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

2 10:49 a.m.

3 CHAIRPERSON ANDERSON: Good morning
4 everyone. As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia, in accordance with DC Code Section 2576
7 of the Open Meetings Act, I am welcoming you to
8 the regular scheduled meeting of the Alcoholic
9 Beverage Control Board.

10 This meeting is being conducted
11 pursuant to guidance made available by the
12 District of Columbia's Office of Open Government
13 regarding electronic meetings held by public
14 bodies during the public health emergency.

15 Pursuant to this guidance, notice of
16 today's meetings was provided 48 hours in advance
17 of the meeting on ABRA's website and on the
18 District's Central Meeting Calendar. The notice
19 included a time, date, agenda, and call in or log
20 in information for public participation.

21 This electronic meeting is being
22 hosted by a Webex account provided by the
23 District of Columbia government. Please address
24 any questions or complaints to the OOG at
25 opengovoffice@dc.gov.

1 My name is Donovan Anderson, and I'm
2 Chairman of the Board. I would like to introduce
3 the other members of the ABC Board who are also
4 participating electronically pursuant to the
5 Mayor's Order 2020.054.

6 Please respond when I announce your
7 name. Mr. Bobby Cato?

8 MEMBER CATO: Bobby Cato, present.

9 CHAIRPERSON ANDERSON: Ms. Rafi
10 Crockett?

11 MEMBER CROCKETT: Rafi Crockett,
12 present.

13 CHAIRPERSON ANDERSON: Ms. Jeni
14 Hansen?

15 MEMBER HANSEN: Jeni Hansen, present.

16 CHAIRPERSON ANDERSON: Mr. Edward
17 Grandis?

18 MEMBER GRANDIS: Edward Grandis,
19 present.

20 CHAIRPERSON ANDERSON: The Board has
21 five members in attendance for the conduct of
22 business today. And that constitutes a quorum.

23 Before we get underway with today's
24 hearing calendar, I need to make a few
25 instructions very clear so that the conduct of

1 these hearings is understood by everyone.

2 There are approximately seven cases
3 scheduled for today. Once your case is called, I
4 will take a moment for IT specialists to elevate
5 your rights for each party to enable their camera
6 and microphone.

7 Then and only then will you have the
8 ability to enable your equipment. If your case
9 has not been heard, you will remain mute and your
10 camera will be disabled.

11 At the conclusion of each case, the
12 parties will have the option to leave. If a
13 party chooses to stay, all cameras and
14 microphones for the concluded case will be
15 disabled.

16 Should you have any questions or
17 require technical assistance during the hearing,
18 please submit them using the question and answer
19 feature, or email Simone.Andrews@dc.gov.

20 Our first order of business today is
21 Case Number 20-CC-00070, West End Market,
22 License Number 90448. Ms. Andrews, can you
23 please elevate the rights of the parties, please?

24 MS. ANDREWS: Sure. Standby. Mr.
25 Lui, your rights have been elevated. Mr. Eun,

1 your rights have been elevated.

2 That's all, Mr. Chair.

3 CHAIRPERSON ANDERSON: I was told that
4 there is a -- that there's an interpreter for, I
5 think, Mr. Eun. So, is the interpreter on the
6 line?

7 MS. ANDREWS: Yes.

8 CHAIRPERSON ANDERSON: And who is the
9 interpreter?

10 INTERPRETER: My name is Corus Lee.

11 CHAIRPERSON ANDERSON: All right. Are
12 you with, are you with the Licensee?

13 INTERPRETER: Yes.

14 CHAIRPERSON ANDERSON: All right.
15 Hold on, please. Hold on. All right. What
16 language is this, Ms. Lee?

17 INTERPRETER: Korean.

18 CHAIRPERSON ANDERSON: Can you raise
19 your right hand, please?

20 INTERPRETER: What?

21 CHAIRPERSON ANDERSON: Can you raise
22 your right hand, please, ma'am?

23 Do you swear or affirm to faithfully
24 translate these proceedings from English into
25 Korean and from Korean to English to the best of

1 your abilities?

