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IN THE MATTER OF:           :
                             :
Neighborhood Restaurant     :
Group, XVIII, LLC,         :
t/a Red Apron at Union     :
Market                     :
1309 5th Street NE         : Show Cause
Retailer CR - ANC 5D       : Hearing (Status)
License No. 91030          :
Case #18-AUD-00087         :
                             :
(Failed to File Quarterly:
Statement)                  :
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Wednesday  
March 27, 2019

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, JR., Member  
JAMES SHORT, JR., Member  
MIKE SILVERSTEIN, Member  
REMA WAHABZADAH, Member

**ALSO PRESENT:**

WALTER ADAMS, OAG  
STEPHANIE BABIN, Licensee's Attorney

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

9:35 a.m.

CHAIRPERSON ANDERSON: All right, good morning, everyone, I would like to welcome you to the regular scheduled meeting of the District of Columbia Alcoholic Beverage Control Board.

Please know that today's Hearing will be conducted in accordance with D.C. official Code Section 2574 off the open meetings. Today is March 27, 2019.

I would like to introduce Members of the Board with us today. To my far right is Mr. Bobby Cato, to my immediate right is Mr. Nick Alberti, to my far left is Miss Rema Wahabzdah, to her right is Mr. Mike Silverstein, and to my immediate left is Mr. James Short.

My name is Donovan Anderson and I'm Chairman of the Board. We have six Members in attendance today. We do have a quorum to conduct business.

I would like to mention two things before we get started. First of all, if you have

1 any electronic devices, pagers, cell phones or  
2 such, please make sure they're turned off to  
3 avoid any interruption of the proceedings.

4 Secondly, there's a piece of paper on  
5 each table. When you come forward as your case  
6 is called, please take a seat at the table and  
7 please sign in.

8 This is to ensure the correct spelling  
9 of your name for the record. Additionally, when  
10 you introduce yourself for the record, please  
11 spell your name aloud for the court reporter.

12 I would note that the approximate time  
13 is 9:47 a.m. The first case in our counter is a  
14 Show Cause Hearing, status Case Number 18-AUD-  
15 00087, Red Apron at Union Market, License Number  
16 91030.

17 Would the parties please approach and  
18 identify themselves for the record?

19 MR. ADAMS: Good morning, Mr.  
20 Chairman, Walter Adams representing the District  
21 of Columbia.

22 CHAIRPERSON ANDERSON: Good morning,

1 Mr. Adams.

2 MS. BABIN: Good morning, Mr.  
3 Chairman, Stephanie Babin, B-A-B-I-N,  
4 representing Red Apron.

5 CHAIRPERSON ANDERSON: And what's your  
6 relationship to the establishment?

7 MS. BABIN: General Counsel.

8 CHAIRPERSON ANDERSON: I'm sorry, you  
9 are?

10 MS. BABIN: General Counsel.

11 CHAIRPERSON ANDERSON: You're an  
12 attorney?

13 MS. BABIN: Yes.

14 CHAIRPERSON ANDERSON: All right, are  
15 there any preliminary matters in this case?

16 MR. ADAMS: Yes, Mr. Chairman, there  
17 is a preliminary matter. The parties have  
18 discussed the case where there is a single charge  
19 for not following the oral statement.

20 The first issue is that the staff has  
21 filed their gross statement, albeit late, and  
22 otherwise, we do have offering compromise to

1 propose both of these staff should pay a fine in  
2 the amount of \$2000 to be paid in a period of 60  
3 days and on the condition that the establishment  
4 does not pay the fine within the 60-day period,  
5 that its license shall be suspended indefinitely  
6 until the fine has been paid.

7 And as I already stated, this  
8 establishment has, I'll submit, its pending  
9 quarterly statements. So, that is the party's  
10 proposal.

11 CHAIRPERSON ANDERSON: Ms. Babin, it's  
12 my understanding that there is an offering  
13 compromise and the offering compromise is that  
14 there's a fine of \$2000 payable in 60 days.

15 If the fine is not payable in 60 days,  
16 the license will be suspended until the fine has  
17 been paid. Is this your understanding of the  
18 offering compromise?

