

```
IN THE MATTER OF:
:
:
JLC, Inc.,
:
t/a Towne Wine & Liquor
:
1326 Wisconsin Ave NW
:
License #93813
:
Retailer A - ANC 2E
: Show Cause
Cases #19-CC-00134,
: Hearing (Status)
#19-CC-00151
:
:
(Sale to Minor Violation,
:
Failed to Take Steps
:
Necessary to Ascertain
:
Legal Drinking Age)
:
```

Wednesday
January 6, 2021

The Alcoholic Beverage Control Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT :

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member
REMA WAHABZADAH, Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
JOEY CHEN, Licensee
JESSICA KRUPKE, DC OAG

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

2 2:39 p.m.

3 MR. CHEN: But you called my name.

4 CHAIRPERSON ANDERSON: But your case
5 is the next case. All right, hold on. Since you
6 are here -- Okay, hold on. This case is Case
7 Number 19-CC-00134 and 19-CC-00151. Okay, this
8 is this case, right, Mr. Chen. All right, that's
9 that case.

10 So, Ms. Krupke, can you please
11 identify yourself for the record, please?

12 MS. KRUPKE: Jessica Krupke on behalf
13 of the government.

14 CHAIRPERSON ANDERSON: Mr. Chen, can
15 you identify yourself for the record, please?

16 MR. CHEN: Chen. Joey Chen, J-O-E-Y,
17 last name C-H-E-N, the owner for Towne Wine &
18 Liquor.

19 CHAIRPERSON ANDERSON: All right.
20 Thank you. Are there -- But, all right, okay.
21 All right. This hearing is canceled because the
22 parties entered an offer in compromise.

23 So, all right, Mr. Chen, you had
24 agreed to an OIC with the government, is that
25 correct?

1 MS. KRUPKE: Yes.

2 MR. CHEN: Yes.

3 CHAIRPERSON ANDERSON: All right. You
4 know what, let me -- All right. This case was,
5 and I'm going to do something that is somewhat a
6 little bit crazy, so this is what I am going to
7 do since you are here, Mr. Chen.

8 All right. This matter is on our
9 legal agenda for today. However, I have not read
10 the legal agenda as yet. However, because the
11 parties are here, I am going to go over the terms
12 of the OIC since the parties are here.

13 So, Ms. Krupke, do you have a copy of
14 the OIC in front of you?

15 MS. KRUPKE: I do. Let me just pull
16 it up. Okay, I have it.

17 CHAIRPERSON ANDERSON: All right.

18 MS. KRUPKE: Would you like me to read
19 it?

20 CHAIRPERSON ANDERSON: Yes, please.
21 Mr. Chen, are you still there?

22 MR. CHEN: Yes, I am here.

23 CHAIRPERSON ANDERSON: All right. So,
24 Ms. Krupke, please --

25 MR. CHEN: My camera is on?

1 CHAIRPERSON ANDERSON: Yes, yes, sir.

2 MR. CHEN: Oh.

3 CHAIRPERSON ANDERSON: So can you
4 please read the terms of the OIC? And let me
5 start, it's my understanding that there -- And
6 this is somewhat a little bit different, so
7 because of COVID an OIC was presented that would
8 have been read on our legal agenda for today.

9 But since I am calling the case and
10 the parties are online I am, therefore, asking
11 the government to review the OIC, which is for
12 the case that is on our calendar and I will deal
13 with it once I get to the legal agenda that is
14 later on today.

15 So that is how as Board Chair I am
16 aware that there is an OIC because an OIC was
17 presented earlier today to the Board. It was in
18 writing and the Board would have considered it on
19 its legal agenda for today.

20 But because the parties are here, I
21 will just have the parties state what the OIC is
22 concerned and when I do the legal agenda later on
23 then I will address that.

24 So go ahead, Ms. Krupke, what are the
25 terms of the OIC?

1 MS. KRUPKE: So there is a total of
2 two charges and the terms are as follows. For
3 Charge 1, which is the sale to a minor, the
4 statutory authority is D.C. Code 25-781 and 25-
5 823.

6 For this charge, the fine is agreed to
7 be \$3000 for each case. So that's two cases, 19-
8 CC-00134 and 19-CC-00151, for a total of \$6000 to
9 be paid within 90 days or the license will be
10 suspended until the fine is paid.

