

IN THE MATTER OF: :
 :
 :
 Good Food Market, LLC, :
 t/a Good Food Market :
 2006 Rhode Island Avenue :
 NE : Show Cause
 Retailer B - ANC 5C : Hearing
 License No. 98178 :
 Case #19-CC-00116 :
 :
 (Sale to Minor Violation, :
 No ABC Manager on Duty) :

Wednesday
February 12, 2020

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
JENI HANSEN, Member
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
JAMES SHORT, JR., Member
REMA WAHABZADAH, Member

ALSO PRESENT:

PHILIP SAMBOL, Applicant
JASON FACCI, Counsel for Protestant

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

(1:52 p.m.)

MEMBER ANDERSON: Let's go back to our agenda. The first matter on our afternoon agenda is a show cause hearing, case number 19-CC-00116, Good Foods Market, license number 98178. Would the parties please approach and identify themselves for the record, please?

MR. FACCI: Good afternoon, Mr. Chairman and members of the Board. Jason Facci on behalf of the District of Columbia.

MEMBER ANDERSON: Mr. Facci, good afternoon, sir.

MR. SAMBOL: Afternoon, members of the Board. Philip Sambol, I'm one of the owners of Good Food Market.

MEMBER ANDERSON: Your last name, sir?

MR. SAMBOL: Sambol.

MEMBER ANDERSON: Sambol. Good afternoon, Mr. Sambol. Mr. Facci, this is for a show cause hearing. Is there any preliminary matters?

MR. FACCI: Yes, there is, Mr. Chairman. We have reached an offer in compromise.

1 MEMBER ANDERSON: And what is that,
2 please?

3 MR. FACCI: With respect to charge 1,
4 a \$4,000 fine to be paid within 60 days, or his
5 license shall be suspended until the fine is
6 paid. The license shall be suspended for 10 days
7 with four days to be served and six days to be
8 stayed for one year. The four days to be served
9 will be from February 24th to February 27th.

10 MEMBER ANDERSON: So what are -- give
11 me the exact days.

12 MR. FACCI: February 24th, February
13 25th, February 26th and February 27th.

14 MEMBER ANDERSON: Okay.

15 MR. FACCI: In addition, all employees
16 who serve alcoholic beverages in the licensed
17 establishment shall complete an alcohol training
18 program within three months from the offer in
19 compromise date.

20 And lastly, in addition, the
21 respondent shall serve a five-day suspension
22 activated from case number 18-CC-00015. And
23 those five days will be served February 17th,
24 February 18th, February 19th, February 20th and
25 February 21st.

1 And there also is an offer in
2 compromise for charge number 2, which is a \$350
3 fine to be paid within 60 days or the license
4 shall be suspended indefinitely until the fine is
5 paid.

6 MEMBER ANDERSON: Thank you. Your
7 name again, sir?

8 MR. SAMBOL: Philip Sambol.

9 MEMBER ANDERSON: Mr. Sam --?

10 MR. SAMBOL: Sambol.

11 MEMBER ANDERSON: Good afternoon
12 again, Mr. Sambol. Mr. Sambol, it's my
13 understanding that there's an offer in
14 compromise. And the offer in compromise for this
15 case is that for the first charge, which is a
16 sale to minor, there is a \$4,000 fine payable
17 within 60 days.

18 If the fine is not paid within 60
19 days, the license will be suspended indefinitely
20 until the fine has been paid. The license shall
21 be suspended for 10 days with four days to be
22 served, and six days will be stayed for one year.

23 The four days to be served are
24 February 24th, February 25th, February 26th and
25 February 27th, that all employees who serve

1 alcoholic beverages in the licensed establishment
2 must complete an alcohol awareness training
3 within three months from the date, from today's
4 date, that in addition to that, the respondent
5 shall serve an additional five days, which were
6 activated from case number 18-CC-00015.

7 And the five days to be served as
8 February 17th, February 18th, February 19th,
9 February 20th and February 21st. That for charge
10 two, no ABC manager on duty, that there is also a
11 \$350 fine that has to be paid within 60 days.

12 If the fine is not paid within 60
13 days, the license will be suspended until the
14 fine has been paid. Is this your understanding,
15 sir, of the offer in compromise?

16 MR. SAMBOL: Yes, sir.

17 MEMBER ANDERSON: Are you aware that
18 by accepting an offer in compromise that you're
19 giving up your right to a hearing?

20 MR. SAMBOL: Yes.

21 MEMBER ANDERSON: Are you also aware
22 that by accepting an offer in compromise that
23 you're giving up your right to appeal this
24 matter?

25 MR. SAMBOL: Yes.

1 MEMBER ANDERSON: With this said, I
2 make a motion that the offer in compromise in
3 this case for charge 1, sale, second sale to
4 minor, that is a \$4,000 fine to be payable within
5 60 days.

