

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 ROLL CALL HEARING

IN THE MATTER OF: :
 :
 Pho Viet Restaurant, Inc.:
 t/a Pho Viet USA :
 333 H Street, NE : Roll Call
 License #ABRA-116771 : Hearing
 Retailer Class CR :
 ANC 6C :
 Case #20-PRO-00028 :
 :
 (New Application) :

Monday
 September 21, 2020

The Alcoholic Beverage Control Board
 met via Video Teleconference, LaVerne Fletcher,
 Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

KYUNG HWAN LEE, Applicant
 MARK ECKENWILER, ANC 6C

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

2 10:28 a.m.

3 MS. FLETCHER: Okay. I am calling
4 Case Number 20-PRO-00028, Pho Viet Restaurant,
5 Inc., trading as Pho Viet, USA, 333 H Street, NE,
6 License Number ABRA-116771.

7 This is a Retailer Class CR, New
8 Application. The protest issues are adverse
9 impact on peace, order, and quiet, real property
10 values, residential parking, and vehicular and
11 pedestrian safety.

12 I'm going to take a few moments to
13 elevate the rights for each party to this case to
14 enable you to, to enable your camera and your
15 microphone. So hold on for just a second.

16 The parties in this matter have been
17 elevated. Mr. Lee? Mr. Lee? Mr. Lee?

18 Mr. Eckenwiler, are you there?

19 MR. ECKENWILER: I'm here. Can you
20 hear me, Ms. Fletcher?

21 MS. FLETCHER: I sure can. I don't
22 know why I can't hear Mr. Lee right now.

23 MR. ECKENWILER: Based on his video,
24 it looks like he may have stepped away from the
25 computer.

1 MS. FLETCHER: Okay. Well, I know
2 he's here. I will just go ahead and proceed to
3 the extent that I can. I'll give him a couple
4 more minutes. He's been here for a while, I
5 guess he stepped away for a moment. But he's
6 been here quite a while. I'll give him a minute.

7 Mr. Lee?

8 Let me make sure there's something I
9 don't need to do on my end. I've got this little
10 thing here. Is he muted?

11 So, Mr. Lee, I actually can't hear
12 you. Just a second.

13 MR. ECKENWILER: He's unmuted now.

14 MS. FLETCHER: Okay, Mr. Lee? Why
15 can't I hear Mr. Lee?

16 Okay, so I can't hear you, Mr. Lee.
17 I don't know why. I'm going to go ahead and
18 grant standing to ANC 6C as a protestant. So Mr.
19 Eckenwiler, Mr. Eckenwiler?

20 MR. ECKENWILER: Yes, Ms. Fletcher.

21 MS. FLETCHER: So I'm granting
22 standing to ANC 6C as a protestant. We're not
23 going to set a date for a status hearing or a
24 protest hearing today, because those dates aren't
25 available for the Board yet.

1 But we're going to go ahead and set a
2 date for mediation. And I'll give you the next
3 available date. I don't know why I can't
4 communicate with Mr. Lee at this point. But I
5 will send him an email regarding the date that
6 you choose to see if that's okay for him.

7 The next available day for mediation
8 is October 15.

9 MR. ECKENWILER: So, Ms. Fletcher?

10 MS. FLETCHER: Yes, sir.

11 MR. ECKENWILER: That's sort of okay
12 for me. Let me just explain. I have been called
13 for federal jury duty service from October 9th
14 through the 23rd inclusive.

15 MS. FLETCHER: Mm-hmm.

16 MR. ECKENWILER: And I don't believe
17 they are actually holding trials right now. So I
18 think the odds of my being otherwise occupied
19 that day are low.

20 But it's, of course, possible that
21 things will change. And the difficulty is you
22 don't, for federal petty jury service, I have to
23 call in the evening before. So I would not know
24 until after 5:00 p.m. the day before.

25 So I'm happy to set the 15th, if

1 people are okay with a last minute change. If
2 that's going to be too cumbersome for you or for
3 Mr. Lee, then we should just set it for a date
4 after the 23rd, unfortunately.

5 MS. FLETCHER: Well, that's okay.
6 Well, let me ask you this. When is the beginning
7 of your service, the court service?

8 MR. ECKENWILER: The first day that it
9 starts is October 9th.

10 MS. FLETCHER: October 9th?

11 MR. ECKENWILER: Yes.

12 MS. FLETCHER: Oh, okay. Okay. Well
13 then what I'll do, I'll go ahead and set it for
14 the 15th, and we'll just wait and see.

15 MR. ECKENWILER: Okay. And, I'm
16 sorry, what time did you say for that?

17 MS. FLETCHER: The times are, excuse
18 me one second.

19 Okay, Mr. Eckenwiler, Mr. Lee said
20 that he's calling in since I couldn't hear him.
21 So let me connect then by phone.