11 Additionally, there is a term of
12 suspension. The license shall be suspended for
13 ten days for each case for a total of 20 days
14 with eight days to be served, which represents
15 four days per case, and 12 days stayed for one
16 year, which represents six days per case,
17 provided there are no violations in that time.

18 In addition, the establishment will
19 serve five suspension days activated from Case
20 Number 18-CC-00130 for a total of 13 days served.
21 The date of the 13-day suspension shall be
22 Monday, January 4, 2021, through Saturday,
23 January 16, 2021, and the license suspension
24 shall be lifted at 8:00 a.m. on Sunday, January
25 17, 2021.

1 Additionally, there is another term
2 that all employees who serve alcoholic beverages
3 in the licensed establishment shall complete an
4 alcohol training program within three months from
5 the OIC date.

6 For Charge 2, which is failure to take
7 reasonable steps necessary to ascertain the legal
8 drinking age, the statutory authority of D.C.
9 Code 25-783 and 25-823, there is no fine and no
10 suspension. This charge is dismissed for each
11 case.

12 CHAIRPERSON ANDERSON: All right.
13 Thank you. All right, Mr. Chen, it is my
14 understanding that there is an offer in
15 compromise and the offer in compromise is that
16 there are two cases and these two cases are the
17 two cases Case Number 19-CC-00134 and Case Number
18 19-CC-00151, that for each case there is a fine
19 of \$3000 for a total fine of \$6000 to be paid
20 within 90 days. If the fine has not been paid
21 within 90 days the license will be suspended
22 until the fine is paid.

23 For Charge Number 2, there is a
24 suspension that the license shall be suspended
25 for ten days for each case for a total of 20 days

1 with eight days to be served, four days per case,
2 and 12 days stayed for one year, six days per
3 case, provided there are no violations in that
4 time.

5 In addition, the establishment will
6 serve five suspension days activated from Case
7 Number 18-CC-00130 for a total of 13 days served.
8 The date of the 13-day suspension shall be
9 Monday, January 4, 2021, through Saturday,
10 January 16, 2021. The licensee's suspension
11 shall be lifted at 8:00 a.m. on Sunday, January
12 17, 2021.

13 Term Number 3, other terms, all
14 employees who serve alcoholic beverages in the
15 licensed establishment shall complete an alcohol
16 training program within three months from the OIC
17 date, which is today's date.

18 Charge Number 3, failure to take
19 reasonable steps necessary to ascertain legal
20 drinking age, there is no fine, there is no
21 suspension, and this charge has been dismissed
22 from each case. So, Mr. Chen --

23 MR. CHEN: Yes?

24 CHAIRPERSON ANDERSON: -- is this your
25 understanding, sir, of the offer in compromise?

1 MR. CHEN: Yes.

2 CHAIRPERSON ANDERSON: Are you aware
3 that by accepting an offer in compromise that you
4 are giving up your right to a hearing?

5 MR. CHEN: Yes.

6 CHAIRPERSON ANDERSON: Are you also
7 aware that by accepting an offer in compromise
8 you are giving up your right to appeal this
9 matter?

10 MR. CHEN: Yes.

11 CHAIRPERSON ANDERSON: With that said,
12 I make a motion that the offer in compromise of a
13 fine for the two cases is a total fine of \$6000
14 to be paid within 90 days. If the fine is not
15 paid within 90 days, the license will be
16 suspended until the fine has been paid.

17 That's term 2, that the license shall
18 be suspended ten days for each case for a total
19 of 20 days with eight days to be served, four
20 days per case, and 12 days stayed for one year,
21 six days per case, provided there are no
22 violations in that time.

23 In addition, the establishment will
24 serve five suspension days activated from Case
25 Number 18-CC-00130 for a total of 13 days served.

1 The date of the 13-day suspension shall be
2 Monday, January 4, 2021, through Saturday,
3 January 16, 2021. The license suspension shall be
4 lifted at 8:00 a.m. on Sunday, January 17, 2021.

5 Term 3, other terms, all employees who
6 serve alcoholic beverages in the licensed
7 established shall complete an alcohol training
8 program within three months from the OIC date.

9 Charge Number 2, failure to take
10 reasonable steps necessary to ascertain legal
11 drinking age, there is no fine, no suspension.
12 This charge has been dismissed in each case.

