

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 Foggy Bottom Grocery, LLC: :
 t/a FoBoGro :
 2140 F Street NW : Fact Finding
 Retailer B - ANC 2A : Hearing
 License No. 82431 :
 Case #18-CMP-00153 :
 :
 (Transfer of Ownership :
 Without Board Approval) :

Wednesday
 August 15, 2018

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
- BOBBY CATO, JR., Member
- DONALD ISAAC, SR., Member
- JAMES SHORT, Member
- MIKE SILVERSTEIN, Member
- REMA WAHABZADAH, Member

ALSO PRESENT:

RICHARD BIANCO, Mr. Martens' Counsel

MARK BRASHEARS, ABRA Investigator

SEAN GORDY, ABRA Licensing Program Manager

EDWARD GRANDIS, Licensee's Counsel

KAREN JACKSON, ABRA Licensing Officer

STEUART MARTENS, Witness

CATHY MARTENS, Potential Licensee

JASON PERU, ABRA Investigator

KEVIN PUENTE, ABRA Investigator

SETH ROSENZWEIG, Licensee

SHAWN TOWNSEND, ABRA Investigator

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

2 1:38 p.m.

3 CHAIRPERSON ANDERSON: Well, there are
4 of three of us, so the rest can show up. We're
5 back on the record. Our next hearing is a fact
6 finding hearing, Case Number 18-CMP-00153,
7 FoBoGro, License Number 82431. Would the parties
8 approach regarding FoBoGro, please?

9 We will start with the investigator.
10 Oh, where's -- well, we'll start over on this
11 side, please. Introduce yourself, please, and
12 let me know your role regarding FoBoGro, please.

13 MS. MARTENS: Hi, I'm Cathy Martens.
14 And I have a management agreement with Seth to
15 run FoBoGro, and hopefully Seth is going to
16 transfer the business to me.

17 CHAIRPERSON ANDERSON: So, you say you
18 have a management agreement to run? And just,
19 has that agreement been provided to the Agency?

20 MS. MARTENS: Yes, sir.

21 CHAIRPERSON ANDERSON: And do you know
22 when this agreement was provided to the Agency?

1 MS. MARTENS: No, but I'm sure we could
2 get that date for you.

3 CHAIRPERSON ANDERSON: All right.
4 Okay. Go ahead.

5 MS. MARTENS: Mr. Anderson, it was part
6 of the full application, which has been turned
7 in.

8 CHAIRPERSON ANDERSON: And that was
9 part of a transfer application that was done --

10 MS. MARTENS: Yes, sir.

11 CHAIRPERSON ANDERSON: -- relatively
12 recently?

13 MS. MARTENS: Yes, sir.

14 CHAIRPERSON ANDERSON: All right.

15 MS. MARTENS: I want to say it was
16 three weeks ago, maybe.

17 MR. ROSENZWEIG: It was July 27.

18 CHAIRPERSON ANDERSON: Okay. Who else?

19 MR. ROSENZWEIG: Good afternoon. My
20 name is Ed Grandis. I'm an attorney and I'm here
21 to represent FoBoGro, the entity.

22 CHAIRPERSON ANDERSON: Okay.

1 MR. ROSENZWEIG: I'm Seth Rosenzweig,
2 I'm an owner and managing member of Foggy Bottom
3 Grocery.

4 CHAIRPERSON ANDERSON: And you are the
5 owner and manager?

6 MR. ROSENZWEIG: I'm a member, managing
7 member.

8 CHAIRPERSON ANDERSON: Okay.

9 MR. MARTENS: Good morning, Steuart
10 Martens. I was asked to be here by ABRA staff.

11 CHAIRPERSON ANDERSON: HI, Mr. Martens.

12 MR. MARTENS: Good morning.

13 CHAIRPERSON ANDERSON: And what is your
14 role with us? Do you have any formal role?

15 MR. BIANCO: He was invited here as a
16 witness.

17 CHAIRPERSON ANDERSON: I'm just --

18 MR. BIANCO: I'm Richard Bianco on
19 behalf of --

20 CHAIRPERSON ANDERSON: Hold on, Mr.
21 Bianco. Remember, in going down the line,
22 everyone who has introduced themselves, I've

1 asked, and so, I was just being consistent.

2 MR. BIANCO: Okay. I have a tendency
3 to jump right in, so I'll let him answer.

4 CHAIRPERSON ANDERSON: So, Mr. Martens
5 is saying that he doesn't have any role, he was
6 just invited here by -- that's all I'm asking,
7 I'm not making any assumptions. And so, I'm
8 writing the names down, so when I question folks,
9 then I'll know what role they're playing. So,
10 that's all I'm doing.

11 MR. MARTENS: I currently have no role
12 in the business.

13 CHAIRPERSON ANDERSON: You have no role
14 in the business? No current role in the
15 business?

16 MR. MARTENS: No.

17 CHAIRPERSON ANDERSON: Have you ever
18 had any role in the business, sir?

19 MR. MARTENS: I have, yes. Previously,
20 I was helping them under a management agreement
21 with the store.

22 MEMBER SHORT: I can't hear you, can

1 you please speak up?

2 MR. MARTENS: I was previously helping
3 with a management agreement inside the store.

4 MEMBER SHORT: Your name again, is?

5 CHAIRPERSON ANDERSON: That's Mr.

6 Martens.

7 MEMBER SHORT: Mr. Martens? Okay.

8 CHAIRPERSON ANDERSON: And
9 approximately how long did you have this
10 agreement and when did it expire? Or is it still
11 in operation?

12 I mean, I know that Ms. Martens -- and
13 just so the record is clear, is there any
14 relationship between you, Steuart Martens, and
15 Ms. Cathy Martens?

16 MR. MARTENS: We are related, yes.

17 CHAIRPERSON ANDERSON: Okay. All
18 right. But, so, is there -- you said that you
19 previously helped out, had a management
20 agreement. So, just for the record, just to
21 clarify the record, how long -- when did you have
22 this agreement and when did it terminate?

1 MR. MARTENS: It started in September
2 of 2016. And I'd have to get you the actual date
3 when it ceased.

4 CHAIRPERSON ANDERSON: So, it was
5 September 2016 until, was it this year or last
6 year or 2018 or 2017?

7 MR. MARTENS: July 25.

8 CHAIRPERSON ANDERSON: You don't have
9 to give me the month, the year will be --

10 MR. MARTENS: Oh, no, I'm just --

11 CHAIRPERSON ANDERSON: -- fine. But
12 it's July --

13 MR. MARTENS: -- trying to be accurate
14 for you.

15 CHAIRPERSON ANDERSON: Okay. Thank
16 you, Mr. Martens.

17 MR. MARTENS: You're welcome.

18 CHAIRPERSON ANDERSON: Yes, Mr. Bianco?

19 MR. BIANCO: Good afternoon, Mr.
20 Chairman, members of the Board. Officially now,
21 I suppose. Richard Bianco, on behalf of Mr.
22 Martens, as an individual.

1 CHAIRPERSON ANDERSON: Okay. So,
2 you're here representing Mr. Martens?

3 MR. BIANCO: That's correct.

4 CHAIRPERSON ANDERSON: Mr. Peru?

5 INVESTIGATOR PERU: Oh, I'm sorry, sir.
6 Good afternoon, Investigator Peru with ABRA.

7 CHAIRPERSON ANDERSON: Good afternoon,
8 Mr. Peru. I don't need to ask you who you are,
9 since I know who you are.

10 INVESTIGATOR TOWNSEND: Good afternoon.
11 Supervisory Investigator Shawn Townsend with
12 ABRA.

13 CHAIRPERSON ANDERSON: And good
14 afternoon, Supervisory Investigator Mr. Townsend.
15 It's the first time that you have appeared in
16 front of me as a Supervisory Investigator, so
17 congratulations on your new promotion, sir.

18 INVESTIGATOR TOWNSEND: Thank you, sir.

19 CHAIRPERSON ANDERSON: Thank you for
20 being here today.

21 INVESTIGATOR TOWNSEND: Thank you,
22 appreciate it.

1 MR. MARTENS:

2 CHAIRPERSON ANDERSON: All right. Yes,
3 sir?

4 INVESTIGATOR PUENTE: Kevin Puente,
5 Investigator with ABRA.

6 CHAIRPERSON ANDERSON: Good afternoon,
7 Mr. Puente. And I know who Mr. Puente is. Any
8 other -- anyone else want to identify themself
9 for the record? No? All right.

10 We're here today for a fact finding
11 hearing on Investigative Report Number 18-CMP-
12 00153, which raises concerns regarding an illegal
13 transfer of a Retailer B class license held by
14 Foggy Bottom Grocery, LLC, trading as FoBoGro.

15 This hearing was originally scheduled
16 for July 25, 2018, but in order to give the
17 licensee additional time to prepare for the
18 hearing, a continuance was granted to today,
19 August 15, 2018.

20 By way of background, this license was
21 renewed in April of 2018. The renewal followed
22 the dismissal of a protest hearing filed by the

1 West End Citizens Association in Board Order
2 Number 2018-062, dated February 14, 2018.

3 In its motion for reconsideration, the
4 protestants alleged, among other things, that
5 there had been an illegal transfer of the
6 license.

7 The Board, in Order Number 2018-126,
8 order denying protestants motion for
9 reconsideration dated March 28, 2018, informed
10 the parties that any allegation of an illegal
11 transfer needed to be filed as a complainant,
12 rather than addressed through the protest
13 process.

14 On April 11, 2018, Josh Melcher
15 (phonetic), on behalf of the protestants filed a
16 complaint. The complaint was forwarded to ABRA's
17 Enforcement Division and assigned to Investigator
18 Jason Peru.

19 Investigator Peru is the author of the
20 report that brings us to this hearing today. Let
21 me be very clear what today's hearing is not
22 about.

1 It is not about the pending transfer
2 application filed by Ms. Martens shortly after
3 the last hearing. It is about the allegation of
4 an illegal transfer of ownership.

5 Mr. Grandis stated on the record at
6 the July 25, 2018 hearing that a management
7 agreement has been in place naming Mr. Steuart
8 Martens as manager since 2016. And Mr. Martens
9 did confirm that on the record today.

10 At no time was that management
11 agreement ever submitted to the Agency. Further,
12 there are allegations that Mr. Martens made
13 representations to ABRA Investigators on more
14 than one occasion that he was in fact the owner.

15 We simply need to get to the bottom of
16 these discrepancies. In that regard, the Board
17 will hear testimony from Investigator Peru and
18 any other Investigator who has knowledge of the
19 complaint and investigation. The Board may also
20 have questions for ABRA's Licensing Division.

21 Then, the licensee and their counsel
22 will also be given an opportunity to respond to

1 and ask questions of the Board's witnesses. So,
2 everyone is aware what the nature of this hearing
3 is about. Okay?

4 And so, I'll start off with Mr. --
5 does everyone have a copy of Mr. Peru's
6 Investigative Report? All right.

7 So, as I said before, this was a
8 complaint that was filed with the Agency
9 regarding illegal transfer and the Agency, as per
10 its obligations, went and did an investigation.

11 And as a result of the investigation,
12 that's why we're here today. So, we will have
13 Mr. Peru, he will talk about his investigation
14 and his findings.

15 And then, the parties, if there are
16 allegations made in his report, if you disagree
17 with it, you'll have an opportunity to clarify
18 the record and state why you believe that the
19 information put forth by the Investigator is
20 correct or incorrect.

21 I said before, it is just a fact
22 finding hearing, we're just trying to clarify the

1 record, and it's not -- we don't know. And so,
2 an Investigator can go out and investigate and
3 find findings.

4 There can be misunderstanding,
5 misinterpretation. This is an opportunity for
6 you to clarify the record, so we'll have a full
7 record. Okay?

8 Because fact finding hearings are
9 informal, I don't necessarily need to swear any
10 witnesses in. So, you're not under oath. But
11 there will be a transcript to say, these are
12 statements made, but they're not under oath. So,
13 whatever that means.

14 So, Mr. Peru, please?

15 INVESTIGATOR PERU: Yes, sir. This
16 investigation is, like you mentioned, based on a
17 complaint that we received.

18 So, I visited, myself and, at the
19 time, Investigator Shawn Townsend, Supervisory
20 Investigator Townsend, visited the establishment,
21 just to determine kind of who is operating the
22 place.

1 We got there on May 17 and --

2 CHAIRPERSON ANDERSON: What year?

3 Please --

4 INVESTIGATOR PERU: I'm sorry.

5 CHAIRPERSON ANDERSON: -- put the year
6 in, please.

7 INVESTIGATOR PERU: We got there on
8 Thursday, May 17, 2018, at approximately 3:05
9 p.m. We entered the establishment, identified
10 ourselves to an employee as ABRA Investigators
11 and he said he was the ABC Manager.

12 We identified him as Neal Landers. I
13 told him I was there to conduct a regulatory
14 inspection. So, during the inspection, I was
15 looking at the documents, the ABRA License, C of
16 O, and I could not locate the DC Business
17 License. It was not posted.

18 So, I asked the ABC Manager if he
19 could locate the Business License. He checked
20 several areas, upstairs, downstairs, couldn't
21 find the Business License.

22 And I asked him who the owner of the

1 establishment was. At that time, he replied,
2 Cathy Martens. I then asked Mr. Landers if he
3 could contact the owner and see if they knew
4 where the Business License was located.

5 He said that he will call the manager,
6 Steuart Martens, Cathy's son, he said. So, he
7 proceeded and called Mr. Martens on the
8 telephone.

9 I asked Mr. Martens who the owner was,
10 on the phone. He replied, his mother, Cathy
11 Martens. He said that the establishment had
12 recently undergone some painting, so the Business
13 License may have been taken down or misplaced.

14 He assured me that he had a copy of
15 the license in the main office and would
16 immediately sent it to Mr. Landers, the ABC
17 Manager, so he could post it up.

18 I thanked Mr. Martens for his help, I
19 gave the phone back to Mr. Landers, and I said, I
20 will back at a further date to check, to make
21 sure the Business License was in fact properly
22 posted, and I left. After completing the

1 regulatory inspection, I left.

2 I returned on Friday, May 18 -- I'm
3 sorry. Let me back up some. I returned on
4 Monday, May 21, 2018, I'm sorry. And looking at
5 the -- I'm sorry, I want to go in chronological
6 order over here, because it's kind of going
7 backwards, to circle back.

8 But on May 23 is when myself, 2018,
9 Wednesday, May 23, 2018, myself and Investigator
10 Townsend returned to the establishment to confirm
11 that the Business License had been posted.

12 Mr. Landers stated that he never
13 received the license from Mr. Martens, so he
14 immediately picked up the telephone and called
15 Mr. Martens.

16 He handed the phone to me again, so
17 that I could speak to Mr. Martens. And I stated
18 that I returned to the establishment to verify
19 the license.

20 Mr. Martens stated that he had spoke
21 to DCRA, the District of Columbia Department of
22 Consumer and Regulatory Affairs, and was unable

1 to obtain a copy of the existing Business
2 License, due to a health inspection that was
3 required for the new food establishment in the
4 basement of FoBoGro.

5 I reminded Mr. Martens that he stated
6 that he had a copy of the current license on file
7 and he could print it and post it. Mr. Martens
8 said that he would immediately send it to Mr.
9 Landers, the ABC Manager and then, provide it to
10 me.

11 A few minutes later, Mr. Landers
12 printed the Business License that Mr. Martens had
13 sent him, with the expiration year being cut off.
14 I pointed out the discrepancy to Mr. Landers, who
15 had no response.

16 I advised Mr. Landers that I would
17 verify the Business License with DCRA, since he
18 could not provide me a valid copy.

19 CHAIRPERSON ANDERSON: Hold up, Mr.
20 Peru. Is that -- do you have that document --

21 INVESTIGATOR PERU: Yes, I'm sorry.

22 CHAIRPERSON ANDERSON: -- in the

1 report?

