



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

2 3:42 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon,  
4 everyone. We are back on the record. Our first  
5 case is there is a Fact-Finding Hearing on Brown  
6 Street Market, License No. 108288.

7 And I just want to apologize. I know  
8 that this hearing was scheduled for 1:30. It's  
9 now 3:45. But you are aware that we had an 11:00  
10 hearing that was not over until, I think --

11 MEMBER SILVERSTEIN: 2:00.

12 CHAIRPERSON ANDERSON: -- 2:00 and  
13 since the Board has been here since 9:00 and you  
14 want to make sure that the Board is not hungry  
15 when they listen to your case, so --

16 MR. DEVENDORF: We understand. This  
17 is good timing, I think, right after lunch.

18 CHAIRPERSON ANDERSON: -- we had to go  
19 and nourish our bodies, so I appreciate that you  
20 are here and I apologize for the delay.

21 All right. So this is a Fact-Finding  
22 request to extend safekeeping. And I think --

1 could the parties introduce themselves for the  
2 record, please?

3 MR. DEVENDORF: My name is Matt  
4 Devendorf. I'm here on behalf of VD3, LLC.

5 MEMBER SILVERSTEIN: I'm sorry, I  
6 didn't hear your name.

7 CHAIRPERSON ANDERSON: We can't hear  
8 you.

9 MR. DEVENDORF: I'm sorry. Matt  
10 Devendorf, D-E-V-E-N-D-O-R-F.

11 MEMBER SILVERSTEIN: Okay. Thank you.

12 MR. DEVENDORF: I'm here on behalf of  
13 VD3, LLC.

14 CHAIRPERSON ANDERSON: You are an  
15 attorney, sir?

16 MR. DEVENDORF: Yes.

17 CHAIRPERSON ANDERSON: I thought I've  
18 seen you before, that's all. Yes, you are?

19 MR. BAHARAT: My name is Amit Baharat.

20 CHAIRPERSON ANDERSON: All right. And  
21 who are you with --

22 MR. BAHARAT: I'm the sole member of

1 VD3, LLC.

2 CHAIRPERSON ANDERSON: Okay. All  
3 right. So I'll make this easy. It's my  
4 understanding that you own this license until --  
5 since November and there were some other -- some  
6 confusion, but it's now straight in my mind.

7 You have owned this license since  
8 November, I think, of 2017. Is that correct?

9 MR. BAHARAT: Yes.

10 MR. DEVENDORF: That's right, yes.

11 CHAIRPERSON ANDERSON: And it is now  
12 November of 2018. And you are asking for an  
13 extension. When is it that you plan to bring  
14 this on-board?

15 MR. DEVENDORF: So, yes, Mr. Chair,  
16 the licensee is asking for a six month extension.  
17 The issue has been finding a location. We expect  
18 that the licensee will be able to find one in the  
19 next few months. What happened over this year,  
20 as Mr. Baharat had said, he had a tough year with  
21 two family members passing away unexpectedly as  
22 well as illnesses in the family, which required

1 him to travel extensively. He has been out of  
2 the country in April, early August, late  
3 September as well as late October to early  
4 November and was all for family issues.

5 He had also been traveling to New York  
6 frequently to see a sick family member, but now  
7 those, you know, unfortunate instances, you know,  
8 those have passed and now he is available to  
9 devote his attention 100 percent to finding a new  
10 location. So that's not to say he hasn't been  
11 working on it throughout the year.

12 In March of this year, Mr. Baharat  
13 contacted GNC Realty Group to assist him in  
14 finding a location. I have for the Board's  
15 reference actually a list of locations that they  
16 are currently looking at. This is a more recent  
17 list. May I offer this for the Board's  
18 reference?

19 CHAIRPERSON ANDERSON: Sure. One of  
20 the things that I'll say to you, now if we were  
21 to grant the extension, the extension would be  
22 through March 31, 2019. So it's now December.

1 So if we were to grant the extension, then you  
2 have to request another extension again, because  
3 we are already halfway through March.

4 So thinking beyond, you have to come  
5 back again and request an extension. So if we  
6 were to grant this today, I know that -- are you  
7 -- will you be able to find a location by March  
8 31, 2019? And if you don't find a location to --  
9 by March 31, 2019, when you come back again for  
10 an extension, where does that leave us?

11 MR. BAHARAT: I'm actually totally  
12 committing my time and I'm going to be totally  
13 available for the location, finding the location  
14 and I'm pretty sure that in the next couple of  
15 months, I should be able to find a good location.

16 CHAIRPERSON ANDERSON: So because it's  
17 December, I'm looking beyond March, because  
18 that's only three months. Okay. So and I'm not  
19 sure if you -- it doesn't appear that you have a  
20 location. There is nowhere and there is no --  
21 it's the holiday season, so December is out. So  
22 you have January, February, March 31st.

