8,9  5:9  <b>hearing</b> 1:7 4:12  <b>Heidenberger</b> 2:21  2:23</p> <p style="text-align: center;"><b>I</b></p> <p><b>identify</b> 2:12,17</p> <p style="text-align: center;"><b>J</b></p> <p><b>Jeni</b> 1:18 5:9  <b>JR</b> 1:17</p> <p style="text-align: center;"><b>K</b></p> <p><b>kind</b> 3:12  <b>Kline</b> 1:25 2:9,16  2:19,19 3:1,4,7,12  3:18 4:5,9,13,17  5:15  <b>know</b> 3:15</p>	<p>4:15 5:16  <b>okay</b> 3:1,7</p> <p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-I-...</b>  2:1  <b>parties</b> 3:24  <b>passes</b> 5:14  <b>please</b> 2:6,7,12,13  2:17,18 3:22  <b>preliminary</b> 3:16,19  3:22  <b>present</b> 1:15,21 3:8  <b>presiding</b> 1:14  <b>properly</b> 4:24  <b>proposing</b> 4:1  <b>providing</b> 5:16</p> <p style="text-align: center;"><b>Q</b></p> <p><b>question</b> 3:14</p>
<p style="text-align: center;"><b>B</b></p> <p><b>bag</b> 3:13  <b>Bar</b> 1:6 2:5  <b>behalf</b> 2:20  <b>Beverage</b> 1:2,13  <b>Board</b> 1:2,13 5:16  <b>Bobby</b> 1:17 4:21  5:1  <b>break</b> 3:5</p>	<p style="text-align: center;"><b>D</b></p> <p><b>day</b> 5:17  <b>DC</b> 1:23,24  <b>discussed</b> 3:25  <b>District</b> 1:1 2:15  <b>Donovan</b> 1:14,16</p> <p style="text-align: center;"><b>E</b></p> <p><b>earlier</b> 2:25  <b>Edward</b> 1:18 5:11  <b>elevate</b> 2:6  <b>elevated</b> 2:9  <b>establishment</b> 4:2  <b>Exceeded</b> 1:9</p>	<p style="text-align: center;"><b>L</b></p> <p><b>License</b> 1:7 2:5  <b>licensee</b> 2:7  <b>Licensee's</b> 1:25  <b>line</b> 2:23,24  <b>LLC</b> 1:6</p> <p style="text-align: center;"><b>M</b></p> <p><b>matter</b> 1:5 3:19  4:16 5:14,19  <b>matters</b> 3:16,22  <b>MEETING</b> 1:3  <b>Member</b> 1:17,17,18  1:18,19 4:21 5:1,3  5:6,9,11  <b>met</b> 1:13  <b>motion</b> 4:18,23,24</p>	<p style="text-align: center;"><b>R</b></p> <p><b>Rafi</b> 1:17 5:6  <b>receives</b> 4:2  <b>record</b> 2:13,17 5:20  <b>Rema</b> 1:19 5:3  <b>representing</b> 2:15  <b>resolve</b> 4:3  <b>Restaurant</b> 1:6,6  2:5  <b>Retailer</b> 1:8  <b>right</b> 3:11 4:12,16  <b>rights</b> 2:6,9  <b>roll</b> 4:23</p>
<p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 2:4  <b>call</b> 4:23  <b>Capacity</b> 1:9  <b>case</b> 1:8 2:3,4,7  3:16,19,24 4:3  <b>cat</b> 3:13</p>	<p style="text-align: center;"><b>F</b></p> <p><b>February</b> 1:11  <b>find</b> 3:5  <b>fine</b> 3:10  <b>Florida</b> 1:7</p> <p style="text-align: center;"><b>G</b></p> <p><b>giving</b> 4:12,16  <b>going</b> 3:13  <b>Government</b> 4:6  <b>Grandis</b> 1:18 5:10  5:11,11  <b>great</b> 5:17</p>	<p style="text-align: center;"><b>N</b></p> <p><b>negotiate</b> 3:25  <b>NW</b> 1:7</p> <p style="text-align: center;"><b>O</b></p> <p><b>OAG</b> 1:23  <b>offer</b> 4:1,19  <b>offered</b> 3:25  <b>OIC</b> 3:8 4:5,6,8,11</p>	<p style="text-align: center;"><b>S</b></p> <p><b>S</b> 1:18  <b>second</b> 4:20  <b>seconded</b> 4:23,25  <b>seconds</b> 4:21  <b>settlement</b> 4:1  <b>Show</b> 1:7  <b>SIMONE</b> 1:24  <b>Simultaneous</b> 3:20  <b>sir</b> 4:8  <b>speaking</b> 3:20  <b>Staff</b> 1:24  <b>stand</b> 2:8  <b>stated</b> 4:6</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: 801 Restaurant, LLC, t/a 801  
Restaurant & Bar

Before: DC ABRA

Date: 02-24-2021

Place: teleconference

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



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Court Reporter

**NEAL R. GROSS**

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