

IN THE MATTER OF: :
 :
Glen's Garden Market, LLC: :
t/a Glen's Garden Market :
2001 S Street NW : Show Cause
Retailer B - ANC 2B : Hearing
License No. 90082 : (Status)
Case #18-CC-00069 :
 :
(Sale to Minor Violation,:
Failed to Take Steps :
Necessary to Ascertain :
Legal Drinking Age) :

Wednesday,
October 17, 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
NICK ALBERTI, Member
BOBBY CATO, Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

DANIELLE VOGEL, Licensee

CHRISSY GEPHARDT, DC OAG

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

2 9:46 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our Show Cause Hearing (Status) Calendar is
5 Case No. 18-CC-00069, Glen's Garden Market,
6 License No. 90082.

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

9 MS. VOGEL: Sir, I'm Danielle Vogel,
10 the owner of Glen's Garden Market.

11 CHAIRPERSON ANDERSON: You are the
12 who?

13 MS. VOGEL: Danielle Vogel, the owner
14 of Glen's Garden Market.

15 CHAIRPERSON ANDERSON: Good morning,
16 Ms. Vogel.

17 MS. GEPHARDT: And again, Chrissy
18 Gephardt here on behalf of the Office of the
19 Attorney General.

20 CHAIRPERSON ANDERSON: Good morning,
21 Ms. Gephardt.

22 Are there any preliminary matters in

1 this case?

2 MS. GEPHARDT: Yes, there is a
3 preliminary matter. In this case, the parties
4 have agreed on an Offer in Compromise to consist
5 of the following:

6 For Charge 1, it would be a \$4,000
7 fine to be paid within 30 days. If the fine is
8 not paid within 30 days, the license would be
9 suspended indefinitely.

10 The license will also be suspended for
11 10 days with six days stayed for one year and
12 four days served. And the licensee would like
13 those four days to be December the 26th through -
14 -

15 MS. VOGEL: The 29th.

16 MS. GEPHARDT: -- the 29th. Thank
17 you. And all employees who serve alcoholic
18 beverages in the establishment must complete an
19 alcohol training program within three months of
20 the date of the Offer in Compromise.

21 And Charge 2 would be dismissed.

22 CHAIRPERSON ANDERSON: Good morning,

1 Ms. Vogel. It's my understanding that there is
2 an Offer in Compromise and the Offer in
3 Compromise is that for Charge 1, there is a fine
4 of \$4,000 payable within 30 days.

5 Also with Charge 1, there is a 10 day
6 suspension, six days of the suspension will be
7 stayed for one year, provided that there is no
8 further violation within the year, that four days
9 will be served. So you have to serve a four day
10 suspension. The four days that will be served
11 will be December 26th through December 29, 2018.

12 That all employees who sell or serve
13 alcohol will undergo training within 90 days.

14 And that Charge 2 will be dismissed.

15 Is this your understanding of the
16 Offer in Compromise?

17 MS. VOGEL: It is my understanding.
18 Can I ask one question?

19 CHAIRPERSON ANDERSON: Yes, ma'am.

20 MS. VOGEL: Okay. I understand that
21 it is standard practice for ABRA to take
22 possession of the license during the period of

1 suspension, but the suspension would expire on a
2 Saturday and, therefore, I wouldn't be able to
3 reclaim the license for an additional day
4 following the period of suspension.

5 So I just wanted to clarify that I
6 will be able to maintain possession of the
7 license and that it will go back into effect at
8 the immediate expiration of the suspension.

9 CHAIRPERSON ANDERSON: We will work
10 the mechanics out, ma'am, but I think that you
11 and the Government did agree to the days that the
12 license will be suspended and the license will be
13 suspended for those days and we will -- the
14 Agency will work out the mechanics of how to
15 return the license to you. I guess you are
16 saying that you want to be back in operation on
17 December 30th, which is what day?

18 MS. VOGEL: A Sunday, sir.

19 CHAIRPERSON ANDERSON: Which is a
20 Sunday. And Charge 2 will be dismissed. But
21 outside of -- with that -- with working out the
22 mechanics of the return of the license, is this

1 your understanding of the Offer in Compromise?

2 MS. VOGEL: Yes, sir.

3 CHAIRPERSON ANDERSON: Are you aware
4 that by accepting an Offer in Compromise, that
5 you are giving up your right to a hearing?

6 MS. VOGEL: I am. I am aware of that.

7 CHAIRPERSON ANDERSON: Are you also
8 aware that by accepting an Offer in Compromise,
9 that you are giving up your right to appeal this
10 matter?