13 I then make a motion that the OIC be
14 accepted. Is there a second?

15 MEMBER SHORT: Mr. Short. I second.

16 CHAIRPERSON ANDERSON: Mr. Short has
17 seconded the motion. We will now have a roll
18 call vote on the motion that has been properly
19 seconded by Mr. Short. Mr. Cato?

20 MEMBER CATO: Bobby Cato.

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: Yes, Mr. Cato.
23 I apologize.

24 MEMBER CATO: Yes.

25 CHAIRPERSON ANDERSON: Mr. Short?

1 MEMBER SHORT: Mr. Short. I agree.

2 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

3 MEMBER WAHABZADAH: Rema Wahabzadah.

4 I agree.

5 CHAIRPERSON ANDERSON: Ms. Crockett?

6 MEMBER CROCKETT: Rafi Crockett. I

7 agree.

8 CHAIRPERSON ANDERSON: Ms. Hansen?

9 MEMBER HANSEN: Jeni Hansen. I agree.

10 CHAIRPERSON ANDERSON: Mr. Grandis?

11 MEMBER GRANDIS: Ed Grandis. I

12 disagree.

13 CHAIRPERSON ANDERSON: Mr. Anderson.

14 I agree. The matter passes 6-1 with Mr. Grandis
15 in disagreement.

16 Thanks to the parties for agreeing to
17 this OIC today. And as you are aware, Mr. Chen,
18 the terms of the suspension starts yesterday on
19 the 4th and so your business is suspended until
20 it has been lifted.

21 Sir, in COVID, I see that your
22 business is closed for a significant period of
23 time. I will say to you, sir, and I tell this to
24 everyone, that I recommend the Costco model that
25 everyone who comes to your establishment, sir,

1 should be asked to prove their age.

2 It's a District law. No one can
3 refuse to show you ID when they are buying
4 liquor. You see you have to pay a \$6000 fine and
5 I see that your business now is shut down. You
6 will not be able to serve alcohol for 13 days.

7 And especially in COVID, this is a
8 significant fine, sir, but I hope that you
9 utilize the model that everyone who comes to your
10 establishment that before they, no matter what
11 they look like, sir, you need to ask them for ID
12 to make sure that whoever has been sold, if they
13 are 21 years of age, okay.

14 MR. CHEN: Okay. Thank you.

15 CHAIRPERSON ANDERSON: All right.
16 Have a great day. Thank you very much.

17 MR. CHEN: Okay.

18 MS. KRUPKE: Thank you.

19 MR. CHEN: Thank you. So I am good to
20 go?

21 CHAIRPERSON ANDERSON: Yes. Yes, sir,
22 you are free to go. Thank you.

23 MR. CHEN: Thank you.

24 (Whereupon, the above-entitled matter
25 went off the record at 2:51 p.m.)