1           So if you don't find a location in  
2 March, are you -- will you be able to have a  
3 location by September 2019? Because I'm just  
4 saying based on where we are now, you don't have  
5 a location. You haven't signed a lease. You  
6 have not told me although you said you have  
7 engaged a realtor looking, so it is going to take  
8 a while.

9           So you have a very valuable license.  
10 You have an A License. So how long? And I think  
11 to follow this license, I don't think this  
12 license, although you just bought it a year ago,  
13 I don't think this license has ever been in use.

14           MR. DEVENDORF: I think the license  
15 was in use prior to --

16           CHAIRPERSON ANDERSON: Not as an -- as  
17 an A? I don't think so.

18           MR. BAHARAT: Okay. It was operating  
19 as Brown Street Market.

20           CHAIRPERSON ANDERSON: They never --

21           MEMBER ALBERTI: They operated as a B.

22           CHAIRPERSON ANDERSON: They -- yeah,

1 I'm sorry, yeah, they operated as a B. So they  
2 had an A and a B. They had a B. They applied  
3 for an A. And we had them cancel the B. So I  
4 don't think they really ever operated as an A.  
5 So I -- and that's one of the reasons why we had  
6 brought you in. There is more clarification that  
7 you are a new owner of this license, but I am  
8 almost positive that since this license was  
9 issued, it has never been utilized.

10 MR. DEVENDORF: All right. So Mr.  
11 Baharat had purchased the license as Brown Street  
12 Market was sort of closing down.

13 CHAIRPERSON ANDERSON: Right. That's  
14 what I'm saying. I'm aware of that.

15 MR. DEVENDORF: Right.

16 CHAIRPERSON ANDERSON: I'm aware of  
17 that, but it was not -- and that's one of the  
18 reasons why he is here today.

19 MR. DEVENDORF: Right.

20 CHAIRPERSON ANDERSON: Because, yeah.

21 MR. DEVENDORF: And that is correct.

22 This license has not been used yet. However, Mr.



1 Baharat believes he is in a position where he can  
2 close in on a location relatively quickly and he  
3 will be able to hit the ground running once he  
4 has done that. He has brought his contractor  
5 with him to check out locations, so his  
6 contractor is on the loop and they can start the  
7 build-out immediately upon gaining possession of  
8 a leased space.

9 Mr. Baharat believes now especially  
10 since he has his family matters under control, he  
11 can devote his attention to this issue 100  
12 percent and he will be able to, you know, have a  
13 lease, have a location for this license fairly  
14 quickly.

15 MEMBER ALBERTI: May I ask a quick  
16 question?

17 CHAIRPERSON ANDERSON: Go ahead, Mr.  
18 Alberti.

19 MEMBER ALBERTI: So I understand you  
20 are looking for a place, but you really haven't  
21 kind of -- you haven't really articulated what  
22 your plan is. All right? So is there a

1 particular part of the city you are looking in?  
2 Are you particular, a size of place you want? So  
3 what is your sort of plans for finding a place?  
4 Can you give us more detail?

5 MR. BAHARAT: Yes. I'm not  
6 particularly looking for a specific part of the  
7 city. I'm open for all or any part of the city.  
8 Again, the space-wise has to be 2,000 to 2,500  
9 square feet.

10 MEMBER ALBERTI: So where have you  
11 looked so far? What parts of the city have you  
12 looked?

13 MR. BAHARAT: I looked at Navy Yard,  
14 there was a couple of places, locations I looked  
15 at Navy Yard. I've been looking at Columbia  
16 Heights. I looked at U Street. I have even  
17 looked at Dupont Circle. And then I have a list  
18 of new locations which I'm totally going to  
19 devote my time to looking and then try to find  
20 the location.

21 MEMBER ALBERTI: So I mean, when you  
22 go in and you talk to somebody, what are you --

1 what are your requirements?

2 MR. DEVENDORF: I think we actually  
3 came prepared with a document that might help a  
4 little bit. We have printouts of a PowerPoint  
5 presentation that Mr. Baharat made to a potential  
6 landlord. If I may also --

7 MEMBER ALBERTI: Don't give. I mean,  
8 so to be honest with you, this is not for us to  
9 even evaluate today, but if you come -- if you  
10 ask for an extension next March, we are going to  
11 be, I think, as the Chair said, looking at what  
12 progress is made. You know, where are you at?  
13 What -- can you assure us that you are actually  
14 making progress towards that goal or you are just  
15 holding the license hoping that some time in the  
16 future somebody will want it or you will --

17 MR. BAHARAT: No, sir.

18 MEMBER ALBERTI: So and I'm not  
19 accusing you of that, but that's what we are  
20 trying to differentiate. So if we know what your  
21 plans are, then we can say okay, you know, here  
22 is what we saw today. Where are you? How does

1 this measure up to what you presented to us  
2 today? So this will be good for us and I thank  
3 you for this. I'll take a look at it. Thank  
4 you.

