

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

IN THE MATTER OF:	:
	:
VD3, LLC,	:
t/a Brown Street Market	:
(No Location)	: Fact Finding
Retailer A	: Hearing
License #108288	:
	:
(Request to Extend	:
Safekeeping)	:

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:**

MATT DEVENDORF, Licensee's Attorney  
  
AMIT BHARAT

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

10:09 a.m.

1  
2  
3 CHAIRPERSON ANDERSON: I'm going to  
4 move on. There is a Fact-Finding Hearing on  
5 Brown Street Market, no location, License No.  
6 108288.

7 Will the parties, please, approach and  
8 identify themselves for the record, please?

9 MR. DEVENDORF: Good morning. Matt  
10 Devendorf on behalf of Brown Street Market.

11 CHAIRPERSON ANDERSON: Good morning,  
12 Mr. Devendorf.

13 MR. DEVENDORF: I'm joined by the  
14 licensee.

15 MR. BHARAT: Good morning, Board  
16 Members. Amit Bharat on behalf of VD3, LLC.

17 CHAIRPERSON ANDERSON: I'm sorry, I  
18 didn't get your name, sir.

19 MR. BHARAT: Amit Bharat, a member of  
20 VD3, LLC.

21 CHAIRPERSON ANDERSON: One more time  
22 your last name.

1 MR. BHARAT: Amit Bharat.

2 CHAIRPERSON ANDERSON: Amit is your  
3 first name?

4 MR. BHARAT: Amit is my first name.

5 CHAIRPERSON ANDERSON: I got the first  
6 name. I never -- I still haven't gotten the last  
7 name.

8 MR. BHARAT: Bharat.

9 CHAIRPERSON ANDERSON: Herod?

10 MR. BHARAT: Starting with B.

11 CHAIRPERSON ANDERSON: Bharat?

12 MR. BHARAT: Yeah.

13 CHAIRPERSON ANDERSON: Okay. Good  
14 morning, sir.

15 MR. BHARAT: Good morning.

16 CHAIRPERSON ANDERSON: All right.  
17 There is a sign-in sheet, please, sign in. All  
18 right. In this particular case, you are again  
19 requesting an A License, which has never been  
20 used since it was issued.

21 And so I'm trying to find out where  
22 are you in identifying a brick and mortar

1 establishment?

2 MR. DEVENDORF: Yes, so we are very  
3 excited to report after our last Fact-Finding  
4 Hearing, we were sort of at Step 1, and now we  
5 have moved all the way to the Letter of Intent  
6 stage. I believe that letter was included in the  
7 Safekeeping Extension Request.

8 Mr. Bharat has been working really  
9 hard finding locations. This one is clearly  
10 sticking. We have got the Letter of Intent. And  
11 Mr. Bharat has been working to finalize a lease  
12 with the landlord.

13 I'll let Mr. Bharat expand on that a  
14 little bit.

15 CHAIRPERSON ANDERSON: So let us -- I  
16 don't have that Letter of Intent in front of me,  
17 so maybe you could just provide, since you are  
18 here, sir, me with that.

19 MR. DEVENDORF: I have a copy of it if  
20 you would like.

21 CHAIRPERSON ANDERSON: Yes, I would  
22 like that. I just don't have it in front of me,

1 so --

2 MR. DEVENDORF: Okay.

3 CHAIRPERSON ANDERSON: -- yeah.

4 MR. DEVENDORF: I only -- how many  
5 copies do you have? I have one.

6 MR. BHARAT: One, but I can give you  
7 mine.

8 MR. DEVENDORF: I have one.

9 CHAIRPERSON ANDERSON: You can bring  
10 it, yes, thank you.

11 The problem I have with this letter,  
12 this Letter of Intent is dated February 26, 2019,  
13 but this Letter of Intent has not expired. It  
14 says this proposal will be withdrawn if not  
15 accepted by March 4, 2019. So where are we?

16 MR. DEVENDORF: I'll let Mr. Bharat --  
17 so this letter was accepted, as you said, in  
18 February and Mr. Bharat has been working with the  
19 landlord to finalize the lease. I'll let him  
20 give you the details on that.

