

DISTRICT OF COLUMBIA  
 + + + + +  
 ALCOHOLIC BEVERAGE CONTROL BOARD  
 + + + + +  
 MEETING

IN THE MATTER OF: :

BBDC 1, LLC, :

t/a Bareburger :

1647 20th Street NW : Show Cause

Retailer CR - ANC 2B : Hearing (Status)

License No. 102759 :

Case #18-AUD-00105 :

(Failed to File a :  
 Quarterly Statement) :

Wednesday,  
 May 1, 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
- NICK ALBERTI, Member
- BOBBY CATO, JR., Member
- MIKE SILVERSTEIN, Member
- JAMES SHORT, Member
- REMA WAHABZADAH, Member

**ALSO PRESENT:**

**FERNANDO RIVERO, OAG**

**KEVIN LEE, Licensee's Attorney**

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

2 9:34 a.m.

3 CHAIRPERSON ANDERSON: Good morning,  
4 everyone. I would like to welcome you to the  
5 regularly scheduled meeting of the District of  
6 Columbia Alcoholic Beverage Control Board.  
7 Please know that today's hearings will be  
8 conducted in accordance with D.C. Official Code  
9 Section 2-574 of the Open Meetings Act.

10 Today is May 1, 2019. I would like to  
11 introduce Members of the Board with us today.

12 I would like to introduce Members of  
13 the Board with us today. To my far right is Mr.  
14 Bobby Cato. To my immediate right is Mr. Nick  
15 Alberti. To my far left is Ms. Rema Wahabzadah.  
16 To her right is Mr. Mike Silverstein and to my  
17 immediate left is Mr. James Short. My name is  
18 Donovan Anderson. I'm the Chairman of the Board.  
19 We have six Members in attendance today for the  
20 conduct of business and we do have a quorum.

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

1 any electronic devices, pagers, cell phones or  
2 such, please, make certain that they are turned  
3 off to avoid any interruption of the proceeding.

4 Secondly, there is 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. This is to ensure the correct  
8 spelling of your name for the record.

9 Additionally, when you introduce  
10 yourself for the record, please, spell your name  
11 aloud for the court reporter.

12 I would note that the approximate time  
13 is 9:37 a.m.

14 This morning it is a bittersweet  
15 schedule for the Board. I would like to take the  
16 opportunity to recognize Board Member Alberti.  
17 Mr. Alberti has served the Board for,  
18 approximately, 11 years and Mr. Alberti has  
19 informed us that his term is coming to an end and  
20 today will be his last day that he will be with  
21 us.

22 Since Mr. Alberti's initial

1 appointment to the Board in 2008, he has been --  
2 he has set the high standard of what a Board  
3 Member should be. He is a constant professional,  
4 is ethical and stands by his convictions.

5 Many of the Board's and Agency's  
6 accomplishments and success can be attributed to  
7 Board Member Alberti.

8 For example, he played a major role in  
9 working with the Board to establish new and well-  
10 received operating requirements for pub crawl  
11 events. He also helped the Board in establishing  
12 successful guidelines regarding appropriate  
13 settlement agreement terms as well as setting  
14 standards for considering safekeeping requests.

15 Board Member Alberti took the Board's  
16 enforcement and public safety responsibilities  
17 seriously and he has played a major role in  
18 establishing conditions that are required to be  
19 met prior to reopening of establishments closed  
20 by the Chief of Police.

21 He has also helped the Board in  
22 creating processes for handling cases involving

1 sale to minor violations as well as making  
2 important changes to the Board's Civil Penalty  
3 Schedule.

4 Board Member Alberti was able to  
5 strike the proper balance between the concerns of  
6 ANCs and District residents with requests  
7 received from businesses. He also consistently  
8 has taken the time over the years to assist and  
9 help new Board Members.

10 His constant support of staff has  
11 earned him the appreciation and respect of ABRA  
12 employees on board.

13 Board Member Alberti has left this  
14 Agency and the Board in a much better place than  
15 when he started almost 11 years ago and we will  
16 surely miss him.