19 MS. BABIN: Yes, it is.

20 CHAIRPERSON ANDERSON: Are you aware  
21 that by accepting an offering compromise that you  
22 give up your right to a Hearing?

1 MS. BABIN: Yes.

2 CHAIRPERSON ANDERSON: Are you also  
3 aware that by accepting an offering compromise  
4 you're giving up your right to appeal this  
5 matter?

6 MS. BABIN: Yes.

7 CHAIRPERSON ANDERSON: With that said,  
8 I then make a motion that the offering compromise  
9 of a fine of \$2000 payable in 60 days be  
10 accepted.

11 If the fine is not payable in 60 days,  
12 the license will be suspended until the fine has  
13 been paid. Is there a second?

14 MEMBER SHORT: Second.

15 CHAIRPERSON ANDERSON: Mr. Short has  
16 seconded the motion. All those in favor say aye?

17 (Chorus of aye.)

18 Those opposed? The matter passes 6-0-  
19 0. We'll have you sign off on some paperwork,  
20 ma'am, thank you very much.

21 (Whereupon, the above-entitled matter  
22 went off the record at 9:39 a.m.)

<b>A</b> a.m 2:2 3:13 6:22 above-entitled 6:21 accepted 6:10 accepting 5:21 6:3 Adams 1:21 3:19,20 4:1 4:16 Additionally 3:9 albeit 4:21 Alberti 1:18 2:14 Alcoholic 1:2,13,14 2:6 aloud 3:11 amount 5:2 ANC 1:8 Anderson 1:15,17 2:3 2:17 3:22 4:5,8,11,14 5:11,20 6:2,7,15 appeal 6:4 approach 3:17 approximate 3:12 Apron 1:6 3:15 4:4 attendance 2:19 attorney 1:22 4:12 avoid 3:3 aware 5:20 6:3 aye 6:16,17	conducted 2:8 Control 1:2,13,14 2:6 correct 3:8 Counsel 4:7,10 counter 3:13 court 3:11 CR 1:8	<b>L</b> late 4:21 left 2:14,16 license 1:8 3:15 5:5,16 6:12 Licensee's 1:22 LLC 1:6	pending 5:8 period 5:2,4 phones 3:1 piece 3:4 please 2:7 3:2,6,7,10,17 preliminary 4:15,17 PRESENT 1:16,21 presiding 1:15 proceedings 3:3 proposal 5:10 propose 5:1
<b>B</b> B-A-B-I-N 4:3 Babin 1:22 4:2,3,7,10 4:13 5:11,19 6:1,6 Beverage 1:2,13,14 2:6 Board 1:2,13 2:6,12,18 Bobby 1:18 2:13 Building 1:14 business 2:20	<b>D</b> D.C 1:15 2:8 days 5:3,14,15 6:9,11 devices 3:1 discussed 4:18 District 1:1 2:5 3:20 Donovan 1:15,17 2:17	<b>M</b> ma'am 6:20 March 1:12 2:10 Market 1:7 3:15 matter 1:4 4:17 6:5,18 6:21 matters 4:15 meeting 1:3 2:5 meetings 2:9 Member 1:18,18,19,19 1:20 6:14 Members 2:11,18 mention 2:21 met 1:14 Mike 1:19 2:15 morning 2:4 3:19,22 4:2 motion 6:8,16	<b>Q</b> quarterly 1:10 5:9 quorum 2:19
<b>C</b> called 3:6 case 1:9 3:5,13,14 4:15 4:18 Cato 1:18 2:13 Cause 1:7 3:14 cell 3:1 Chairman 2:18 3:20 4:3 4:16 Chairperson 1:15,17 2:3 3:22 4:5,8,11,14 5:11,20 6:2,7,15 charge 4:18 Chorus 6:17 Code 2:9 Columbia 1:1 2:6 3:21 come 3:5 compromise 4:22 5:13 5:13,18,21 6:3,8 condition 5:3 conduct 2:19	<b>E</b> electronic 3:1 ensure 3:8 establishment 4:6 5:3,8	<b>N</b> N.W 1:14 name 2:17 3:9,11 NE 1:7 Neighborhood 1:5 Nick 1:18 2:13 note 3:12 Number 3:14,15	<b>R</b> record 3:9,10,18 6:22 Red 1:6 3:15 4:4 Reeves 1:14 regular 2:5 relationship 4:6 Rema 1:20 2:14 reporter 3:11 representing 3:20 4:4 Restaurant 1:5 Retailer 1:8 Room 1:14
	<b>F</b> Failed 1:10 far 2:12,14 favor 6:16 File 1:10 filed 4:21 fine 5:1,4,6,14,15,16 6:9,11,12 first 2:22 3:13 4:20 following 4:19 forward 3:5	<b>O</b> OAG 1:21 offering 4:22 5:12,13 5:18,21 6:3,8 official 2:8 open 2:9 opposed 6:18 oral 4:19	<b>S</b> scheduled 2:5 seat 3:6 second 6:13,14 seconded 6:16 Secondly 3:4 Section 2:9 Short 1:19 2:16 6:14,15 Show 1:7 3:14 sign 3:7 6:19 Silverstein 1:19 2:15 single 4:18 six 2:18 sorry 4:8 spell 3:11 spelling 3:8 staff 4:20 5:1 started 2:22 stated 5:7 statement 1:10 4:19,21 statements 5:9 status 1:8 3:14 Stephanie 1:22 4:3 Street 1:7,14 submit 5:8 Suite 1:15 suspended 5:5,16 6:12
	<b>G</b> General 4:7,10 give 5:22 giving 6:4 gross 4:21 Group 1:6	<b>P</b> P-R-O-C-E-E-D-I-N-G-S 2:1 paggers 3:1 paid 5:2,6,17 6:13 paper 3:4 paperwork 6:19 parties 3:17 4:17 party's 5:9 passes 6:18 pay 5:1,4 payable 5:14,15 6:9,11	<b>T</b>
	<b>H</b> Hearing 1:8,14 2:7 3:14 5:22	<b>I</b> identify 3:18 immediate 2:13,16 indefinitely 5:5 interruption 3:3 introduce 2:11 3:10 issue 4:20	
	<b>J</b> James 1:19 2:16 JR 1:18,19		
	<b>K</b>		