21 CHAIRPERSON ANDERSON: Sure. So where  
22 are we, sir? Since the Letter of Intent said if

1 it's not accepted, it will be withdrawn. So has  
2 it been accepted? And so it's now May, that's  
3 two months, so what has occurred since May 4th?

4 MR. BHARAT: Yes. So --

5 CHAIRPERSON ANDERSON: Since March 4th.  
6 I'm sorry.

7 MR. BHARAT: I got a reply, a response  
8 back from the landlord on March 18, 2019. I have  
9 a copy if you --

10 CHAIRPERSON ANDERSON: Show that to  
11 your attorney and your attorney can --

12 MR. DEVENDORF: It's his red line.

13 CHAIRPERSON ANDERSON: I'm sorry?

14 MR. DEVENDORF: It's a red line of  
15 the --

16 CHAIRPERSON ANDERSON: All right. So  
17 let me see what it -- since it's being offered, I  
18 want to make sure that you see what is out --  
19 what is coming to me before, you might decide  
20 that you don't want me to see it.

21 So where are you? And if we were to  
22 grant this extension, where -- if we are granting

1 the extension, when will you sign the lease?

2 MR. BHARAT: So at same time I'm  
3 accepting most of the terms from the landlord. I  
4 send them a counter offer. The only issue right  
5 now is the rent we are negotiating on.  
6 Hopefully, I should settle this thing by end of  
7 this month.

8 CHAIRPERSON ANDERSON: Was this -- let  
9 me see, when did you request this?

10 MR. BHARAT: November and I think --

11 CHAIRPERSON ANDERSON: No. What I'm  
12 trying to figure, it's -- you are requesting an  
13 extension through September the 31st not --  
14 through September 31st. This is what the  
15 extension that is being requested?

16 MR. DEVENDORF: Yes.

17 CHAIRPERSON ANDERSON: I'm not -- I  
18 wasn't sure when the request was made. Was it a  
19 March 31st extension or was it a --

20 MR. DEVENDORF: An extension from  
21 March 31st.

22 CHAIRPERSON ANDERSON: So it was an

1 extension from March to September?

2 MR. DEVENDORF: That the safekeeping  
3 expired March 31st.

4 CHAIRPERSON ANDERSON: All right. So  
5 if the Board was to grant the extension to  
6 September 31st and you don't have a lease, what  
7 should the Board do?

8 MR. DEVENDORF: I think the Board  
9 could take into account the pretty big steps that  
10 the applicant has taken to get himself into a  
11 space. You know, it is difficult to find a space  
12 in D.C. And look at that to see what -- you  
13 know, how close they are to really finalizing and  
14 that's in September.

15 CHAIRPERSON ANDERSON: Now, this is a  
16 license that has never been -- since it has been  
17 issued, it has never been used. And this license  
18 was issued over two years ago.

19 MR. DEVENDORF: Yes, that's correct.

20 CHAIRPERSON ANDERSON: It was issued  
21 over two years ago and it has never been  
22 utilized. And I appreciate the fact that you



1 have provided us -- that it appears that you have  
2 identified an establishment, but we need to make  
3 sure that there is an executed lease.

4 So if -- I would be inclined to offer  
5 -- I would be inclined to vote to issue the  
6 extension through September 30, 2019. However,  
7 if a signed lease is not -- and I don't know how  
8 long you would take after the lease is signed for  
9 the business to open, but I would not be inclined  
10 to agree to issue any further extensions after  
11 September 30, 2019.

12 So that's just where I am. As one  
13 Board Member, that's where I am. So that's where  
14 I am. I mean, you have shown us that you are  
15 actually trying to move forward, but again, this  
16 is a license that was issued, it's an A License  
17 and they are a valuable license, over two years  
18 ago and has never been utilized.

19 So but are there any other questions  
20 by any other Board Members?

21 MEMBER SHORT: Mr. Chair?

22 CHAIRPERSON ANDERSON: Go ahead, Mr.

1 Short.

2 MEMBER SHORT: I would like to make a  
3 comment. I think that like yourself, this would  
4 be the very last extension. Over two years, if  
5 by September 30th you don't have a signed lease to  
6 open, to operate, I'm inclined to go along with  
7 the Chair. I'm only one vote, just like he is  
8 just one vote, but I would think two years is  
9 plenty of time. We have been patient with you.

