

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

2 11:01 a.m.

3 CHAIRPERSON ANDERSON: All right, I
4 went out of order so let me call this other case
5 that I had missed. First, the next case is case
6 number 21-PRO-00051, 9 & P Street Liquor, license
7 number 101095. Ms. Andrews, can you please
8 elevate the parties for 9 & P Street Liquor,
9 please?

10 MS. ANDREWS: Sure, stand by.
11 (Pause.) Mr. Lee, your rights have been
12 elevated. (Pause.) Mr. Romanowski, your rights
13 have been elevated. (Pause.) That's all, Mr.
14 Chair.

15 CHAIRPERSON ANDERSON: All right,
16 thank you. (Pause.) All right, let's have the
17 parties introduce themselves for the record.
18 Let's start with the representative of the
19 Licensee.

20 MR. LEE: Good morning, Board members.
21 My name is Kyung Hwan Lee K-Y-U-N-G H-W-A-N L-E-E
22 representing 9 & P Street Liquor.

23 CHAIRPERSON ANDERSON: Good morning,
24 Mr. Lee.

25 MR. LEE: Good morning.

1 CHAIRPERSON ANDERSON: Mr. Romanowski,
2 can you please spell and state your name for the
3 record, please? If you have a camera, can you
4 turn your camera on; if not, unmute your mic and
5 speak, sir.

6 MR. ROMANOWSKI: Yeah and can you
7 promote also Commissioner Ian Simon. He should
8 be here.

9 CHAIRPERSON ANDERSON: Commissioner
10 whom?

11 MR. ROMANOWSKI: Ian Simon. He should
12 be here.

13 CHAIRPERSON ANDERSON: Ms. Andrews, do
14 you see a Mr. Simon on the line?

15 MS. ANDREWS: Yes. Stand by.

16 CHAIRPERSON ANDERSON: Thank you.

17 MS. ANDREWS: Mr. Simons, your rights
18 have been elevated.

19 MR. ROMANOWSKI: And I'm Commissioner
20 Brian Romanowski from ANC 2F01 in Logan Circle.

21 CHAIRPERSON ANDERSON: Can you please
22 spell your name, sir?

23 MR. ROMANOWSKI: Yep, it's Brian B-R-
24 I-A-N and the last name is Romanowski R-O-M-A-N-
25 O-W-S-K-I.

1 CHAIRPERSON ANDERSON: Thank you. Mr.
2 Simon, can you please spell and state your name
3 for the record, please?

4 MR. SIMON: Yes, it's Ian Simon, I-A-N
5 S-I-M-O-N.

6 CHAIRPERSON ANDERSON: And who are
7 you, sir?

8 MR. SIMON: Yes, ANC 2406.

9 CHAIRPERSON ANDERSON: Thank you.
10 Good morning. All right. Are there any
11 preliminary matters in this case that need to be
12 brought to the attention of the Board?

13 MR. LEE: So, actually we had a
14 mediation and we tried to negotiate a settlement
15 agreement possibly. So, I'm just waiting for Mr.
16 Ian Simon to draft that and any suggestions from
17 them.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you. Mr. Simon and Mr. Romanowski--Mr.
20 Simon, I'm sorry, are there preliminary matters
21 that you need to bring to the attention of the
22 Board?

23 MR. SIMON: Yes during the mediation,
24 we had decided that Mr. Lee and the Licensee
25 would present ANC with an updated security plan

1 to be inserted into a revised settlement
2 agreement. We have yet to receive any
3 information from the Licensee or Mr. Lee.

4 CHAIRPERSON ANDERSON: All right,
5 okay. So, Mr. Lee, it's my understanding so it
6 appears that the ANC is waiting for some response
7 from you so the Board does not need to be
8 involved in the negotiations themselves, but I
9 was told that that's an issue, so Mr. Lee, as
10 soon as you reply to the ANC maybe this matter
11 will go away.

12 MR. LEE: Yes, sir.

13 CHAIRPERSON ANDERSON: All right,
14 okay, then this matter will be scheduled for--if
15 the matter is not settled, it will be scheduled
16 for a Protest Hearing on September 23rd, 2021, at
17 10:00 a.m., all right?