6 If the fine is not paid within 60
7 days, the license will be suspended indefinitely,
8 that the licensee shall be suspended for 10 days
9 with four days to be served and six days to be
10 stayed for one year pending no further violation.

11 The four days to be served are
12 February 24th, February 25th, February 26th and
13 February 27, 2020, that all employees who serve
14 alcoholic beverages in the licensed establishment
15 complete an alcohol training within three months
16 from the date of this OIC.

17 And in addition, the respondent shall
18 be -- shall serve an additional five days, which
19 were activated from case number 18-CC-00015. The
20 five days to be served are February 17th,
21 February 18th, February 19th, February 20th,
22 February 21, 2020.

23 For charge 2, no ABC manager on duty,
24 that there is a fine of \$350 payable within 60
25 days. If the fine is not paid within 60 days,

1 the license again will be suspended indefinitely
2 until the fine has been paid. Is there a second?

3 MEMBER SHORT: Second.

4 MEMBER ANDERSON: Mr. Short has
5 seconded the motion. All those in favor say aye.

6 (Chorus of ayes)

7 MEMBER ANDERSON: Those opposed? The
8 matter passed 6-0-0. The Board will issue a
9 Board order with the terms. However, even if the
10 Board order does not come out before, you have
11 agreed that your license will be suspended
12 February 17th, February 18th, February 19th,
13 February 20th, February 21st, February 24th,
14 25th, 26th and 27th.

15 And what that means is that your
16 business can be open, but you cannot sell
17 alcohol. And all the alcoholic either should be
18 removed or be secured in the property. Thank you
19 for the parties for coming to an agreement. And
20 have a good day.

21 MR. FACCI: Thank you.

22 MR. SAMBOL: Thank you.

23 MEMBER ANDERSON: As Chairperson of
24 the Alcoholic Beverage Control Board for the
25 District of Columbia, in accordance with Title

1 III, Chapter 405, Office of Open Government, I
2 move that ABC Board hold a closed meeting on
3 February 26th for the purpose of discussing and
4 hearing reports concerning ongoing or planned
5 investigations of alleged criminal or civil
6 misconduct or violations of law or regulation and
7 seeking legal advice from our counsel on the
8 Board's investigative agenda, legal agenda and
9 licensing agenda for February 26, 2020, as will
10 be published in the D.C. Register on February 14,
11 2020. Is there a second?

12 MEMBER SHORT: Second.

13 MEMBER ANDERSON: Mr. Short has
14 seconded the motion. I will take a roll call
15 vote on the motion now that it's been seconded.
16 Ms. Wahabzadah?

17 MEMBER WAHABZADAH: I agree.

18 MEMBER ANDERSON: Mr. Short?

19 MEMBER SHORT: I agree.

20 MEMBER ANDERSON: Mr. Cato?

21 MEMBER CATO: I agree.

22 MEMBER ANDERSON: Ms. Crockett?

23 MEMBER CROCKETT: I agree.

24 MEMBER ANDERSON: Ms. Hansen?

25 MEMBER HANSEN: I agree.

1 MEMBER ANDERSON: Mr. Anderson? I
2 agree. It appears that the motion has passed 6-
3 0-0. I hereby give notice that the ABC Board
4 will hold this aforementioned closed meeting.

5 Pursuant to the Open Meetings Act,
6 notice will also be posted on the ABC Board
7 hearing room bulletin board and placed on the
8 electronic calendar on ABRA's website and
9 published in D.C. Register in as timely a manner
10 as practical.

11 It is 2:00 p.m., and we're adjourned
12 for the day. Thank you.

13 (Whereupon, the above-entitled matter
14 went off the record at 2:00 p.m.)
15
16
17
18
19
20
21
22
23
24
25

