

ALSO PRESENT:

EDWARD GRANDIS, Licensee's Counsel

CHRISSEY GEPHARDT, DC OAG

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

2 9:56 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 18-CC-
5 00029, FoBoGro, License No. 82431, and also Case
6 No. 18-CMP-00153, FoBoGro, License No. 82431.

7 MS. GEPHARDT: I thought we would take
8 them up separately, but go on.

9 CHAIRPERSON ANDERSON: I just called
10 them, they will be separate.

11 Now, although -- the reason why I
12 called both cases at the same time is because
13 it's the same establishment, but these are two
14 separate cases.

15 So the first case that we will deal
16 with is Case No. 18-CC-00029.

17 Good morning. Would the parties,
18 please, approach and identify themselves for the
19 record, please?

20 MR. GRANDIS: Good morning. My name
21 is Ed Grandis and I'm here on behalf of FoBoGro
22 with the sellers.

1 CHAIRPERSON ANDERSON: Good morning,
2 Mr. Grandis.

3 MR. BIANCO: Good morning, Mr.
4 Anderson, Members of the Board. My name is
5 Richard Bianco. I represent Cathy Martens, who
6 is present and to my left, the purchaser.

7 CHAIRPERSON ANDERSON: Okay. So you
8 are here for Case No. 18-CMP-00153?

9 MR. BIANCO: That's correct, sir.

10 CHAIRPERSON ANDERSON: Yes. And Mr.
11 Grandis, you are here for Case No. 18-CC-00029.

12 So I --

13 MR. GRANDIS: Yes.

14 CHAIRPERSON ANDERSON: So during this
15 case, I only need Mr. Grandis to speak, since the
16 other parties are not a party to this case. And
17 that's my apologies. I should have called them
18 separate, because I had forgotten that they are
19 two different attorneys. But so I know you are
20 here, but you are only -- the attorney who is
21 speaking for the establishment is Mr. Grandis.

22 Go ahead, Ms. Gephardt, introduce

1 yourself, please.

2 MS. GEPHARDT: Oh, Chrissy Gephardt
3 here on behalf of the Office of the Attorney
4 General.

5 CHAIRPERSON ANDERSON: All right. Are
6 there any preliminary matters in Case No. 18-CC-
7 00029?

8 MS. GEPHARDT: Yes, there is a
9 preliminary matter in this case. The parties
10 have agreed on an Offer in Compromise they would
11 like to share with the Board and that is a
12 \$30,000 fine to be paid today.

13 In addition to that, there would be a
14 30-day consecutive day suspension, which would
15 occur from the period of December 21, 2018 to
16 January 20, 2019.

17 The license should be placed and
18 remain in safekeeping. Is it going to be put in
19 safekeeping today?

20 MR. GRANDIS: It's in.

21 MS. GEPHARDT: It's in. Okay. So the
22 license apparently is in safekeeping and the

1 license shall remain in safekeeping until the
2 fine is paid, which the fine is paid today, and
3 the license -- the transfer license shall not be
4 issued to the new owner until the fine is paid.

5 Charge 2, for the license not being
6 conspicuously posted, that is just a warning.

7 CHAIRPERSON ANDERSON: All right. Mr.
8 Grandis, it's my understanding that there is an
9 Offer in Compromise and the Offer in Compromise
10 is that there is a fine of \$30,000 payable today.
11 If the license -- if it's not payable today, the
12 license will be suspended until this has been
13 paid.

14 That there is a 30-day suspension and
15 the 30-day suspension takes effect December 21
16 through January 20, 2019. That the transfer of
17 the license will not occur until the fine has
18 been paid. And that for Charge 2, there is a
19 written warning.

20 Is this your understanding, sir, of
21 the Offer in Compromise?

22 MR. GRANDIS: Yes. Yes, sir.

1 CHAIRPERSON ANDERSON: Is your client
2 aware that by accepting an Offer in Compromise,
3 that they are giving up their right to a hearing?

4 MR. GRANDIS: Yes, sir.

5 CHAIRPERSON ANDERSON: And is your
6 client aware that by accepting an Offer in
7 Compromise, that they are giving up their right
8 to appeal this matter?

9 MR. GRANDIS: Yes, sir.

10 CHAIRPERSON ANDERSON: With this said,
11 I make a motion that the Offer in Compromise of a
12 fine of \$30,000 payable today, if the fine is not
13 payable today, the license will be suspended
14 until the fine is paid; that there is a 30-day
15 suspension of the license. The suspension of the
16 license will occur from December 21 through
17 January 20, 2019; that the transfer of the
18 license will not occur until the license -- until
19 the fine is paid and that for Charge 2, there is
20 a written warning.

21 Is there a second?

22 MEMBER SHORT: Second.

1 THE WITNESS: Second.

2 CHAIRPERSON ANDERSON: Both Mr. Short
3 and Mr. Silverstein have seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON ANDERSON: Those opposed?
7 The matter passes 6-0-0.