22 MR. ECKENWILER: Okay, that's fine.
23 I'll hold.

24 MS. FLETCHER: Okay. Excuse me one
25 second, Mr. Eckenwiler.

1 So on the 15th, Mr. Eckenwiler, we
2 could make it 9:00, 10:00, 11:00, 1:00 or 2:00,
3 pretty much any time up until 2:00 in the
4 afternoon that's available for you.

5 Mr. Lee was on the line. He's not on
6 the line now, probably had something to do with
7 me, but he's no longer there. So just what's a
8 good time for you on the 15th?

9 MR. ECKENWILER: So again, subject to
10 my getting called for trial jury duty, any of
11 those times is fine. If I may, I'd like to
12 suggest not 9:00 a.m. just so there's a little
13 bit of a buffer in case I do need to postpone it.

14 I think 10:00 or 11:00 would probably
15 be more convenient just because that way, you
16 know, you and Mr. Lee would have an opportunity
17 in the morning to see, you know, if I've gotten a
18 change in my status.

19 MS. FLETCHER: Yes. Well, let's make
20 it 11:00.

21 MR. ECKENWILER: Okay. Let's do 11:00
22 a.m. That would work for me, but of course, and
23 I understand, you know, Mr. Lee is not on the
24 call right now. But if we need to adjust to
25 another date, I'm fine with that. But as I say,

1 the difficulty is simply that through October
2 23rd, you know, I would have that same asterisk
3 on my schedule.

4 MS. FLETCHER: Right. Okay. Well,
5 I'll communicate that to Mr. Lee. Mr. Lee has
6 been here for a while. Sorry we couldn't connect
7 to Mr. Lee. But I will let him know the
8 mediation has tentatively been set for October 15
9 at 11:00, depending on you availability related
10 to your court service.

11 MR. ECKENWILER: Okay. And I'll be in
12 contact with him in the interim to see whether or
13 not we can get this matter disposed of before
14 then.

15 MS. FLETCHER: Okay. And you know
16 what happens next, so if you can work it out,
17 we'll cancel the mediation.

18 MR. ECKENWILER: Understood.

19 MS. FLETCHER: Okay, thank you.

20 MR. ECKENWILER: Thank you.

21 MS. FLETCHER: Okay, bye-bye. Logging
22 out.

23 (Whereupon, the above-entitled matter
24 went off the record at 10:38 a.m.)
25