10 And September 30th, no more extensions  
11 after September 30th. I'm along with you, Mr.  
12 Chair.

13 CHAIRPERSON ANDERSON: Any other  
14 questions by any other Board Members?

15 MR. DEVENDORF: Just before we --

16 CHAIRPERSON ANDERSON: Go ahead, sir.

17 MR. DEVENDORF: Sorry.

18 CHAIRPERSON ANDERSON: Go ahead.

19 MR. DEVENDORF: Oh, I just wanted to  
20 add I understand your concerns, obviously, but I  
21 just wanted to reiterate one of the points we  
22 made during our last Fact-Finding Hearing was

1 that during most of 2018, Mr. Bharat was  
2 traveling and unable -- traveling for family  
3 matters.

4 He had illnesses and I believe a few  
5 family members passed away in 2018, which really  
6 did -- so we -- I understand it has been two  
7 years, but Mr. Bharat really has not had two  
8 years to work on it. I just wanted to reiterate  
9 that point that we made at the last Fact-Finding  
10 Hearing.

11 CHAIRPERSON ANDERSON: Thank you for  
12 your representation, sir. You are a good  
13 advocate on behalf of your client. However, it  
14 is two years. It is two and a half years that he  
15 has had this license. It is a very valuable  
16 license. It's an A License and so, therefore, I  
17 think that the Board is more than reasonable in  
18 granting a new licensee almost three years to  
19 find a location.

20 So with that, I make a motion that we  
21 grant the request through September 30, 2019, but  
22 I want the licensee to know that if there is a

1 further extension request, if there is no  
2 license, unless there is good cause, I will not  
3 support another request for an extension. Is  
4 there a second?

5 MEMBER SHORT: Second.

6 CHAIRPERSON ANDERSON: Mr. Short has  
7 seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON ANDERSON: Those opposed?

11 The matter passes 5-0-0.

12 So you know where we stand.

13 MR. DEVENDORF: Thank you.

14 MR. BHARAT: Thank you.

15 CHAIRPERSON ANDERSON: Thank you. All  
16 right. Do you need these documents back?

17 MR. DEVENDORF: Do you need those  
18 documents?

19 CHAIRPERSON ANDERSON: You can give  
20 them back. I don't need them, so you can have  
21 them.

22 MR. DEVENDORF: Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

CHAIRPERSON ANDERSON: All right.

Thank you.

(Whereupon, the Fact-Finding Hearing  
was concluded at 10:20 a.m.)

**A**

**a.m** 2:2 13:4  
**accepted** 5:15,17 6:1,2  
**accepting** 7:3  
**account** 8:9  
**add** 10:20  
**advocate** 11:13  
**ago** 8:18,21 9:18  
**agree** 9:10  
**ahead** 9:22 10:16,18  
**ALBERTI** 1:17  
**Alcoholic** 1:2,12,13  
**Amit** 1:22 2:16,19 3:1,2  
 3:4  
**Anderson** 1:14,16 2:3  
 2:11,17,21 3:2,5,9,11  
 3:13,16 4:15,21 5:3,9  
 5:21 6:5,10,13,16 7:8  
 7:11,17,22 8:4,15,20  
 9:22 10:13,16,18  
 11:11 12:6,10,15,19  
 13:1  
**appears** 9:1  
**applicant** 8:10  
**appreciate** 8:22  
**approach** 2:7  
**attorney** 1:21 6:11,11  
**aye** 12:8,9

**B**

**B** 3:10  
**back** 6:8 12:16,20  
**behalf** 2:10,16 11:13  
**believe** 4:6 11:4  
**Beverage** 1:2,12,13  
**Bharat** 1:22 2:15,16,19  
 2:19 3:1,1,4,8,8,10,11  
 3:12,15 4:8,11,13 5:6  
 5:16,18 6:4,7 7:2,10  
 11:1,7 12:14  
**big** 8:9  
**bit** 4:14  
**Board** 1:2,12 2:15 8:5,7  
 8:8 9:13,20 10:14  
 11:17  
**BOBBY** 1:17  
**brick** 3:22  
**bring** 5:9  
**Brown** 1:6 2:5,10  
**Building** 1:13  
**business** 9:9