18 MR. LEE: Yeah.

19 CHAIRPERSON ANDERSON: All right. Now
20 that we've scheduled this matter for a Protest
21 Hearing, there are a few things that I would like
22 to instruct you about because the Board's
23 practices under the Public Emergency have
24 changed.

25 As you know, the Board's hearings are

1 conducted virtually so it is more important than
2 ever that the Protest Hearings are focused and
3 address only those issues that are being
4 protested.

5 Following this hearing, you will
6 receive an e-mail from Assistant General Counsel,
7 April Randall, that will include a copy of the
8 protest information form and a copy of an exhibit
9 form as well as specific instructions for the
10 hearing.

11 You are required to complete and
12 submit the protest information form and the
13 exhibit form at least seven days before the date
14 of the hearing. If we do not receive a copy of
15 your forms seven days before the hearing, your
16 application or your protest may be subject to
17 dismissal. These documents not only need to be
18 submitted to ABRA.Legal.DC.Gov but to the
19 opposing parties as well.

20 Please know that these documents
21 greatly assist the Board in narrowing the protest
22 issues facilitating the process and keeping the
23 parties on point during the hearing. Number
24 three, each side is limited to no more than five
25 witnesses and you will only have 60 minutes to

1 present your case. This includes all direct and
2 cross examination of witnesses.

3 The Board does not intend to hear
4 testimony on matters that are not relevant to
5 those issues that are being protested, nor will
6 the Board tolerate repetitive testimony. Are
7 there any questions? (Pause.)

8 MR. LEE: No, no, sir.

9 CHAIRPERSON ANDERSON: We thank you
10 greatly for (Simultaneous speaking.) I'm sorry.
11 I apologize, Mr. Simon, all right.

12 All right, we thank you greatly for
13 your cooperation. If you have any questions at
14 any time leading up to the hearing, please do not
15 hesitate to contact Assistant General Counsel
16 April Randall at 202-329-6354 or contact her by
17 e-mail at April.Randall2@DC.Gov.

18 Mr. Simon, just a point of
19 clarification. You have stated that you asked
20 Mr. Lee to provide you with an updated security
21 plan, is that what you're stating, sir?

22 MR. SIMON: Yes, sir. During the
23 mediation there was an agreement that Mr. Lee and
24 the Licensee would investigate additional
25 security measures that they were willing to take

1 to solve the issues at hand and that they would
2 present it to myself this week and from there we
3 would vet the plan and if it seems like it would
4 solve the issues, would become part of a revised
5 settlement agreement and we would resolve this
6 issue.

7 CHAIRPERSON ANDERSON: Just as an FYI,
8 the Board normally if a security plan is
9 presented, the Board will review the security
10 plan to see if it's legally sufficient.

11 What I would suggest is that maybe you
12 guys can agree that there would be a security
13 plan and generally what should be in the security
14 plan and then the Board would review a security
15 plan to see if it's legally sufficient, rather
16 than for you to state if it's legally sufficient.

17 I would just suggest that you can
18 state the parties can agree what should be in a
19 security plan, what is important to you that
20 should be in the security plan, but the Board,
21 the Agency, is the one who determines if the
22 security plan is legally sufficient. Can that
23 bring some clarification to where you are with
24 the security plan?

25 MR. SIMON: Mr. Anderson, that sounds

1 fine to me. I did not mean to imply that we
2 would determine what is legally allowable for a
3 security plan. I simply meant we wanted to see a
4 revised security plan that the community would
5 have a feeling would provide additional safety to
6 the area.

7 Of course, the Board has approval and
8 would vet that for its legal validity. I just
9 simply meant that the community wanted to engage
10 with the Licensee around additional or revised
11 security measures to provide more safety in and
12 around their establishment.

13 CHAIRPERSON ANDERSON: Yeah, that's
14 fine, sir. I didn't take it that you thought you
15 were going to make

16 MR. SIMON: Okay.

17 CHAIRPERSON ANDERSON: The legal, all
18 I'm trying to do is to make this easier for the
19 parties. So I'm just saying that let us do the
20 heavy work. If you guys agree on a security plan
21 so you can state what you believe should be in a
22 security plan and the Agency would do the heavy
23 work to make sure that's legally sufficient.