<p>A</p> <p>a.m 5:24 7:11 9:4 able 11:6 above-entitled 11:24 ABRA 1:24 accepted 9:14 accepting 8:3,7 activated 5:19 7:6 8:24 addition 5:18 7:5 8:23 Additionally 5:11 6:1 address 4:23 age 1:11 6:8 7:20 9:11 11:1,13 agenda 3:9,10 4:8,13 4:19,22 agree 10:1,4,7,9,14 agreed 2:24 5:6 agreeing 10:16 ahead 4:24 alcohol 6:4 7:15 9:7 11:6 alcoholic 1:2,15 6:2 7:14 9:6 ALIYA 1:19 ANC 1:8 Anderson 1:16,18 2:4 2:14,19 3:3,17,20,23 4:1,3 6:12 7:24 8:2,6 8:11 9:16,22,25 10:2 10:5,8,10,13,13 11:15 11:21 ANDREWS 1:24 apologize 9:23 appeal 8:8 ascertain 1:11 6:7 7:19 9:10 asked 11:1 asking 4:10 authority 5:4 6:8 Ave 1:7 aware 4:16 8:2,7 10:17</p>	<p>calling 4:9 camera 3:25 canceled 2:21 case 2:4,5,6,6,8,9 3:4 4:9,12 5:7,13,15,16 5:19 6:11,17,17,18,25 7:1,3,6,22 8:18,20,21 8:24 9:12 cases 1:8 5:7 6:16,16 6:17 8:13 Cato 1:19 9:19,20,20,22 9:24 Cause 1:8 CC-00134 5:8 Chair 4:15 Chairperson 1:15,18 2:4,14,19 3:3,17,20 3:23 4:1,3 6:12 7:24 8:2,6,11 9:16,22,25 10:2,5,8,10,13 11:15 11:21 charge 5:3,6 6:6,10,23 7:18,21 9:9,12 charges 5:2 Chen 1:24 2:3,8,14,16 2:16,16,23 3:2,7,21 3:22,25 4:2 6:13 7:22 7:23 8:1,5,10 10:17 11:14,17,19,23 closed 10:22 Code 5:4 6:9 COLUMBIA 1:1 comes 10:25 11:9 complete 6:3 7:15 9:7 compromise 2:22 6:15 6:15 7:25 8:3,7,12 concerned 4:22 considered 4:18 Control 1:2,15 copy 3:13 correct 2:25 Costco 10:24 COVID 4:7 10:21 11:7 crazy 3:6 Crockett 1:19 10:5,6,6</p>	<p>different 4:6 disagree 10:12 disagreement 10:15 dismissed 6:10 7:21 9:12 District 1:1 11:2 Donovan 1:16,18 drinking 1:11 6:8 7:20 9:11</p> <p>E</p> <p>earlier 4:17 Ed 10:11 EDWARD 1:20 eight 5:14 7:1 8:19 employees 6:2 7:14 9:5 entered 2:22 especially 11:7 established 9:7 establishment 5:18 6:3 7:5,15 8:23 10:25 11:10</p> <p>F</p> <p>Failed 1:10 failure 6:6 7:18 9:9 fine 5:6,10 6:9,18,19,20 6:22 7:20 8:13,13,14 8:16 9:11 11:4,8 five 5:19 7:6 8:24 follows 5:2 four 5:15 7:1 8:19 free 11:22 front 3:14</p>	<p>Jessica 1:25 2:12 JLC 1:6 Joey 1:24 2:16 JR 1:19,21</p> <p>K</p> <p>Krupke 1:25 2:10,12,12 3:1,13,15,18,24 4:24 5:1 11:18</p> <p>L</p> <p>law 11:2 legal 1:11 3:9,10 4:8,13 4:19,22 6:7 7:19 9:10 license 1:7 5:9,12,23 6:21,24 8:15,17 9:3 licensed 6:3 7:15 9:6 Licensee 1:24 licensee's 7:10 lifted 5:24 7:11 9:4 10:20 liquor 1:6 2:18 11:4 little 3:6 4:6 look 11:11</p> <p>M</p> <p>matter 1:5 3:8 8:9 10:14 11:10,24 MEETING 1:3 Member 1:19,19,20,20 1:21,21 9:15,20,24 10:1,3,6,9,11 met 1:15 minor 1:10 5:3 model 10:24 11:9 Monday 5:22 7:9 9:2 months 6:4 7:16 9:8 motion 8:12 9:13,17,18</p>
<p>B</p> <p>behalf 2:12 Beverage 1:2,15 beverages 6:2 7:14 9:6 bit 3:6 4:6 Board 1:2,15 4:15,17 4:18 Bobby 1:19 9:20 business 10:19,22 11:5 buying 11:3</p> <p>C</p> <p>C-H-E-N 2:17 calendar 4:12 call 9:18 called 2:3</p>	<p>D</p> <p>D.C 5:4 6:8 date 5:21 6:5 7:8,17,17 9:1,8 day 11:16 days 5:9,13,13,14,15,15 5:16,19,20 6:20,21,25 6:25 7:1,1,2,2,6,7 8:14,15,18,19,19,20 8:20,21,24,25 11:6 DC 1:24,25 deal 4:12</p>	<p>H</p> <p>Hansen 1:20 10:8,9,9 hearing 1:8 2:21 8:4 hold 2:5,6 hope 11:8</p> <p>I</p> <p>ID 11:3,11 identify 2:11,15</p> <p>J</p> <p>J-O-E-Y 2:16 JAMES 1:21 January 1:13 5:22,23 5:24 7:9,10,11 9:2,3,4 Jeni 1:20 10:9</p>	<p>N</p> <p>name 2:3,17 necessary 1:11 6:7 7:19 9:10 need 11:11 Number 2:7 5:20 6:17 6:17,23 7:7,13,18 8:25 9:9 NW 1:7</p> <p>O</p> <p>OAG 1:25 offer 2:22 6:14,15 7:25 8:3,7,12 OIC 2:24 3:12,14 4:4,7 4:11,16,16,21,25 6:5 7:16 9:8,13 10:17 once 4:13 online 4:10</p>

