

IN THE MATTER OF: :
 :
L Street Market, Inc., :
t/a 7th L Street Market :
700 L Street SE : Show Cause
Retailer B - ANC 6B : Hearing
License No. 88611 :
Case #18-CC-00104 :
 :
(Sale to Minor Violation, :
Failed to Take Steps :
Necessary to Ascertain :
Legal Drinking Age) :

Wednesday
February 13, 2019

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
NICK ALBERTI, Member
BOBBY CATO, JR., Member
JAMES SHORT, Member
MIKE SILVERSTEIN, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

EUN SUN CHOE, APPLICANT

YOUNG MOO KIM, INTERPRETER

REBECCA BARNES, OAG

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

2 (11:00 a.m.)

3 CHAIRPERSON ANDERSON: The next case
4 in our calendar is Case Number 18-CC-00104, 7th L
5 Street Market, License Number 88611.

6 Will the parties please approach and
7 identify themselves for the record, please?

8 MR. KIM: Good morning, Your Honor.

9 CHAIRPERSON ANDERSON: What's your
10 name, sir? And what language is this?

11 MR. KIM: Korean language.

12 CHAIRPERSON ANDERSON: Korean?

13 MR. KIM: My name is Young Moo Kim.

14 CHAIRPERSON ANDERSON: Can you stand,
15 please?

16 MR. KIM: Yes, sure.

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

19 Do you swear or affirm that you will
20 faithfully translate these proceedings from
21 English to Korean and from Korean to English?

22 MR. KIM: I do.

1 (Unless otherwise noted, the witness
2 is speaking through the translator.)

3 CHAIRPERSON ANDERSON: Okay. Have a
4 seat.

5 MR. KIM: I'm sorry. Do I need to
6 write my name?

7 CHAIRPERSON ANDERSON: Yes, sir,
8 please. And you can put next to your name
9 "Interpreter."

10 MS. BARNES: And I'm Rebecca Barnes on
11 behalf of the District of Columbia.

12 CHAIRPERSON ANDERSON: Good morning,
13 Ms. Barnes.

14 MS. BARNES: Good morning, Mr.
15 Chairman.

16 MS. CHOE: Good morning. My name is
17 Eun Sun Choe from L Street Market.

18 CHAIRPERSON ANDERSON: Good morning.
19 Are there any preliminary matters in
20 this case?

21 MS. BARNES: No, Mr. Chairman.

22 MS. CHOE: My last name is wrong on

1 the papers.

2 CHAIRPERSON ANDERSON: So, the -- what
3 -- so what's the -- what's your name again?

4 MS CHOE: So, C-H-O is on the papers.

5 CHAIRPERSON ANDERSON: Right.

6 MS. CHOE: But my last name is Choe.
7 It's C-H-O-E.

8 CHAIRPERSON ANDERSON: All right, so
9 does the government wish to make an opening
10 statement?

11 MS. BARNES: Yes, Mr. Chairman.

12 CHAIRPERSON ANDERSON: Go ahead,
13 please.

14 MS. BARNES: Good morning, Members of
15 the Board. This matter is about the 7th L Street
16 Market sale of an alcoholic beverage to a minor
17 during a routine ABRA compliance check.

18 Today, you will hear from ABRA
19 Investigator Mark Brashears, who accompanied the
20 minor to the establishment August 20, 2018, you
21 will hear how Investigator Brashears observed the
22 minor enter the licensed establishment, retrieve

1 a single bottle of wine, and present it at the
2 counter for payment, and you will hear how the
3 clerk accepted the minor's payment without
4 checking the minor's identification, and the
5 minor left the premises with a bottle of wine.
6 Thank you.

7 CHAIRPERSON ANDERSON: Do you wish to
8 make an opening statement now or you can make an
9 opening statement once you're ready to present
10 your case?

