

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF: :  
:  
Whole Foods Market Group,:  
Inc., :  
t/a Fresh Fields Whole :  
Foods Market :  
1440 P Street NW : Show Cause  
Retailer B - ANC 2F : Hearing (Status)  
License No. 60167 :  
Case #19-CC-00024 :  
:  
(Sale to Minor Violation,:  
Failed to Take Steps :  
Necessary to Ascertain :  
Legal Drinking Age) :

Wednesday  
June, 26, 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  
MIKE SILVERSTEIN, Member  
JAMES SHORT, Member  
REMA WAHABZADAH, Member

**ALSO PRESENT:**

**SIDON YOHANNES, COUNSEL FOR APPLICANT**

**WALTER CASTRO, APPLICANT**

**FERNANDO RIVERO, DC OAG**

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

2 10:11 a.m.

3 CHAIRPERSON ANDERSON: The next case on  
4 our calendar is Case Number 19-CC-00024, Fresh  
5 Fields Whole Foods Market, License Number 60167.

6 Would the parties please approach and  
7 identify themselves for the record, please.

8 MR. RIVERO: Good morning, Board  
9 Members. Fernando Rivero for the District of  
10 Columbia.

11 CHAIRPERSON ANDERSON: Good morning,  
12 Mr. Rivero.

13 MS. YOHANNES: Sidon Yohannes on behalf  
14 of the licensee.

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

17 MR. CASTRO: Good morning. My name is  
18 Walter Castro, on behalf of Whole Foods Market.

19 CHAIRPERSON ANDERSON: Mr. last name?

20 MR. CASTRO: Castro.

21 CHAIRPERSON ANDERSON: What's your role  
22 with Whole Foods Market?

1 MR. CASTRO: Store manager.

2 CHAIRPERSON ANDERSON: The store  
3 manager. Thank you, Mr. Castro.

4 Are there preliminary matters in this  
5 case?

6 MR. RIVERO: Yes. The parties have an  
7 offer in compromise to present to the Board at  
8 this time.

9 CHAIRPERSON ANDERSON: And what is  
10 that?

11 MR. RIVERO: That is for Charge 1, a  
12 fine of \$4,000 payable within 30 days. If the  
13 payment is not made within that time, the license  
14 will be suspended until payment is received.

15 A suspension of the license for 10  
16 days, with 6 of those days stayed, and 4 of those  
17 days served August 5 through August 8, 2019,  
18 those being dates on which the licensee is  
19 regularly open. And training for employees who  
20 serve alcoholic beverages to be accomplished  
21 within 3 months of today.

22 For Charge 2, dismissal.

1                   CHAIRPERSON ANDERSON: Ms. Yohannes,  
2                   it's my understanding that there is an offer in  
3                   compromise. And the offer in compromise is that,  
4                   the offer in compromise is that for Charge 1,  
5                   there is a \$4,000 fine payable within 30 days.  
6                   If the fine is not payable within 30 days, the  
7                   license will be suspended until the fine has been  
8                   paid.

9                   That there is a 10-day suspension, and  
10                  6 days are stayed for one year, and 4 days are  
11                  served. And the 4 days that are being served are  
12                  August 5th through August 8th, 2019.

13                  And all employees who serve alcoholic  
14                  beverages in the licensed establishment should  
15                  complete training within 3 months from the offer  
16                  in compromise date.

17                  And as for Charge 2, Charge 2 will be  
18                  dismissed.

19                  Is it your understanding of the offer  
20                  in compromise?

21                  MS. YOHANNES: Yes, it is.

22                  CHAIRPERSON ANDERSON: Is your client

1 aware that by accepting an offer in compromise  
2 that they're giving up their right to a hearing?

3 MS. YOHANNES: Yes.

4 CHAIRPERSON ANDERSON: And is your  
5 client aware that by accepting an offer in  
6 compromise that they're giving up their right to  
7 appeal this matter?

8 MS. YOHANNES: Yes.

9 CHAIRPERSON ANDERSON: With that said,  
10 I then make a motion that the offer in compromise  
11 of a fine for Charge 1 of \$4,000 payable within  
12 30 days. If the fine is not payable within 30  
13 days, the license will be suspended indefinitely  
14 until the fine has been paid.

15 That there shall be a 10-day  
16 suspension and that 4 -- 6 days will be stayed  
17 for one year, 4 days will be served. The 4 days  
18 to be served are August 5th through August 8th,  
19 2019.

