

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
MEETING

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IN THE MATTER OF:
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Provost, LLC,
:
t/a Provost
:
2129 Rhode Island Ave NE : Show Cause
Retailer CR - ANC 5C : Hearing (Status)
License No. 108015
:
Case #23-CIT-00421
:
:
(Failed to File
:
Quarterly Statement)
:
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Wednesday
December 13, 2023

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

PRESENT:
DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:
JOSE ORELLANA, DC ABCA Staff
NINA GILCHRIST, Applicant
CHRIS SOUTHCOTT, DC OAG

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

2 11:38 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 Okay. The next case in our calendar is Case No.
5 23-CIT-00421, Provost, License No. 108015. Mr.
6 Orellana, can you please elevate the rights of
7 the licensee in this case?

8 MR. ORELLANA: Chris, your access has
9 been elevated. That is all, Chairman.

10 CHAIRPERSON ANDERSON: Thank you. Ms.
11 Gilchrist, can you turn your camera on, please?

12 MS. GILCHRIST: Hello.

13 CHAIRPERSON ANDERSON: Do you have a
14 camera you can turn on, ma'am?

15 MR. SOUTHCOTT: Can the Board hear me?

16 CHAIRPERSON ANDERSON: Yes, yes, sir.
17 I can hear -- I can hear and see you now.

18 MR. SOUTHCOTT: Unfortunately, my
19 internet went out. Now it seems like I can't
20 hear the Board.

21 CHAIRPERSON ANDERSON: Do you want to
22 log back off and come -- I can hear and see you
23 now.

24 MR. SOUTHCOTT: Forgive me. I'm going
25 to try logging off and logging back in. I'll

1 return in a second.

2 CHAIRPERSON ANDERSON: Sure. That's
3 fine.

4 (Pause.)

5 MR. SOUTHCOTT: Good morning.

6 CHAIRPERSON ANDERSON: Good morning
7 again. Give me one minute, please. Good
8 morning, Mr. Southcott. Can you please identify
9 yourself for the record?

10 MR. SOUTHCOTT: Good morning. My name
11 is Chris Southcott -- first name, C-H-R-I-S, last
12 name, S-O-U-T-H-C-O-T-T -- from D.C.'s Office of
13 the Attorney General representing the government.

14 CHAIRPERSON ANDERSON: Good morning.
15 Good morning, Ms. Gilchrist. Can you please
16 spell and state your name for the record?

17 MS. GILCHRIST: My name is Nina
18 Gilchrist, N-I-N-A, last name, Gilchrist, G-I-L-
19 C-H-R-I-S-T. I'm an owner at Provost Organic
20 Restaurant.

21 CHAIRPERSON ANDERSON: Good morning,
22 ma'am. Mr. Southcott, are there any preliminary
23 matters in this case?

24 MR. SOUTHCOTT: I do not believe so.
25 I believe the terms have been communicated, but

1 there has yet to be an agreement that has been
2 reached, at least as far as I understand.

3 CHAIRPERSON ANDERSON: Okay. Any
4 preliminary matters you want to raise before, not
5 substantive, just any preliminary matters you
6 want to raise, Ms. Gilchrist?

7 MS. GILCHRIST: When he says terms and
8 conditions, I'm just confused. It's just the
9 fine, right, that I got for the citation or
10 something else?

11 CHAIRPERSON ANDERSON: I think that's
12 what he's stating, ma'am, that the government has
13 sent the proposal to say to settle this matter.
14 This is what -- would you agree to pay this? And
15 if not, we're going to a hearing. That's what
16 he's talking about.

17 MS. GILCHRIST: Just the citation?

18 CHAIRPERSON ANDERSON: Yes, ma'am.
19 Okay. All right. I don't have any questions
20 other than the initial question. I asked the
21 investigator that came out and made the
22 presentation of the citation and when I went to
23 the office. I was just trying to find out within
24 the code where does this define when you filed
25 the report prior to coming to the restaurant. I

1 was just trying to get --

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: I think the
4 bottom line, ma'am, is that this charge is you
5 failed to file your quarterly payment timely.
6 And for the failure to file it timely, the
7 regulations has a specific fine that you have to
8 pay because it was not paid -- it was not filed
9 timely. And so that's that case. And so if you
10 agree, so you can either agree now to pay the
11 fine or we'll go to a hearing and you're going to
12 bring documents and witnesses to state that the
13 fine was paid timely. And that's basically where
14 we are.