17 I have been a Member of the Board for  
18 four years. This is towards the end of my four  
19 year term as Chair and one of the things that we  
20 -- we sit here in a specific order and when I  
21 joined the Board, I specifically asked Mr.  
22 Alberti to sit next to me, because I recognized

1 the fact that he has been here the longest. He  
2 is very knowledgeable and I trust his guidance.

3 We might not always agree on all the  
4 decisions that we make, but at least I know that  
5 his concerns and comments are pointed, they are  
6 on point.

7 I will miss his participation here and  
8 he always tries to keep me on my toes. So he  
9 ensures that whatever decisions, whatever rulings  
10 I make, that I'm confident in the decisions. And  
11 so I personally will miss his being here. And so  
12 I would just like us to show our appreciation of  
13 Board Member Alberti for a job well done.

14 And thank you, Nick.

15 (Applause)

16 MEMBER ALBERTI: Thank you.

17 CHAIRPERSON ANDERSON: If you want to  
18 say something, you are welcome to.

19 MEMBER ALBERTI: I'll make it short.  
20 Thank you Chairman Anderson for your comments,  
21 that was very kind.

22 I will miss everyone. I have known

1 many of you for a very long time. I am flattered  
2 that everyone is showing up to say good bye. I  
3 think I leave the Board in good hands here when I  
4 leave.

5 I just want to say that you all --  
6 those of you who work for the Agency, you have to  
7 know you work for the best Agency in the city. I  
8 have dealt with many of the agencies. I have got  
9 to know this Agency very well and all of you very  
10 well. You have helped me out. You have been  
11 gracious and helpful.

12 CHAIRPERSON ANDERSON: That's a first.

13 MEMBER ALBERTI: I'm getting a little  
14 bit choked up. So I will miss you. I'm  
15 impressed by every one of you. I have also been  
16 impressed by the OAG's office and the defense  
17 attorneys who come before us. It has been a  
18 pleasure working with such great talent. And so  
19 I will miss everyone and this is bittersweet.

20 Thank you very much.

21 CHAIRPERSON ANDERSON: Thank you.

22 (Applause)



1           CHAIRPERSON ANDERSON: If any of the  
2 Board Members want to say anything, they are  
3 welcome to. Go ahead, Mr. Short.

4           MEMBER SHORT: Good morning all. And  
5 to our friend and cohort, Mr. Nick Alberti, it  
6 has been a pleasure working with you, Nick. And  
7 it has been a pleasure having you to give us  
8 guidance and keep our steps sometimes moving in  
9 the proper direction.

10           I met Mr. Alberti before I became a  
11 Board Member. Actually, he was a neighbor to my  
12 church and since we have been Board Members, we  
13 have been able to take care of a lot of business,  
14 both on this Board and around the city and we are  
15 going to miss him very, very dearly, but we know  
16 he will be going to higher heights and doing  
17 nobler deeds wherever he goes.

18           Thank you, Nick, for your  
19 participation and a Board Member for Washington,  
20 D.C. Thank you.

21           MEMBER ALBERTI: Thank you, Mr. Short.

22                           (Applause)

1                   CHAIRPERSON ANDERSON: Mr.  
2 Silverstein?

3                   MEMBER SILVERSTEIN: I would associate  
4 myself with the remarks of my friend and  
5 colleague, Board Member Short, and would add that  
6 Nick's service to the community and his love of  
7 the city have gone far beyond simply his service  
8 here on the Board.

9                   He also served for many years as an  
10 ANC Commissioner and has been very, very active  
11 in the neighborhood and the city that he loves  
12 and I want to thank him and wish him well.

13                   CHAIRPERSON ANDERSON: Thank you.

14   (Applause)

15                   MEMBER ALBERTI: Thank you.

16                   CHAIRPERSON ANDERSON: Okay. Let's  
17 move on with our day at hand.

18                   Our first case on our Show Cause  
19 Hearing (Status) Calendar is Case No. 18-AUD-  
20 00105, Bareburger, License No. 102752.