24 Okay?

25 MR. SIMON: Sounds great.

1 CHAIRPERSON ANDERSON: All right. So,
2 Mr. Lee, do you have anything you want to say,
3 sir?

4 MR. LEE: Actually just for
5 clarification, oh okay, I will follow up with Mr.
6 Simon later on by e-mail and you said that the
7 security plan and the plan just to apply for a C
8 license, not the A license.

9 CHAIRPERSON ANDERSON: Mr. Lee? Mr.
10 Lee, the Board does not get involved in
11 (Simultaneous speaking.) settlement agreements.

12 MR. LEE: Yes, I understand that.

13 CHAIRPERSON ANDERSON: However, the
14 parties can determine what it is that they want
15 to occur. So if the other side is saying that
16 they want a security plan, that's a matter of you
17 negotiating -

18 MR. LEE: Yeah.

19 CHAIRPERSON ANDERSON: With them, yes
20 or no. If the parties aren't able to agree, then
21 we'll go to a hearing.

22 MR. LEE: Yeah.

23 CHAIRPERSON ANDERSON: But I'm just
24 stating that's up to the parties to negotiate
25 what it is that they want, if they're going to

1 settle the case. (Simultaneous speaking.)

2 MR. LEE: Yeah, I totally understand
3 it.

4 CHAIRPERSON ANDERSON: Right if the
5 parties can't agree, then we'll have a hearing.

6 MR. LEE: Yeah.

7 CHAIRPERSON ANDERSON: All right?

8 MR. LEE: Yeah.

9 CHAIRPERSON ANDERSON: But

10 MR. LEE: So I'll just follow up with
11 Mr. Simon later on by e-mail.

12 CHAIRPERSON ANDERSON: All right.

13 MR. LEE: Yeah.

14 CHAIRPERSON ANDERSON: Fine.

15 MR. LEE: Thank you.

16 CHAIRPERSON ANDERSON: Have a great
17 summer. I hope that the parties are able to
18 settle this matter. If you're unable to settle
19 it, then we will see you at a Protest Hearing,
20 again, the Protest Hearing is scheduled for
21 September 23rd, 2021, at 10:00 a.m. Have a great
22 day. Thank you very much.

23 MR. LEE: Thank you very much.

24 CHAIRPERSON ANDERSON: All right then,
25 bye-bye.

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MR. LEE: Bye now.

(Whereupon, the above-entitled matter
went off the record at 11:11 a.m.)