15 (Simultaneous speaking.)

16 CHAIRPERSON ANDERSON: I'm sorry. I'm
17 sorry. That the filing was timely filed. That's
18 what I meant. I'm sorry, ma'am.

19 MS. GILCHRIST: So if you file three
20 days or five days after the due date, that's
21 considered not timely, correct?

22 CHAIRPERSON ANDERSON: Ma'am, I don't
23 know. All I can -- the only thing I can respond
24 to, the statute says when it's due. And if it's
25 not provided the day that it's due, then it's

1 untimely.

2 I can't tell you one day, two days,
3 three days, four days. I don't know. Just I can
4 state that it's a quarterly statement that's due
5 -- from what I'm told, it's due a certain time
6 every quarter.

7 And if the office does not receive it
8 at the due date, then it's untimely. I don't
9 know what the Agency does. But all I'm saying is
10 that this is what I'm told.

11 And if you're contesting that, we can
12 go to the hearing. This matter is scheduled for
13 a show cause hearing on January 24th, 2024 at
14 10:30 a.m. And then you can bring documents and
15 witnesses to state that if you context the
16 citation that was provided to you to say that a
17 document was not timely filed. Okay?

18 MS. GILCHRIST: Okay. All right.
19 I'll go to the hearing.

20 CHAIRPERSON ANDERSON: All right. So
21 this matter is scheduled for a hearing on January
22 24th, 2024 at 10:30 a.m. Seven days before the
23 hearing, you are required to disclose the
24 documents and witnesses you're going to rely upon
25 at the hearing. You need to provide a copy to

1 the government and also provide a copy to the
2 Agency. Failure by either party to provide us
3 the disclosure seven days prior to the hearing
4 unless reasonable cause is shown, the Board is
5 empowered to prevent you from relying on
6 documents and witnesses that have not been
7 disclosed seven days prior to the hearing. Any
8 questions, ma'am?

9 MS. GILCHRIST: No.

10 CHAIRPERSON ANDERSON: Okay. All
11 right. So we'll see you then on January 24th at
12 10:30 a.m. Have a great day. Thank you. And I
13 believe that concludes your day, Mr. Southcott.