21                   Will the parties, please, approach and  
22 identify themselves for the record, please?

1 MR. RIVERO: Good morning, Board  
2 Members. Fernando Rivero for the District of  
3 Columbia.

4 CHAIRPERSON ANDERSON: Good morning,  
5 Mr. Rivero.

6 MR. LEE: Good morning, Board Members.  
7 My name is Kevin Lee. I'm attorney for BBDC 1,  
8 LLC t/a Bareburger.

9 CHAIRPERSON ANDERSON: Good morning,  
10 Mr. Lee.

11 Mr. Rivero, are there any preliminary  
12 matters in this case?

13 MR. RIVERO: Yes, there are. The  
14 parties have an Offer in Compromise to present to  
15 the Board, at this time.

16 CHAIRPERSON ANDERSON: Yes, sir.

17 MR. RIVERO: And that offer consists  
18 of a fine of \$2,000 payable in 30 days. If the  
19 fine is not paid in 30 days, the license will be  
20 suspended until the payment is received. That is  
21 the offer. The licensee has filed the reports in  
22 question.

1                   CHAIRPERSON ANDERSON: Okay. Thank  
2 you.

3                   All right. Mr. Lee, good morning. It  
4 is my understanding that there is an Offer in  
5 Compromise. And the Offer in Compromise is that  
6 there is a fine of \$2,000 payable in 30 days. If  
7 the fine is not payable in 30 days, the license  
8 will be suspended until the fine has been paid.

9                   Is this your understanding, sir, of  
10 the Offer in Compromise?

11                  MR. LEE: Yeah, we understand that we  
12 agree on it.

13                  CHAIRPERSON ANDERSON: And is your  
14 client aware that by accepting an Offer in  
15 Compromise, that they are giving up their right  
16 to a hearing?

17                  MR. LEE: Yes.

18                  CHAIRPERSON ANDERSON: And is your  
19 client also aware that by accepting an Offer in  
20 Compromise, that they are giving up their right  
21 to appeal this matter?

22                  MR. LEE: Yes, that's correct.

1                   CHAIRPERSON ANDERSON: With this said,  
2 I then make a motion that the Offer in Compromise  
3 of a fine of \$2,000 payable in 30 days be  
4 accepted. If the fine if not payable in 30 days,  
5 the license will be suspended until the fine has  
6 been paid. Is there a second?

7                   MEMBER SHORT: Second.

8                   CHAIRPERSON ANDERSON: Mr. Short has  
9 seconded the motion.

10                   All those in favor say aye.

11                   ALL: Aye.

12                   CHAIRPERSON ANDERSON: The matter  
13 passes 6-0-0. Thank you.

14                   (Whereupon, the Show Cause (Status)  
15 Hearing was concluded at 9:44 a.m.)

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**A**

**a.m** 3:2 4:13 13:15  
**able** 6:4 9:13  
**ABRA** 6:11  
**accepted** 13:4  
**accepting** 12:14,19  
**accomplishments** 5:6  
**Act** 3:9  
**active** 10:10  
**add** 10:5  
**Additionally** 4:9  
**agencies** 8:8  
**Agency** 6:14 8:6,7,9  
**Agency's** 5:5  
**ago** 6:15  
**agree** 7:3 12:12  
**agreement** 5:13  
**ahead** 9:3  
**Alberti** 1:19 3:15 4:16  
 4:17,18 5:7,15 6:4,13  
 6:22 7:13,16,19 8:13  
 9:5,10,21 10:15  
**Alberti's** 4:22  
**Alcoholic** 1:2,14,14 3:6  
**aloud** 4:11  
**ANC** 1:7 10:10  
**ANCs** 6:6  
**Anderson** 1:16,18 3:3  
 3:18 7:17,20 8:12,21  
 9:1 10:1,13,16 11:4,9  
 11:16 12:1,13,18 13:1  
 13:8,12  
**appeal** 12:21  
**Applause** 7:15 8:22  
 9:22 10:14  
**appointment** 5:1  
**appreciation** 6:11 7:12  
**approach** 10:21  
**appropriate** 5:12  
**approximate** 4:12  
**approximately** 4:18  
**asked** 6:21  
**assist** 6:8  
**associate** 10:3  
**attendance** 3:19  
**attorney** 2:12 11:7  
**attorneys** 8:17  
**attributed** 5:6  
**avoid** 4:3  
**aware** 12:14,19  
**aye** 13:10,11