20 That all employees who serve alcoholic  
21 beverages in the licensed establishment completes  
22 an alcohol training within 3 months from the date

1 of the offer in compromise.

2 And that Charge 2 will be dismissed.

3 Is there a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON ANDERSON: Mr. Short

6 seconds the motion.

7 All those in favor, say aye.

8 (Chorus of ayes.)

9 CHAIRPERSON ANDERSON: Those opposed?

10 (No response.)

11 CHAIRPERSON ANDERSON: The matter

12 passes 5-0-0.

13 The Board will be issuing a Board

14 Order.

15 And I guess just for my -- I'm sorry,

16 your name again, sir?

17 MR. CASTRO: Walter.

18 CHAIRPERSON ANDERSON: Your last name?

19 MR. CASTRO: Castro.

20 CHAIRPERSON ANDERSON: Mr. Castro,

21 you're the store manager?

22 MS. YOHANNES: Yes, sir.

1                   CHAIRPERSON ANDERSON: So since this  
2 store will not serve alcohol till -- what type of  
3 licensee is it? Is it just --

4                   MS. YOHANNES: It's a B and a CR but  
5 it's under the B license.

6                   CHAIRPERSON ANDERSON: This is a B.  
7 This is a B license. So under the B license  
8 meaning that they can't -- Which one of the  
9 licenses, which --

10                  MS. YOHANNES: This is a B license.

11                  CHAIRPERSON ANDERSON: But what is it  
12 that they can't do?

13                  MS. YOHANNES: Well, they're a grocery  
14 store, so.

15                  CHAIRPERSON ANDERSON: What is it that  
16 they can't do during this period of time?

17                  MS. YOHANNES: They can't sell.

18                  CHAIRPERSON ANDERSON: They can't sell.

19                  MS. YOHANNES: Yes.

20                  CHAIRPERSON ANDERSON: All right. So,  
21 how is it that Mr. -- I'm sorry, your last name  
22 again?



1 MR. CASTRO: Castro.

2 CHAIRPERSON ANDERSON: Mr. Castro,  
3 you're the store manager. So what does that  
4 mean, so how is it that the store is going to  
5 secure the alcohol during that period of time for  
6 August 5th through 8th?

7 MR. CASTRO: We haven't discussed yet  
8 exactly how we're going to proceed with that.  
9 But I'm guessing that we'll remove every single  
10 alcohol beverage from the store for the period of  
11 time.

12 MS. YOHANNES: The alcohol will  
13 actually be secured, and there will signs  
14 indicating that they cannot sell alcohol.

15 CHAIRPERSON ANDERSON: This is a  
16 drastic measure for a supermarket that they can't  
17 sell alcohol for Monday through, conveniently,  
18 Wednesday, but I guess most people probably drink  
19 on the weekend. So that's not my call when it is  
20 that they decide to do this. The Board, we  
21 accepted it.

22 But it is, it is drastic for a

1 supermarket, sir. And you guys need to do a  
2 better job. And especially in this case, to  
3 check the I.D. That's not that difficult.

4 MR. CASTRO: Uh-huh.

5 CHAIRPERSON ANDERSON: It's not that  
6 difficult if you check the person's I.D. This is  
7 2019. And if the person was born, if the person  
8 has been born before 2000 or, should I say, 1998,  
9 you can't sell them liquor. Their license looks  
10 different, their I.D. looks different. I don't  
11 understand why there is a problem.

12 Unfortunately, this is what it is.

13 But have a good day.

14 So, we'll issue a Board Order.

15 (Whereupon, at 10:17 a.m., the above-  
16 entitled matter was concluded.)

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22

<b>A</b>	<b>Chorus</b> 7:8 <b>client</b> 5:22 6:5 <b>Columbia</b> 1:1 3:10 <b>complete</b> 5:15 <b>completes</b> 6:21 <b>compromise</b> 4:7 5:3,3 5:4,16,20 6:1,6,10 7:1 <b>concluded</b> 10:16 <b>Control</b> 1:2,15,16 <b>conveniently</b> 9:17 <b>COUNSEL</b> 2:11 <b>CR</b> 8:4	<b>guessing</b> 9:9	<b>need</b> 10:1 <b>Number</b> 3:4,5 <b>NW</b> 1:8
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<b>Z</b>	

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Whole Foods

Before: DCABRA

Date: 06-26-19

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.



-----  
Court Reporter

**NEAL R. GROSS**

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