5 MR. BAHARAT: Thank you.

6 MR. DEVENDORF: Just to make sure we  
7 are all -- just to clarify, you know, Mr. Baharat  
8 has obviously extended, you know, substantial  
9 resources into looking for a location already and  
10 you will absolutely have made -- if not -- if the  
11 process hasn't been completed by March, it will  
12 have made substantial progress.

13 And as you can see, he already has  
14 started, you know, making good progress since he  
15 has been able to focus on this entirely.

16 MEMBER ALBERTI: So it looks like  
17 really your aim is to have, what I'll say is, a  
18 store that focuses on alcoholic beverages. I  
19 mean, as opposed to a store that has a  
20 convenience store aspect to it and selling a  
21 variety of items.

22 MR. DEVENDORF: Fine wine and spirits,

1 right.

2 MEMBER ALBERTI: But you are really  
3 looking for fine wine and spirits, so  
4 concentrated on alcoholic beverages?

5 MR. BAHARAT: Yes, sir.

6 MEMBER ALBERTI: Okay. Thank you.

7 CHAIRPERSON ANDERSON: Any other  
8 questions by any other Board Members? I think as  
9 I said before, it is -- this extension is through  
10 March 31, 2019, what you are requesting today.  
11 And so it's not apparent that you are going to be  
12 up and running by March 31, 2019, right?

13 MR. BAHARAT: Well --

14 CHAIRPERSON ANDERSON: That's in  
15 basically four months.

16 MR. BAHARAT: -- no, but I definitely  
17 will have a location by then.

18 CHAIRPERSON ANDERSON: So what I'm  
19 saying to you is that if the Board grants this  
20 extension, you are going to come back to us and  
21 ask for another extension through September 2019.  
22 So what is it that we should expect from you if

1 we were to grant -- if we were to grant this  
2 extension through March 31, 2019, what is it --  
3 what's the expectation if you come back to us to  
4 ask for an extension through September 2019?

5           What is it that we should -- what  
6 should we hold you accountable for? Because we  
7 want to make sure that -- and it's unfortunate  
8 that you have had some family concerns and I'm  
9 sympathetic to that. So I'm not saying I'm not.  
10 But you are holding a very valuable license. I  
11 mean there is a cap on A Licenses in the city.  
12 And that's one of the reasons why we will -- we  
13 call folks and when you have A Licenses, I'm not  
14 sure if there are others available, so it might  
15 be -- it could be a very valuable commodity,  
16 because I'm not sure if the Agency has any others  
17 to issue.

18           MR. DEVENDORF: To clarify, I have  
19 actually checked with ABRA staff, as of this  
20 morning, there is about 18 outstanding A  
21 Licenses.

22           CHAIRPERSON ANDERSON: So that many?

1 Well, that's --

2 MR. DEVENDORF: That was the answer  
3 that I was given.

4 CHAIRPERSON ANDERSON: -- interesting.  
5 And that's interesting because that tells us that  
6 we have done a good job, because at least I know  
7 as of six, seven months ago, we never had that.

8 MR. DEVENDORF: That was the  
9 information I received as of this morning.

10 CHAIRPERSON ANDERSON: Right. So  
11 because we are holding people accountable. We  
12 are telling people that if you are not going to  
13 utilize it, we are going to --

14 MR. DEVENDORF: And Mr. Baharat  
15 certainly will be utilizing his license.

16 CHAIRPERSON ANDERSON: So because I  
17 was told at one point people would spend the  
18 night to line up on front of the building to get  
19 an A License.

20 MR. DEVENDORF: Right. I mean, I  
21 believe that the extra cap, not entirely relevant  
22 for our proceeding here, but I believe it came

1 from the split between the Internet A and A  
2 Licenses.

3 CHAIRPERSON ANDERSON: Right.

4 MR. DEVENDORF: And that allowed --

5 CHAIRPERSON ANDERSON: Right.

6 MR. DEVENDORF: Yes.

7 CHAIRPERSON ANDERSON: That's how we  
8 created some more A by telling folks that if you  
9 are not going to be a brick and mortar, then they  
10 have to give it up. And then we made the A-1, so  
11 that opened up more licenses.