A	C	F	K-Y-U-N-G
<p>a.m 2:2 5:17 11:21 12:3 able 10:20 11:17 above-entitled 12:2 ABRA 1:22 ABRA.Legal.DC.Gov 6:18 additional 7:24 9:5,10 address 6:3 Agency 8:21 9:22 agree 8:12,18 9:20 10:20 11:5 agreement 4:15 5:2 7:23 8:5 agreements 10:11 Alcoholic 1:2,13 ALIYA 1:18 allowable 9:2 ANC 1:8,24,25 3:20 4:8 4:25 5:6,10 Anderson 1:14,17 2:3 2:15,23 3:1,9,13,16 3:21 4:1,6,9,18 5:4,13 5:19 7:9 8:7,25 9:13 9:17 10:1,9,13,19,23 11:4,7,9,12,14,16,24 Andrews 1:22 2:7,10 3:13,15,17 apologize 7:11 appears 5:6 application 1:9 6:16 apply 10:7 approval 9:7 April 6:7 7:16 April.Randall2@DC.... 7:17 area 9:6 asked 7:19 assist 6:21 Assistant 6:6 7:15 attention 4:12,21 August 1:12</p>	<p>C 10:7 call 2:4 camera 3:3,4 case 1:8 2:4,5,5 4:11 7:1 11:1 CATO 1:17 Chair 2:14 Chairperson 1:14,17 2:3,15,23 3:1,9,13,16 3:21 4:1,6,9,18 5:4,13 5:19 7:9 8:7 9:13,17 10:1,9,13,19,23 11:4 11:7,9,12,14,16,24 changed 5:24 Circle 3:20 clarification 7:19 8:23 10:5 COLUMBIA 1:1 Commissioner 3:7,9,19 community 9:4,9 complete 6:11 conducted 6:1 contact 7:15,16 Control 1:2,13 cooperation 7:13 copy 6:7,8,14 Counsel 1:23 6:6 7:15 course 9:7 CROCKETT 1:18 cross 7:2</p>	<p>exhibit 6:8,13</p> <p>F</p> <p>facilitating 6:22 feeling 9:5 fine 9:1,14 11:14 First 2:5 five 6:24 focused 6:2 follow 10:5 11:10 Following 6:5 for--if 5:14 form 6:8,9,12,13 forms 6:15 FYI 8:7</p>	<p>keeping 6:22 Kyung 2:21 KYUNGHWAN 1:23</p>
<p>B</p> <p>B-R- 3:23 believe 9:21 Beverage 1:2,13 Board 1:2,13 2:20 4:12 4:22 5:7 6:21 7:3,6 8:8,9,14,20 9:7 10:10 Board's 5:22,25 BOBBY 1:17 Brian 1:24 3:20,23 bring 4:21 8:23 brought 4:12 Bye 12:1 bye-bye 11:25</p>	<p>D</p> <p>date 6:13 day 11:22 days 6:13,15 DC 1:22 decided 4:24 determine 9:2 10:14 determines 8:21 direct 7:1 dismissal 6:17 DISTRICT 1:1 documents 6:17,20 Donovan 1:14,17 draft 4:16</p> <p>E</p> <p>e-mail 6:6 7:17 10:6 11:11 easier 9:18 EDWARD 1:18 elevate 2:8 elevated 2:12,13 3:18 Emergency 5:23 engage 9:9 establishment 9:12 examination 7:2</p>	<p>G</p> <p>General 6:6 7:15 generally 8:13 GRANDIS 1:18 greatly 6:21 7:10,12</p> <p>H</p> <p>H-W-A-N 2:21 hand 8:1 hear 7:3 hearing 1:7 5:16,21 6:5 6:10,14,15,23 7:14 10:21 11:5,19,20 hearings 5:25 6:2 heavy 9:20,22 hesitate 7:15 hope 11:17 Hwan 2:21</p>	<p>L</p> <p>L-E-E 2:21 leading 7:14 Lee 1:23 2:11,20,21,24 2:25 4:13,24 5:3,5,9 5:12,18 7:8,20,23 10:2,4,9,10,12,18,22 11:2,6,8,10,13,15,23 12:1 legal 9:8,17 legally 8:10,15,16,22 9:2,23 let's 2:16,18 license 1:7,10 2:6 10:8 10:8 Licensee 2:19 4:24 5:3 7:24 9:10 Licensee's 1:23 limited 6:24 line 3:14 Liquor 1:6 2:6,8,22 Logan 3:20</p>
		<p>I</p> <p>I-A-N 3:24 4:4 Ian 1:25 3:7,11 4:4,16 imply 9:1 important 6:1 8:19 include 6:7 includes 7:1 information 5:3 6:8,12 inserted 5:1 instruct 5:22 instructions 6:9 intend 7:3 introduce 2:17 investigate 7:24 involved 5:8 10:10 issue 5:9 8:6 issues 6:3,22 7:5 8:1,4</p> <p>J</p> <p>JAMES 1:19 JR 1:17,19</p> <p>K</p>	<p>M</p> <p>matter 1:5 5:10,14,15 5:20 10:16 11:18 12:2 matters 4:11,20 7:4 mean 9:1 meant 9:3,9 measures 7:25 9:11 mediation 4:14,23 7:23 MEETING 1:3 Member 1:17,18,18,19 members 2:20 met 1:14 mic 3:4 minutes 6:25 missed 2:5 morning 2:20,23,25 4:10</p> <p>N</p> <p>name 2:21 3:2,22,24 4:2 narrowing 6:21 need 4:11,21 5:7 6:17 negotiate 4:14 10:24 negotiating 10:17 negotiations 5:8 normally 8:8 number 2:6,7 6:23 NW 1:7</p>