<p>A</p> <p>ABC 1:10 5:10 6:23 8:2 9:3,6</p> <p>above-entitled 9:13</p> <p>ABRA's 9:8</p> <p>accepting 5:18,22</p> <p>Act 9:5</p> <p>activated 3:22 5:6 6:19</p> <p>addition 3:15,20 5:4 6:17</p> <p>additional 5:5 6:18</p> <p>adjourned 9:11</p> <p>advice 8:7</p> <p>aforementioned 9:4</p> <p>afternoon 2:4,9,13,14 2:20 4:11</p> <p>agenda 2:4,4 8:8,8,9</p> <p>agree 8:17,19,21,23,25 9:2</p> <p>agreed 7:11</p> <p>agreement 7:19</p> <p>alcohol 3:17 5:2 6:15 7:17</p> <p>alcoholic 1:2,14,14 3:16 5:1 6:14 7:17,24</p> <p>ALIYA 1:20</p> <p>alleged 8:5</p> <p>ANC 1:8</p> <p>Anderson 1:16,18 2:3 2:12,17,19 3:1,10,14 4:6,9,11 5:17,21 6:1 7:4,7,23 8:13,18,20 8:22,24 9:1,1</p> <p>appeal 5:23</p> <p>appears 9:2</p> <p>Applicant 1:23</p> <p>approach 2:7</p> <p>Avenue 1:7</p> <p>aware 5:17,21</p> <p>awareness 5:2</p> <p>aye 7:5</p> <p>eyes 7:6</p>	<p>business 7:16</p> <p>C</p> <p>calendar 9:8</p> <p>call 8:14</p> <p>case 1:9 2:5 3:22 4:15 5:6 6:3,19</p> <p>Cato 1:19 8:20,21</p> <p>cause 1:7 2:5,21</p> <p>Chairman 2:10,24</p> <p>Chairperson 1:15,18 7:23</p> <p>Chapter 8:1</p> <p>charge 3:3 4:2,15 5:9 6:3,23</p> <p>Chorus 7:6</p> <p>civil 8:5</p> <p>closed 8:2 9:4</p> <p>Columbia 1:1 2:11 7:25</p> <p>come 7:10</p> <p>coming 7:19</p> <p>complete 3:17 5:2 6:15</p> <p>compromise 2:25 3:19 4:2,14,14 5:15,18,22 6:2</p> <p>concerning 8:4</p> <p>Control 1:2,14,14 7:24</p> <p>counsel 1:23 8:7</p> <p>criminal 8:5</p> <p>Crockett 1:20 8:22,23</p> <p>D</p> <p>D.C 1:15 8:10 9:9</p> <p>date 3:19 5:3,4 6:16</p> <p>day 7:20 9:12</p> <p>days 3:4,6,7,7,8,11,23 4:3,17,19,21,21,22,23 5:5,7,11,13 6:5,7,8,9 6:9,11,18,20,25,25</p> <p>discussing 8:3</p> <p>District 1:1 2:11 7:25</p> <p>Donovan 1:16,18</p> <p>duty 1:10 5:10 6:23</p> <p>E</p> <p>either 7:17</p> <p>electronic 9:8</p> <p>employees 3:15 4:25 6:13</p> <p>establishment 3:17 5:1 6:14</p> <p>exact 3:11</p> <p>F</p> <p>Facci 1:23 2:9,10,12,20 2:23 3:3,12,15 7:21</p> <p>favor 7:5</p> <p>February 1:12 3:9,9,12</p>	<p>3:12,13,13,23,24,24 3:24,25 4:24,24,24,25 5:8,8,8,9,9 6:12,12,12 6:13,20,21,21,21,22 7:12,12,12,13,13,13 8:3,9,10</p> <p>fine 3:4,5 4:3,4,16,18 4:20 5:11,12,14 6:4,6 6:24,25 7:2</p> <p>first 2:4 4:15</p> <p>five 3:23 5:5,7 6:18,20</p> <p>five-day 3:21</p> <p>Food 1:6,6 2:16</p> <p>Foods 2:6</p> <p>four 3:7,8 4:21,23 6:9 6:11</p> <p>further 6:10</p> <p>G</p> <p>give 3:10 9:3</p> <p>giving 5:19,23</p> <p>Government 8:1</p> <p>H</p> <p>Hansen 1:19 8:24,25</p> <p>hearing 1:8,14 2:5,21 5:19 8:4 9:7</p> <p>hold 8:2 9:4</p> <p>I</p> <p>identify 2:7</p> <p>Ill 8:1</p> <p>indefinitely 4:4,19 6:7 7:1</p> <p>investigations 8:5</p> <p>investigative 8:8</p> <p>Island 1:7</p> <p>issue 7:8</p> <p>J</p> <p>JAMES 1:20</p> <p>Jason 1:23 2:10</p> <p>JENI 1:19</p> <p>JR 1:19,20</p> <p>K</p> <p>L</p> <p>lastly 3:20</p> <p>law 8:6</p> <p>legal 8:7,8</p> <p>Let's 2:3</p> <p>license 1:8 2:6 3:5,6 4:3 4:19,20 5:13 6:7 7:1 7:11</p> <p>licensed 3:16 5:1 6:14</p> <p>licensee 6:8</p> <p>licensing 8:9</p>	<p>LLC 1:6</p> <p>M</p> <p>manager 1:10 5:10 6:23</p> <p>manner 9:9</p> <p>Market 1:6,6 2:6,16</p> <p>matter 1:5 2:4 5:24 7:8 9:13</p> <p>matters 2:22</p> <p>means 7:15</p> <p>meeting 1:3 8:2 9:4</p> <p>Meetings 9:5</p> <p>Member 1:19,19,20,20 1:21 2:3,12,17,19 3:1 3:10,14 4:6,9,11 5:17 5:21 6:1 7:3,4,7,23 8:12,13,17,18,19,20 8:21,22,23,24,25 9:1</p> <p>members 2:10,14</p> <p>met 1:14</p> <p>minor 1:10 4:16 6:4</p> <p>misconduct 8:6</p> <p>months 3:18 5:3 6:15</p> <p>motion 6:2 7:5 8:14,15 9:2</p> <p>move 8:2</p> <p>N</p> <p>N.W 1:15</p> <p>name 2:17 4:7</p> <p>NE 1:7</p> <p>notice 9:3,6</p> <p>number 2:5,6 3:22 4:2 5:6 6:19</p> <p>O</p> <p>offer 2:24 3:18 4:1,13 4:14 5:15,18,22 6:2</p> <p>Office 8:1</p> <p>OIC 6:16</p> <p>ongoing 8:4</p> <p>open 7:16 8:1 9:5</p> <p>opposed 7:7</p> <p>order 7:9,10</p> <p>owners 2:15</p> <p>P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1</p> <p>p.m 2:2 9:11,14</p> <p>paid 3:4,6 4:3,5,18,20 5:11,12,14 6:6,25 7:2</p> <p>parties 2:7 7:19</p> <p>passed 7:8 9:2</p> <p>payable 4:16 6:4,24</p> <p>pending 6:10</p> <p>Philip 1:23 2:15 4:8</p> <p>placed 9:7</p>
<p>B</p> <p>B 1:8</p> <p>back 2:3</p> <p>behalf 2:11</p> <p>Beverage 1:2,14,14 7:24</p> <p>beverages 3:16 5:1 6:14</p> <p>board 1:2,14 2:10,15 7:8,9,10,24 8:2 9:3,6 9:7</p> <p>Board's 8:8</p> <p>BOBBY 1:19</p> <p>Building 1:15</p> <p>bulletin 9:7</p>			