**B**

**balance** 6:5  
**Bareburger** 1:6 10:20  
 11:8  
**BBDC** 1:6 11:7  
**best** 8:7

**better** 6:14  
**Beverage** 1:2,14,14 3:6  
**beyond** 10:7  
**bit** 8:14  
**bittersweet** 4:14 8:19  
**board** 1:2,14 3:6,11,13  
 3:18 4:15,16,17 5:1,2  
 5:7,9,11,15,21 6:4,9  
 6:12,13,14,17,21 7:13  
 8:3 9:2,11,12,14,19  
 10:5,8 11:1,6,15  
**Board's** 5:5,15 6:2  
**Bobby** 1:19 3:14  
**Building** 1:15  
**business** 3:20 9:13  
**businesses** 6:7  
**bye** 8:2

**C**

**Calendar** 10:19  
**called** 4:6  
**care** 9:13  
**case** 1:8 4:5 10:18,19  
 11:12  
**cases** 5:22  
**Cato** 1:19 3:14  
**Cause** 1:7 10:18 13:14  
**cell** 4:1  
**certain** 4:2  
**Chair** 6:19  
**Chairman** 3:18 7:20  
**Chairperson** 1:15,18  
 3:3 7:17 8:12,21 9:1  
 10:1,13,16 11:4,9,16  
 12:1,13,18 13:1,8,12  
**changes** 6:2  
**Chief** 5:20  
**choked** 8:14  
**church** 9:12  
**city** 8:7 9:14 10:7,11  
**Civil** 6:2  
**client** 12:14,19  
**closed** 5:19  
**Code** 3:8  
**cohort** 9:5  
**colleague** 10:5  
**Columbia** 1:1 3:6 11:3  
**come** 4:5 8:17  
**coming** 4:19  
**comments** 7:5,20  
**Commissioner** 10:10  
**community** 10:6  
**Compromise** 11:14  
 12:5,5,10,15,20 13:2  
**concerns** 6:5 7:5  
**concluded** 13:15  
**conditions** 5:18  
**conduct** 3:20

**conducted** 3:8  
**confident** 7:10  
**considering** 5:14  
**consistently** 6:7  
**consists** 11:17  
**constant** 5:3 6:10  
**Control** 1:2,14,14 3:6  
**convictions** 5:4  
**correct** 4:7 12:22  
**court** 4:11  
**CR** 1:7  
**crawl** 5:10  
**creating** 5:22

**D**

**D.C** 1:15 3:8 9:20  
**day** 4:20 10:17  
**days** 11:18,19 12:6,7  
 13:3,4  
**dealt** 8:8  
**dearly** 9:15  
**decisions** 7:4,9,10  
**deeds** 9:17  
**defense** 8:16  
**devices** 4:1  
**direction** 9:9  
**District** 1:1 3:5 6:6 11:2  
**doing** 9:16  
**Donovan** 1:16,18 3:18

**E**

**earned** 6:11  
**electronic** 4:1  
**employees** 6:12  
**enforcement** 5:16  
**ensure** 4:7  
**ensures** 7:9  
**establish** 5:9  
**establishing** 5:11,18  
**establishments** 5:19  
**ethical** 5:4  
**events** 5:11  
**example** 5:8

**F**

**fact** 7:1  
**Failed** 1:9  
**far** 3:13,15 10:7  
**favor** 13:10  
**Fernando** 2:11 11:2  
**File** 1:9  
**filed** 11:21  
**fine** 11:18,19 12:6,7,8  
 13:3,4,5  
**first** 3:22 8:12 10:18  
**flattered** 8:1  
**forward** 4:5  
**four** 6:18,18