2 INTERPRETER: Yes.

3 CHAIRPERSON ANDERSON: All right.

4 Thank you. Let me have the parties introduce
5 themselves. I'll start with the Government.

6 MR. LUI: Good morning Board Members.

7 My name is John Lui on behalf of the Government.

8 That's J-O-H-N L-U-I.

9 CHAIRPERSON ANDERSON: Good morning

10 Mr. Lui. Let's have the Licensee introduce
11 himself for the record.

12 (Translating)

13 MR. LUI: I'm Hwan Pio Eun, H-W-A-N
14 P-I-O E-U-N.

15 CHAIRPERSON ANDERSON: Can you
16 pronounce it -- ask him to pronounce it one more
17 time for me, please?

18 MR. EUN: Okay. H-W-A-N P-I-O E-U-
19 N.

20 INTERPRETER: Okay. Now pronounce it.

21 MR. EUN: Generally only two years.

22 INTERPRETER: No, no.

23 MR. EUN: Hwan Pio Eun. My name Hwan
24 Pio Eun.

25 CHAIRPERSON ANDERSON: Thank you very

1 much, sir.

2 MR. EUN: Yes.

3 CHAIRPERSON ANDERSON: All right.

4 This is a show cause hearing status. Are there
5 any preliminary matters in this case?

6 MR. LUI: Yes, there is, Mr.

7 Chairperson.

8 CHAIRPERSON ANDERSON: And what's the
9 preliminary matter?

10 MR. LUI: There is an offer in
11 compromise to present to the Board.

12 CHAIRPERSON ANDERSON: Ma'am, can you
13 -- I need you to, if you're translating, I need
14 you to translate everything that's been said,
15 ma'am.

16 INTERPRETER: Okay.

17 (Translating)

18 CHAIRPERSON ANDERSON: All right. So,
19 what's the -- what's the preliminary matter?

20 MR. LUI: There is an offer in
21 compromise to present to the Board.

22 CHAIRPERSON ANDERSON: Okay. And what
23 is that?

24 MR. LUI: Mr. Chairperson, there are
25 three terms, three charges and for the first

1 charge, it is a sale minor violation.

2 (Translation)

3 MR. EUN: Yes.

4 MR. LUI: The offer in compromise for
5 this charge is a \$3,000 fine, made payable within
6 60 days, or its license shall be suspended
7 indefinitely until the fine is paid.

8 (Translation)

9 MR. EUN: Okay. Yeah.

10 INTERPRETER: He understands.

11 MR. LUI: And also, the license shall
12 be suspended for ten days with four days to be
13 served, and six days stayed for one year.

14 INTERPRETER: I don't understand.

15 MR. LUI: I'll explain again.

16 INTERPRETER: Yes.

17 MR. LUI: This second term, it's a --
18 it's a suspension for ten days.

19 INTERPRETER: Um-hum.

20 MR. LUI: I mean, it's a ten day
21 period. Four days will be served as in he'll
22 need -- he's license will be suspended for four
23 days.

24 The other six days are stayed.

25 Meaning they're on hold for one year.

1 (Translating)

2 INTERPRETER: Okay.

3 CHAIRPERSON ANDERSON: Go ahead. I'm
4 waiting. Yeah.

5 MR. LUI: Oh, okay. Did the Licensee
6 understand that term? Did --

7 MR. EUN: Yes.

8 INTERPRETER: Yes, he's -- yes.

9 MR. LUI: Okay. And the next term is,
10 all employees who serve alcoholic beverages in
11 the licensed establishment, complete an alcohol
12 training program within three months from the
13 OIC's date.