planned 8:4 please 2:7,8 3:2 posted 9:6 practical 9:10 preliminary 2:21 PRESENT 1:17,22 presiding 1:16 program 3:18 property 7:18 Protestant 1:23 published 8:10 9:9 purpose 8:3 Pursuant 9:5	Suite 1:15 suspended 3:5,6 4:4,19 4:21 5:13 6:7,8 7:1,11 suspension 3:21	2
Q	T	2 4:2 6:23 2:00 9:11,14 2000 1:15 20009 1:15 2006 1:7 2020 1:12 6:13,22 8:9 8:11 20th 3:24 5:9 6:21 7:13 21 6:22 21st 3:25 5:9 7:13 24th 3:9,12 4:24 6:12 7:13 25th 3:13 4:24 6:12 7:14 26 8:9 26th 3:13 4:24 6:12 7:14 8:3 27 6:13 27th 3:9,13 4:25 7:14
R	U	3
RAFI 1:20 reached 2:24 record 2:8 9:14 Reeves 1:15 Register 8:10 9:9 regulation 8:6 REMA 1:21 removed 7:18 reports 8:4 respect 3:3 respondent 3:21 5:4 6:17 Retailer 1:8 Rhode 1:7 roll 8:14 room 1:15 9:7	understanding 4:13 5:14	4
S	V	5
sale 1:10 4:16 6:3,3 Sam 4:9 Sambol 1:23 2:14,15,18 2:18,19,20 4:8,8,10 4:10,12,12 5:16,20,25 7:22 second 6:3 7:2,3 8:11 8:12 seconded 7:5 8:14,15 secured 7:18 seeking 8:7 sell 7:16 serve 3:16,21 4:25 5:5 6:13,18 served 3:7,8,23 4:22,23 5:7 6:9,11,20 Short 1:20 7:3,4 8:12 8:13,18,19 show 1:7 2:5,21 sir 2:13,17 4:7 5:15,16 six 3:7 4:22 6:9 stayed 3:8 4:22 6:10 Street 1:15	violation 1:10 6:10 violations 8:6 vote 8:15	6
	W	7
	X	8
	Y	9
	year 3:8 4:22 6:10	98178 1:8 2:6
	Z	
	0	
	0-0 9:3	
	1	
	1:52 2:2 10 3:6 4:21 6:8 12 1:12 14 8:10 14th 1:15 17th 3:23 5:8 6:20 7:12 18-CC-00015 3:22 5:6 6:19 18th 3:24 5:8 6:21 7:12 19-CC-00116 1:9 2:5 19th 3:24 5:8 6:21 7:12	

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Good Food Market

Before: DCABRA

Date: 02-12-20

Place: Washington, DC

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



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com