<b>t/a</b> 1:6	<b>6</b>		
<b>table</b> 3:5,6	<b>6-0-</b> 6:18		
<b>thank</b> 6:20	<b>60</b> 5:2,14,15 6:9,11		
<b>things</b> 2:21	<b>60-day</b> 5:4		
<b>today</b> 2:9,12,19	<b>7</b>		
<b>today's</b> 2:7	<b>8</b>		
<b>turned</b> 3:2	<b>9</b>		
<b>two</b> 2:21	<b>9:35</b> 2:2		
<b>U</b>	<b>9:39</b> 6:22		
<b>understanding</b> 5:12,17	<b>9:47</b> 3:13		
<b>Union</b> 1:6 3:15	<b>91030</b> 1:8 3:16		
<b>V</b>			
<b>W</b>			
<b>W</b> 1:15,17			
<b>WAHABZADAH</b> 1:20			
<b>Wahabzdah</b> 2:14			
<b>Walter</b> 1:21 3:20			
<b>Washington</b> 1:15			
<b>Wednesday</b> 1:12			
<b>welcome</b> 2:4			
<b>went</b> 6:22			
<b>X</b>			
<b>XVIII</b> 1:6			
<b>Y</b>			
<b>Z</b>			
<b>0</b>			
<b>0</b> 6:19			
<b>00087</b> 3:15			
<b>1</b>			
<b>1309</b> 1:7			
<b>14th</b> 1:14			
<b>18-AUD-</b> 3:14			
<b>18-AUD-00087</b> 1:9			
<b>2</b>			
<b>2000</b> 1:14 5:2,14 6:9			
<b>20009</b> 1:15			
<b>2019</b> 1:12 2:10			
<b>2574</b> 2:9			
<b>27</b> 1:12 2:10			
<b>3</b>			
<b>4</b>			
<b>400S</b> 1:15			
<b>5</b>			
<b>5D</b> 1:8			
<b>5th</b> 1:7			



C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Red Apron

Before: DC ABRA

Date: 03-27-19

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.

  
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Court Reporter

**NEAL R. GROSS**

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