14 (Translating)

15 INTERPRETER: Okay.

16 MR. EUN: Yes.

17 MR. LUI: So, in other words, if the
18 Board accepts today's OIC, your employees must
19 complete an alcohol training program within three
20 months from today's day.

21 (Translating)

22 MR. EUN: Yes.

23 MR. LUI: Okay. And now, for Charge
24 Two, failed to take reasonable steps. The charge
25 is, failed to take reasonable steps necessary to

1 ascertain the legal drinking age.

2 (Translating)

3 MR. EUN: Okay.

4 MR. LUI: Okay. The offer in
5 compromise is a warning for this charge.

6 MR. EUN: Yes.

7 (Translating)

8 MR. EUN: Okay.

9 MR. LUI: Okay. And for the third and
10 final charge, interfered with an investigation.
11 The offer in compromise is a \$2,000 fine made
12 payable within 60 days, or its license shall be
13 suspended indefinitely until the fine is paid.

14 (Translating)

15 MR. EUN: Okay.

16 INTERPRETER: He understands.

17 MR. LUI: Those are the terms -- okay.

18 Mr. Chairperson, those are the terms of the OIC.

19 Thank you.

20 MR. EUN: Thank you.

21 INTERPRETER: And then -- and then he
22 can keep the, his license? This is what he
23 wants.

24 CHAIRPERSON ANDERSON: Hold on. Hold
25 on one minute, please.

1 (Translating)

2 MR. EUN: Okay.

3 CHAIRPERSON ANDERSON: Mr. Lui, you
4 didn't tell us what the date is. You said that
5 there was a ten day suspension, four days served,
6 six days stayed.

7 You didn't tell us what the four days
8 were that would be served.

9 INTERPRETER: Four days is -- four
10 days served, what is four days served, because
11 you said the six days closed.

12 Can you tell when make that time? He
13 said, the four days that are closed, and the six
14 days, what is it? He is saying, so.

15 MR. EUN: Okay, yeah.

16 CHAIRPERSON ANDERSON: Okay. So, what
17 are the four days? I wasn't aware -- you didn't
18 tell us what the four days were, sir.

19 INTERPRETER: Four days is far too

20 --

21 CHAIRPERSON ANDERSON: Ma'am, hold on,
22 please. I'm talking to the Government, now.

23 (Translating)

24 CHAIRPERSON ANDERSON: You know what?
25 I need to go off -- I need to, I need to go

1 offline. So, I'm going to -- I'm going to -- I'm
2 going to do something. And then I need you while
3 -- because, yeah.

4 So, what I'm going to do is that I'm
5 going to discuss this case with the Board. So, I
6 need to go offline.

7 While I go offline, then you can
8 discuss with the Licensee what the four days are.
9 Okay?

10 MR. EUN: Thank you. Thank you.

11 CHAIRPERSON ANDERSON: So, before we
12 go off -- hold on a minute, please. As
13 Chairperson of the Alcoholic Beverage Control
14 Board for the District of Columbia, in accordance
15 with DC Official Code Section 2574(b) of the Open
16 Meetings Act, I move that the ABC Board hold a
17 closed meeting for the purpose of seeking legal
18 advice from our counsel on Case Number 20-CC-
19 00070, West End Market, pursuant to DC Office
20 Code Section 2574(b)(4) of the Open Meetings Act,
21 and deliberate upon Case Number 20-CC-00070 West
22 End Market for the reasons cited in DC Official
23 Code Section 2574(b)(13) of the Open Meetings
24 Act.

25 Is there a second?

1 MEMBER CROCKETT: Ms. Crockett
2 seconds.

3 CHAIRPERSON ANDERSON: Ms. Crockett
4 has seconded the motion. I will now take a roll
5 call vote on the motion that's now been seconded
6 by Ms. Crockett.