14 (Whereupon, the above-entitled matter
15 went off the record at 11:45 a.m.)
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<p style="text-align: center;">A</p> <p>a.m 2:2 6:14,22 7:12,15 ABCA 1:20 above-entitled 7:14 access 2:8 Agency 6:9 7:2 agree 4:14 5:10,10 agreement 4:1 Alcoholic 1:2,13 ANC 1:7 Anderson 1:14,17 2:3 2:10,13,16,21 3:2,6 3:14,21 4:3,11,18 5:3 5:16,22 6:20 7:10 Applicant 1:20 asked 4:20 Attorney 3:13 Ave 1:7</p>	<p>copy 6:25 7:1 correct 5:21 CR 1:7</p> <p style="text-align: center;">D</p> <p>D.C.'s 3:12 date 5:20 6:8 day 5:25 6:2 7:12,13 days 5:20,20 6:2,3,3,22 7:3,7 DC 1:20,21 December 1:12 define 4:24 disclose 6:23 disclosed 7:7 disclosure 7:3 DISTRICT 1:1 document 6:17 documents 5:12 6:14 6:24 7:6 Donovan 1:14,17 due 5:20,24,25 6:4,5,8</p>	<p>great 7:12</p> <p style="text-align: center;">H</p> <p>hear 2:15,17,17,20,22 hearing 1:7 4:15 5:11 6:12,13,19,21,23,25 7:3,7 Hello 2:12</p> <p style="text-align: center;">I</p> <p>identify 3:8 initial 4:20 internet 2:19 investigator 4:21 Island 1:7</p> <p style="text-align: center;">J</p> <p>JAMES 1:18 January 6:13,21 7:11 JOSE 1:20 JR 1:17,18</p>	<p>Okay 2:4 4:3,19 6:17,18 7:10 Orellana 1:20 2:6,8 Organic 3:19 owner 3:19</p> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 paid 5:8,13 party 7:2 Pause 3:4 pay 4:14 5:8,10 payment 5:5 please 2:6,11 3:7,8,15 preliminary 3:22 4:4,5 PRESENT 1:16,19 presentation 4:22 presiding 1:14 prevent 7:5 prior 4:25 7:3,7 proposal 4:13 provide 6:25 7:1,2 provided 5:25 6:16 Provost 1:6,6 2:5 3:19</p>
<p style="text-align: center;">B</p> <p>back 2:22,25 basically 5:13 believe 3:24,25 7:13 Beverage 1:2,13 Board 1:2,14 2:15,20 7:4 bottom 5:4 bring 5:12 6:14</p>	<p style="text-align: center;">E</p> <p>either 5:10 7:2 elevate 2:6 elevated 2:9 empowered 7:5</p>	<p style="text-align: center;">K</p> <p>know 5:23 6:3,9</p>	<p style="text-align: center;">Q</p> <p>quarter 6:6 quarterly 1:10 5:5 6:4 question 4:20 questions 4:19 7:8</p>
<p style="text-align: center;">C</p> <p>C-H-R-I-S 3:11 C-H-R-I-S-T 3:19 calendar 2:4 camera 2:11,14 Cannabis 1:2,13 case 1:8 2:4,4,7 3:23 5:9 cause 1:7 6:13 7:4 certain 6:5 Chairman 2:9 Chairperson 1:14,17 2:3,10,13,16,21 3:2,6 3:14,21 4:3,11,18 5:3 5:16,22 6:20 7:10 charge 5:4 Chris 1:21 2:8 3:11 citation 4:9,17,22 6:16 code 4:24 COLUMBIA 1:1 come 2:22 coming 4:25 communicated 3:25 concludes 7:13 conditions 4:8 confused 4:8 considered 5:21 contesting 6:11 context 6:15</p>	<p style="text-align: center;">F</p> <p>failed 1:9 5:5 failure 5:6 7:2 far 4:2 file 1:9 5:5,6,19 filed 4:24 5:8,17 6:17 filing 5:17 find 4:23 fine 3:3 4:9 5:7,11,13 first 3:11 five 5:20 Forgive 2:24 four 6:3</p>	<p style="text-align: center;">L</p> <p>License 1:8 2:5 licensee 2:7 line 5:4 LLC 1:6 log 2:22 logging 2:25,25</p> <p style="text-align: center;">M</p> <p>ma'am 2:14 3:22 4:12 4:18 5:4,18,22 7:8 matter 1:5 4:13 6:12,21 7:14 matters 3:23 4:4,5 meant 5:18 MEETING 1:3 Member 1:17,18 met 1:14 minute 3:7 morning 3:5,6,8,10,14 3:15,21</p>	<p style="text-align: center;">R</p> <p>raise 4:4,6 reached 4:2 reasonable 7:4 receive 6:7 record 3:9,16 7:15 regulations 5:7 rely 6:24 relying 7:5 report 4:25 representing 3:13 required 6:23 respond 5:23 restaurant 3:20 4:25 Retailer 1:7 return 3:1 Rhode 1:7 right 2:3 4:9,19 6:18,20 7:11 rights 2:6</p>
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<p>scheduled 6:12,21 second 3:1 see 2:17,22 7:11 sent 4:13 settle 4:13 seven 6:22 7:3,7 SHORT 1:18 show 1:7 6:13 shown 7:4 SILAS 1:17 Simultaneous 5:2,15 sir 2:16 sorry 5:16,17,18 Southcott 1:21 2:15,18 2:24 3:5,8,10,11,22 3:24 7:13 speaking 5:2,15 specific 5:7 spell 3:16 Staff 1:20 state 3:16 5:12 6:4,15 statement 1:10 6:4 stating 4:12 Status 1:7 statute 5:24 substantive 4:5 Sure 3:2</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 talking 4:16 tell 6:2 terms 3:25 4:7 Thank 2:10 7:12 thing 5:23 think 4:11 5:3 three 5:19 6:3 time 6:5 timely 5:5,6,9,13,17,21 6:17 told 6:5,10 try 2:25 trying 4:23 5:1 turn 2:11,14 two 6:2</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 4:2 Unfortunately 2:18 untimely 6:1,8</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>videoconference 1:14</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>W 1:14,17 want 2:21 4:4,6 we'll 5:11 7:11</p>	<p>we're 4:15 WebEx 1:14 Wednesday 1:11 went 2:19 4:22 7:15 witnesses 5:12 6:15,24 7:6</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10:30 6:14,22 7:12 108015 1:8 2:5 11:38 2:2 11:45 7:15 13 1:12</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2023 1:12 2024 6:13,22 2129 1:7 23-CIT-00421 1:8 2:5 24th 6:13,22 7:11</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5C 1:7</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: Provost

Before: DC ABCA

Date: 12-13-23

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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