

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:**

Whole Foods Market Group, Inc.  
t/a Fresh Fields Whole Foods Market

Holder of a  
Retailer's Class B License

at premises  
1440 P Street, NW  
Washington, D.C. 20005

Case No.: 19-CC-00024  
License No.: ABRA-060167  
Order No.: 2019-490

**BEFORE:**

Donovan Anderson, Chairperson  
Mike Silverstein, Member  
James Short, Member  
Bobby Cato, Member  
Rema Wahabzadah, Member

**ALSO PRESENT:** Whole Foods Market Group, Inc., t/a Fresh Fields Whole Foods Market, Respondent

Andrew Kline, Counsel, on behalf of the Respondent

Lindsay Marks, Assistant Attorney General,  
on behalf of the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING THE OFFER-IN-COMPROMISE**

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This matter arises from a Notice of Status and Show Cause Hearing (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Whole Foods Market Group, Inc., t/a Fresh Fields Whole Foods Market (Respondent), located at 1440 P Street, NW, Washington, D.C. 20005.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 19-CC-00024 on the Respondent on April 24, 2019. *ABRA Show Cause File No. 19-CC-00024, Notice of Status and Show Cause Hearing (April 22, 2019)*. The Notice charges the Respondent with two violations, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice in Case No. 19-CC-00024, charged the Respondent with the following violations:

- Charge I: [On Thursday, February 7, 2019], [y]ou permitted the sale of an alcoholic beverage to a person under 21 years of age at the licensed establishment, in violation of D.C. Official Code § 25-781(a)(1)...
- Charge II: [On Thursday, February 7, 2019], [y]ou failed to reasonably ascertain whether patrons to whom you sold alcohol were of legal drinking age, in violation of D.C. Official Code § 25-783(b)...

*ABRA Show Cause File No. 19-CC-00024, Notice of Status Hearing and Show Cause Hearing, 2-3 (April 22, 2019)*.

At the Show Cause Status Hearing held on June 26, 2019, the Respondent and the Government entered into an Offer-in-Compromise (OIC), which resolved the charges set forth above.

The terms of the OIC are as follows:

1. For Charge I – The Respondent shall pay a \$4,000 fine for the violation alleged in Charge I and shall have its license suspended for ten (10) days; with four (4) days served, and six (6) of those days stayed for one (1) year pending completion of alcohol awareness training for all employees who serve alcoholic beverages within ninety (90) days from the date of this Order.
2. For Charge II – Dismissed.

By agreeing to the terms of the OIC, the Respondent waives its right to a Show Cause Hearing and appeal. The OIC has been reduced to writing and is formally approved through this Order.

## **ORDER**

Therefore, the Board, on this 26th day of June, 2019, hereby **APPROVES** the OIC proffered by the Government and the Respondent and **ORDERS** Whole Foods Market Group, Inc.. t/a Fresh Fields Whole Foods Market, to comply with the terms of the OIC.

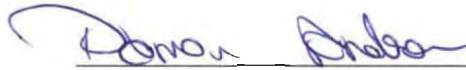
**IT IS FURTHER ORDERED** that the Respondent will:

- (1) Remit the fine in the sum of \$4,000 payable on or before July 26, 2019; and
- (2) Incur a total of ten (10) day suspension, with four (4) days served and six (6) days stayed for one (1) year pending completion of alcohol awareness training for all employees who serve alcoholic beverages within ninety (90) days from the date of this Order. The four (4) day suspension will be served from August 5, 2019 through August 8, 2019.

Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid.

A copy of this Order shall be sent to the Respondent and to the Government.

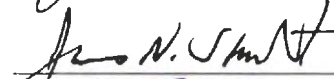
District of Columbia  
Alcoholic Beverage Control Board



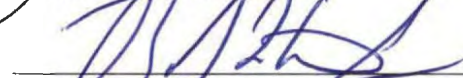
Donovan Anderson, Chairperson



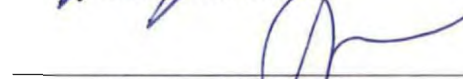
Mike Silverstein, Member



James Short, Member



Bobby Cato, Member



Rema Wahabzadah, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).