**C**

**case** 3:18  
**CATO** 1:17  
**cause** 12:2  
**Chair** 9:21 10:7,12  
**Chairperson** 1:14,16

2:3,11,17,21 3:2,5,9  
 3:11,13,16 4:15,21  
 5:3,9,21 6:5,10,13,16  
 7:8,11,17,22 8:4,15  
 8:20 9:22 10:13,16,18  
 11:11 12:6,10,15,19  
 13:1

**clearly** 4:9  
**client** 11:13  
**close** 8:13  
**COLUMBIA** 1:1  
**coming** 6:19  
**comment** 10:3  
**concerns** 10:20  
**concluded** 13:4  
**Control** 1:2,12,13  
**copies** 5:5  
**copy** 4:19 6:9  
**correct** 8:19  
**counter** 7:4

**D**

**D.C** 1:14 8:12  
**dated** 5:12  
**decide** 6:19  
**details** 5:20  
**Devendorf** 1:21 2:9,10  
 2:12,13 4:2,19 5:2,4,8  
 5:16 6:12,14 7:16,20  
 8:2,8,19 10:15,17,19  
 12:13,17,22  
**difficult** 8:11  
**DISTRICT** 1:1  
**documents** 12:16,18  
**Donovan** 1:14,16

**E**

**establishment** 4:1 9:2  
**excited** 4:3  
**executed** 9:3  
**expand** 4:13  
**expired** 5:13 8:3  
**Extend** 1:9  
**extension** 4:7 6:22 7:1  
 7:13,15,19,20 8:1,5  
 9:6 10:4 12:1,3  
**extensions** 9:10 10:10

**F**

**fact** 1:7 8:22  
**Fact-Finding** 2:4 4:3  
 10:22 11:9 13:3  
**family** 11:2,5  
**favor** 12:8  
**February** 5:12,18  
**figure** 7:12  
**finalize** 4:11 5:19  
**finalizing** 8:13

**find** 3:21 8:11 11:19  
**finding** 1:7 4:9  
**first** 3:3,4,5  
**forward** 9:15  
**front** 4:16,22  
**further** 9:10 12:1

**G**

**give** 5:6,20 12:19  
**gotten** 3:6  
**grant** 6:22 8:5 11:21  
**granting** 6:22 11:18

**H**

**half** 11:14  
**hard** 4:9  
**Hearing** 1:7,13 2:4 4:4  
 10:22 11:10 13:3  
**Herod** 3:9  
**Hopefully** 7:6

**I**

**identified** 9:2  
**identify** 2:8  
**identifying** 3:22  
**illnesses** 11:4  
**inclined** 9:4,5,9 10:6  
**included** 4:6  
**Intent** 4:5,10,16 5:12,13  
 5:22  
**issue** 7:4 9:5,10  
**issued** 3:20 8:17,18,20  
 9:16

**J**

**JAMES** 1:18  
**joined** 2:13  
**JR** 1:17

**K****L**

**landlord** 4:12 5:19 6:8  
 7:3  
**lease** 4:11 5:19 7:1 8:6  
 9:3,7,8 10:5  
**letter** 4:5,6,10,16 5:11  
 5:12,13,17,22  
**license** 1:8 2:5 3:19  
 8:16,17 9:16,16,17  
 11:15,16,16 12:2  
**licensee** 2:14 11:18,22  
**Licensee's** 1:21  
**line** 6:12,14  
**little** 4:14  
**LLC** 1:6 2:16,20  
**location** 1:7 2:5 11:19  
**locations** 4:9

**long** 9:8  
**look** 8:12

**M**

**March** 5:15 6:5,8 7:19  
 7:21 8:1,3  
**Market** 1:6 2:5,10  
**Matt** 1:21 2:9  
**matter** 1:5 12:11  
**matters** 11:3  
**mean** 9:14  
**MEETING** 1:3  
**member** 1:17,17,18,18  
 1:19 2:19 9:13,21  
 10:2 12:5  
**members** 2:16 9:20  
 10:14 11:5  
**met** 1:13  
**MIKE** 1:18  
**mine** 5:7  
**month** 7:7  
**months** 6:3  
**morning** 2:9,11,15 3:14  
 3:15  
**mortar** 3:22  
**motion** 11:20 12:7  
**move** 2:4 9:15  
**moved** 4:5