2 INVESTIGATOR PERU: That's an exhibit,
3 that's part of Exhibit 6, I believe.

4 CHAIRPERSON ANDERSON: So, can you just
5 tell us, where is it that you said what was cut
6 off?

7 INVESTIGATOR PERU: So, if you look at
8 Exhibit 6, which is a copy of the Business
9 License, this is the way it was sent over and
10 this is the way it was printed.

11 CHAIRPERSON ANDERSON: Exhibit 6 or 5?
12 Which one?

13 INVESTIGATOR PERU: Oh, I'm sorry,
14 Exhibit 5.

15 CHAIRPERSON ANDERSON: Okay.

16 INVESTIGATOR PERU: Yes. So, Exhibit
17 5, if you look at the -- if you're reading it,
18 looking at the document, the right-hand corner of
19 the top-right, it says the license period.

20 CHAIRPERSON ANDERSON: Okay.

21 INVESTIGATOR PERU: And it says
22 3/1/2014-2/28/20 and unknown year.

1 CHAIRPERSON ANDERSON: And where did
2 you get this from?

3 INVESTIGATOR PERU: This was sent over
4 from Mr. Martens to the ABC Manager in the
5 establishment, who then printed it and gave it to
6 me.

7 CHAIRPERSON ANDERSON: So, how do you
8 know that Mr. Martens sent this over?

9 INVESTIGATOR PERU: Because I spoke
10 with Mr. Martens on the phone that day.

11 CHAIRPERSON ANDERSON: Okay.

12 INVESTIGATOR PERU: And he said that he
13 was going to send it over to the ABC Manager.
14 And once I hung up with him, that transaction
15 occurred, and then, it was -- this document was
16 then provided to me.

17 CHAIRPERSON ANDERSON: Okay. Go ahead.

18 INVESTIGATOR PERU: So, when I got back
19 to the office on Wednesday, May 23, 2018, I
20 emailed DCRA Business Licensing Division and I
21 received a response from a DCRA Staff Assistant.

22 She provided me with a certification

1 that confirmed that Foggy Bottom Grocery, LLC,
2 Business License had expired on March 1, 2018.
3 And I have those documents from her also in my
4 report, as Exhibits 7, 8, and 9, I believe, that
5 DCRA sent over showing certifications that, in
6 fact, the Business License --

7 CHAIRPERSON ANDERSON: Where? Here?

8 INVESTIGATOR PERU: If you look at
9 Exhibit 6, 7, 8, and 9 are all certifications
10 sent over from DCRA Business Licensing Division,
11 stating that the different licenses that Foggy
12 Bottom Grocery have held have been expired.

13 CHAIRPERSON ANDERSON: Okay.

14 INVESTIGATOR PERU: So, as part of my
15 investigation, after my first visit on Thursday,
16 May 17, 2018, on Friday, May 18, 2018, I
17 contacted DC Association for Beverage Alcohol
18 Wholesalers, Risa Hirao. I requested information
19 about who FoBoGro was receiving alcohol from.

20 On Monday, May 21, I received
21 information from Capital Eagle and Premium
22 Distributors. Both distributors stated that they

1 supplied alcoholic beverages to FoBoGro and they
2 provided me copies of the checks received from
3 Foggy Bottom Grocery, FoBoGro.

4 After looking at the checks provided,
5 I noticed the bottom of the checks were signed by
6 Mr. Steuart Martens. I included those in the
7 exhibits, Exhibits 2 and 3, copies of the checks
8 that I highlighted. You can see Mr. Martens'
9 signature on the checks.

10 I also, as part of my investigation,
11 on Monday, May 21, 2018, I conducted an internet
12 search, that showed that Mr. Martens, who has a
13 Class A Retail license for District Still,
14 located at 175 R Street Northeast, D.C., listed
15 FoBoGro as the pickup location for any alcoholic
16 beverages purchased through their online portal.

17 I included -- from District Still.
18 So, if you went to District Still's website, you
19 ordered from District Still, and District Still
20 was showing that FoBoGro was the actual pickup
21 location.

22 And that is in Exhibit 4, I believe.

1 Let me see. It's Exhibit 10? Yes, Exhibit 10
2 shows -- this is from District Still, Mr.
3 Martens' Class A website, showing that, if you do
4 pickup, the location was FoBoGro.

5 So, further investigation, I pulled
6 ABRA records and revealed that FoBoGro, in --
7 well, let me back up some, I'm sorry.

8 On May 21, to give you dates, 2018, I
9 checked FoBoGro ABRA records, which showed that
10 Steuart Martens applied to transfer FoBoGro's ABC
11 License from the current owner in 2017, but the
12 application was returned by ABRA on the basis
13 that Mr. Martens was 100 percent owner of a Class
14 A license, District Still.

15 ABRA records also revealed that the
16 renewal application was received by ABRA on
17 October 16, 2017 by the current owners listed on
18 record, Kristopher Hart, Seth Rosenzweig, and
19 Chris Kiple. I included that as an exhibit in
20 the report.

21 And I could not locate any documents
22 received by ABRA at that time that showed Mr.

1 Martens or his mother, Cathy Martens, as the
2 owners of FoBoGro.

3 So, once I compiled all this
4 information, I was able to contact one of the
5 owners listed on record, which Mr. Kristopher
6 Hart.

7 So, on Friday, May 25, 2018, I
8 contacted Mr. Hart and advised him of the
9 interactions that I had with Mr. Martens. Mr.
10 Hart stated that he signed an agreement with Mr.
11 Martens in August of 2016, which was contingent
12 upon Mr. Martens transferring FoBoGro's ABC
13 License.

14 Mr. Hart stated that he had knowledge
15 of the establishment's violation history -- had
16 no knowledge, I'm sorry, of the history of the
17 violations of the establishment in the past two
18 years.

19 Mr. Martens had been running the
20 business. Mr. Hart stated that the transfer
21 application was returned to him and the transfer
22 was never completed.

1 He stated Mr. Martens was supposed to
2 have submitted a new application with his mother,
3 Cathy Martens, on it instead. Which I advised
4 him, Mr. Hart, that that never happened at that
5 time.

6 I also informed Mr. Hart that the
7 establishment's Business License was currently
8 expired. Mr. Hart stated that he was not aware
9 that the Business License was expired.

10 And Mr. Hart's reaction to the
11 information provided by myself showed that he had
12 no involvement with the current business and that
13 he was knowingly allowing a third-party to
14 operate his business under his license.

15 Since 2016, FoBoGro has received,
16 currently, a non-adjudicated case for sale to a
17 minor, will be number five. It has not been
18 adjudicated yet, which occurred March of 2018.

19 But the history, ABRA's records, the
20 history shows that dating back from March 18,
21 2016 was the first sale to a minor case, and that
22 was a warning. Since then, December of 2016,

1 January of 2017, February of 2017, and March of
2 2018, all in the history of FoBoGro for sale to a
3 minor.

4 And based on what I've been told,
5 information I gathered in my investigation, it
6 was being operated and ran by Mr. Martens and
7 possibly his mother, Cathy Martens, during the
8 occurrences of these violations, which Mr. Hart
9 stated that he had no knowledge of.

10 CHAIRPERSON ANDERSON: Is that --

11 INVESTIGATOR PERU: I think, yes, that
12 sums up my report, Mr. Chairman. I guess, I can
13 stop there and I can come back in later with more
14 questions, once they -- as we go on.

15 CHAIRPERSON ANDERSON: All right. And
16 Chief Investigator Townsend, do you have anything
17 to add regarding this matter, sir?

18 INVESTIGATOR TOWNSEND: Just to add to
19 what Investigator Peru stated is that --

20 CHAIRPERSON ANDERSON: Supervisory
21 Investigator, I'll get -- I already gave you
22 another promotion already, again. Go ahead, sir.

1 INVESTIGATOR TOWNSEND: My only concern
2 with this whole thing is, it seems like there's
3 been some transition or some changes made in
4 management, ownership of the establishment
5 without ABRA's knowledge.

6 But this whole time, there's been sale
7 to minors occurring at the establishment, which
8 for those of you that don't know, this
9 establishment sits on the heart of GWU's campus.

10 So, just wanted to comment on the
11 importance of this establishment having stable
12 ownership and management -- not having stable
13 ownership or management during this process, what
14 we found out during this investigation. And
15 that's all I have.

16 CHAIRPERSON ANDERSON: Mr. Puente?

17 INVESTIGATOR PUENTE: I came to know
18 this establishment beginning on March 18, 2016,
19 when ABRA and MPD detectives conducted STM
20 operations there.

21 CHAIRPERSON ANDERSON: What is STM?

22 INVESTIGATOR PUENTE: Sale to a minor,

1 through the DC Double Check Program that we have
2 with MPD. And I've been present for quite a few
3 of these sale to minor cases. And each time,
4 myself and MPD believed that Steuart Martens was
5 the owner.

6 And the most recent sale to a minor
7 case, on March 10, 2018, I was one of the
8 investigators involved, where we sent underage
9 kids into the establishment to see if they were
10 able to purchase alcohol. And on this day, Mr.
11 Neal Landers, the ABC Manager at the time, failed
12 to check -- he sold to the minor.

13 And then, shortly, a couple weeks
14 later, on April 12, 2018, myself and Investigator
15 Mark Brashears were following up in another
16 investigation at Kraken Axes on Georgia Avenue,
17 where we ran into Mr. Martens inside the
18 establishment.

19 And the first thing Mr. Martens came
20 up to us was saying he was unhappy with ABRA
21 conducting sale to minor at FoBoGro, because this
22 was his fifth violation, he was at risk of losing

1 the liquor license there.

2 And that kind of threw me off guard
3 and we were -- I told him we were there for the
4 other issues going on. And when that case goes
5 to the ABC Board, he will have his time.

6 CHAIRPERSON ANDERSON: All right. I
7 guess, we can start with -- I guess, I have some
8 -- who wants to respond?

9 I guess, Mr. Grandis, since you
10 represent, this is about FoBoGro, you represent
11 the entity. Maybe, if you want to respond? Or I
12 might have some questions that I want to ask the
13 owner, at least the owner of record.

14 So, tell me, do you want me to ask
15 first or do you have any general response that
16 you want to respond, regarding the report that
17 was just given by the Investigator?

18 MR. GRANDIS: If I could, I would like
19 to make a short response and then, welcome --

20 CHAIRPERSON ANDERSON: Sure.

21 MR. GRANDIS: -- all the questions of
22 the Board.

1 CHAIRPERSON ANDERSON: Sure, go ahead.

2 MR. GRANDIS: Thank you. To help with
3 the chronology of this, I was engaged the day
4 before the status hearing for the renewal protest
5 hearing. That's when I got engaged with FoBoGro.

6 CHAIRPERSON ANDERSON: And when, excuse
7 me, when was that, sir?

8 MR. GRANDIS: That was probably in
9 February? March? I could go back to my calendar
10 --

11 CHAIRPERSON ANDERSON: Well,
12 approximately, yes.

13 MR. GRANDIS: It was in the winter.

14 CHAIRPERSON ANDERSON: So, February,
15 about --

16 MR. GRANDIS: Yes, I think the renewal
17 application, as stated, went in in December. And
18 then, there was a protest period.

19 And then, when the status hearing was
20 being held, I was called the day before and
21 asked, would I represent FoBoGro in the renewal
22 process?

1 Upon getting engaged, it became clear
2 to me that there needed to be some cleanup of
3 documents. One is, with ABRA on who the
4 ownership was, because Kris Hart was still listed
5 as the managing member, but he was no longer in
6 the city.

7 He was more of an absentee member of
8 the entity. And the entity itself had designated
9 Seth to become the managing member back, I
10 believe in 2016, in September?

11 MR. ROSENZWEIG: September of 2016.

12 MR. GRANDIS: Around September of 2016.
13 However, we will acknowledge that we failed to
14 notify ABRA at that time, that the manager member
15 was now Seth and not Kris.

16 They didn't seek legal guidance back
17 then. And from their perspective, the membership
18 itself and the ownership percentages weren't
19 changing, it was just a title. So, they thought
20 that doing it internally, that was all they
21 needed to do.

22 As I said, when I got engaged, I

1 realized that part of the communication issue of
2 why FoBoGro had seemed to be nonresponsive to
3 emails or to phone calls was that it was going to
4 Kris Hart and not to the managing member.

5 CHAIRPERSON ANDERSON: And that was
6 because the entity did not inform the Agency of
7 the change.

8 MR. GRANDIS: At that time.

9 CHAIRPERSON ANDERSON: Okay.

10 MR. GRANDIS: Okay. But when we were
11 doing the renewal process, we did inform the
12 Agency, a few months ago.

13 CHAIRPERSON ANDERSON: Well, let -- and
14 I don't mean to cut you, I'm just trying to
15 follow.

16 MR. GRANDIS: Yes.

17 CHAIRPERSON ANDERSON: If --

18 MR. GRANDIS: If you look at your
19 records, the records currently state Set as the
20 managing member.

21 CHAIRPERSON ANDERSON: But --

22 MR. GRANDIS: If you look at a

1 different page, it still has Mr. Hart as the
2 managing member.

3 CHAIRPERSON ANDERSON: No, the reason
4 why I'm -- this just came to me. You're saying
5 that, of the communications, because we didn't
6 have the right managing member, so that's one of
7 the reasons why, because information might have
8 been sent to Mr. Hart and he was not in the
9 jurisdiction, and we should have been sending
10 information to Mr. Rosenzweig.

11 But I guess, the issue that kind of
12 bothers me, or jumps out at me, who submitted the
13 renewal application?

14 If we were sending information to
15 someone and they weren't being responsive,
16 because it was not being sent to the right
17 person, how did the renewal -- so, who was
18 renewing the -- who renewed the license, then?

19 MR. GRANDIS: I believe the management.
20 I believe Steuart had the renewal filed in
21 December.

22 CHAIRPERSON ANDERSON: But I guess,

1 this is -- and I don't know anything, I'm --

2 MR. GRANDIS: Right.

3 CHAIRPERSON ANDERSON: -- one of the
4 things I say to people, as an attorney, you ask
5 questions. That's what I learned in law school,
6 is to ask questions.

7 And so, while I'm sitting here and you
8 said that we weren't getting the information, we
9 weren't getting that information, but then, the
10 license was renewed and the application came in.

11 So, I'm just curious, who did this
12 renewal got to and who is it that, if Mr. Hart
13 wasn't getting communication, how then did, of
14 all the communication that was sent from the
15 Agency, why that the only one that was responded
16 to was the renewal and someone did renew it?

17 And I also don't understand, maybe you
18 can provide some clarification, why was Mr.
19 Martens involved in the renewal? Because I don't
20 know who Mr. Martens is. So, you never told us
21 who -- at least, maybe you'll tell us later on.

22 Since you -- I'm not --

1 MR. GRANDIS: I can say for the record,
2 I didn't submit it, because I wasn't engaged. I
3 got --

4 CHAIRPERSON ANDERSON: I know you
5 didn't.

6 MR. GRANDIS: Okay. So --

7 CHAIRPERSON ANDERSON: I remember
8 you're an attorney, you got engaged after the
9 fact. But since you told me that you're trying
10 to clarify the record --

11 MR. GRANDIS: Right.

12 CHAIRPERSON ANDERSON: -- and so, I'm
13 trying to follow along. And I just see some
14 problematic areas there, so that's what I'm just
15 trying to ask you to clarify that, because I'm
16 confused.

17 MR. GRANDIS: Okay.

18 CHAIRPERSON ANDERSON: Okay?

19 MR. GRANDIS: If I could go on?

20 CHAIRPERSON ANDERSON: Sure, go ahead.

21 MR. GRANDIS: During the renewal
22 process, it became clear to all of us that some

1 certain documents had to be renewed, one of them
2 was the Basic Business License, that had to be
3 renewed for March 1.

4 And I have Exhibit 1 today saying at
5 the time that the inspector came in, there was an
6 active Basic Business License, that was from a
7 license period of March 1, 2018 to February 28,
8 2020.