11 MS. CHOE: I will do it now, sir.

12 CHAIRPERSON ANDERSON: Well, an
13 opening statement is basically, you want to say
14 what your defense is going to be. You're not
15 presenting your case right now. The government
16 goes --

17 MS. CHOE: Well, then I just accept
18 what the charges are.

19 CHAIRPERSON ANDERSON: I'm sorry.

20 MS. CHOE: What I mean is that I will
21 just accept what the attorney said.

22 CHAIRPERSON ANDERSON: Now, does she

1 have witnesses that she's going to provide or --

2 MS. CHOE: I was alone then, so
3 there's no witness.

4 CHAIRPERSON ANDERSON: Okay. Do you
5 guys want to talk about this case? Do you guys
6 want to talk about this case and see if there's
7 an agreement? Is it that maybe if -- is she
8 willing to agree to say that she's guilty or
9 innocent and just let the Board determine on the
10 penalty?

11 So, why don't you guys take a minute
12 to maybe have some conversations, and then let me
13 know what is that you want me to do here? I'm
14 somewhat confused.

15 MS. BARNES: Yes, let's have a ten-
16 minute break.

17 CHAIRPERSON ANDERSON: So, you guys
18 discuss it and let us know when you're ready and
19 how you want to proceed, okay?

20 We're off the record.

21 (Whereupon, the above-entitled matter
22 went off the record at 11:07 a.m. and resumed at

1 11:40 a.m.)

2 CHAIRPERSON ANDERSON: We're back on
3 the record.

4 How is it that the parties want to
5 proceed?

6 MS. BARNES: Good morning. I'm
7 pleased to report the parties have been able to
8 reach an agreement in this matter.

9 CHAIRPERSON ANDERSON: I'm glad to
10 hear that. And you want to tell us what the
11 agreement is, please?

12 MS. BARNES: Yes, Mr. Chairman. There
13 are two charges in this matter.

14 Charge one is a third sale to minor
15 violation. And the parties have agreed to
16 resolve that for a fine of \$5,000, and that is
17 going to be payable within 90 days. The license
18 is going to be suspended for 15 days with 5 days
19 stayed for 1 year. In ten days that will be
20 served. And the parties have agreed to the dates
21 of March 18th through March 27th for those
22 suspended days to be served.

1 Charge two is a failure to take
2 reasonable steps necessary to ascertain legal
3 drinking age that is a primary tier offense. And
4 the parties have agreed to resolve that for a
5 total fine of \$1,000 payable within 90 days, and
6 the license will be suspended for 5 days with all
7 5 days stayed for 1 year.

8 Oh, and pardon me, Mr. Chairman. I
9 neglected one term on the charge one as well.
10 Charge one, additionally, the parties have agreed
11 that all employees of the establishment who serve
12 alcoholic beverages are going to complete an
13 alcohol training program within three months from
14 the date of this order, the Board's order.

15 CHAIRPERSON ANDERSON: And that's it?

16 MS. BARNES: That is it.

17 CHAIRPERSON ANDERSON: Ms. Choe?

18 MS. CHOE: Yes, sir.

19 CHAIRPERSON ANDERSON: It's my
20 understanding there's an Offer in Compromise, and
21 the Offer in Compromise is for charge one,
22 there's a fine of \$5,000 payable in 90 days, that

1 your license will be suspended for 15 days, 5
2 days will be stayed for one year, and 10 days
3 will be served. And the ten days are March 18th
4 through March 27th, 2019, and that all employees
5 who sell alcohol will go, will undergo training
6 within 90 days.

7 For charge two, there's a fine of
8 \$1,000 payable in 90 days, and that there will be
9 a 5-day suspension, and all the days will be
10 stayed for 1 year.

11 Is this your understanding of the
12 Offer in Compromise?

13 MS. CHOE: Yes, sir, I do.

14 CHAIRPERSON ANDERSON: Are you aware
15 that by accepting an Offer in Compromise that
16 you're giving up your right to a hearing?

17 MS. CHOE: Yes.

18 CHAIRPERSON ANDERSON: Are you also
19 aware that by accepting an Offer in Compromise
20 that you're giving up your right to appeal this?

21 MS. CHOE: Yes, I do.

22 CHAIRPERSON ANDERSON: All right.

1 Thank you. Any questions by any Board members?

2 All right. I'm going to make a motion
3 that the Offer in Compromise be accepted. The
4 offer is for charge one that there is a \$5,000
5 fine payable in 90 days, that the license will be
6 suspended for 15 days, 5 days stayed, and 10 to
7 be served. The days to be served are March 18th
8 through 27, 2019, that all employees who sell
9 alcohol will undergo training within 90 days.