11 MS. VOGEL: Yes, sir.

12 CHAIRPERSON ANDERSON: With this said,
13 I make a motion, I then make a motion that the
14 Offer in Compromise of for Charge 1, there is a
15 fine of \$4,000 payable in 30 days. There is a 10
16 day suspension, six days will be stayed for one
17 year, providing that there is no subsequent
18 violation within that one year. Four days will
19 be served. The four days that will be served are
20 December 26 through December 29, 2018. That all
21 employees who sell or serve alcohol will undergo
22 training within 90 days. And that Charge 2 will

1 be dismissed.

2 Is there a second?

3 MEMBER SHORT: Second.

4 CHAIRPERSON ANDERSON: Mr. Short has
5 seconded the motion. Any questions by any Board
6 Members?

7 Hearing none, all those in favor say
8 aye.

9 ALL: Aye.

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

12 The Board will issue a Board Order and
13 so the 30 days will start once the Board Order
14 has been issued.

15 And the Agency will work out the
16 mechanics of how the license will be returned to
17 you, so you could operate on the Sunday. But I
18 don't know when the Agency will return the
19 license, but I want to make you -- make it
20 perfectly clear, that you have agreed that your
21 license will be suspended the 26th through the
22 29th and during that period of time under no

1 circumstances can you serve alcohol.

2 So if your -- your business can be
3 open, but alcohol cannot be served during that
4 period of time. And I don't know what the Agency
5 is going to do and return your license, but if
6 it's returned to you prior to the suspension
7 being lifted, you are on notice that it cannot be
8 used during that period of time. Okay?

9 MS. VOGEL: Understood. I'm sorry, I
10 have one more question. I have both a Class B
11 and a Class D License. This violation --

12 MEMBER SILVERSTEIN: Please, speak up,
13 Ms. Vogel.

14 MS. VOGEL: This violation pertains to
15 the sale of off-site packaged alcohol. And it
16 was my understanding that it does not impact our
17 on-site alcohol license.

18 CHAIRPERSON ANDERSON: I don't know,
19 ma'am. I don't know if this -- I can't respond
20 to that information, but the Agency will give you
21 clear and concise clarifications of what is it
22 that you agreed to today.

1 I do hope that based on the violation
2 that has occurred, that it's a punishment.

3 MS. VOGEL: Oh, it certainly is a
4 punishment, sir. You're --

5 CHAIRPERSON ANDERSON: But what I'm
6 saying is it's a punishment and so if you have
7 two class of license, then it doesn't appear that
8 there is any punishment here, because you might
9 still have an active license. But this is
10 something that I will ask that in the Board Order
11 is clearly articulated what is it that you can or
12 cannot do during that period of time.

13 I wasn't aware that you had two
14 licenses, but I will make sure that since the
15 Agency will be writing a Board Order, the Board
16 Order will clearly articulate what activities as
17 far as alcohol sales that can occur during the
18 period of suspension.

19 MS. VOGEL: Okay. I just want to
20 affirm that I am deeply aware that this is a
21 punishment. Losing our license for four days and
22 handing over the entirety of our summer profits

1 is a significant blow to my small business. So
2 the fact that this is a punishment is certainly
3 not in dispute.

4 CHAIRPERSON ANDERSON: And I'll say
5 this to you, ma'am, this is a sale -- one of the
6 major charges is a Sale to Minor. And a sale to
7 minor is unforgivable, because it's unexcusable.
8 There is what should be considered a 100 percent
9 -- a 100 percent is that you should -- anyone who
10 comes to your establishment, even if they are
11 your mother and if you know how old your mom or
12 your dad is, even if they are a friend, even if
13 you know, you should ask for proof of age.

14 And if you ask for that, you will
15 never come back here. You are serving a four day
16 suspension. You have six days that are stayed
17 for another year.

18 MS. VOGEL: Um-hum.

19 CHAIRPERSON ANDERSON: And if those --
20 if you commit another violation within another
21 year, you will be faced with a six day suspension
22 and with an even larger fine.

1 MS. VOGEL: I understand.

2 CHAIRPERSON ANDERSON: And these are
3 all -- they are all within your control, so I
4 would hope so.

5 Thank you very much, ma'am, and have
6 a good day. All right.

7 (Whereupon, the Show Cause (Status)
8 Hearing was concluded at 9:55 a.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: Glen's Garden Market, LLC

Before: Alcoholic Beverage Control Board

Date: 10-17-18

Place: Washington, D.C.

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

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