7 Mr. Cato?

8 MEMBER CATO: Bobby Cato, I agree.

9 CHAIRPERSON ANDERSON: Ms. Crockett?

10 MEMBER CROCKETT: Rafi Crockett, I
11 agree.

12 CHAIRPERSON ANDERSON: Ms. Hansen?

13 MEMBER HANSEN: Jeni Hansen, I agree.

14 CHAIRPERSON ANDERSON: Mr. Grandis?

15 MEMBER GRANDIS: Edward Grandis, I
16 agree.

17 CHAIRPERSON ANDERSON: And Mr.
18 Anderson, I agree. The matter passes five, zero,
19 zero.

20 We're going to be -- we're going to re
21 -- we're going to be in recess. So, I'm
22 therefore asking the parties, I'm asking the
23 Board to go back into executive session.

24 And when we come back, Mr. Lui, you
25 can discuss with the Licensee what the days are

1 that will be presented. Okay?

2 So, we're in recess for, I believe,
3 that we should be -- this should not take more
4 ten minutes.

5 We're in recess for ten minutes. And
6 no one, everyone should stay on the line. The
7 Board is now going to go into executive session.
8 And we should come back in about ten minutes.
9 Okay?

10 All right. Thank you.

11 (Whereupon, the above-entitled matter
12 went off the record at 11:04 a.m. and
13 resumed at 11:21 a.m.)

14 CHAIRPERSON ANDERSON: All right.
15 We're back on the record. All right, Mr. Lui,
16 you just need to provide us the dates that --
17 that you've negotiated with the Licensee.

18 MR. LUI: Yes, Mr. Chairperson. We
19 have discussed outline, and the days that are to
20 be served, June 1, June 2, June 3, and then June
21 4.

22 CHAIRPERSON ANDERSON: All right. So,
23 --

24 MR. LUI: And to be clear, of this
25 year. Of 2021.

1 CHAIRPERSON ANDERSON: So, Mr. Lui,
2 just to have a clear record, what is the offer in
3 compromise?

4 Let's -- let's start over. What is
5 the offer in compromise that you have agreed with
6 the parties?

7 That you have discussed with the
8 applicant? The Licensee, I'm sorry.

9 MR. LUI: Certainly. For Charge One,
10 and it's a sale to minor. It is a \$3,000 fine,
11 payable within 60 days, or its license shall be
12 suspended indefinitely until this fine is paid.

13 In addition, the license shall be
14 suspended for ten days, with four days to be
15 served on June 1, June 2, June 3, and June 4 of
16 2021, and six days of the suspension to be stayed
17 for one year.

18 And all employees who serve alcoholic
19 beverages in the licensed establishment complete
20 an alcohol training program within three months
21 from the OIC's date.

22 And then as to Charge Two, fail to
23 take reasonable steps necessary to ascertain the
24 legal drinking age, the OIC term is a warning.

25 And for the third charge, interfered

1 with an investigation, the OIC term is a \$2,000
2 fine payable within 60 days, or its license shall
3 be suspended indefinitely until the fine is paid.

4 (Translating)

5 CHAIRPERSON ANDERSON: All right. I
6 was waiting, because it appears the Interpreter
7 was writing things down.

8 So, that's one of the reasons why I
9 was waiting was to give them time to finish.

10 INTERPRETER: Oh, I'm sorry.

11 CHAIRPERSON ANDERSON: All right.

12 Okay, I need you, ma'am, to translate everything
13 that I'm going to say to him now. Okay?

14 INTERPRETER: Um-hum. Okay.

15 CHAIRPERSON ANDERSON: All right.

16 INTERPRETER: Okay.

17 CHAIRPERSON ANDERSON: It is my
18 understanding that there is an offer in
19 compromise.

20 (Translating)

21 INTERPRETER: Okay.

22 CHAIRPERSON ANDERSON: The offer in
23 compromise is for Charge One, there is a fine of
24 \$3,000 payable in 60 days.

25 (Translating)

1 INTERPRETER: Okay.

2 CHAIRPERSON ANDERSON: That the
3 license will be suspended for ten days, four days
4 served, and six days stayed for one year.