9 And that was an active BBL the day the
10 inspector --

11 CHAIRPERSON ANDERSON: Where is that?
12 Do I have it?

13 MR. GRANDIS: Exhibit A, or Exhibit 1.

14 CHAIRPERSON ANDERSON: No, is it, I'm
15 saying, is it part of this report or is it
16 something separate that you just have?

17 MR. GRANDIS: Well, I'm responding to
18 the BBL that he has in his report.

19 CHAIRPERSON ANDERSON: So, but I'm
20 saying, but you have -- so, you're saying that
21 you -- the only question I'm asking, do I have
22 that? I guess, this is the first I'm seeing

1 this.

2 MR. GRANDIS: Yes.

3 CHAIRPERSON ANDERSON: All right.

4 That's all I'm asking you, all right.

5 INVESTIGATOR PERU: What was the date
6 on that Business License?

7 CHAIRPERSON ANDERSON: I'm coming back
8 to you, Mr. Peru. I'm going to give it to you,
9 because -- yes, I'm going to -- hold on.

10 MR. GRANDIS: We had to have an active
11 BBL to be able to get the renewal complete.

12 CHAIRPERSON ANDERSON: All right.
13 Okay. So, you're saying that the document that
14 you submitted is a currently -- can you do me a
15 favor, please? Can you make some copies and you
16 can provide -- for all of us and also, I want Mr.
17 Peru.

18 And I guess, I'm trying to find, Mr.
19 Peru, is that what you're asking for? You had
20 asked for the Business License, you had asked for
21 that?

22 INVESTIGATOR PERU: Yes, sir. What he

1 just showed, saying it was active at the time of
2 my visit.

3 CHAIRPERSON ANDERSON: Right. I'm
4 going to make some copies and so, then, I'll give
5 it to you.

6 INVESTIGATOR PERU: Thank you.

7 CHAIRPERSON ANDERSON: And then, maybe
8 you can -- I'm only a lawyer, so I don't
9 understand, so maybe you can explain to me what
10 this means. Go ahead, Mr. Grandis.

11 MR. GRANDIS: So, I just said, I'd like
12 to have a short statement, which we did, which
13 you've allowed, just to, in our view, to clarify
14 some things that --

15 CHAIRPERSON ANDERSON: And I promise
16 not to interrupt you any more, sir. But at
17 least, I'm listening to you and -- all right.

18 MR. GRANDIS: And I believe that if
19 anyone were to go into almost any retail store,
20 not just ABC, and ask a part-time employee who
21 the owner is, that part-time employee may say, my
22 manager is the owner, because that's all the

1 employee knows. Okay.

2 There's nothing sinister here, it's
3 just there were misunderstandings. And we
4 appreciate the fact there can be
5 misunderstandings and we appreciate the
6 opportunity for a fact finding before a show
7 cause, to be able to help clarify.

8 But one of the things we learned very
9 quickly, when I got engaged, is that Steuart was
10 a prohibited person, from being able to purchase.
11 And that was made very clear to the members by
12 myself and to Steuart.

13 And that is why Steuart relinquished
14 the sale contract, but continued as manager,
15 until we could find an appropriate purchaser.

16 MEMBER SHORT: What date did that
17 occur?

18 MR. GRANDIS: What date did which, I'm
19 sorry?

20 MEMBER SHORT: What date -- the
21 statement you just made about finding out and --

22 MR. GRANDIS: It had to be early in

1 February or March, because as soon as I got
2 engaged --

3 MEMBER SHORT: What year? Of what
4 year?

5 CHAIRPERSON ANDERSON: 2018.

6 MR. GRANDIS: Of 2018.

7 MEMBER SHORT: Okay.

8 MR. GRANDIS: Of this year. I'm just
9 saying that, there's allegations that there was a
10 transfer application submitted to ABRA in the
11 fall of 2017. I don't know, I don't believe that
12 was done with legal counsel. I know we didn't do
13 it.

14 And my point is, when I learned that
15 he had a management agreement that possibly could
16 lead to a sale, I explained to him and I
17 explained to the members very clearly that,
18 because he already owned a Class A license, he
19 was prohibited from owning another class.

20 And so, his management contract
21 continued. He wasn't a third-party, he was a
22 manager working under a management agreement.

1 But he was never an owner.

2 And we began searching, during the
3 renewal process, for a new owner. Now, when the
4 renewal process ended, we had already identified
5 Ms. Martens, here. She's had a lot of experience
6 with ABC applications and permits over the years,
7 and she seemed to be a very qualified person to
8 do this.

9 We also had a settlement agreement, as
10 part of the renewal process. And one of the
11 things that I do with all my clients is, as soon
12 as we sign a settlement agreement, is work to
13 meet 100 percent of that settlement agreement.

14 And my charge to my client, which were
15 the members, was that we need to get 100 percent
16 in front of the settlement agreement, that came
17 out, I think in April or May, so that we then,
18 when we were to go for a transfer, we could show
19 transparency that we complied.

20 We listened to the Board, we listened
21 to the ANC that worked out the settlement
22 agreement, and those boxes were checked.

1 So, my role was to try to keep them in
2 compliance, get them in compliance, and once we
3 did that, that's when Ms. Martens was able to put
4 the application together, which was in July.

5 So, there is a couple months between
6 the renewal and the application. But my goal was
7 to make sure my client was in compliance, because
8 the settlement agreement asked for things that
9 had not been asked for or required by the Board
10 in the past.

11 And so, that's why there was this gap,
12 when the inspector went in in May and talked to a
13 part-time employee and the part-time employee, I
14 can't speak for him, he was not here, but I
15 believe that if you go in any store, a lot of
16 part-time people only know their managers, only
17 know their supervisors. They may not know who
18 the members of the LLC are.

19 Thank you for letting me --

20 CHAIRPERSON ANDERSON: I want to ask
21 Mr. Gordy, I see Mr. Gordy's in the audience, can
22 you come forward please and identify yourself for

1 the record, please?

2 So, pull up a chair, I want to ask
3 some questions, Mr. Gordy. Or why don't you
4 stand, so at least you'll have your own
5 microphone there. So, please -- yes.

6 Again, no one is under oath. So, all
7 right. Mr. Gordy, can you identify yourself for
8 the record, please?

9 MR. GORDY: Sure. Sean Gordy,
10 Licensing Program Manager for the Alcoholic
11 Beverage Regulation Administration.

12 CHAIRPERSON ANDERSON: What do you do
13 here, sir?

14 MR. GORDY: I manage the Licensing
15 Division, which is responsible for processing
16 licensing applications, which could include
17 transfers, new applications, substantial changes,
18 temporary licenses, et cetera.

19 CHAIRPERSON ANDERSON: Now, are you
20 familiar with FoBoGro?

21 MR. GORDY: I am.

22 CHAIRPERSON ANDERSON: All right. Let

1 me ask you a couple questions, sir. Do you know
2 whether or not a renewal application came in for
3 FoBoGro?

4 MR. GORDY: Yes, sir.

5 CHAIRPERSON ANDERSON: And do you
6 recall who renewed or who submitted this
7 application for renewal?

8 MR. GORDY: I can't say who submitted
9 physically the application. However, the
10 application we received was signed by the
11 previous management and the management structure
12 that had been in place since, I believe 2008 or
13 2009, which included Kristopher Hart, Chris,
14 someone else --

15 CHAIRPERSON ANDERSON: Kiple.

16 MR. GORDY: Chris Kiple, and Seth.

17 CHAIRPERSON ANDERSON: All right. Now,
18 I heard, there was some testimony that Mr.
19 Martens was involved or was trying to get a
20 transfer to him, do you know anything about that?

21 MR. GORDY: A transfer application?

22 CHAIRPERSON ANDERSON: Yes, a transfer

1 application, yes.

2 MR. GORDY: We received a transfer
3 application from Mr. Martens in the fall of 2017,
4 which was subsequently returned.

5 CHAIRPERSON ANDERSON: And why was it
6 returned?

7 MR. GORDY: Because it was revealed
8 that Mr. Martens does hold a Class A license here
9 at ABRA and he's prohibited from holding the type
10 of license that he was applying for.

11 CHAIRPERSON ANDERSON: So, he's
12 prohibited by statute by having a B? Was it the
13 statute prohibits --

14 MR. GORDY: Yes, sir.

15 CHAIRPERSON ANDERSON: -- him from
16 holding an A and a B?

17 MR. GORDY: Yes.

18 CHAIRPERSON ANDERSON: Okay. So, now,
19 did -- and the reason I'm asking, just because
20 I'm hearing Mr. Martens' name, so were you aware
21 or were you ever led to believe that Mr. Martens
22 was the new owner or the operating manager of

1 this establishment, FoBoGro?

2 MR. GORDY: We were unaware of Mr.
3 Martens' involvement, in terms of management, or
4 any involvement in the operation in itself, until
5 brought to our attention by our Enforcement
6 Investigators.

7 And the extent of our knowledge was
8 enlightened when we received the application, the
9 transfer application.

10 CHAIRPERSON ANDERSON: So, you're
11 saying, you weren't -- so, why are you saying you
12 weren't aware? So, why should you have been
13 aware if Mr. Martens had --

14 MR. GORDY: We shouldn't have been
15 aware, because for all intents and purposes, the
16 license still was under the responsibility of the
17 old ownership, or the ownership that's currently
18 in place.

19 CHAIRPERSON ANDERSON: Okay. Now, has
20 the Licensing Division ever received a second
21 transfer application, after the first one was
22 rejected?

1 MR. GORDY: We have received a transfer
2 application, as of July, I believe 25 --

3 CHAIRPERSON ANDERSON: Okay.

4 MR. GORDY: -- if not, somewhere around
5 then.

6 CHAIRPERSON ANDERSON: Okay. All
7 right. I don't have any other questions. Do you
8 have anything else to add regarding this matter?

9 MR. GORDY: Only that we, again, had
10 renewed the license after an extensive protest
11 period for the license, that took place during
12 the fall.

13 The application was originally
14 submitted, I believe, in October of 2017. After
15 the protest, we, again, renewed the license,
16 consistent with the ownership that was in place.

17 We at no time received any indication
18 that the management structure had changed, with
19 any member within the entity, as well as any
20 member or anyone outside of the entity.

21 And again, we were unaware of anyone
22 operating on the license, until brought to our

1 attention through our Investigative Unit.

2 CHAIRPERSON ANDERSON: Now, was this a
3 problem, is this problematic? Or you're saying
4 we weren't -- so, why is this a -- if this is a
5 problem, why is that so?

6 MR. GORDY: It's a problem, because
7 licenses are renewed and under the responsibility
8 of the entity that has been approved by the Board
9 to operate the license, operate the establishment
10 with the license.

11 And our expectation that that remains
12 consistent until the Agency is notified by way of
13 the applicant or attorney, attorney-agent, that
14 the application or the licensee intends to
15 transfer the licenship and/or ownership.

16 CHAIRPERSON ANDERSON: Okay. All
17 right. Thank you, Mr. Gordy.

18 MR. GORDY: You're welcome.

19 MEMBER SHORT: I have a question, Mr.
20 Chairman.

21 CHAIRPERSON ANDERSON: Yes, Mr. Short.

22 MEMBER SHORT: Mr. Gordy, there was

1 submitted information regarding the business, the
2 Basic Business License. Did you see this
3 document?

4 MR. GORDY: No, I haven't.

5 MEMBER SHORT: Okay.

6 MR. GORDY: Okay.

7 MEMBER SHORT: Okay. So, you say the
8 license was renewed when?

9 MR. GORDY: The application was
10 submitted October, or thereabout, of 2017.

11 MEMBER SHORT: Okay.

12 MR. GORDY: Ultimate renewed, or the
13 protest took place, so it was a drawn out
14 process.

15 MEMBER SHORT: So, that was late --

16 MR. GORDY: 2017.

17 MEMBER SHORT: 2017?

18 MR. GORDY: Yes.

19 MEMBER SHORT: This Basic Business
20 License says, date 3/1/2018. So, did they have a
21 Basic Business License before that one was put on
22 record? And --

1 MR. GORDY: Well, your question is two-
2 fold, in that they would have to have a Basic
3 Business License on record to have been approved.
4 However, upon renewal, we don't request a Basic
5 Business License.

6 MEMBER SHORT: Okay. So, I guess, the
7 problem is, we're trying to -- or they were
8 trying to get a transfer, after the renewal.

9 And so, since they had to have a Basic
10 Business License prior to the renewal, why was
11 this necessary to have one done in March -- well,
12 I mean, if you don't know, I understand -- but
13 March 1 of 2018?

14 MR. GORDY: I don't know. I mean, the
15 only --

16 MEMBER SHORT: Would the Basic Business
17 License that the prior owners had be good to use
18 for the new transferees?

19 MR. GORDY: No.

20 MEMBER SHORT: So, they would have had
21 to have a new one in 2017, when they submitted
22 their application, is that correct?

1 MR. GORDY: Well, upon issuance, yes.

2 MR. GRANDIS: 2018. Now, I don't mean
3 to interrupt --

4 MR. GORDY: 2018, right, it would have
5 been 2018.

6 MR. GRANDIS: -- we're talking about
7 April or May of 2018, when the renewal --

8 MEMBER SHORT: Okay. When --

9 MR. GORDY: The renewal was finalized,
10 it was the spring of 2018.

11 MEMBER SHORT: When it was finalized,
12 okay. But it started in 2017?

13 MR. GORDY: Late 2017.

14 MEMBER SHORT: So, can you comment
15 about a Basic Business License before December of
16 2017, if you have any knowledge of any?

17 MR. GORDY: The one that we would have
18 had is here, we have a copy of it. And that
19 would have been on file with our records.

20 MEMBER SHORT: And who was the owner on
21 that document?

22 MR. GORDY: Foggy Bottom Grocery, LLC,

1 the registered agent is a Kristopher Hart.

2 MEMBER SHORT: Okay. So, this new one
3 has Anna Valero --

4 MR. GORDY: Correct.

5 MEMBER SHORT: -- as the agent,
6 correct?

7 MR. GORDY: Yes.

8 MEMBER SHORT: Okay. I guess we'll get
9 to the bottom of it, but I just wanted that on
10 the record, that the Basic Business License would
11 have been required to be current and had the
12 correct names on it, along with the application.
13 But thank you very much, Mr. Gordy. That's all I
14 had, Mr. Chair.

15 MR. GORDY: You're welcome.

16 CHAIRPERSON ANDERSON: Mr. Peru, do you
17 have a copy of what was presented as Exhibit 1?

18 INVESTIGATOR PERU: Yes, sir.

19 CHAIRPERSON ANDERSON: What is this
20 document?

21 INVESTIGATOR PERU: So, yes. So, let
22 me, I'm going to -- Mr. Grandis, what he stated -

1 - so, let's back up some. I visited the
2 establishment for the first time on Thursday, May
3 17, 2018.

4 The second time, on Wednesday, May,
5 23, 2018, when I was provided my Exhibit 5, that
6 I said the expiration date was cut off. If you
7 look at my Exhibit 5 first, you can look at the
8 top right-hand corner, where it states the date
9 issued.

10 The issued date is 5/14/2014. The
11 license period is 3/1/2014 through February 28,
12 unknown year. That's where I had a problem with
13 the document being cut off. So, which Mr.
14 Grandis is in the background saying, 2018, that's
15 when it was renewed.

16 So, at my time of the visit, the
17 license was not posted. I then contacted DCRA,
18 who confirmed that as of May 23, the license was
19 expired.

20 Now, the document provided as Exhibit
21 1 today, if you look at the top of the right
22 corner of the document, of the date issued, it is

1 in fact May 29, 2018, after the dat that I
2 visited and after I received the certification
3 from DCRA.

4 So, my understanding is, of the
5 practices of DCRA and how licenses are issued, is
6 consistent with, if you look at my exhibit from
7 Exhibit 5, licensing period from 3/1/2014 to
8 2/28, unknown, maybe 2018, according to Mr.
9 Grandis, when you pay the fees at DCRA, you have
10 to back pay for the license period. You can't
11 have a lapse showing that you had no business
12 license operating.