10 For charge two, there is a \$1,000 fine
11 payable in 90 days, and that there will be a 5-
12 day suspension, and all 5 days will be stayed for
13 1 year.

14 Is there a second?

15 MEMBER SHORT: Second.

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON ANDERSON: Both Mr. Short
18 and Mr. Silverstein have seconded the motion.

19 All those in favor say aye.

20 (Chorus of ayes.)

21 CHAIRPERSON ANDERSON: Those opposed?

22 (No audible response.)

1 CHAIRPERSON ANDERSON: The matter
2 passes, six nothing. The Board will be issuing a
3 Board Order, meaning that once the Board Order is
4 issued, the time line to pay the fine will start.
5 However, even if the Board Order is not issued by
6 March 18th, you have agreed that effective March
7 18th through March 27th, you will -- you cannot
8 serve -- sell alcohol.

9 All right. Thank you. I want to
10 thank the parties for taking the time to work
11 this out. Thank you.

12 MS. CHOE: Thank you.

13 CHAIRPERSON ANDERSON: You're welcome.

14 MR. KIM: Thank very much. May the
15 lady be excused?

16 CHAIRPERSON ANDERSON: Yes.

17 MS. BARNES: Thank you, Mr. Chairman.
18 And I'd also like to thank the Board for giving
19 us the additional time with the benefit of the
20 interpreter to resolve this.

21 CHAIRPERSON ANDERSON: Right. Thank
22 you. You're very welcome.

1 All right. So, the Board then is in
2 recess until our 1:30 hearing.

3 (Whereupon, the above-entitled matter
4 went off the record at 11:46 a.m.)