5 (Translating)

6 INTERPRETER: Okay.

7 CHAIRPERSON ANDERSON: The four days
8 that the Licensee cannot sale alcohol, is June 1,
9 June 2, June 3, June 4, 2021.

10 (Translating)

11 INTERPRETER: Okay.

12 CHAIRPERSON ANDERSON: That all
13 employees who sell alcohol will undergo training
14 within the next 60 -- within the next -- within
15 90 days.

16 (Translating)

17 INTERPRETER: Yes. July 19 we will
18 schedule.

19 CHAIRPERSON ANDERSON: I need you to
20 translate to him, ma'am.

21 INTERPRETER: Yeah.

22 (Translating)

23 INTERPRETER: Okay.

24 CHAIRPERSON ANDERSON: Charge Two,
25 you'll be issued a warning.

1 (Translating)

2 INTERPRETER: Okay.

3 CHAIRPERSON ANDERSON: Charge Three
4 there is a fine of \$2,000 to be paid within 60
5 days, or the license will be suspended if the
6 fine has not been paid.

7 (Translating)

8 INTERPRETER: Okay.

9 CHAIRPERSON ANDERSON: Is -- does he
10 under -- is the offer that he agreed to with the
11 Government?

12 (Translating)

13 MR. EUN: Okay.

14 INTERPRETER: Okay.

15 CHAIRPERSON ANDERSON: All right. Is
16 he aware, are you aware that by accepting an
17 offer in compromise that you're giving up your
18 right to a hearing?

19 (Translating)

20 MR. EUN: Okay.

21 CHAIRPERSON ANDERSON: And are you
22 aware that by offer -- accepting an offer in
23 compromise that you're giving up your right to
24 appeal this matter?

25 (Translating)

1 MR. EUN: Yes.

2 CHAIRPERSON ANDERSON: All right. I
3 then make a motion that the Board accept the
4 offer in compromise.

5 Is there a second?

6 MEMBER GRANDIS: Ed Grandis second.

7 MEMBER CROCKETT: Ms. Crockett
8 seconds.

9 CHAIRPERSON ANDERSON: Ms. Crockett
10 has seconded the motion.

11 (Translating)

12 MR. EUN: Okay.

13 CHAIRPERSON ANDERSON: I will then
14 have a -- I'm going to now have a roll call vote.
15 Mr. Cato?

16 MEMBER CATO: Bobby Cato, I agree.

17 CHAIRPERSON ANDERSON: Ms. Crockett?

18 MEMBER CROCKETT: Rafi Crockett, I
19 agree.

20 CHAIRPERSON ANDERSON: Ms. Hansen?

21 MEMBER HANSEN: Jeni Hansen, I agree.

22 CHAIRPERSON ANDERSON: Mr. Grandis?

23 MEMBER GRANDIS: Edward Grandis, I
24 agree.

25 CHAIRPERSON ANDERSON: And Mr.

1 Anderson, I agree. The matter passes five, zero,
2 zero.

3 All right. So, the Board accepted the
4 offer. So, there is a \$5,000 fine that must be
5 paid within 60 days. And the establishment
6 cannot sell alcohol June 1, June 2, June 3, June
7 4, 2021.

8 Is everyone clear?

9 (Translating)

10 MR. EUN: Okay.

11 CHAIRPERSON ANDERSON: All right.

12 Thank you very much. Have a good day.

13 MR. EUN: Thank you.

14 INTERPRETER: Okay.

15 MR. EUN: Thank you.

16 CHAIRMAN ANDERSON: All right, bye-
17 bye.

18 INTERPRETER: Thank you.

19 (Whereupon, the above-entitled matter
20 went off the record at 11:32 a.m.)
21
22
23
24
25

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In the matter of: West End Market

Before: DC ABRA

Date: 05-19-21

Place: teleconference

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