13 So, when they went in on May 29 and
14 got issued this new license, the license period
15 now was then backed up to March 1, 2018 through
16 now 2/28/2020, which now makes this license
17 current from DCRA, correct. But it still does
18 not put it current at the time that I visited the
19 establishment.

20 MR. GORDY: Mr. Chairman, I just --

21 CHAIRPERSON ANDERSON: Yes, Mr. Gordy?

22 MR. GORDY: -- had a caveat to Mr.

1 Peru. So, on the Basic Business License, the
2 registered agent's name and address, albeit on
3 the old license, it was Kristopher Hart and new
4 license is Anna Valero, those two names only
5 indicate who was given responsibility to register
6 or act as an agent to register the license, and
7 not necessarily someone who is the owner of the
8 entity that's registering the license.

9 CHAIRPERSON ANDERSON: All right.

10 MR. GRANDIS: And also, the person who
11 receives official notifications, because you have
12 to be a D.C. resident to be a registered agent.
13 And so, both of them, at the time when they were
14 registered agents, they were residents of D.C.

15 There's no mystery with the May 29.
16 When we went through the renewal process, the BBL
17 had to be current for us to get the license
18 renewed. That's one of the things your licensing
19 specialists do is to get a certificate of
20 occupancy and the BBL.

21 In that meantime --

22 MR. GORDY: No, that's not the case,

1 sir.

2 MR. GRANDIS: One second --

3 MR. GORDY: That's not a fact.

4 MR. GRANDIS: Okay. The reason that it
5 shows May 29, but it backdates to March 1, is
6 because the license that he had received that
7 the date cut off was going to expire February 28,
8 2018.

9 When they went to renew, one of the
10 things you have to do is get a DOH inspection.
11 DOH inspections do not happen overnight. So, all
12 the paperwork to allow the BBL to be reissued,
13 which was then dated back to March 1, had to have
14 paperwork that included DOH, which did not come
15 in, their inspection did not come in until late
16 May.

17 And as soon as that came in, they met
18 the qualifications to get a BBL. And that's why
19 it's dated May 29, because that's when they could
20 pay for it. But there's no lapse in time, as we
21 already heard testimony, that they had to pay
22 back to March 1.

1 So, it's not unusual for BBLs to
2 expire and you have to get different agencies to
3 give you, let's say, a check mark or whatever, to
4 approve it.

5 MR. GORDY: Mr. Chair --

6 CHAIRPERSON ANDERSON: Yes.

7 MS. JACKSON: Just for the record --

8 CHAIRPERSON ANDERSON: Hold on, hold
9 on, who are you, ma'am?

10 MS. JACKSON: I'm Karen Jackson, the
11 Licensing Officer for the Licensing Division.

12 CHAIRPERSON ANDERSON: Yes, ma'am, what
13 do you have to add?

14 MS. JACKSON: So, when you do a
15 renewal, we do not require -- although, all
16 licensures or permits from DCRA have to be valid,
17 we do not require and we do not ask you for the
18 BBL. We only ask that you have a good standing
19 for your entity and that you're Clean Hands
20 clear.

21 CHAIRPERSON ANDERSON: All right. So,
22 you don't ask for -- all right. Now, Mr.

1 Grandis, I mean, and I think this is, maybe you
2 can clarify -- all right. I have two documents
3 in front of me, okay?

4 One document said that, and I think
5 you clarified, that the license period was, at
6 least what was given to the Investigator, which
7 is Exhibit 5, that was issued on May 14, 2014.

8 What does that mean, that it was
9 issued on May 14, what does that mean to you? It
10 says it was issued on May 14, 2014, what does
11 that mean?

12 MR. GRANDIS: It means that's when the
13 applicant was able to satisfy the documents
14 required and make the payment.

15 CHAIRPERSON ANDERSON: And so, that's
16 when they got the document, is that correct? And
17 so, that period covered March 1, 2014 to February
18 28, and I think you said the cutoff date is
19 February 28, 2018. Is that correct?

20 MR. GRANDIS: I don't have -- I didn't
21 get the document, I'm just saying --

22 CHAIRPERSON ANDERSON: But let me ask

1 you --

2 MR. GRANDIS: -- there seems to be a
3 consistency --

4 CHAIRPERSON ANDERSON: All right.

5 MR. GRANDIS: -- to the dates.

6 CHAIRPERSON ANDERSON: All right. Let
7 me ask a question. Can anyone tell me -- all
8 right. This is -- we have Mr. Rosenzweig here.

9 Mr. Rosenzweig, and it says Kristopher
10 Hart, and the representation that was made today
11 is that you, Mr. Rosenzweig, were the managing
12 agent and for whatever reason, the Agency was
13 never informed, okay? I'm going to give you the
14 benefit of the doubt, okay?

15 So, I see -- so, maybe -- this is your
16 Business License, I have two Business Licenses.
17 And what this says to me was that there was no
18 business license -- well, can you tell me, sir,
19 what was on Exhibit 5?

20 What was the expiration date? Is it
21 supposed to be March 1, 2014 to February 28,
22 2018? Is that the date that was supposed to be

1 on the document, do you know?

2 MR. ROSENZWEIG: So, under the
3 management agreement, the manager was required to
4 keep all licenses current. So, I do not know --

5 CHAIRPERSON ANDERSON: So, you don't
6 know when the expiration date on this document
7 was?

8 MR. ROSENZWEIG: I believe Steuart
9 should be able to know that.

10 CHAIRPERSON ANDERSON: All right.
11 Well, I'm just trying to find out, can someone
12 tell me what it is in Exhibit -- clearly, I know
13 that DCRA is not going to issue a document with a
14 cut off date.

15 So, could someone tell me, and I would
16 hope that someone from FoBoGro could tell me,
17 what's the date of this Basic Business License?
18 Is it -- it's March 1, 2014 to February 28, what
19 year? Can someone tell me? Does anyone know?

20 MR. BIANCO: Mr. Anderson, the license
21 that is attached to the Investigator's report --

22 CHAIRPERSON ANDERSON: Right.

1 MR. BIANCO: -- showing the date cut
2 off would have expired on February 28.

3 CHAIRPERSON ANDERSON: February 28,
4 what year? 2018?

5 MR. BIANCO: 2018.

6 CHAIRPERSON ANDERSON: That's all I was
7 trying to clarify. So, the cut off date is 2018.
8 And so, I was not given Exhibit 1 and so, Mr.
9 Grandis, as the attorney for FoBoGro, this says
10 that it was issued on May 29, 2018. And that
11 means that this document was given to FoBoGro on
12 May 29, 2018. Is that what that means?

13 MR. GRANDIS: That would be correct,
14 because the DOH inspection finally reached DCRA
15 to be able to check the box.

16 CHAIRPERSON ANDERSON: And so, what
17 this -- there is a microphone there, sir, it can
18 probably stay in the middle of the table, to make
19 sure that it picks up everyone's voice.

20 So, what this says to me is that there
21 was no active Basic Business License as of, I
22 guess, this is not a leap year, so as of March 1,

1 -- I'm sorry, what?

2 Tell me if I'm wrong. I'm reading
3 this to say that, there's a gap from March 1,
4 2018 until May 14, at least May 13, 2018, that
5 there was no physical, that FoBoGro did not have
6 a physical copy of a current Basic Business
7 License. Is that correct?

8 MR. GRANDIS: I don't disagree with
9 that. I think DCRA, if you had someone here,
10 would say, if the applicant filed timely for the
11 renewal, but not all the agencies had done their
12 work, such as DOH. DOH can take quite a while to
13 come and do an inspection.

14 CHAIRPERSON ANDERSON: Okay, can --

15 MR. GRANDIS: So, I believe that they
16 were not out of compliance, I believe DCRA will
17 say, the reason they were able to backdate it to
18 March 1 in May is because they timely filed for
19 the renewal.

20 CHAIRPERSON ANDERSON: Well -- but let
21 me ask a question, Mr. Grandis. So, if you go
22 through, and I'm asking questions, if you go

1 through our report, you have Exhibit 6, so what -
2 - can you tell me what Exhibit 6, 7, 8, that's
3 signed by DCRA, can you tell me what are these
4 documents?

5 And they're signed by the same agency,
6 and these are certified documents coming from
7 DCRA.

8 MR. GRANDIS: I cannot address that.

9 CHAIRPERSON ANDERSON: You can't? All
10 right. But let me ask, well, let me ask you a
11 question you can address, then, sir. And since
12 I've been here as Board Chair, you asked -- this
13 is -- all licenses have to be renewed by a date
14 certain, is that correct?

15 FoBoGro had to submit its application
16 to transfer its license by a date certain, is
17 that correct?

18 MR. GRANDIS: Transfer the license or
19 renew?

20 CHAIRPERSON ANDERSON: Renew its
21 license, I apologize.

22 MR. GRANDIS: Renew, okay.

1 CHAIRPERSON ANDERSON: Renew its
2 license, right? By a date --

3 MR. GRANDIS: And I go back, because
4 DCRA has issued a BBL that's dated May 29, but
5 they said it's for the period of March 1, there
6 is no gap in time. And I think DCRA would
7 testify to that, because if there was a gap in
8 time, they'd have to have a new license.

9 CHAIRPERSON ANDERSON: But the question
10 I asked you, sir, if this document -- yes, the
11 period is covered, but the question I asked you,
12 on March 1, 2018, did FoBoGro have a copy of its
13 Basic Business License in hand? That's the
14 question I asked you.

15 MR. GRANDIS: I think you have to ask
16 management that. My answer would be --

17 CHAIRPERSON ANDERSON: Well, you are
18 the -- sir, no. If you can't answer the
19 question, let management. I'm -- the reason I'm
20 referring this to you and I refer to attorneys,
21 and if the attorney wants his client to respond,
22 then the client -- because, remember, it's about

1 FoBoGro. It's not about Mr. Martens. It's not
2 about Ms. Martens. This is about FoBoGro.

3 And so, therefore, that's why I'm
4 addressing and I can understand FoBoGro not
5 informing, I'm not saying I agree with it, but
6 I'm giving the benefit of the doubt, that based
7 on oversight, that FoBoGro did not inform the
8 Agency that Mr. Hart was no longer the managing
9 member and that Mr. Rosenzweig was.

10 And so, I'm giving that to you, I'm
11 giving you the benefit of the doubt, all right?

12 MR. GRANDIS: If we could move along,
13 to help you --

14 CHAIRPERSON ANDERSON: Yes.

15 MR. GRANDIS: -- I'm happy to go to
16 DCRA, as the attorney for FoBoGro, and ask them
17 to give us a statement on the license period and
18 were there any gaps in the license period.

19 CHAIRPERSON ANDERSON: But I already
20 have a statement from DCRA. My Agency has a
21 statement from DCRA saying there's a gap. And
22 what I'm also stating to you, sir, I know for our

1 Agency, in order to -- I'll give you a perfect
2 example.

3 You cannot renew your license here at
4 ABRA without having a Clean Hands, okay? And so,
5 therefore, if you come here to renew your
6 license, if you do not give us a Clean Hands
7 certificate, we will not renew your license.

8 I know that factually. And so,
9 therefore, we will not renew your license until
10 you bring that to us. That doesn't -- so, are
11 you telling me, sir, that if you come to this
12 Agency to renew your license on, say, your
13 license expires on January 1.

14 You come in January 1 to renew your
15 license. There is -- you don't have a Clean
16 Hands certificate, here, you don't have a -- all
17 right.

18 And so, therefore -- so, what happens
19 during the period of January 1 until May 29, when
20 you bring us the Clean -- and when you're license
21 is renewed, your license -- when it's eventually
22 renewed, it's going to go back to January 1.

1 So, do you actually have a license
2 between January 1 and May 29? You tell me,
3 because I'm saying --

4 MR. GRANDIS: You're talking about ABC,
5 not DCRA.

6 CHAIRPERSON ANDERSON: It's the same
7 concept.

8 MR. GRANDIS: No, it isn't. I believe
9 DCRA has its rules and ABC --

10 CHAIRPERSON ANDERSON: No, I'll call
11 Mr. Short. Now, Mr. Grandis, now, you know that
12 we're both smart men, okay? So, you're -- it
13 can't be that -- you can't say it's a different
14 concept.

15 What you're saying to me, sir, and I'm
16 asking you to think about it, you're saying that
17 it comes back, and you're saying that it couldn't
18 be renewed until you have this certification from
19 Department of Health, okay?

20 So, what that tells me is that, there
21 was no active Basic Business License during that
22 period, between March 1 and May 29. And although

1 this document covers the period, it's the same
2 analysis that we use for this Agency.

3 MR. GRANDIS: I believe DCRA has rules
4 that you have a grace period to get things handed
5 to them, because we can't control DOH, for one
6 thing. We can't control the other agencies.
7 Whereas, you can control your license. And I do
8 agree with you --

9 CHAIRPERSON ANDERSON: No, we don't
10 control our license, we tell you that you have to
11 go to another agency and come to us with the
12 Clean Hands certificate. We don't control, ABRA
13 doesn't control the Clean Hands certificate,
14 that's a different agency.

15 And we're telling you, until and
16 unless this other agency gives you the
17 certificate, we're not going to renew your
18 license, so therefore, you don't have a license.

19 I don't -- I'm not aware of ABRA
20 telling -- which is the same concept to me, and
21 I'm speaking from ABRA, that they're going to
22 say, okay, we'll give you a grace period so you

1 can go months without having a license.

2 MR. GRANDIS: ABRA doesn't have a grace
3 period.

4 CHAIRPERSON ANDERSON: Mr. Short --
5 hold on. Hold on, yes, Mr. --

6 MR. BIANCO: I think I can shed some
7 light, and I jump in at my own peril here. But
8 it seems that the parties are talking around one
9 another.

10 And based on my experience in dealing
11 with the BBL issue, I know that for BBL renewals,
12 DCRA, as per its typical operating procedure,
13 which they publish on their website, will send
14 out notices of renewal 30 days in advance of the
15 expiration date.

16 And I can tell you that, presently, or
17 at least in this case, as Mr. Martens was
18 assisting in the BBL renewal process, the waiting
19 list for a DOH inspection, certification, what
20 have you, to get the BBL, was more than two and a
21 half months.

22 So, I think the retroactive issuance

1 of the license is a recognition by the agency
2 that these component parts to the renewal weren't
3 reasonably available between the period of
4 renewal expiration notice and the actual
5 expiration of the license, which is only a 30-day
6 period.

7 So, they weren't expecting us to come
8 to the table with something four weeks out that
9 takes at least eight weeks to get.

10 CHAIRPERSON ANDERSON: Go ahead, Mr.
11 Short, and then, I just -- yes, go ahead, Mr.
12 Short.

13 MEMBER SHORT: Can anyone of you tell
14 me, does DCRA have a time period for every Basic
15 Business License? And I think it's two years,
16 can anybody dispute that? They're only good for
17 every two years and then, they send you a notice
18 to renew it?

19 MR. BIANCO: Mr. Short, actually, I
20 believe the way it works is, you can opt for a
21 two-year license or a four-year license,
22 depending on the amount that you pay.

1 MEMBER SHORT: Okay. So, okay. Let's
2 go back to this exhibit again. Okay. Let's say
3 this, I haven't heard of four years, but if you
4 say so, we're not being sworn to this.

5 But anyway. A Basic Business License
6 must be posted somewhere in the business
7 conspicuously, correct?

8 INVESTIGATOR PERU: Yes, sir.

9 MEMBER SHORT: Why wasn't one found
10 when the Investigator went there, with the
11 correct dates on it? Because if it's not posted
12 on the wall conspicuously, you're in violation of
13 something, aren't you? So, was it posted?

14 MR. GRANDIS: I believe it's addressed
15 in the Investigative Report and that's something
16 -- we weren't there. I believe the employee and
17 Mr. Martens addressed that in the Investigative
18 Report.