8 The Board will issue a Board Order in
9 this matter. Thank you very much.

10 So you are dismissed, Mr. Grandis.

11 Thank you very much.

12 (Whereupon, the Show Cause (Status)
13 Hearing was concluded at 10:01 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 3:2 8:13 accepting 7:2,6 addition 5:13 agreed 5:10 ahead 4:22 ALBERTI 1:19 Alcoholic 1:2,14,14 ANC 1:7 Anderson 1:16,18 3:3,9 4:1,4,7,10,14 5:5 6:7 7:1,5,10 8:2,6 apologies 4:17 apparently 5:22 appeal 7:8 approach 3:18 attorney 4:20 5:3 attorneys 4:19 aware 7:2,6 aye 8:4,5</p> <hr/> <p style="text-align: center;">B</p> <p>B 1:7 behalf 3:21 5:3 Beverage 1:2,14,14 Bianco 4:3,5,9 Board 1:2,14 4:4 5:11 8:8,8 BOBBY 1:19 Bottom 1:6 Building 1:15</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 3:4 called 3:9,12 4:17 case 1:8 3:4,4,5,15,16 4:8,11,15,16 5:6,9 cases 3:12,14 Cathy 4:5 CATO 1:19 Cause 1:7 8:12 Chairperson 1:15,18 3:3,9 4:1,7,10,14 5:5 6:7 7:1,5,10 8:2,6 Charge 6:5,18 7:19 Chrissy 2:12 5:2 client 7:1,6 COLUMBIA 1:1 Compromise 5:10 6:9,9 6:21 7:2,7,11 concluded 8:13 consecutive 5:14 Conspicuous 1:10 conspicuously 6:6 Control 1:2,14,14 correct 4:9 Counsel 2:11</p>	<p style="text-align: center;">D</p> <p>D.C 1:15 day 5:14 DC 2:12 deal 3:15 December 5:15 6:15 7:16 different 4:19 dismissed 8:10 DISTRICT 1:1 Donovan 1:16,18</p> <hr/> <p style="text-align: center;">E</p> <p>Ed 3:21 EDWARD 2:11 effect 6:15 establishment 3:13 4:21</p> <hr/> <p style="text-align: center;">F</p> <p>F 1:7 Failed 1:10 favor 8:4 fine 5:12 6:2,2,4,10,17 7:12,12,14,19 first 3:15 FoBoGro 1:6 3:5,6,21 Foggy 1:6 forgotten 4:18</p> <hr/> <p style="text-align: center;">G</p> <p>General 5:4 Gephardt 2:12 3:7 4:22 5:2,2,8,21 giving 7:3,7 go 3:8 4:22 going 5:18 Good 3:17,20 4:1,3 Grandis 2:11 3:20,21 4:2,11,13,15,21 5:20 6:8,22 7:4,9 8:10 Grocery 1:6</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:8,14 7:3 8:13</p> <hr/> <p style="text-align: center;">I</p> <p>identify 3:18 introduce 4:22 issue 8:8 issued 6:4</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:20 January 5:16 6:16 7:17</p> <hr/> <p style="text-align: center;">K</p>	<p>know 4:19</p> <hr/> <p style="text-align: center;">L</p> <p>left 4:6 license 1:8,10 3:5,6 5:17,22 6:1,3,3,5,11 6:12,17 7:13,15,16,18 7:18 Licensee's 2:11 LLC 1:6</p> <hr/> <p style="text-align: center;">M</p> <p>Martens 4:5 matter 1:5 5:9 7:8 8:7,9 matters 5:6 MEETING 1:3 Member 1:19,19,20,20 1:21 7:22 Members 4:4 met 1:14 MIKE 1:20 Minor 1:9 morning 3:17,20 4:1,3 motion 7:11 8:3</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:15 name 3:20 4:4 need 4:15 new 6:4 NICK 1:19 NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 2:12 occur 5:15 6:17 7:16,18 October 1:12 Offer 5:10 6:9,9,21 7:2 7:6,11 Office 5:3 Oh 5:2 Okay 4:7 5:21 opposed 8:6 Order 8:8 owner 6:4</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 3:1 paid 5:12 6:2,2,4,13,18 7:14,19 parties 3:17 4:16 5:9 party 4:16 passes 8:7 payable 6:10,11 7:12 7:13 period 5:15 Place 1:10</p>	<p>placed 5:17 please 3:18,19 5:1 Post 1:10 posted 6:6 preliminary 5:6,9 present 1:17 2:9 4:6 presiding 1:16 purchaser 4:6 put 5:18</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p style="text-align: center;">R</p> <p>reason 3:11 record 3:19 Reeves 1:15 REMA 1:21 remain 5:18 6:1 represent 4:5 Retailer 1:7 Richard 4:5 right 3:3 5:5 6:7 7:3,7 Room 1:15</p> <hr/> <p style="text-align: center;">S</p> <p>safekeeping 5:18,19,22 6:1 Sale 1:9 second 7:21,22 8:1 seconded 8:3 sellers 3:22 separate 3:10,14 4:18 separately 3:8 share 5:11 Short 1:20 7:22 8:2 Show 1:7 8:12 Silverstein 1:20 8:3 sir 4:9 6:20,22 7:4,9 speak 4:15 speaking 4:21 Status 1:8 8:12 Street 1:7,15 Suite 1:15 suspended 6:12 7:13 suspension 5:14 6:14 6:15 7:15,15</p> <hr/> <p style="text-align: center;">T</p> <p>t/a 1:6 take 3:7 takes 6:15 Thank 8:9,11 thought 3:7 time 3:12 today 5:12,19 6:2,10,11 7:12,13 transfer 6:3,16 7:17 two 3:13 4:19</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: Foggy Bottom Grocery, LLC

Before: Alcoholic Beverage Control Board

Date: 10-17-18

Place: Washington, D.C.

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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