owner 2:17	11:8,11,21	10:3,3	6
P	six 5:16 7:2 8:21	WebEx 1:15	6 1:13
P-R-O-C-E-E-D-I-N-G-S	sold 11:12	Wednesday 1:13	6-1 10:14
2:1	somewhat 3:5 4:6	went 11:25	6000 5:8 6:19 8:13 11:4
p.m 2:2 11:25	speaking 9:21	Wine 1:6 2:17	7
paid 5:9,10 6:19,20,22	Staff 1:24	Wisconsin 1:7	8
8:14,15,16	start 4:5	writing 4:18	8:00 5:24 7:11 9:4
parties 2:22 3:11,12	starts 10:18	X	823 5:5
4:10,20,21 10:16	state 4:21	Y	9
passes 10:14	Status 1:8	year 5:16 7:2 8:20	90 5:9 6:20,21 8:14,15
pay 11:4	statutory 5:4 6:8	years 11:13	93813 1:7
period 10:22	stayed 5:15 7:2 8:20	yesterday 10:18	
please 2:10,11,15 3:20	steps 1:10 6:7 7:19	Z	
3:24 4:4	9:10	0	
PRESENT 1:17,23	Sunday 5:24 7:11 9:4	1	
presented 4:7,17	suspended 5:10,12	12 5:15 7:2 8:20	
presiding 1:16	6:21,24 8:16,18 10:19	13 5:20 7:7 8:25 11:6	
program 6:4 7:16 9:8	suspension 5:12,19,21	13-day 5:21 7:8 9:1	
properly 9:18	5:23 6:10,24 7:6,8,10	1326 1:7	
prove 11:1	7:21 8:24 9:1,3,11	16 5:23 7:10 9:3	
provided 5:17 7:3 8:21	10:18	17 5:25 7:12 9:4	
pull 3:15	T	18-CC-00130 5:20 7:7	
Q	t/a 1:6	8:25	
R	tell 10:23	19- 5:7	
Rafi 1:19 10:6	ten 5:13 6:25 8:18	19-CC-00134 1:8 2:7	
read 3:9,18 4:4,8	term 5:11 6:1 7:13 8:17	6:17	
reasonable 6:7 7:19	9:5	19-CC-00151 1:9 2:7	
9:10	terms 3:11 4:4,25 5:2	5:8 6:18	
recommend 10:24	7:13 9:5 10:18	2	
record 2:11,15 11:25	Thank 2:20 6:13 11:14	2 6:6,23 8:17 9:9	
refuse 11:3	11:16,18,19,22,23	2:39 2:2	
Rema 1:21 10:3	Thanks 10:16	2:51 11:25	
represents 5:14,16	three 6:4 7:16 9:8	20 5:13 6:25 8:19	
Retailer 1:8	today 3:9 4:8,14,17,19	2021 1:13 5:22,23,25	
review 4:11	10:17	7:9,10,12 9:2,3,4	
roll 9:17	today's 7:17	21 11:13	
S	total 5:1,8,13,20 6:19	25- 5:4	
S 1:20	6:25 7:7 8:13,18,25	25-781 5:4	
sale 1:10 5:3	Towne 1:6 2:17	25-783 6:9	
Saturday 5:22 7:9 9:2	training 6:4 7:16 9:7	25-823 6:9	
second 9:14,15	8:13	2E 1:8	
seconded 9:17,19	U	3	
serve 5:19 6:2 7:6,14	understanding 4:5 6:14	3 7:13,18 9:5	
8:24 9:6 11:6	7:25	3000 5:7 6:19	
served 5:14,20 7:1,7	utilize 11:9	4	
8:19,25	V	4 5:22 7:9 9:2	
Short 1:21 9:15,15,16	videoconference 1:15	4th 10:19	
9:19,25 10:1,1	Violation 1:10	5	
show 1:8 11:3	violations 5:17 7:3 8:22		
shut 11:5	vote 9:18		
significant 10:22 11:8	W		
SIMONE 1:24	W 1:16,18		
Simultaneous 9:21	Wahabzadah 1:21 10:2		
sir 4:1 7:25 10:21,23,25			

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Towne Wine

Before: DCABRA

Date: 01-06-21

Place: teleconference

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