19 MEMBER SHORT: But, come on, how did he
20 get this one? How did the Investigator get this
21 one?

22 MR. GRANDIS: I can't answer that.

1 MEMBER SHORT: If one wasn't posted on
2 the wall where it should have been, we can put
3 this -- because apparently, and if it say two or
4 four years, even with the dates cut off on here,
5 something is wrong.

6 And I'm not saying that you did this,
7 but something -- if the years run out, they just
8 take it off the wall and they tell the
9 Investigator, I've got it at home or someplace
10 else. And sometimes, the Investigator or the
11 inspector will say, well, okay, I'll give you a
12 chance to get it straightened out.

13 So, will you admit something went
14 wrong with not having it posted?

15 MR. GRANDIS: I will state that the
16 license is supposed to be posted and --

17 MEMBER SHORT: It should have been
18 posted?

19 MR. GRANDIS: It should have been
20 posted.

21 MEMBER SHORT: Was it posted --

22 MR. GRANDIS: And in the Investigative

1 Report --

2 MEMBER SHORT: Was it posted that day
3 when the Investigator came out?

4 MR. GRANDIS: -- correct, but I --

5 MEMBER SHORT: Was it posted the day --

6 MR. GRANDIS: I cannot answer that. I
7 wasn't there. Mr. Martens, I think, responded to
8 that.

9 CHAIRPERSON ANDERSON: All right. But,
10 I -- this is not -- Mr. Martens identified
11 himself that he was asked by ABRA to come and
12 speak.

13 So, I don't know who Mr. Martens is
14 and that's one of the reasons I've not -- and I
15 mean, I'm being in all seriousness, I mean, we've
16 been throwing Mr. Martens' name around, but I'm
17 not recognizing Mr. Martens, per se, unless Mr.
18 Martens wants to speak.

19 Because the only persons that I'm
20 recognizing, and I shouldn't even recognize him,
21 because when all of this occurred, I should be
22 speaking to Kris Hart.

1 But I'm going to give you the benefit
2 of the doubt that Mr. Rosenzweig was the managing
3 member and so, Mr. Rosenzweig is in charge. He's
4 the one we refer to.

5 So, I don't -- unless Mr. Martens --
6 I don't know who Mr. Martens is. And because
7 you're asking me to make a lot of jumps, I mean,
8 I'm giving you the benefit of the doubt that Mr.
9 Rosenzweig was supposed -- you were supposed to
10 advise ABRA that Mr. Rosenzweig was the managing
11 member and he's the one to deal with.

12 We never got information from Mr.
13 Rosenzweig. Now, I'm being told there's some
14 agreement with Mr. Martens. And so, we were not
15 given anything to say Mr. Martens had any role.
16 So, I'm not willing to take these two leaps, I'll
17 take one, but I'm not going to take two.

18 So, therefore, unless Mr. Martens is
19 going to jump up and say, this is who I am, let
20 me state for the record who I am, then I'm not
21 going to accept you talking about Mr. Martens,
22 because I'm not going to recognize him, because

1 at least as far as FoBoGro is concerned, Mr.
2 Martens is a nonentity.

3 So, you can't tell me that Mr. Martens
4 had this, Mr. Martens had that, because that's
5 asking me to take two leaps, to say that Mr.
6 Rosenzweig -- and I said it before, I'll give you
7 the benefit of the doubt to say, that was an
8 oversight on FoBoGro's part not to have alerted
9 us to Mr. Rosenzweig.

10 But I am not going to jump to say,
11 then, Mr. Rosenzweig then was supposed to have
12 told us about Mr. Martens, and Mr. Martens
13 doesn't exist.

14 I've heard a lot about Mr. Martens,
15 and I'm glad that I've seen him now in person,
16 but I'm not going to ask him any questions,
17 because this is not about him, until and unless
18 he says, I need to say something.

19 MR. GRANDIS: Well, we go -- we cannot
20 challenge the Investigative Report. The
21 Investigative Report states that the license was
22 not on the wall, because the place had been

1 recently painted.

2 That's all I can respond to, because
3 we were not there when the inspector was there
4 and we did not have any conversations with the
5 inspector. But that's what the report says.

6 CHAIRPERSON ANDERSON: Mr. Peru, do you
7 want to add anything?

8 INVESTIGATOR PERU: Yes, just because
9 we're on the same topic still, just the Business
10 License, I just wanted to point out, again, that,
11 or reiterate, should I say, is that I visited the
12 establishment twice, no license was posted during
13 that period.

14 On May 25, is when I spoke to the
15 owner, Mr. Hart, on the phone, who had no
16 knowledge of the license being expired. So, I
17 spoke to him on the 25th, it was not until four
18 days later that they went and issued this new one
19 on the 29th. Whatever --

20 CHAIRPERSON ANDERSON: Well, remember,
21 give the month and the year, please, sir.

22 INVESTIGATOR PERU: I'm sorry, yes. I

1 spoke to him on Friday, May 25, 2018, on the
2 phone. He had no clue, he said Mr. Martens was
3 the manager, he mentioned the agreement they had
4 together, he mentioned Cathy Martens' name. And
5 that was on Friday, May 25, 2018.

6 The license is showing May 29, 2018 as
7 the issue date. So, four days after I spoke to
8 Mr. Hart is when it looks like they went down
9 there and got things taken care of.

10 So, still, from my original visit to
11 the time that the license date was issued, from
12 my May -- do I have the dates right again? -- my
13 Thursday, May 17 visit, 2018, to the issue date
14 of May 29, 2018, there was a lapse of anything
15 getting done.

16 And I believe, based on talking to Mr.
17 Hart, Mr. Hart mentioned Mr. Rosenzweig's name on
18 the phone, stating that he was handling most of
19 that stuff, so he was going to contact him.

20 But I never got a chance to speak with
21 Mr. Rosenzweig. I called his phone, I can't
22 remember if it was a voicemail or whatnot, but

1 Mr. Hart was the first one I got a hold of.

2 I also wanted to point out, since
3 we're talking about ownership, is that, when this
4 license was issued on May 29, the new registered
5 agent for FoBoGro is Anna Valero, who has been
6 before the Board before for Field House and
7 Kraken Axe, and on record has stated that she is
8 a partner of Mr. Martens in his Drink the
9 District business.

10 So, I just wanted to -- I noticed
11 that, looking at that. I believe that address is
12 maybe her home address, as the registered agent.
13 But I just wanted to point out that Anna Valero
14 has been before the Board before, as well, as
15 being part of the business.

16 CHAIRPERSON ANDERSON: Okay.

17 MR. GRANDIS: I'd like to address --

18 CHAIRPERSON ANDERSON: Yes, sir?

19 MR. GRANDIS: -- the Anna thing. She's
20 a resident of D.C.

21 CHAIRPERSON ANDERSON: I know --

22 MR. GRANDIS: She's an agent, doesn't

1 mean you're an owner, doesn't give you any
2 salary. It has nothing to do -- it's no mystery,
3 she is just the one to get the official papers
4 from ABRA or another agency.

5 There's a resident in D.C. that has
6 said, I will be responsible and take that
7 communication.

8 CHAIRPERSON ANDERSON: I know what that
9 means, sir, as a registered agent. I think the
10 Investigator was just stating that it was just
11 curious that this is another individual that has
12 submitted applications to the Agency.

13 That's -- I think it's taken as that,
14 to just say, unless there is more than one Anna
15 Valero, and I don't know if it's the same person,
16 all the Investigator is stating is that, this
17 name is a name that at least the Agency is
18 familiar with this name, because of other
19 applications.

20 But I do know that a registered agent
21 is not necessarily someone who owns the business,
22 it is just that, for a foreign corporation, you

1 have to have a D.C. person representing you,
2 because you have to have a D.C. address. So, I'm
3 taking it as that. So, I understand, sir, that's
4 -- all right.

5 So, I guess the problem -- so, let me
6 ask the question, Mr. Peru.

7 INVESTIGATOR PERU: Yes, sir?

8 CHAIRPERSON ANDERSON: Let's go back to
9 Exhibit 6. What does Exhibit 6 state, please?
10 What does that mean to you?

11 INVESTIGATOR PERU: Exhibit 6, when I
12 reached out to DCRA to verify or to confirm the
13 status of the business license for Foggy Bottom
14 Grocery, it revealed -- they sent back to me a
15 certification.

16 And the certification says -- there's
17 four different copies, because each is a
18 different type of endorsement.

19 But a Basic Business License, Public
20 Health Food Establishment Retail License
21 Endorsement for the Grocery Store located at 2140
22 F Street, Washington, D.C., has not been issued

1 for the period of January 1, 2017 to present.

2 The present, on this date, was the 23rd day of
3 May, 2018. That's Exhibit 6.

4 Exhibit 7 refers to the Public Health
5 Endorsement for Food Products, has not been
6 issued for the period of January 1, 2017 to the
7 date of this letter, 23rd day of May, 2018.

8 Exhibit 8 talks about the --
9 MMM: Your hand is blocking the
10 microphone.

11 INVESTIGATOR PERU: -- the General
12 Sales Endorsement for Cigarette Retail, and has
13 not been issued for the period of March 1, 2018
14 to present, which the date of this letter is May
15 23, 2018.

16 And then, the Exhibit 9 refers to the
17 Food Establishment Retail License Endorsement for
18 the Delicatessen, has not been issued for the
19 period of March 1, 2018 to May 23, 2018, as well.

20 So, all these documents, when I
21 received this from DCRA, this tells me that the
22 current Business License was not issued and was

1 not active at the time, during my visit when I
2 was there. Both my visits, when I was there.

3 CHAIRPERSON ANDERSON: All right.

4 Thank you, Mr. Peru. And I guess, does anyone
5 have a copy of Exhibit 5 that's not cut off?

6 I mean, does anybody have an original,
7 to say, okay, this is what -- because I know that
8 DCRA is not going to issue a certificate of -- a
9 Basic Business License that's going to not have
10 an end date.

11 And I'm just curious, does anyone have
12 a copy of this document, so we can see what date
13 it -- because, did it expire in 2016, in 2017, in
14 2018?

15 No one knows when it expires, and
16 that's somewhat problematic, which I would have
17 hoped that, since everyone was aware that this is
18 an issue, we don't know -- it was an issue for
19 the Agency, because the expiration date was
20 missing, that the same way we have Exhibit -- and
21 I guess, if I go to what Mr. Grandis stated, then
22 -- no, I'm not even going to assume, I can't

1 assume.

2 I can't assume that that document says
3 February 2018. I can't even assume that. I
4 don't know. That's, as they said on the Odd
5 Couple, you can never assume. So, let me not
6 assume.

7 But it would have been helpful if we
8 had the documents, so we're not having this
9 miscommunication with what the document states.

10 MR. GRANDIS: I mean, I'm happy to try
11 to obtain it and post-with get it to the Agency.
12 I believe it was part of the renewal application,
13 so I should have it in my system, hopefully. If
14 not, I can go to DCRA and obtain it for you.

15 CHAIRPERSON ANDERSON: No, but it
16 should -- you guys -- there was an allegation
17 that this document was provided by Mr. Martens,
18 and I'm just, this is the allegation in the
19 report, that it was provided by Mr. -- yes, there
20 is an allegation by the Investigator that this
21 information was provided by Mr. Martens to the, I
22 think, the manager -- am I correct, the manager

1 at the --

2 INVESTIGATOR PERU: Yes, the ABC
3 Manager onsite.

4 CHAIRPERSON ANDERSON: The ABC Manager.
5 So, I assume that Mr. Martens would have had a
6 copy of the document that he faxed, or however it
7 was submitted to the ABC Manager. Unless the
8 copy that he has has the date cut off too.

9 So, I don't know. But I'm not going
10 to assume anything. Do we have any other
11 comments that anyone else wants to make?

12 MEMBER SHORT: I just --

13 CHAIRPERSON ANDERSON: Yes, Mr. Short?

14 MEMBER SHORT: The transfer that was
15 submitted, importantly, there are no
16 documentation of any changes in membership
17 structure on file in this Agency.

18 CHAIRPERSON ANDERSON: They have
19 admitted that, Mr. Short. They have admitted
20 that they were supposed to have -- that's what I
21 said to them before, that I'm going to take the
22 assumption that there was an oversight on their

1 part, that Mr. Rosenzweig replaced Mr. Hart.

2 So, I think the record is clear that
3 that change took place, but that information was
4 never provided to the Agency. So, there's an
5 agreement that they never provided that to us.

6 MEMBER SHORT: The management
7 agreement?

8 CHAIRPERSON ANDERSON: Yes, that's
9 clear, that's on the record that that was not
10 provided to us.

11 MR. BIANCO: If I could speak on that
12 particular issue?

13 CHAIRPERSON ANDERSON: Yes.

14 MR. BIANCO: I realize that the issue
15 of the management agreement was discussed the
16 last time that the parties were here, I wasn't
17 counsel at the time. And I think it was, I
18 suppose it was agreed to that the management
19 agreement was never provided.

20 Since I've been engaged, I took a look
21 at the issue and it looks like, in this
22 particular case, that the management agreement to

1 run FoBoGro during the pendency of the contract
2 was actually incorporated into the contract, in
3 the body of the contract, which would have been
4 provided in connection with the transfer
5 application.

6 CHAIRPERSON ANDERSON: But --

7 MR. BIANCO: I believe the Agency, in
8 fact, has it.

9 CHAIRPERSON ANDERSON: What you're
10 talking about, you're talking about the transfer
11 -- are you talking about -- which transfer
12 application? The one that was rejected by the
13 Agency?

14 MR. BIANCO: Correct.

15 CHAIRPERSON ANDERSON: But even if it
16 was provided, though, the Agency rejected that
17 Mr. -- well, the Agency --

18 MR. BIANCO: As to notice, the Agency
19 was on notice. So, the statement that the Agency
20 never got it, never received it, never had it,
21 never knew about it, is an inaccurate one.

22 CHAIRPERSON ANDERSON: Well, I'm not --

1 that's a good argument, counsel, but --

2 MR. BIANCO: Thank you.

3 CHAIRPERSON ANDERSON: -- I'm not
4 buying it, okay? I'll just say that it's a good
5 argument, it's a good try, but the same way I
6 told you I'm not going to take the leap from Mr.
7 Rosenzweig to Mr. Martens, I'm not going to --
8 it's a good argument.

9 MR. BIANCO: Well, it --

10 CHAIRPERSON ANDERSON: And counsel
11 always makes good arguments, yes, sir.

12 MR. BIANCO: Thank you. In support of
13 my good argument --

14 CHAIRPERSON ANDERSON: Yes, sir?

15 MR. BIANCO: -- I do have some
16 additional facts I can offer. My client, Mr.
17 Martens, was represented by counsel at the time,
18 it wasn't myself or Mr. Grandis.

19 And based on his recollection, there
20 were discussions with the Director regarding his
21 management of FoBoGro during the pendency of the
22 purchase contract.

1 So, in addition to the written notice,
2 there were discussions. So --

3 CHAIRPERSON ANDERSON: Yes, but the
4 problem is that you guys are still -- the record
5 still reflects that the Agency is kind of, sort
6 of recognizing Mr. Rosenzweig as the managing
7 member.

8 We're not really recognizing Mr.
9 Martens, because I don't think that anyone has
10 offered Mr. Martens -- the only thing that we
11 have from Mr. Martens is that he submitted a
12 transfer application. We had to reject it based
13 on his ownership of another establishment.

14 And so, that was rejected, so
15 therefore, he doesn't play a part. So, that's
16 the only -- but in the sense that Mr. Martens --
17 and I don't think Mr. Martens could have, even if
18 there was a management agreement that the Agency
19 was on notice that Mr. Martens had a management
20 agreement, then once we rejected his ownership
21 based on the obvious conflict, then that should
22 tell the entity that Mr. Martens would have to

1 fall.