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<p>A</p> <p>a.m 3:2 7:22 8:1 13:4 able 8:7 above-entitled 7:21 13:3 ABRA 5:17,18 accept 6:17,21 accepted 6:3 11:3 accepting 10:15,19 accompanied 5:19 additional 12:19 additionally 9:10 affirm 3:19 age 1:11 9:3 agree 7:8 agreed 8:15,20 9:4,10 12:6 agreement 7:7 8:8,11 ahead 5:12 ALBERTI 1:19 alcohol 9:13 10:5 11:9 12:8 alcoholic 1:2,14,15 5:16 9:12 ANC 1:7 Anderson 1:16,19 3:3,9 3:12,14,17 4:3,7,12 4:18 5:2,5,8,12 6:7,12 6:19,22 7:4,17 8:2,9 9:15,17,19 10:14,18 10:22 11:17,21 12:1 12:13,16,21 appeal 10:20 APPLICANT 2:11 approach 3:6 ascertain 1:10 9:2 attorney 6:21 audible 11:22 August 5:20 aware 10:14,19 aye 11:19 eyes 11:20</p>	<p>Board's 9:14 BOBBY 1:20 bottle 6:1,5 Brashears 5:19,21 break 7:16 Building 1:15</p> <p>C</p> <p>C-H-O 5:4 C-H-O-E 5:7 calendar 3:4 case 1:8 3:3,4 4:20 6:10 6:15 7:5,6 CATO 1:20 Cause 1:7 Chairman 4:15,21 5:11 8:12 9:8 12:17 Chairperson 1:16,19 3:3,9,12,14,17 4:3,7 4:12,18 5:2,5,8,12 6:7 6:12,19,22 7:4,17 8:2 8:9 9:15,17,19 10:14 10:18,22 11:17,21 12:1,13,16,21 charge 8:14 9:1,9,10,21 10:7 11:4,10 charges 6:18 8:13 check 5:17 checking 6:4 Choe 2:11 4:16,17,22 5:4,6,6 6:11,17,20 7:2 9:17,18 10:13,17,21 12:12 Chorus 11:20 clerk 6:3 Columbia 1:1 4:11 complete 9:12 compliance 5:17 Compromise 9:20,21 10:12,15,19 11:3 confused 7:14 Control 1:2,14,15 conversations 7:12 counter 6:2</p>	<p>Donovan 1:16,19 drinking 1:11 9:3</p> <p>E</p> <p>effective 12:6 employees 9:11 10:4 11:8 English 3:21,21 enter 5:22 establishment 5:20,22 9:11 Eun 2:11 4:17 excused 12:15</p> <p>F</p> <p>Failed 1:10 failure 9:1 faithfully 3:20 favor 11:19 February 1:13 fine 8:16 9:5,22 10:7 11:5,10 12:4</p> <p>G</p> <p>giving 10:16,20 12:18 glad 8:9 government 5:9 6:15 guilty 7:8</p> <p>H</p> <p>hand 3:18 hear 5:18,21 6:2 8:10 hearing 1:7,15 10:16 13:2 Honor 3:8</p> <p>I</p> <p>identification 6:4 identify 3:7 innocent 7:9 interpreter 2:12 4:9 12:20 Investigator 5:19,21 issued 12:4,5 issuing 12:2</p>	<p>language 3:10,11 left 6:5 legal 1:11 9:2 let's 7:15 license 1:8 3:5 8:17 9:6 10:1 11:5 licensed 5:22 line 12:4</p> <p>M</p> <p>March 8:21,21 10:3,4 11:7 12:6,6,7 Mark 5:19 Market 1:6,6 3:5 4:17 5:16 matter 1:5 5:15 7:21 8:8 8:13 12:1 13:3 matters 4:19 mean 6:20 meaning 12:3 MEETING 1:3 Member 1:19,20,20,21 1:21 11:15,16 members 5:14 11:1 met 1:15 MIKE 1:21 minor 1:9 5:16,20,22 6:5 8:14 minor's 6:3,4 minute 7:11,16 months 9:13 Moo 2:12 3:13 morning 3:8 4:12,14,16 4:18 5:14 8:6 motion 11:2,18</p> <p>N</p> <p>N.W 1:15 name 3:10,13 4:6,8,16 4:22 5:3,6 necessary 1:10 9:2 need 4:5 neglected 9:9 NICK 1:19 noted 4:1 Number 3:4,5</p>
<p>B</p> <p>B 1:7 back 8:2 Barnes 2:13 4:10,10,13 4:14,21 5:11,14 7:15 8:6,12 9:16 12:17 basically 6:13 behalf 4:11 benefit 12:19 beverage 1:2,14,15 5:16 beverages 9:12 Board 1:2,14 5:15 7:9 11:1 12:2,3,3,5,18 13:1</p>	<p>D</p> <p>D.C 1:16 date 9:14 dates 8:20 day 11:12 days 8:17,18,18,19,22 9:5,6,7,22 10:1,2,2,3 10:6,8,9 11:5,6,6,7,9 11:11,12 defense 6:14 determine 7:9 discuss 7:18 District 1:1 4:11</p>	<p>J</p> <p>JAMES 1:20 JR 1:20</p> <p>K</p> <p>Kim 2:12 3:8,11,13,13 3:16,22 4:5 12:14 Korean 3:11,12,21,21</p> <p>L</p> <p>L 1:6,6,7 3:4 4:17 5:15 lady 12:15</p>	<p>O</p> <p>OAG 2:13 observed 5:21 offense 9:3 offer 9:20,21 10:12,15 10:19 11:3,4 once 6:9 12:3 opening 5:9 6:8,9,13 opposed 11:21 order 9:14,14 12:3,3,5</p>