**N**

**N.W** 1:13  
**name** 2:18,22 3:3,4,6,7  
**need** 9:2 12:16,17,20  
**negotiating** 7:5  
**never** 3:6,19 8:16,17,21  
 9:18  
**new** 11:18  
**NICK** 1:17  
**November** 7:10

**O**

**obviously** 10:20  
**occurred** 6:3  
**offer** 7:4 9:4  
**offered** 6:17  
**open** 9:9 10:6  
**operate** 10:6  
**opposed** 12:10

**P**

**P-R-O-C-E-E-D-I-N-G-S**  
 2:1  
**particular** 3:18  
**parties** 2:7  
**passed** 11:5  
**passes** 12:11  
**patient** 10:9  
**please** 2:7,8 3:17

plenty 10:9  
 point 11:9  
 points 10:21  
 PRESENT 1:15,20  
 presiding 1:14  
 pretty 8:9  
 problem 5:11  
 proposal 5:14  
 provide 4:17  
 provided 9:1

---

**Q**

---

questions 9:19 10:14

---

**R**

---

reasonable 11:17  
 record 2:8  
 red 6:12,14  
 Reeves 1:13  
 reiterate 10:21 11:8  
 REMA 1:19  
 rent 7:5  
 reply 6:7  
 report 4:3  
 representation 11:12  
 request 1:9 4:7 7:9,18  
 11:21 12:1,3  
 requested 7:15  
 requesting 3:19 7:12  
 response 6:7  
 Retailer 1:7  
 Room 1:13

---

**S**

---

safekeeping 1:9 4:7 8:2  
 says 5:14  
 second 12:4,5  
 seconded 12:7  
 send 7:4  
 September 7:13,14 8:1  
 8:6,14 9:6,11 10:5,10  
 10:11 11:21  
 settle 7:6  
 sheet 3:17  
 Short 1:18 9:21 10:1,2  
 12:5,6  
 Show 6:10  
 shown 9:14  
 sign 3:17 7:1  
 sign-in 3:17  
 signed 9:7,8 10:5  
 SILVERSTEIN 1:18  
 sir 2:18 3:14 4:18 5:22  
 10:16 11:12  
 sorry 2:17 6:6,13 10:17  
 sort 4:4  
 space 8:11,11  
 stage 4:6

stand 12:12  
 Starting 3:10  
 Step 4:4  
 steps 8:9  
 sticking 4:10  
 Street 1:6,13 2:5,10  
 Suite 1:14  
 support 12:3

---

**T**

---

t/a 1:6  
 taken 8:10  
 terms 7:3  
 thank 5:10 11:11 12:13  
 12:14,15,22 13:2  
 three 11:18  
 traveling 11:2,2  
 trying 3:21 7:12 9:15  
 two 6:3 8:18,21 9:17  
 10:4,8 11:6,7,14,14

---

**U**

---

unable 11:2  
 understand 10:20 11:6  
 utilized 8:22 9:18

---

**V**

---

valuable 9:17 11:15  
 VD3 1:6 2:16,20  
 vote 9:5 10:7,8

---

**W**

---

W 1:14,16  
 WAHABZADAH 1:19  
 wanted 10:19,21 11:8  
 Washington 1:14  
 wasn't 7:18  
 way 4:5  
 Wednesday 1:11  
 withdrawn 5:14 6:1  
 work 11:8  
 working 4:8,11 5:18

---

**X**

---



---

**Y**

---

years 8:18,21 9:17 10:4  
 10:8 11:7,8,14,14,18

---

**Z**

---



---

**0**

---



---

**1**

---

10:09 2:2  
 10:20 13:4  
 108288 1:8 2:6  
 14th 1:13

18 6:8

---

**2**

---

2000 1:13  
 20009 1:14  
 2018 11:1,5  
 2019 1:11 5:12,15 6:8  
 9:6,11 11:21  
 26 5:12

---

**3**

---

30 9:6,11 11:21  
 30th 10:5,10,11  
 31st 7:13,14,19,21 8:3,6

---

**4**

---

4 5:15  
 400S 1:14  
 4th 6:3,5

---

**5**

---

5-0-0 12:11

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Brown Street Market

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**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701