2 So, even if -- assuming arguing, and
3 the more I think about it, assuming arguing, even
4 if I was to buy your argument, okay?, which is a
5 good argument, once we rejected Mr. Martens as
6 someone who could not -- once we rejected Mr.
7 Martens as an illegible owner, whatever agreement
8 that he had or had not with FoBoGro, that had to
9 fall, because he couldn't be a managing -- he
10 couldn't manage, I mean, he couldn't have any
11 ownership --

12 MR. BIANCO: Well, I think you're right
13 about that, I think he couldn't have any
14 ownership, but I think you're correct in drawing
15 a distinction between ownership and management.

16 In fact, the statute sets out a four
17 or five-factor test by which the Board can
18 consider/determine who has an ownership interest
19 --

20 CHAIRPERSON ANDERSON: Right.

21 MR. BIANCO: -- versus who can simply
22 act as a manager. And it's sort of a well-worn

1 path, in the Board, going through the analysis of
2 whether somebody who is operating an
3 establishment is an owner or merely a manager.

4 And my only point here is that, to the
5 extent that it was an issue at the time of the
6 transfer application, in our mind at least, the
7 Agency was on notice.

8 And that's why we acted in the way
9 that we did and there was no effort to hide Mr.
10 Martens' involvement in the day-to-day operations
11 of the establishment.

12 MR. GRANDIS: And when I became engaged
13 and talked with the legal staff and talked with
14 the license staff regarding the protest process,
15 it was very clear to the Agency, at least who we
16 spoke with, that Mr. Martens had a management
17 contract, not ownership.

18 And there's nothing, as the other
19 attorney addressed, there is no prohibition of
20 him being a manager. And so, he had a management
21 agreement from the fall of 2016 until July of
22 2018. And he's no longer a manager, because we

1 now have a new potential owner, who has agreed to
2 be the manager during the transition period.

3 So, there is a management agreement,
4 which I discussed with various Agency employees
5 during the renewal process, that Steuart was the
6 manager. And there was never any push-back on
7 that, except to say, well, we know he had a
8 transfer application to be owner.

9 And we said, we understand he cannot
10 be owner, but he has no financial interest in the
11 entity, he's paid like any employee. And there's
12 no prohibition against that.

13 CHAIRPERSON ANDERSON: Well, there
14 isn't. But I think what brought this to light,
15 this Investigation Enforcement of the Agency got
16 involved in this matter, because in the protest
17 proceeding that was dismissed, a complaint was
18 made to this Agency that there was an illegal
19 transfer. And that's why our Agent went to
20 investigate a complaint.

21 MR. GRANDIS: But there has not been an
22 illegal transfer --

1 CHAIRPERSON ANDERSON: No, I'm not --

2 MR. GRANDIS: -- so the complaint was

3 --

4 CHAIRPERSON ANDERSON: -- you didn't
5 hear what I said.

6 MR. GRANDIS: Okay.

7 CHAIRPERSON ANDERSON: I said, a
8 complaint was made by a citizen that there might
9 have been an illegal transfer and that's one of
10 the reasons why the Agency, we sent out our
11 inspector to unravel.

12 That's why you're here today and
13 that's why I said, it is just getting further
14 information, we're just -- someone called in to
15 say, there's a potential problem here. We've
16 done the investigation and what we're able to
17 uncover is that there are a lot of problems here.

18 So, I don't know whether or not it was
19 an illegal transfer, I don't know what it is, all
20 I know was that, someone complained, you're here
21 today, and we have uncovered there are some
22 significant problems with the operation of this

1 agency.

2 MEMBER SHORT: One more thing.

3 CHAIRPERSON ANDERSON: Yes, go ahead.

4 MEMBER SHORT: Mr. Bianco, you stated,
5 and thank you very much for your information,
6 that DCRA licenses, Business Licenses, two and
7 four years?

8 MR. BIANCO: Two and four, correct.

9 MEMBER SHORT: Okay. So, on the
10 license that was submitted in the Exhibit 5, the
11 period started from March 1, 2014. So, it would
12 have been good, by your recollection, to March of
13 2018, correct?

14 MR. BIANCO: 2016 or 2018, correct.
15 That's correct.

16 MEMBER SHORT: But as far as not having
17 a date on the end of this, I would say missing at
18 the time the Investigator was there, Basic
19 Business License, so I'm just kind of confused
20 that -- and the reason was that you were painting
21 and you took the -- is that what Mr. Grandis
22 said?

1 MR. GRANDIS: That's what the inspector
2 report has.

3 MEMBER SHORT: Okay. Well, still, do
4 you have to take the license out of the building
5 when you're painting? And you're still
6 functioning your business every day?

7 MR. GRANDIS: I think you have to talk
8 to management on that.

9 MEMBER SHORT: Okay, I understand.
10 Well, let me ask, Mr. Brashears --

11 CHAIRPERSON ANDERSON: Hold on.

12 MEMBER SHORT: Okay.

13 CHAIRPERSON ANDERSON: All right.

14 Well, hold on.

15 MEMBER SHORT: I just want to
16 straighten this out.

17 CHAIRPERSON ANDERSON: Yes, I know, but
18 there is another Investigator here. Can you
19 identify yourself for the record, please?

20 INVESTIGATOR BRASHEARS: Yes, sir.

21 Investigator Mark Brashears, with ABRA.

22 CHAIRPERSON ANDERSON: And Mr.

1 Brashears, are you familiar with FoBoGro?

2 INVESTIGATOR BRASHEARS: Yes.

3 CHAIRPERSON ANDERSON: And how are you
4 familiar with FoBoGro?

5 INVESTIGATOR BRASHEARS: I have
6 accompanied other ABRA Investigators for visits
7 to the establishment.

8 CHAIRPERSON ANDERSON: All right. Go
9 ahead, Mr. Short.

10 MEMBER SHORT: Okay. We seem to be
11 having a situation where we're trying to get this
12 Basic Business License issue straightened out.

13 And I'm looking at the Basic Business
14 License -- and the reason why I'm asking some of
15 these questions, because I've been in business in
16 Washington, D.C., back in the early 1970s, and I
17 still have a Basic Business License now.

18 So, I get a warning, in fact, they
19 send me a notice, the D.C. Government says, your
20 license will expire in another six months, get
21 down here and get this taken care of. So, it's
22 kind of pretty hard to miss the dates.

1 But if you can get this straightened
2 out with us, because they're saying they were
3 painting and it wasn't on the wall. But any
4 information you can give us to help out with
5 that, I would certainly appreciate it.

6 INVESTIGATOR BRASHEARS: I mean, to be
7 honest, Mr. Short, the only thing -- I wasn't
8 present when this took place, I can't speak as to
9 why it wasn't on the wall.

10 But having heard previous information
11 provided and looking at this, and I know we were
12 going back and forth concerning whether something
13 was grandfathered in, whether something was still
14 current or not, it would be very difficult to
15 tell that, being provided a document with part of
16 the date cut off.

17 That would be the only conclusion that
18 I could make, for however it came to be cut off,
19 it would be very hard for an Investigator to
20 state --

21 MEMBER SHORT: Do you have any
22 knowledge of how often Basic Business Licenses

1 given out or you can renew them? Is it two
2 years, is it four years, is it six years? Do you
3 have any knowledge of that?

4 INVESTIGATOR BRASHEARS: My
5 understanding was either two or four years, sir.

6 MEMBER SHORT: Okay. And the date on
7 this one that they were given with the cut off
8 date is March of 2014.

9 INVESTIGATOR BRASHEARS: Yes, sir.

10 MEMBER SHORT: So, we don't know if
11 they had a two-year or a four-year, but at any
12 rate, it wasn't where it should have been when
13 the Investigator came by.

14 INVESTIGATOR BRASHEARS: That's my
15 understanding of it, sir.

16 MEMBER SHORT: Okay. If you don't have
17 any more, then, Mr. Chair, that's all I have for
18 Mr. Brashears.

19 CHAIRPERSON ANDERSON: All right, thank
20 you. Mr. Martens, and this is for you, and I
21 just have one question for you, sir, and the only
22 reason I'm asking is because you're here. And

1 so, your name is splattered all over this report.

2 And so, I -- there's just one thing in
3 the report I want to ask you, sir, if you can, if
4 you want to respond, maybe you can explain to me
5 what it is.

6 There's, on Page 2 of the report,
7 there is an allegation, and I guess that's backed
8 up by Exhibit -- well, I guess, there's just a
9 couple questions I just want to ask, just to
10 clarify the record, and your attorney can let you
11 know whether or not you want to answer this or
12 not.

13 Can you -- all right. On Page 2 of
14 the report, it says that, on Monday, May 21,
15 2018, Investigator Peru conducted an internet
16 search, which revealed that Steuart Martens,
17 Class A Liquor License, District Still, located
18 at 175 R Street Northeast, Washington, D.C.,
19 listed FoBoGro as the pickup location for any
20 alcoholic beverages purchase through their online
21 portal.

22 Is it factual, sir? Is this factual,

1 yes or no?

2 MR. BIANCO: Actually, I'm very glad
3 you asked that, Mr. Anderson. I would hoping my
4 client would get the opportunity to clear up that
5 particular issue. So, I'm going to --

6 CHAIRPERSON ANDERSON: Sure.

7 MR. BIANCO: -- let him speak on that.

8 CHAIRPERSON ANDERSON: Sure, go ahead.

9 MR. MARTENS: There was never any point
10 in time where a drop of alcohol was ever
11 delivered by District Still to FoBoGro or used as
12 a pickup location.

13 What occurred and what we were in the
14 process of working out was, as I'm sure you're
15 all familiar with companies like Drizly or
16 Postmates, that purely act as a marketing agent
17 and/or engine to sell products.

18 And those products, then, get released
19 to a local store to fulfill the order. And we
20 were in negotiations and talking to our attorney
21 about if it was legal to use District-based
22 retailers as a partner-store to sell products,

1 under a different company.

2 The thought process was to use
3 District Still as a delivery engine, given that
4 it's an internet only license. And then, to
5 partner with other stores around the city to do
6 pickup fulfillment.

7 So, there was never any point in time
8 where the actual business idea or concept came to
9 fruition. There was never a point in time when a
10 sale was ever actually made. There was
11 discussions with attorneys of it was legal and
12 what we could do and couldn't do.

13 And furthermore, there were even
14 discussions internally as it related to picking
15 up vouchers at establishments as well, which was
16 also told to us is completely legal, as long as
17 entities aren't sharing inventory and/or one
18 company is taking a financial transaction and
19 then, transferring that revenue to another
20 company.

21 So, we had spent a lot of time
22 figuring out if it was possible or not. And in

1 that time, we came up with a mock design and a
2 website and a protocol for how it could work, to
3 present to our legal counsel.

4 But again, as I will tell you all,
5 that was a business concept and a business idea
6 that had gone through legal advisement of what we
7 could do and how we could do it, and what were
8 our permutations, as it related to operations, no
9 different than current operators that are doing
10 that exact same business model here in the city
11 today.

12 So, I would tell you all, yes, you can
13 see something out there where we have a proposed
14 business plan to operate something very similar
15 to Drizly, but it never occurred.

16 CHAIRPERSON ANDERSON: So, you're
17 saying that Exhibit 10 was just, this is just --
18 it was not an actual saying that one can pickup
19 the product from District Still at this location?

20 MR. MARTENS: It was literally, one, a
21 test website on a different company's website,
22 first and foremost.

1 And secondarily, there is nothing
2 illegal, as you can see from current operators
3 that are doing this today, to utilize District-
4 based facilities as pickup locations. No
5 different than Drizly, Postmates or other
6 operators out there today.

7 Now, and these checks that were
8 written by -- no, let me -- as part of the -- we
9 have Exhibit 2, Exhibit 3, is that your signature
10 on Exhibit 2 and Exhibit 3?

11 MR. BIANCO: I can acknowledge that,
12 yes, that's his signature on the checks. He
13 signed the checks in capacity as manager, they
14 all predated the end of his management
15 arrangement with Foggy Bottom Grocery.

16 CHAIRPERSON ANDERSON: So, you're
17 saying, as a part of his management agreement,
18 that was not -- well, that was never recognized,
19 that was never provided to the Agency, outside of
20 maybe in the transfer application.

21 And you're also saying that, although
22 -- do you -- when was it that the Agency informed

1 Mr. Martens that -- when did the Agency reject
2 his application to transfer, because of the
3 conflict? Do you --

4 MR. BIANCO: I wasn't counsel at the --

5 CHAIRPERSON ANDERSON: Well, I'm just
6 saying, but do we know when the Agency rejected
7 the application as --

8 MR. BIANCO: December of 2017, I think.

9 CHAIRPERSON ANDERSON: In December of
10 2017?

11 MR. GORDY: December 21, 2017.

12 CHAIRPERSON ANDERSON: I'm sorry?

13 MR. GORDY: December 21.

14 CHAIRPERSON ANDERSON: So, December 21,
15 2017, so why, if in December, the Agency rejected
16 his application -- so, what authority was Mr.
17 Martens utilizing between -- in February, March,
18 April, to order alcohol from these wholesalers?

19 MR. BIANCO: Well, although the
20 purchase contract was no longer in force and
21 effect, he continued on in a capacity as manager
22 while they searched for a new buyer.

1 It's my understanding, I don't
2 represent them, but the principals of the company
3 were not located in the District of Columbia and
4 somebody had to run the store.

5 And Mr. Martens filled that role until
6 an alternative purchaser was identified,
7 appropriately vetted, and entered into a contract
8 with the LLC.

9 And, Mr. Anderson, I'm also informed
10 by my client that he wasn't actually placing
11 orders, Mr. Landers, who was the employee onsite
12 during the time of the investigation, is the one
13 that was placing the orders.

14 Mr. Martens, in his capacity as
15 manager, signed some checks. And we're not
16 hiding from that, he did it.

17 CHAIRPERSON ANDERSON: All right.

18 MR. BIANCO: The signatures are
19 authentic, exhibits are what they appear to be.

20 CHAIRPERSON ANDERSON: Let me ask a
21 question. Are you saying that, within the
22 transfer application that was provided to this

1 Agency, that the management agreement that Mr.
2 Martens had was submitted to the Agency?

3 MR. BIANCO: Correct, it was part of
4 the purchase agreement. It was incorporated into
5 the document. Paragraph 5, specifically.

6 CHAIRPERSON ANDERSON: From what I'm
7 told, it was -- but it was never filed. You're
8 saying that if the Agency was to go through --
9 well, let me ask Mr. Gordy.

10 Mr. Gordy, do we still -- would the
11 Agency still have a copy of the application that
12 was submitted by Mr. Martens to transfer the
13 license or did we return the entire document?

14 MR. GORDY: We returned the
15 application.

16 CHAIRPERSON ANDERSON: So, we don't
17 have a copy?

18 MR. GORDY: No.

19 CHAIRPERSON ANDERSON: All right. Is
20 it possible for -- no. I was going to -- not
21 that I don't trust anyone, and so, let me put
22 that on the record.

1 But since the Agency returned the
2 documents back to the applicant, me asking for a
3 copy of the document, I don't think is going to
4 prove anything to us.

5 I'm not saying I don't trust you, but
6 someone can go and create a document and say it
7 existed in 2016. So, me asking for the document
8 -- I'm not going to ask for it.

9 If the Agency had it, then I would ask
10 the Agency to go and look in its records for a
11 copy of the agreement.

12 But me asking you to produce this
13 document today, I'm not saying that anyone's
14 going to go out and do anything nefarious, but I
15 don't think that -- it wouldn't prove anything,
16 because a document can be created after the fact.

17 MEMBER SHORT: I just have to ask this
18 question.

19 CHAIRPERSON ANDERSON: Yes, Mr. Short.

20 MR. BIANCO: Mr. Chairman, we actually
21 have a copy of the asset purchase agreement here.
22 Mr. Grandis had it with him. So, I'd be happy to

1 pass that up.

2 CHAIRPERSON ANDERSON: Sure, that would
3 be -- we'll take a copy of that.

4 MR. GRANDIS: Your indulgence.

5 CHAIRPERSON ANDERSON: Once you and
6 your client have looked on the document and if
7 it's appropriate to give it to the Agency -- this
8 is one thing I will always do, I will always talk
9 to the attorney to make sure that the attorney
10 had approved his client, what comes out of his
11 client's mouth or what information the client is
12 going to give.