<p>P</p> <p>P-R-O-C-E-E-D-I-N-G-S 3:1</p> <p>papers 5:1,4</p> <p>pardon 9:8</p> <p>parties 3:6 8:4,7,15,20 9:4,10 12:10</p> <p>passes 12:2</p> <p>pay 12:4</p> <p>payable 8:17 9:5,22 10:8 11:5,11</p> <p>payment 6:2,3</p> <p>penalty 7:10</p> <p>please 3:6,7,15,18 4:8 5:13 8:11</p> <p>pleased 8:7</p> <p>preliminary 4:19</p> <p>premises 6:5</p> <p>present 1:18 2:9 6:1,9</p> <p>presenting 6:15</p> <p>presiding 1:16</p> <p>primary 9:3</p> <p>proceed 7:19 8:5</p> <p>proceedings 3:20</p> <p>program 9:13</p> <p>provide 7:1</p> <p>put 4:8</p>	<p>sell 10:5 11:8 12:8</p> <p>serve 9:11 12:8</p> <p>served 8:20,22 10:3 11:7,7</p> <p>Short 1:20 11:15,17</p> <p>Show 1:7</p> <p>Silverstein 1:21 11:16 11:18</p> <p>single 6:1</p> <p>sir 3:10,18 4:7 6:11 9:18 10:13</p> <p>six 12:2</p> <p>somewhat 7:14</p> <p>sorry 4:5 6:19</p> <p>speaking 4:2</p> <p>stand 3:14</p> <p>start 12:4</p> <p>statement 5:10 6:8,9,13</p> <p>stayed 8:19 9:7 10:2,10 11:6,12</p> <p>steps 1:10 9:2</p> <p>Street 1:6,6,7,15 3:5 4:17 5:15</p> <p>Suite 1:16</p> <p>Sun 2:11 4:17</p> <p>suspended 8:18,22 9:6 10:1 11:6</p> <p>suspension 10:9 11:12</p> <p>swear 3:19</p>	<p>W 1:16,19</p> <p>WAHABZADAH 1:21</p> <p>Washington 1:16</p> <p>Wednesday 1:12</p> <p>welcome 12:13,22</p> <p>went 7:22 13:4</p> <p>willing 7:8</p> <p>wine 6:1,5</p> <p>wish 5:9 6:7</p> <p>witness 4:1 7:3</p> <p>witnesses 7:1</p> <p>work 12:10</p> <p>write 4:6</p> <p>wrong 4:22</p>	<p>5- 11:11</p> <p>5-day 10:9</p> <p>5,000 8:16 9:22 11:4</p>
		X	6
		Y	7
		year 8:19 9:7 10:2,10 11:13	6B 1:7
		Young 2:12 3:13	700 1:7
		Z	7th 1:6 3:4 5:15
		0	8
		1	88611 1:8 3:5
		1,000 9:5 10:8 11:10	9
		1:30 13:2	90 8:17 9:5,22 10:6,8 11:5,9,11
		10 10:2 11:6	
		11:00 3:2	
		11:07 7:22	
		11:40 8:1	
		11:46 13:4	
		13 1:13	
		14th 1:15	
		15 8:18 10:1 11:6	
		18-CC-00104 1:8 3:4	
		18th 8:21 10:3 11:7 12:6,7	
		2	
		20 5:20	
		2000 1:15	
		20009 1:16	
		2018 5:20	
		2019 1:13 10:4 11:8	
		27 11:8	
		27th 8:21 10:4 12:7	
		3	
		4	
		400S 1:16	
		5	
		5 8:18 9:6,7 10:1 11:6 11:12	
<p>Q</p> <p>questions 11:1</p>	<p>T</p> <p>t/a 1:6</p> <p>talk 7:5,6</p> <p>tell 8:10</p> <p>ten 8:19 10:3</p> <p>ten- 7:15</p> <p>term 9:9</p> <p>thank 6:6 11:1 12:9,10 12:11,12,14,17,18,21</p> <p>third 8:14</p> <p>three 9:13</p> <p>tier 9:3</p> <p>Today 5:18</p> <p>total 9:5</p> <p>training 9:13 10:5 11:9</p> <p>translate 3:20</p> <p>translator 4:2</p> <p>two 8:13 9:1 10:7 11:10</p>		
<p>R</p> <p>raise 3:17</p> <p>reach 8:8</p> <p>ready 6:9 7:18</p> <p>reasonable 9:2</p> <p>Rebecca 2:13 4:10</p> <p>recess 13:2</p> <p>record 3:7 7:20,22 8:3 13:4</p> <p>Reeves 1:15</p> <p>REMA 1:21</p> <p>report 8:7</p> <p>resolve 8:16 9:4 12:20</p> <p>response 11:22</p> <p>resumed 7:22</p> <p>Retailer 1:7</p> <p>retrieve 5:22</p> <p>Room 1:15</p> <p>routine 5:17</p>	<p>U</p> <p>undergo 10:5 11:9</p> <p>understanding 9:20 10:11</p> <p>V</p> <p>violation 1:9 8:15</p> <p>W</p>		
<p>S</p> <p>sale 1:9 5:16 8:14</p> <p>SE 1:7</p> <p>seat 4:4</p> <p>second 11:14,15,16</p> <p>seconded 11:18</p>			

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: 7th L Street Market

Before: DCABRA

Date: 02-13-19

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

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