O	review 8:9,14 revised 5:1 8:4 9:4,10 rights 2:11,12 3:17 Romanowski 1:24 2:12 3:1,6,11,19,20,23,24 Romanowski--Mr 4:19	submitted 6:18 sufficient 8:10,15,16,22 9:23 suggest 8:11,17 suggestions 4:16 summer 11:17	10:00 5:17 11:21 101095 1:7 2:7 11:01 2:2 11:11 12:3 1428 1:7 18 1:12
P	S	T	2
P 1:6 2:6,8,22 P-R-O-C-E-E-D-I-N-G-S 2:1 part 8:4 parties 2:8,17 6:19,23 8:18 9:19 10:14,20,24 11:5,17 Pause 2:11,12,13,16 7:7 plan 4:25 7:21 8:3,8,10 8:13,14,15,19,20,22 8:24 9:3,4,20,22 10:7 10:7,16 please 2:7,9 3:2,3,21 4:2,3 6:20 7:14 point 6:23 7:18 possibly 4:15 practices 5:23 preliminary 4:11,20 present 1:16,20 4:25 7:1 8:2 presented 8:9 presiding 1:14 process 6:22 promote 3:7 protest 1:7 5:16,20 6:2 6:8,12,16,21 11:19,20 protested 6:4 7:5 provide 7:20 9:5,11 Public 5:23	S 1:18 S-I-M-O-N 4:5 safety 9:5,11 saying 9:19 10:15 scheduled 5:14,15,20 11:20 security 4:25 7:20,25 8:8,9,12,13,14,19,20 8:22,24 9:3,4,11,20 9:22 10:7,16 September 5:16 11:21 settle 11:1,18,18 settled 5:15 settlement 4:14 5:1 8:5 10:11 seven 6:13,15 SHORT 1:19 side 6:24 10:15 Simon 1:25 3:7,11,14 4:2,4,4,8,16,19,20,23 7:11,18,22 8:25 9:16 9:25 10:6 11:11 SIMONE 1:22 Simons 3:17 simply 9:3,9 Simultaneous 7:10 10:11 11:1 sir 3:5,22 4:7 5:12 7:8 7:21,22 9:14 10:3 solve 8:1,4 soon 5:10 sorry 4:20 7:10 sounds 8:25 9:25 speak 3:5 speaking 7:10 10:11 11:1 specific 6:9 spell 3:2,22 4:2 St 1:6,7 Staff 1:22 stand 2:10 3:15 start 2:18 state 3:2 4:2 8:16,18 9:21 stated 7:19 stating 7:21 10:24 Status 1:7 Street 2:6,8,22 subject 6:16 submit 6:12	t/a 1:6 testimony 7:4,6 thank 2:16 3:16 4:1,9 4:19 7:9,12 11:15,22 11:23 things 5:21 thought 9:14 three 6:24 told 5:9 tolerate 7:6 totally 11:2 tried 4:14 trying 9:18 turn 3:4	2 1:6 202-329-6354 7:16 2021 1:12 5:16 11:21 21-PRO-00051 1:8 2:6 23rd 5:16 11:21 2406 4:8 2F 1:8 2F01 1:24 3:20 2F06 1:25
Q	U	U	3
questions 7:7,13	unable 11:18 understand 10:12 11:2 understanding 5:5 unmute 3:4 updated 4:25 7:20	unable 11:18 understand 10:12 11:2 understanding 5:5 unmute 3:4 updated 4:25 7:20	4
R	V	V	5
R-O-M-A-N- 3:24 RAFI 1:18 Randall 6:7 7:16 receive 5:2 6:6,14 record 2:17 3:3 4:3 12:3 relevant 7:4 Renew 1:9 repetitive 7:6 reply 5:10 representative 2:18 representing 2:22 required 6:11 resolve 8:5 response 5:6 Retailer 1:8	validity 9:8 Venus 1:6 vet 8:3 9:8 videoconference 1:14 virtually 6:1	validity 9:8 Venus 1:6 vet 8:3 9:8 videoconference 1:14 virtually 6:1	6
	W	W	60 6:25
	W 1:14,17 waiting 4:15 5:6 wanted 9:3,9 WebEx 1:14 Wednesday 1:11 week 8:2 went 2:4 12:3 willing 7:25 witnesses 6:25 7:2 work 9:20,23	W 1:14,17 waiting 4:15 5:6 wanted 9:3,9 WebEx 1:14 Wednesday 1:11 week 8:2 went 2:4 12:3 willing 7:25 witnesses 6:25 7:2 work 9:20,23	7
	X	X	8
	Y	Y	9
	Z	Z	9 1:6 2:6,8,22 9th 1:7
	0	0	
	1	1	

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: 9&P St Liquor

Before: DCABRA

Date: 08-18-21

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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