13 Because once -- yes. So, I'm a -- I
14 got your -- I'm an attorney, I want to make sure
15 that we go through proper process and folks
16 understand the ramifications of what's being
17 provided.

18 Go ahead, Mr. Short.

19 MEMBER SHORT: Okay. Mr. Martens, is
20 it true that the management agreement put in
21 place designating you as the manager started in
22 September 2016?

1 MR. MARTENS: That's correct.

2 MEMBER SHORT: And so, you were
3 operating between September 2016, until you put
4 an application in for the management agreement,
5 without any approval from this Agency? Is that
6 what you're telling us?

7 You did some things starting in 2016,
8 September 2016, you had a management agreement
9 that was not submitted here to this Agency, is
10 that correct?

11 MR. BIANCO: He was a manager,
12 beginning in September of 2016.

13 MEMBER SHORT: Was this Agency notified
14 about that?

15 MR. BIANCO: That he was --

16 MEMBER SHORT: That he was a managing
17 agent?

18 MR. BIANCO: No, absolutely not. And
19 I'm not aware that the Agency is informed when a
20 licensee hires a manager. I'm not aware of a
21 filing requirement.

22 MEMBER SHORT: Okay. So, the

1 management agreement that you submitted in 2017,
2 as you're saying, why did you file that, if it
3 wasn't necessary?

4 MR. BIANCO: Because it was
5 incorporated into the purchase agreement. It's
6 Paragraph 5 of the purchase agreement, which was
7 filed with the application.

8 MEMBER SHORT: So, what was Mr. --

9 MR. BIANCO: It's not a standalone --

10 MEMBER SHORT: Okay.

11 MR. BIANCO: -- document.

12 MEMBER SHORT: What was Mr. Martens'
13 role September 2016? What was his role?

14 MR. BIANCO: A manager of the day-to-
15 day operations.

16 MEMBER SHORT: He wasn't an owner?

17 MR. BIANCO: He was not an owner.

18 MEMBER SHORT: Was he signing checks
19 then?

20 MR. BIANCO: Well, as a manager, he was
21 signing checks throughout his tenure, yes.

22 MEMBER SHORT: Okay. But --

1 MR. BIANCO: Not always, but in the
2 instances where the Investigator has provided
3 checks --

4 MEMBER SHORT: So, when did he start
5 signing checks as owner?

6 MR. BIANCO: That, I can't say, sir.

7 MEMBER SHORT: Can he answer? When did
8 he start signing checks as an owner?

9 MR. BIANCO: He never did.

10 MR. MARTENS: Never.

11 MEMBER SHORT: Never signed as an
12 owner? You signed these checks as management?

13 MR. MARTENS: Under a management
14 agreement.

15 MEMBER SHORT: And that was never
16 submitted to this Agency, or this Agency was
17 unaware that management had changed at your
18 business?

19 MR. MARTENS: I have never represented
20 myself to this Agency as an owner or to anybody
21 else outside of this Agency or anywhere as an
22 owner.

1 MEMBER SHORT: Who's the owner of
2 record to this date?

3 MR. MARTENS: Seth, right here.

4 MR. ROSENZWEIG: I am, along with Chris
5 Kiple and Kris Hart.

6 MEMBER SHORT: And what date did that
7 start?

8 MR. ROSENZWEIG: 2008, it started in
9 2008, is when we --

10 MEMBER SHORT: And have you been
11 operating the business from 2008 until now?

12 MR. ROSENZWEIG: A hundred percent.

13 MEMBER SHORT: You've been managing
14 everything?

15 MR. ROSENZWEIG: I mean, we have owned
16 the business since 2008.

17 MEMBER SHORT: Okay. So, as --

18 MR. ROSENZWEIG: We had a management
19 agreement with Steu starting in September of
20 2016.

21 MEMBER SHORT: As owner, have you ever
22 signed any checks for any merchandise?

1 MR. ROSENZWEIG: I've never signed a
2 check. Kris Hart has signed a check, when he was
3 operating as well as being an owner, back in
4 2015. But we all left the District of Columbia
5 now.

6 MEMBER SHORT: Okay. So, all this
7 time, Mr. Hart, yourself, were managing agents
8 and owners, who was signing all the checks?

9 MR. ROSENZWEIG: When Hart was a
10 member, as well as the day-to-day manager, Mr.
11 Hart was signing all the checks.

12 When we went into a management
13 agreement with Steu, in September 2016, because
14 Mr. Hart was no longer doing that and Chris Kiple
15 and myself were living -- I live in Boston and he
16 lives in Seattle, we gave Steu the authority to
17 sign the checks, as the manager, not as an owner.

18 MEMBER SHORT: So, you're unaware of
19 where he bought the merchandise from, who he sold
20 it to? You don't know -- you're the owners, but
21 you turned everything over to Steu?

22 MR. ROSENZWEIG: We have an agreement

1 as part of the management agreement, that as
2 issues come up, he's to notify me.

3 MR. GRANDIS: I think there are a
4 number of ABC establishments where the owners of
5 record, the LLC members do not live in D.C.

6 MEMBER SHORT: I understand that and
7 that's not the question. The question, who was
8 running that business day-to-day, operating, and
9 were they operating it legally and doing business
10 legally and buying your merchandise from --

11 MR. GRANDIS: They had a legal
12 management contract, yes.

13 MEMBER SHORT: Okay. Because --

14 MR. GRANDIS: It didn't make him an
15 owner.

16 MEMBER SHORT: The question just came
17 up shortly ago that the business model that Mr.
18 Martens wanted to do would have -- he said he
19 sees other people do it, does that comply with
20 ABRA rules and regulations?

21 Did you ever check, Mr. Martens, to
22 see that that business model of yours complied

1 with the rules and regulations of ABRA?

2 MR. BIANCO: I can tell you, I never
3 checked. It's not a business model that he
4 brought to me to have checked. And --

5 MEMBER SHORT: Well, I didn't say with
6 you --

7 MR. BIANCO: -- but it was, but he
8 never rolled it out, which I think is the
9 important thing.

10 MEMBER SHORT: Okay. He never used any
11 part of it?

12 MR. BIANCO: Never used it.

13 MR. MARTENS: The business was never,
14 at any point of time, operational in any
15 capacity, as it related to utilizing FoBoGro as a
16 pickup location in any way, shape, or form.

17 MEMBER SHORT: Okay. Well, I guess,
18 that's some of the confusion I, as a Board
19 member, have in hearing some of the issues here,
20 that are kind of puzzling.

21 MR. GRANDIS: For the record --

22 MEMBER SHORT: Your Business License,

1 just a lot of issues, who was managing, who was
2 owner, where you're buying your products from,
3 how they're doing -- and are you doing them by
4 the ABRA regulations, the D.C. Code?

5 Because that's why we're sitting here
6 now and that's the reason why your management
7 agreement was rejected and denied, because there
8 was some --

9 MR. GRANDIS: No --

10 MR. MARTENS: The transfer was
11 rejected.

12 MR. GRANDIS: -- the transfer of
13 ownership was rejected. The management --

14 MEMBER SHORT: Okay. And why --

15 MR. GRANDIS: -- agreement wasn't
16 rejected.

17 MEMBER SHORT: And why was that? Tell
18 us, Mr. Grandis, why was that?

19 MR. GRANDIS: It was rejected because
20 he's a prohibited individual from owning a Class
21 B license, or any other class, after owning a
22 Class A.

1 MEMBER SHORT: Well, didn't he know
2 that before he put the application in?

3 MR. GRANDIS: But the --

4 MEMBER SHORT: I'm asking -- that's why
5 I'm asking --

6 MR. GRANDIS: I --

7 MEMBER SHORT: -- about the rules and
8 regulations.

9 MR. GRANDIS: Okay. We're talking
10 about the management right now.

11 MEMBER SHORT: Okay, go ahead.

12 MR. GRANDIS: Management agreement is
13 completely separate of ownership. You can go in
14 almost any --

15 MEMBER SHORT: I understand that --

16 MR. GRANDIS: -- ABC establishment here
17 --

18 MEMBER SHORT: I agree with you --

19 MR. GRANDIS: -- and they have
20 management --

21 MEMBER SHORT: I agree with you, but
22 what I'm asking is, when he submitted the

1 application, didn't he know how many licenses he
2 could own and where and how and when?

3 MR. GRANDIS: Obviously, he did not.

4 MEMBER SHORT: Okay. That's all I
5 have, Mr. Chair.

6 MR. GRANDIS: But --

7 MEMBER SHORT: That's all I have, thank
8 you.

9 MR. GRANDIS: But he was informed,
10 right?

11 MEMBER SHORT: Okay.

12 MR. GRANDIS: You were informed in
13 December, you couldn't.

14 MEMBER SHORT: That's all I have.

15 MR. GRANDIS: After the application was
16 returned. But not the management --

17 MEMBER SHORT: Okay.

18 MR. GRANDIS: -- there was never any
19 discussion by ABRA, who saw the management
20 agreement in that transfer application, as part
21 of, as the attorney says, as part of the sale.
22 It's right in there. That was never discussed.

1 And in fact, during the whole renewal
2 process, ABRA, various ABRA people understood
3 that Steuart had a management agreement. That
4 was never hidden.

5 MEMBER SHORT: That's not what -- that
6 wasn't the question. The question is, why was
7 the agreement you submitted to this Agency
8 denied?

9 MR. GRANDIS: It was not denied.

10 MEMBER SHORT: And you said it was
11 because he did not know he could not own multiple
12 license.

13 MR. GRANDIS: Right. And --

14 MEMBER SHORT: And I asked earlier, did
15 he know the rules and regulations? He's a person
16 who sells alcohol in this city, and for how many
17 years?

18 MR. GRANDIS: I believe that there are
19 nuances in our regulations that, once he was told
20 he's a prohibited person, he stopped trying that
21 direction. He understands that he has no ability
22 to own another class license in the city.

1 MEMBER SHORT: I just --

2 MR. GRANDIS: It doesn't affect his
3 management.

4 MEMBER SHORT: Mr. Grandis, I just
5 wanted it on the record, why it was denied and
6 the reason why I, as a Board member, have some
7 issues with someone submitting something to this
8 Agency and not knowing how -- as many years as
9 he's been in business, not having a clue or he
10 wouldn't have submitted that. Thank you, Mr.
11 Chair, that's all I have.

12 CHAIRPERSON ANDERSON: All right, thank
13 you, Mr. Short. All right. I'm going to bring
14 this hearing to an end. But what I'm going to
15 do, this is how I'm going to do it.

16 I'm going to have -- I'm going to go
17 through all the Investigators, so they can state
18 if they have any final comments. And then, I
19 will start and we'll give you the last word,
20 about what is it that you want to state.

21 Do we have any questions by the Board
22 members?

1 MEMBER ISAAC: I do have a question.

2 CHAIRPERSON ANDERSON: Yes, Mr. Isaac?

3 MEMBER ISAAC: It relates to the Basic
4 Business License. And you were saying that there
5 was an option between two years and four years.
6 I just wanted to ask, does anyone that's
7 representing FoBoGro ever got a four-year
8 business license? In your own experience?

9 MR. BIANCO: I'm not sure.

10 MEMBER ISAAC: I've never heard of it,
11 that's why I --

12 MR. BIANCO: I can tell you --

13 MR. GRANDIS: We have no answer to
14 that, it wasn't our statement.

15 MEMBER ISAAC: Okay.

16 MR. BIANCO: I can tell you, in my
17 experience representing businesses, on many
18 occasions, I've gotten four-year --

19 MEMBER ISAAC: So, you've seen it
20 before?

21 MR. BIANCO: -- license. Absolutely.

22 MEMBER ISAAC: You've seen it in other

1 cases?

2 MR. BIANCO: Actually, as we're sitting
3 here and have the discussion, I perused the DCRA
4 website, saying that you have the option to pay
5 for a two-year or a four-year Business License.

6 MEMBER ISAAC: Okay. Thank you.

7 CHAIRPERSON ANDERSON: All right. I'll
8 start with Mr. Peru.

9 INVESTIGATOR PERU: Yes, sir. I just
10 -- hearing all the information coming from Mr.
11 Grandis and Mr. Martens, everyone's talking about
12 management/ownership, one name that was not
13 brought up during this hearing was Ms. Cathy
14 Martens.

15 My report, and I say that to say, the
16 ABC Manager, Mr. Landers, he replied to me that
17 Cathy Martens was the owner. Mr. Martens, on the
18 phone, told me that his mother, Cathy Martens,
19 was the owner.

20 When I spoke to Mr. Hart on the phone,
21 he said that he thought that the new application
22 was going to be submitted by Ms. Cathy Martens at

1 the time. So, Ms. Cathy Martens' name was
2 mentioned several times by three different people
3 during this process of my investigation.

4 So, not only is Mr. Steuart Martens,
5 as part of the concern that he was an owner based
6 on his license, also that the name of Ms. Cathy
7 Martens was mentioned several times by Mr.
8 Martens himself as being the owner of the
9 establishment when, once again, no documentation
10 in ABRA records, at the time, showed her having
11 any involvement with ABRA.

12 CHAIRPERSON ANDERSON: Okay. Thank
13 you, Mr. Peru. So, Supervisory Investigator
14 Townsend? I'm going to give you your due, sir,
15 so I want for the record to recognize who's
16 speaking.

17 INVESTIGATOR TOWNSEND: Thank you, sir,
18 appreciate it. To piggyback on what Investigator
19 Peru said, my concern, based on my experience
20 with FoBoGro, as well as other entities and
21 applicants that have come before this Board
22 previously, I'm not too sure what Ms. Martens'

1 role is with the other entities, Kraken Axes, as
2 well as the Field House.

3 I've heard her name mentioned
4 affiliated with those entities as well. And
5 being that she's the applicant on the transfer
6 license, I just wanted to make the Board aware
7 that myself, I have some concerns about what her
8 involvement is with those other entities as well.

9 In addition to that, I'm not sure if
10 we ever got an answer to the question of whether
11 or not District Still and FoBoGro had a
12 relationship. Is there purchasing from District
13 Still occurring? And is District Still
14 delivering alcoholic beverages to FoBoGro?

15 These are just -- because there are
16 other pieces of FoBoGro currently before this
17 Board, I just wanted to bring it to the attention
18 that, there are some other concerns, outside of
19 FoBoGro, not related to FoBoGro, but are related
20 to this investigation. And that's all I have.

21 CHAIRPERSON ANDERSON: Thank you, Mr.
22 Townsend.

1 INVESTIGATOR TOWNSEND: Thank you.

2 CHAIRPERSON ANDERSON: Mr. Puente?

3 INVESTIGATOR PUENTE: I have nothing to
4 say.

5 CHAIRPERSON ANDERSON: Mr. Brashears?

6 INVESTIGATOR BRASHEARS: Just one
7 question. I know it's been discussed about the
8 management agreement, ownership, and all these
9 things, back and forth.

10 And it's been stated that Mr. Martens
11 was signing checks on behalf or as part of his
12 management agreement. My question would be, on
13 what accounts? Whose accounts? What monies?

14 To me, that would tell us a great
15 deal, if it were from his accounts or if it was
16 from the actual business accounts. And I wasn't
17 sure if there was anything relevant to that in
18 the management agreement.

19 CHAIRPERSON ANDERSON: Mr. Gordy?

20 MR. GORDY: Thank you, Mr. Chair. From
21 where we sit in the Licensing Division, our
22 concern was just what Investigator Brashears

1 mentioned, was the depth of this incestuous
2 relationship of a manager versus management
3 agreement.

4 We at ABRA recognize, at least from
5 our Division's perspective, a management
6 agreement as a formal, structured agreement to
7 operate. And it's approved and authorized
8 through us.