**friend** 9:5 10:4

**G**

**getting** 8:13  
**give** 9:7  
**giving** 12:15,20  
**gracious** 8:11  
**guidance** 7:2 9:8  
**guidelines** 5:12

**H**

**hand** 10:17  
**handling** 5:22  
**hands** 8:3  
**hearing** 1:7,14 10:19  
 12:16 13:15  
**hearings** 3:7  
**heights** 9:16  
**help** 6:9  
**helped** 5:11,21 8:10  
**helpful** 8:11  
**high** 5:2  
**higher** 9:16

**I**

**identify** 10:22  
**immediate** 3:14,17  
**important** 6:2  
**impressed** 8:15,16  
**informed** 4:19  
**initial** 4:22  
**interruption** 4:3  
**introduce** 3:11,12 4:9  
**involving** 5:22

**J**

**James** 1:20 3:17  
**job** 7:13  
**joined** 6:21  
**JR** 1:19

**K**

**keep** 7:8 9:8  
**Kevin** 2:12 11:7  
**knowledgeable** 7:2  
**known** 7:22

**L**

**leave** 8:3,4  
**Lee** 2:12 11:6,7,10 12:3  
 12:11,17,22  
**left** 3:15,17 6:13  
**Let's** 10:16  
**license** 1:8 10:20 11:19  
 12:7 13:5  
**licensee** 11:21  
**Licensee's** 2:12  
**little** 8:13

LLC 1:6 11:8  
 long 8:1  
 longest 7:1  
 lot 9:13  
 love 10:6  
 loves 10:11

---

**M**

---

major 5:8,17  
 making 6:1  
 matter 1:5 12:21 13:12  
 matters 11:12  
 meeting 1:3 3:5  
 Meetings 3:9  
 Member 1:19,19,20,20  
   1:21 4:16 5:3,7,15 6:4  
   6:13,17 7:13,16,19  
   8:13 9:4,11,19,21  
   10:3,5,15 13:7  
 Members 3:11,12,19  
   6:9 9:2,12 11:2,6  
 mention 3:21  
 met 1:14 5:19 9:10  
 Mike 1:20 3:16  
 minor 6:1  
 morning 3:3 4:14 9:4  
   11:1,4,6,9 12:3  
 motion 13:2,9  
 move 10:17  
 moving 9:8

---

**N**

---

N.W 1:15  
 name 3:17 4:8,10 11:7  
 neighbor 9:11  
 neighborhood 10:11  
 new 5:9 6:9  
 Nick 1:19 3:14 7:14 9:5  
   9:6,18  
 Nick's 10:6  
 nobler 9:17  
 note 4:12  
 NW 1:7

---

**O**

---

OAG 2:11  
 OAG's 8:16  
 offer 11:14,17,21 12:4,5  
   12:10,14,19 13:2  
 office 8:16  
 Official 3:8  
 Open 3:9  
 operating 5:10  
 opportunity 4:16  
 order 6:20

---

**P**

---

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

3:1  
 pagers 4:1  
 paid 11:19 12:8 13:6  
 paper 4:4  
 participation 7:7 9:19  
 parties 10:21 11:14  
 passes 13:13  
 payable 11:18 12:6,7  
   13:3,4  
 payment 11:20  
 Penalty 6:2  
 personally 7:11  
 phones 4:1  
 piece 4:4  
 place 6:14  
 played 5:8,17  
 please 3:7 4:2,6,7,10  
   10:21,22  
 pleasure 8:18 9:6,7  
 point 7:6  
 pointed 7:5  
 Police 5:20  
 preliminary 11:11  
 present 1:17 2:9 11:14  
 presiding 1:16  
 prior 5:19  
 proceeding 4:3  
 processes 5:22  
 professional 5:3  
 proper 6:5 9:9  
 pub 5:10  
 public 5:16