12 MEMBER ALBERTI: Can I just --

13 CHAIRPERSON ANDERSON: Yes, go ahead,  
14 Mr. Alberti.

15 MEMBER ALBERTI: So, Mr. Baharat, I'm  
16 just curious what experience do you have in the  
17 retail business for alcohol beverages or do you  
18 have like someone who can teach you? I mean,  
19 what's --

20 MR. BAHARAT: I just completed 20  
21 years in retail and hospitality industry. I have  
22 worked and managed restaurant, liquor stores and



1 bars. I have --

2 MEMBER ALBERTI: What was that? You  
3 had what?

4 CHAIRPERSON ANDERSON: Liquors and  
5 bars, restaurants and bars.

6 MR. BAHARAT: Yeah, I managed  
7 restaurants and bars.

8 MEMBER ALBERTI: Okay.

9 MR. BAHARAT: Yes.

10 MEMBER ALBERTI: All right. So you  
11 are experienced in the industry. I was just  
12 curious as to how that was going to go. Okay.  
13 Very good. Thank you.

14 CHAIRPERSON ANDERSON: All right. So  
15 if I was to recommend to the Board that we grant  
16 this extension through March, and if you are not  
17 -- if you don't find a location through March,  
18 what is it that I should expect from you if you  
19 were to come back again for another extension?

20 MR. BAHARAT: If I come back in March  
21 for an extension, I definitely will have a  
22 location. At least I will not give you a reason

1 that I don't have a location yet. So I will  
2 definitely finalize on a location.

3 CHAIRPERSON ANDERSON: Okay. Well,  
4 let me give you an out. You will -- let me give  
5 you an out, because I don't want you to come back  
6 in March and you don't have a location and then  
7 we are going to say the transcript said you  
8 definitely said, so therefore, we are going to  
9 deny your request.

10 But you will -- I'll give it to you  
11 this way that you will be substantially on the  
12 way to identifying a location. And then  
13 reasonable minds can disagree what that means at  
14 that time, but don't say definitely, because when  
15 you put in the -- if you put the request in, I  
16 will pull the transcript. You don't have it,  
17 then that gives us reason to have a contested  
18 Fact-Finding to take it away from you.

19 All right. So with that said, I thank  
20 you for your presentation. And as I said before,  
21 with this exercise it is to make sure that people  
22 do not sit on these licenses. We want these

1 licenses to benefit the District of Columbia.

2 And as I said before, from the time  
3 this license was issued, it has not been  
4 utilized.

5 MR. BAHARAT: Yes, sir, that's bad.

6 CHAIRPERSON ANDERSON: And so it has  
7 not been utilized. And so we want to make sure  
8 that it -- that folks are not sitting on it and  
9 hoarding it and hoping that okay once the 18 is  
10 gone, then they can -- I mean, I'm not -- it's  
11 not our job to manage people making money or  
12 whatever the reason, but our goal is to make sure  
13 that these licenses are out and that will -- you  
14 can pay taxes to the District of Columbia. That  
15 is why that's the process that we are having.  
16 Okay?

17 MR. DEVENDORF: We understand. And  
18 with Mr. Baharat's experience and now the time  
19 that he has to devote to this, he should be --  
20 absolutely be able to run a successful business  
21 given the time to just get it up and running.  
22 And obviously the first part of that is finding a

1 location.

2 CHAIRPERSON ANDERSON: All right.

3 With that said, I then make a motion that we  
4 offer -- we grant the extension through March 31,  
5 2019. Is there a second?

6 MEMBER ALBERTI: Second.

7 CHAIRPERSON ANDERSON: Mr. Alberti has  
8 seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON ANDERSON: Those opposed?  
12 We have how many of us? Five of us? So okay.

13 MEMBER ALBERTI: Four, four.

14 CHAIRPERSON ANDERSON: There is four  
15 of us.

16 MEMBER SHORT: Mike's in the back.

17 CHAIRPERSON ANDERSON: Okay.

18 MEMBER ALBERTI: Yes, we keep losing  
19 him.

20 CHAIRPERSON ANDERSON: Four of us. I  
21 have to look to see how many Members are here, so  
22 the matter passes 4-0-0.

1                   Thank you for being here today, sir,  
2                   but so you do have until March 31, 2019 and if  
3                   you do not have a location, then you have to --  
4                   you will request another extension. But if you  
5                   provide us with sufficient information if you  
6                   request an extension, then you don't have to come  
7                   back here again. The Board will -- if whatever  
8                   information is provided, if you need an  
9                   extension, if you provide us the sufficient  
10                  information, then the Board will approve it.

11                  But we are not going to continue just  
12                  approving and if there is never an intent to find  
13                  a location to utilize the license. Okay?

14                  Thank you very much for being here  
15                  today.

16                  MR. DEVENDORF: Thank you very much.  
17                  Have a good day.

18                  CHAIRPERSON ANDERSON: You, too. All  
19                  right.

20                  (Whereupon, the Fact-Finding Hearing  
21                  was concluded at 4:00 p.m.)

22

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This is to certify that the foregoing transcript

In the matter of: Brown Street Market

Before: DCABRA

Date: 11-28-18

Place: Washington, DC

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