9 This term is being used loosely, as a
10 manager. And so, our concern, it's like that
11 with Enforcement, that -- what type of management
12 agreement, the depth of the management agreement,
13 or the management, day-to-day oversight, in the
14 traditional sense. We just don't have our arms
15 around that.

16 CHAIRPERSON ANDERSON: Okay. Ms.
17 Jackson, anything you want to add?

18 MS. JACKSON: And just to be clear that
19 we never recognized Mr. Martens as a manager of
20 FoBoGro, because we always knew the ownership
21 structure.

22 CHAIRPERSON ANDERSON: Thank you, Ms.

1 Jackson. I think that's a good way, and I've
2 stated that throughout, that I've not addressed
3 Mr. Martens, because as far as the Agency's
4 concerned, Mr. Martens does not play a role at
5 FoBoGro, officially, because we don't have any
6 information.

7 And if a management agreement, as part
8 of the transfer, was provided to the Agency, all
9 that information was returned once Mr. Martens
10 was rejected as an owner.

11 So, if still had that information,
12 then I could say -- and Mr. Gordy stated that
13 once his application was rejected, all the
14 information was returned. So, we don't have any
15 information, not even anywhere in our records, to
16 say that.

17 Now, whoever wants to say something,
18 I know that, Ms. Martens, this is not about you.
19 There's allegations -- your name has been brought
20 up, if you want to say something, you can.

21 MS. MARTENS: I'd be delighted to.

22 CHAIRPERSON ANDERSON: You don't have

1 to, but I'm just saying that if you want to, you
2 don't have to say nothing, I'm just saying, but
3 if you want to say something, you can, that's up
4 to you.

5 And whoever else want to end this
6 hearing, we're going to -- you're going to have
7 the last to say whatever you want to state.

8 MS. MARTENS: Well, let me just, since
9 Inspector Peru does not know me, I don't think we
10 have ever met, let me introduce myself. I have
11 lived in the Greater D.C. Area since 1972.

12 I was a buyer at Garfinckel's, many of
13 you would probably remember, for ten years. I
14 grew up in a retailing family.

15 I was an executive at Neiman Marcus in
16 Tysons Corner, I ran their store until I became
17 the Managing Director of Tysons Galleria, the
18 shopping center. I did their \$65 million
19 redevelopment.

20 After that, I went to work for a lot
21 of not-for-profits. I was President and CEO of
22 the National Children's Museum, which was then on

1 H Street.

2 I started D.C.'s first charter school.
3 I think, Mr. Anderson, you and I have met, as a
4 guardian ad litem for some of my kids. So, it's
5 nice to see you in this venue.

6 And for the last ten years, I've been
7 working with large military charities, as their
8 chief development officer. I retired earlier
9 this spring.

10 Steuart brought to my attention that
11 FoBoGro could be my retirement opportunity. And
12 I accepted, having a conversation with Seth and
13 Kris, and that I would like to do that.

14 And Karen and Sean have given me great
15 guidance. I used wrong words in saying,
16 ownership, and they have given me great guidance
17 and it's a process.

18 I did do the application myself, we
19 are waiting for two documents from George
20 Washington University, and then, the application
21 will be clear.

22 But I do -- Inspector Peru, I want you

1 to know that I've been working for other
2 companies. I do not work for Kraken Axes. I
3 have been to Kraken Axes. I do not work -- what
4 were your other ones that you said I worked at
5 besides Kraken Axes?

6 INVESTIGATOR PERU: It's not worked at,
7 your name was mentioned in other entities, as in
8 Field House.

9 MS. MARTENS: I mean, I have been to
10 Field House. I mean, Steuart, let's be very
11 clear here and be at the baseline, Steuart
12 Martens is my first child. Obviously, I know
13 what he does, I love my son, I know what he does,
14 I know what my other son does, I have been to his
15 venues.

16 But I do not work for Kraken Axes. I
17 have certainly submitted ABRA applications on
18 Steuart's behalf, just like, hey, Mom, would you
19 drop these off? Nothing more, nothing less.

20 So, that is my knowledge of ABRA. And
21 to be very clear, I don't live in the District of
22 Columbia, I live in Bethesda, which is why I

1 asked Ms. Valero to be our registered agent. So,
2 any other questions for me, Inspector Peru?

3 CHAIRPERSON ANDERSON: It's not
4 necessarily questions for you, ma'am. It's,
5 you're here and if you want to say something, you
6 say something. If you don't have to, you don't
7 need to say --

8 MS. MARTENS: Well, I just thought we
9 needed to clear the air here, because I thought
10 that Inspector Peru was being like there is
11 something sinister going on.

12 CHAIRPERSON ANDERSON: Well, I'll say
13 this, Ms. Martens, then. We have had fact
14 finding hearings regarding Kraken Axes. We have
15 had fact finding hearings regarding the Field
16 House. And there is a -- and we have had -- and
17 your name has been sprinkled in these reports.

18 MS. MARTENS: I can't --

19 CHAIRPERSON ANDERSON: So, I --

20 MS. MARTENS: -- speak to that --

21 CHAIRPERSON ANDERSON: For whatever --

22 MS. MARTENS: -- because I don't have

1 anything to do with them.

2 CHAIRPERSON ANDERSON: For whatever
3 reason, ma'am, your name is out there. And
4 that's one of the reasons why -- and I think all
5 that Mr. Peru is stating is that, in doing his
6 job, your name has been mentioned in these other
7 establishments.

8 And I've heard your name, I've never
9 met you officially. I've also heard Mr. Martens'
10 name a whole lot, about other establishments, but
11 I've never -- if I remember correctly, Mr.
12 Martens did appear before me in another case and
13 I didn't really -- at the time, it didn't really
14 mean anything.

15 But once having other hearings and I
16 start hearing this Mr. Martens and so, I have a
17 different appreciation. So, I appreciate the
18 fact that, and as Mr. Peru is stating, that in
19 doing his job, your name has come up.

20 So, you have addressed the issue. And
21 so, therefore -- all right. Thank you for --

22 MS. MARTENS: And, Mr. Peru, any time

1 you need to talk to me, feel free.

2 CHAIRPERSON ANDERSON: And, Ms.

3 Martens, I do have many jobs and I didn't put the
4 name together, so I apologize. If you recognize
5 me, I did not, but I do have, when I'm not here
6 on Wednesdays, I do have another life that you've
7 just --

8 MS. MARTENS: Thank you for being a
9 guardian ad litem for many of my kids.

10 CHAIRPERSON ANDERSON: Well, thank you.
11 All right. Yes, do you have any final comments
12 you want to make, sir?

13 MR. GRANDIS: I want to thank, on
14 behalf of FoBoGro and the members of FoBoGro, I
15 want to thank you all for this opportunity,
16 hopefully to give you additional information that
17 can bring some clarity to concerns that were
18 raised in the Investigative Report.

19 As I mentioned, if you go to the ABRA
20 website now and look at contact information, it
21 clearly has a conflict, it has Mr. Hart on
22 managing member on one page and it has Seth

1 Rosenzweig as management member on another page
2 of the same records.

3 And so, I can understand maybe when
4 ABRA was reaching out, Seth was not being
5 included.

6 So, I also want to say that, when we
7 got engaged in the protest hearing, and I was
8 definitive with Mr. Martens that, under ABC
9 regulations and statute, he was not able to have
10 another class license, and I shared that with the
11 members, we have been focused, after the renewal,
12 on trying to find an appropriate owner.

13 And while Cathy may be Steuart's
14 mother, it also is, as she has stated, this is
15 something she has had a lot of experience with.
16 She has no other employment right now.

17 She would be very good at managing
18 staff, she's managed large staffs of people. In
19 fact, since she's been onboard, which has been
20 since July 25, she has already called staff
21 together and I think have taken some ABRA
22 trainings since she's been onboard.

1 She understands what is required of
2 not only a day-to-day manager, but what is
3 required of an owner. And so, we're trying to
4 move ourselves from the past to a successful
5 future.

6 And we hope that this has given you
7 all some opportunity to understand that staff
8 sometimes, who are part-time, may refer to
9 someone, as Cathy, as the owner, because maybe he
10 heard gossip that Cathy was buying it, okay?

11 That doesn't mean she is the owner.
12 She could have signed a purchase sale agreement
13 which says, you will be owner based on two
14 conditions, one of them coming before the Board,
15 hopefully through a transfer application, which
16 she has submitted.

17 So, I want to thank you all for this
18 opportunity. We apologize for any
19 mischaracterizations, but we don't believe
20 Steuart has done anything inappropriate.

21 We believe, under ABRA rules and
22 regulations, he is capable and he is legally able

1 to be a manager, because he has -- there's a
2 firewall around that management, he has no
3 ownership authority.

4 So, we hope that, once again, that you
5 all can take this and parcel it together. And
6 once again, I want to thank you all for the
7 opportunity to be able to address you all today.
8 Thank you very much.

9 CHAIRPERSON ANDERSON: Thank you.

10 MR. ROSENZWEIG: So, again, I want to
11 also thank everyone for their time. And I first
12 want to start out by apologizing for some of the
13 paperwork mishaps around submitting certain
14 paperwork to ABRA.

15 And that's -- we'll own that. That it
16 wasn't intentional. Kris Hart was running the
17 business, Chris Kiple and I were, obviously,
18 members.

19 But when that transition happened,
20 frankly, we didn't submit the right paperwork.
21 And it wasn't out of any type of transparency
22 issue, we just made a mistake.

1 And so, we didn't submit the managing
2 member change and, obviously, the management
3 agreement. So, first, I'll just apologize for
4 that and just be sincere that it wasn't
5 intentional.

6 We've been trying to sell this
7 business for many years, for three years plus.
8 We want to find a local owner. We want out,
9 right? I live in Boston, I have a family, I run
10 a national nonprofit. Chris Kiple lives in
11 Seattle. Kris Hart lives in Philadelphia.

12 Our intention here, what we're trying
13 to do is find a great owner that can take this
14 and do it the right way. And that's all we're
15 trying to do. We're trying to do it the right
16 way.

17 We don't live here, so anything that
18 we can do to help support this entity and pass it
19 off correctly is our intention. And really,
20 that's it. So, I'll leave it at that, but again,
21 thank you for your time and appreciate it.

22 CHAIRPERSON ANDERSON: All right, thank

1 you.

2 MR. BIANCO: I'll be very brief and I
3 know my client wants to make at least one point.
4 I think it's important for the Board to remember
5 that this is a fact finding, and I think that may
6 have gotten lost a little bit today.

7 It seems to me like the Agency has
8 gone through an awful lot of efforts here to
9 point the finger at my client, to say he's done
10 something wrong.

11 We have, what?, five Investigators,
12 the head of Licensing, all saying, Steuart
13 Martens did something wrong about a Basic
14 Business License.

15 That's not why we're here. We're
16 about, according to Mr. Anderson at the outset,
17 whether or not there was an inappropriate
18 transfer of ownership.

19 What does that have to do with an
20 expired Business License that we talked about for
21 an hour and a half? I'll tell you, nothing.
22 Absolutely nothing. It has nothing to do with

1 why we're here.

2 So, Mr. Martens is not involved in
3 this business, I know that has been said
4 repeatedly throughout the hearing today. And I
5 think, as Seth just put it, he doesn't want to be
6 the owner anymore.

7 And we're hoping that the Board sees
8 the wisdom in that, allows them to pass over the
9 reins to the next person who's going to own the
10 property. I'm sorry, own the business.

11 And I know that Steuart wanted to take
12 a brief opportunity to address one of the
13 concerns he had in the Investigative Report, with
14 regards to a conversation that he had with
15 Investigator Peru, so I'm going to let him do
16 that.

17 MR. MARTENS: Good afternoon. So, a
18 couple things to address, some of you gentlemen
19 sitting at the table to my right. I was
20 incredibly clear, as it related to District Still
21 and FoBoGro.

22 So, Mr. Townsend, you asked if there

1 was any connection, I was incredibly clear, there
2 has been no connection with FoBoGro or District
3 Still in any capacity. No financial transaction,
4 nor has FoBoGro acted in any capacity as a
5 delivery or pickup location, as it relates to
6 District Still, at all, ever, not once.

7 Let's make that really clear. So, I
8 made that clear earlier today and the question
9 was still asked. That's first and foremost.

10 Secondly, when I was asked about my
11 mother being an owner of the store, I was very
12 clear in that she has a purchase agreement to buy
13 the store. And that I was, at that time, acting
14 as a manager on behalf of the owners.

15 So, I want to make sure that this
16 Board knows that I have been fully transparent
17 throughout this process, number one, and number
18 two, I personally came in to avail myself to Ms.
19 Jenkins and Mr. Gordy to say, hey, I'm here
20 before you, I'm here to answer any questions you
21 have about my businesses, how they operate, what
22 they do, if they do anything together or do not.

1 So, I just want this Board to know
2 that I have personally taken it upon myself to
3 make sure that I've given them the opportunity to
4 ask me any questions they need.

5 And I certainly want you all to also
6 know that, doing business in the District of
7 Columbia is not easy. There's a lot of agencies
8 to deal with, there's a lot of paperwork to deal
9 with, it's incredibly cumbersome, and it is a
10 long process in many instances.

11 Throughout that process, I've hired
12 attorneys to represent me in instances where I
13 don't necessarily know the law or know protocol.
14 And in those instances, I had an attorney who
15 didn't always act on the best behalf of what I
16 had going on and did not necessarily give me all
17 the right information at any point in time.

18 Once we got the right information, we
19 obviously acted accordingly. At no point in time
20 has the veil been pulled over this Agency in any
21 capacity as it relates to my business dealings at
22 all, ever, not once.

1 And I want to make sure that's clear.
2 Everyone in this Agency has probably my cell
3 phone number, because I've been on an email chain
4 with everybody to my right.

5 My signature line is there with my
6 phone number, my address, and my email address.
7 And it's been told to me multiple times that
8 people were not able to reach me.

9 That is inaccurate, because everybody
10 knows who I am, everyone knows what business I
11 own here in the District of Columbia, and I have
12 made myself available to everybody at any point
13 in time they've asked for me.

14 And I'm here to work with this Agency
15 and this Board, as it relates to being an
16 incredible operator in the city.

17 I've operated in the area for ten
18 years, I intend to keep operating, intend to run
19 a great business, not only for hundreds of
20 District employees that I current employ. And I
21 want to make sure that I'm here to let you all
22 know that we intend to be great operators today,

1 tomorrow, and moving forward.

2 And I will work with you guys to make
3 sure we're always in compliance and if we're not,
4 I want to work with you guys to make sure we can
5 put protocols in place to make sure we can change
6 that, if at any point in time you all feel like
7 we're not doing that.

8 And I have done that. And I want you
9 guys to know that I have personally called
10 several people inside this Agency to say, how can
11 we do a better job?

12 In fact, FoBoGro itself has
13 participated in Cops in Shops numerous times,
14 after the first infraction. We were getting
15 investigated on a very routine basis.

16 And we applied protocols and
17 procedures to make sure we were doing everything
18 we could do to stay in compliance with DC ABRA.

19 CHAIRPERSON ANDERSON: All right.
20 Thank you, Mr. Martens, and thank all the -- Ms.
21 Martens. It's -- I've done several fact finding
22 hearings and, as I said before, both you, Mr.

1 Martens, and both you, Ms. Martens, your names
2 have been splattered all over these documents, so
3 it's good to officially put the names with the
4 faces.

5 And whether or not the allegations in
6 the report are correct or incorrect, I'm just
7 saying that it's -- I've given you an opportunity
8 to, at least in this particular case, where your
9 name is mentioned, to address that issue.

10 So, I would like to thank everyone for
11 being here today, especially all the
12 Investigators who have been here, Mr. Gordy, Ms.
13 Jackson, the Agency staff, and the others for
14 being here today.

15 And the Board will take this matter
16 under advisement. Thank you for being here
17 today.

18 (Whereupon, the above-entitled matter
19 went off the record at 3:55 p.m.)
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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: 08-15-18

Place: Washington, DC

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