---

**Q**

---

Quarterly 1:10  
 question 11:22  
 quorum 3:20

---

**R**

---

received 5:10 6:7 11:20  
 recognize 4:16  
 recognized 6:22  
 record 4:8,10 10:22  
 Reeves 1:15  
 regarding 5:12  
 regularly 3:5  
 Rema 1:21 3:15  
 remarks 10:4  
 reopening 5:19  
 reporter 4:11  
 reports 11:21  
 requests 5:14 6:6  
 required 5:18  
 requirements 5:10  
 residents 6:6  
 respect 6:11  
 responsibilities 5:16  
 Retailer 1:7

Rivero 2:11 11:1,2,5,11  
   11:13,17  
 role 5:8,17  
 Room 1:15  
 rulings 7:9

---

**S**

---

safekeeping 5:14  
 safety 5:16  
 sale 6:1  
 schedule 4:15 6:3  
 scheduled 3:5  
 seat 4:6  
 second 13:6,7  
 seconded 13:9  
 Secondly 4:4  
 Section 3:9  
 seriously 5:17  
 served 4:17 10:9  
 service 10:6,7  
 set 5:2  
 setting 5:13  
 settlement 5:13  
 short 1:20 3:17 7:19 9:3  
   9:4,21 10:5 13:7,8  
 show 1:7 7:12 10:18  
   13:14  
 showing 8:2  
 sign-in 4:7  
 Silverstein 1:20 3:16  
   10:2,3  
 simply 10:7  
 sir 11:16 12:9  
 sit 6:20,22  
 six 3:19  
 specific 6:20  
 specifically 6:21  
 spell 4:10  
 spelling 4:8  
 staff 6:10  
 standard 5:2  
 standards 5:14  
 stands 5:4  
 started 3:22 6:15  
 Statement 1:10  
 Status 1:7 10:19 13:14  
 steps 9:8  
 Street 1:7,15  
 strike 6:5  
 success 5:6  
 successful 5:12  
 Suite 1:15  
 support 6:10  
 surely 6:16  
 suspended 11:20 12:8  
   13:5

---

**T**

---

t/a 1:6 11:8  
 table 4:5,6  
 taken 6:8  
 talent 8:18  
 term 4:19 6:19  
 terms 5:13  
 thank 7:14,16,20 8:20  
   8:21 9:18,20,21 10:12  
   10:13,15 12:1 13:13  
 things 3:21 6:19  
 today 3:10,11,13,19  
   4:20  
 today's 3:7  
 toes 7:8  
 tries 7:8  
 trust 7:2  
 turned 4:2  
 two 3:21

---

**U**

---

understand 12:11  
 understanding 12:4,9

---

**V**

---

violations 6:1

---

**W**

---

W 1:16,18  
 Wahabzadah 1:21 3:15  
 Washington 1:15 9:19  
 Wednesday 1:12  
 welcome 3:4 7:18 9:3  
 well- 5:9  
 wish 10:12  
 work 8:6,7  
 working 5:9 8:18 9:6

---

**X**

---



---

**Y**

---

year 6:19  
 years 4:18 6:8,15,18  
   10:9

---

**Z**

---



---

**0**

---

00105 10:20

---

**1**

---

102752 10:20  
 102759 1:8  
 11 4:18 6:15  
 14th 1:15  
 1647 1:7  
 18-AUD- 10:19  
 18-AUD-00105 1:8

**2**

**2-574** 3:9  
**2,000** 11:18 12:6 13:3  
**2000** 1:15  
**20009** 1:15  
**2008** 5:1  
**2019** 1:12 3:10  
**20th** 1:7  
**2B** 1:7

**3**

**30** 11:18,19 12:6,7 13:3  
13:4

**4**

**400S** 1:15

**5**

**6**

**6-0-0** 13:13

**7**

**8**

**9**

**9:34** 3:2  
**9:37** 4:13  
**9:44** 13:15



C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Bareburger

Before: DC ABRA

Date: 05-01-19

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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