<p style="text-align: center;">A</p> <p>a.m 2:2 6:12,22 7:24 above-entitled 7:23 ABRA 1:17 ABRA-116771 1:7 2:6 adjust 6:24 adverse 2:8 afternoon 6:4 Agent 1:14,17 ahead 3:2,17 4:1 5:13 Alcoholic 1:2,13 ANC 1:8,19 3:18,22 Applicant 1:19 Application 1:10 2:8 asterisk 7:2 availability 7:9 available 3:25 4:3,7 6:4</p>	<p>depending 7:9 difficulty 4:21 7:1 disposed 7:13 DISTRICT 1:1 duty 4:13 6:10</p>	<p style="text-align: center;">K</p> <p>KYUNG 1:19</p>	<p>Pho 1:6,6 2:4,5 phone 5:21 point 4:4 possible 4:20 postpone 6:13 PRESENT 1:16,18 presiding 1:14 pretty 6:3 probably 6:6,14 proceed 3:2 property 2:9 protest 2:8 3:24 protestant 3:18,22</p>
<p style="text-align: center;">B</p> <p>Based 2:23 beginning 5:6 believe 4:16 Beverage 1:2,13 bit 6:13 Board 1:2,13 3:25 Board's 1:14,17 buffer 6:13 bye-bye 7:21</p>	<p style="text-align: center;">E</p> <p>Eckenwiler 1:19 2:18 2:19,23 3:13,19,19,20 4:9,11,16 5:8,11,15 5:19,22,25 6:1,9,21 7:11,18,20 elevate 2:13 elevated 2:17 email 4:5 enable 2:14,14 evening 4:23 excuse 5:17,24 explain 4:12 extent 3:3</p>	<p style="text-align: center;">L</p> <p>LaVerne 1:14,17 Lee 1:19 2:17,17,17,22 3:7,11,14,15,16 4:4 5:3,19 6:5,16,23 7:5,5 7:7 let's 6:19,21 License 1:7 2:6 line 6:5,6 little 3:9 6:12 Logging 7:21 longer 6:7 looks 2:24 low 4:19</p>	<p style="text-align: center;">Q</p> <p>quiet 2:9 quite 3:6</p>
<p style="text-align: center;">C</p> <p>call 1:3,7 4:23 6:24 called 4:12 6:10 calling 2:3 5:20 camera 2:14 cancel 7:17 case 1:9 2:4,13 6:13 change 4:21 5:1 6:18 choose 4:6 Class 1:8 2:7 COLUMBIA 1:1 communicate 4:4 7:5 computer 2:25 connect 5:21 7:6 contact 7:12 Control 1:2,13 convenient 6:15 couple 3:3 course 4:20 6:22 court 5:7 7:10 CR 1:8 2:7 cumbersome 5:2</p>	<p style="text-align: center;">F</p> <p>federal 4:13,22 fine 5:22 6:11,25 first 5:8 Fletcher 1:14,17 2:3,20 2:21 3:1,14,20,21 4:9 4:10,15 5:5,10,12,17 5:24 6:19 7:4,15,19 7:21</p>	<p style="text-align: center;">M</p> <p>MARK 1:19 matter 1:5 2:16 7:13,23 mediation 4:2,7 7:8,17 met 1:14 microphone 2:15 minute 3:6 5:1 minutes 3:4 moment 3:5 moments 2:12 Monday 1:11 morning 6:17 muted 3:10</p>	<p style="text-align: center;">R</p> <p>real 2:9 record 7:24 regarding 4:5 related 7:9 residential 2:10 Restaurant 1:6 2:4 Retailer 1:8 2:7 rights 2:13 Roll 1:3,7</p>
<p style="text-align: center;">D</p> <p>date 3:23 4:2,3,5 5:3 6:25 dates 3:24 day 4:7,19,24 5:8</p>	<p style="text-align: center;">G</p> <p>getting 6:10 give 3:3,6 4:2 gotten 6:17 grant 3:18 granting 3:21 guess 3:5</p>	<p style="text-align: center;">N</p> <p>NE 1:7 2:5 need 3:9 6:13,24 New 1:10 2:7 Number 2:4,6</p>	<p style="text-align: center;">S</p> <p>safety 2:11 schedule 7:3 second 2:15 3:12 5:18 5:25 send 4:5 September 1:12 service 4:13,22 5:7,7 7:10 set 3:23 4:1,25 5:3,13 7:8 simply 7:1 sir 4:10 sorry 5:16 7:6 sort 4:11 standing 3:18,22 starts 5:9 status 3:23 6:18 stepped 2:24 3:5 Street 1:7 2:5 subject 6:9 suggest 6:12</p>
<p style="text-align: center;">D</p> <p>date 3:23 4:2,3,5 5:3 6:25 dates 3:24 day 4:7,19,24 5:8</p>	<p style="text-align: center;">H</p> <p>H 1:7 2:5 happens 7:16 happy 4:25 hear 2:20,22 3:11,15,16 5:20 hearing 1:3,7 3:23,24 hold 2:15 5:23 holding 4:17 HWAN 1:19</p>	<p style="text-align: center;">O</p> <p>occupied 4:18 October 4:8,13 5:9,10 7:1,8 odds 4:18 opportunity 6:16 order 2:9</p>	<p style="text-align: center;">T</p> <p>t/a 1:6 Teleconference 1:14 tentatively 7:8 thank 7:19,20 things 4:21</p>
<p style="text-align: center;">D</p> <p>date 3:23 4:2,3,5 5:3 6:25 dates 3:24 day 4:7,19,24 5:8</p>	<p style="text-align: center;">I</p> <p>impact 2:9 inclusive 4:14 interim 7:12 issues 2:8</p>	<p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 p.m 4:24 parking 2:10 parties 2:16 party 2:13 peace 2:9 pedestrian 2:11 people 5:1 petty 4:22</p>	<p style="text-align: center;">T</p> <p>t/a 1:6 Teleconference 1:14 tentatively 7:8 thank 7:19,20 things 4:21</p>
<p style="text-align: center;">D</p> <p>date 3:23 4:2,3,5 5:3 6:25 dates 3:24 day 4:7,19,24 5:8</p>	<p style="text-align: center;">J</p> <p>jury 4:13,22 6:10</p>		

times 5:17 6:11
today 3:24
trading 2:5
trial 6:10
trials 4:17

U

understand 6:23
Understood 7:18
unfortunately 5:4
unmuted 3:13
USA 1:6 2:5

V

values 2:10
vehicular 2:10
video 1:14 2:23
Viet 1:6,6 2:4,5

W

wait 5:14
way 6:15
went 7:24
work 6:22 7:16

X

Y

Z

0

1

1:00 6:2
10:00 6:2,14
10:28 2:2
10:38 7:24
11:00 6:2,14,20,21 7:9
15 4:8 7:8
15th 4:25 5:14 6:1,8

2

2:00 6:2,3
20-PRO-00028 1:9 2:4
2020 1:12
21 1:12
23rd 4:14 5:4 7:2

3

333 1:7 2:5

4

5

5:00 4:24

6

6C 1:8,19 3:18,22

7

8

9

9:00 6:2,12
9th 4:13 5:9,10

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Pho Viet

Before: DCABRA

Date: 09-21-20

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

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