

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

Hard Oak, Inc. :

t/a Colony Liquors :

4901 Georgia Ave, N.W. :

License #ABRA-098972 :

Retailer Class A - :

License Renewal :

Case #18-PRO-00034 :

TUESDAY, MAY 29, 2018

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The Alcoholic Beverage Control Board
met in Alcoholic Beverage Control Hearing Room,
Reeves Building, 2000 14th Street N.W.,

Washington, D.C., Ms. LaVerne Fletcher, Agent,
presiding.

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

2 10:56 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Colony Liquors please come forward,
5 the parties in the matter of Colony Liquors.

6 This is Case Number 18-PRO-00034, Hard
7 Oak, Inc., 4901 Georgia Avenue, NW, License
8 Number ABRA-098972. This is a Retailer Class A
9 license renewal.

10 The protest issues are adverse impact
11 on peace, order, and quiet, residential parking,
12 and vehicular and pedestrian safety, and real
13 property values.

14 My name is LaVerne Fletcher. I'm
15 conducting the roll call hearing as the Board's
16 agent. Introductions beginning with the
17 Applicant, please.

18 I'm sorry. Oh, I'm sorry, you're the
19 interpreter.

20 MR. KIM: Yes, I am.

21 AGENT FLETCHER: Can you please state
22 your name?

1 MR. KIM: My name's Davi Kim, spelled
2 D-A-V-I, last name is Kim, K-I-M.

3 AGENT FLETCHER: Thank you, Mr. Kim.
4 One second. Thank you very much. And Korean
5 language?

6 MR. KIM: Yes.

7 AGENT FLETCHER: Okay. So now if you
8 could state your name and spell it for the
9 record.

10 MR. LEE: My name is Jae Hyuk Lee.

11 AGENT FLETCHER: And how do you spell
12 it?

13 MR. LEE: J-A-E -

14 AGENT FLETCHER: Yes.

15 MR. LEE: H-Y-U-K -

16 AGENT FLETCHER: Yes.

17 MR. LEE: L-E-E.

18 MR. KIM: Would you like the
19 interpreter to repeat that?

20 AGENT FLETCHER: Yes.

21 MR. KIM: My name is Jae Hyuk Lee,
22 spelled J-A-E H-Y-U-K L-E-E.

1 AGENT FLETCHER: Thank you very much.
2 And present on behalf of ANC 4D?

3 MR. ELSENER: My name is Ben Elsener.
4 B-E-N, last name, E-L-S-E-N-E-R.

5 AGENT FLETCHER: Thank you, Mr.
6 Elsener. We did receive a copy of the letter
7 from ANC 4D designating you as their
8 representative today.

9 Are there any other individuals
10 present today in this matter, any other
11 protestants?

12 (No audible response)

13 AGENT FLETCHER: ANC 4D does have
14 standing as a protestant. I just want to state
15 that first. It seems that the gentleman
16 standing, did you have a -

17 MR. BOYD: Yes, ma'am. Good morning.

18 AGENT FLETCHER: Good morning. And
19 you can just come up and state your name for the
20 record. Right, just stand right behind that
21 microphone. Are you here for this for Colony
22 Liquors?

1 MR. BOYD: Yes, ma'am.

2 AGENT FLETCHER: Okay. And could you
3 state your name and spell it for the record,
4 please?

5 MR. BOYD: My name is Rufus, R-U-F-U-
6 S, Boyd, B-O-Y-D.

7 AGENT FLETCHER: And what's the first
8 name, Mr. Boyd?

9 MR. BOYD: Rufus.

10 AGENT FLETCHER: R-U-F-U-S?

11 MR. BOYD: Yes, ma'am.

12 AGENT FLETCHER: Rufus Boyd. And, Mr.
13 Boyd, you signed the protest letter?

14 MR. BOYD: No, ma'am.

15 AGENT FLETCHER: Okay. So what that
16 means, Mr. Boyd, there'll be a record that you
17 came today, but you can't be recognized as a
18 protestant without signing the protest letter.
19 But I've made a note, and it's on the record that
20 you were here today. You're not required to stay
21 unless you choose to. Thank you.

22 Mr. Elsener, ANC 4D has standing as a

1 protestant. There was also a group of eight
2 individuals that signed the protest letter. You
3 were one of their designated representatives as
4 well?

5 MR. ELSENER: That's correct. I'm
6 listed in the last paragraph of that letter.

7 AGENT FLETCHER: Yes. And so we do
8 have a protest letter indicating that you
9 represent that group of eight.

10 MR. ELSENER: But I was in with the
11 ANC standing, is what

12 AGENT FLETCHER: I'm sorry, what was
13 that, Mr. Elsener?

14 MR. ELSENER: Okay, I think it'll be
15 clearer if I just -

16 AGENT FLETCHER: Yes, ha, ha, ha. ANC
17 4D does have standing as a protestant. The group
18 of eight that you represent has conditional
19 standing.

20 MR. ELSENER: Okay.

21 AGENT FLETCHER: They're not granted
22 full standing today, because at least five of

1 them are not present today.

2 What that means is at the upcoming
3 status hearing, at least four of them need to
4 appear that were not here today.

5 MR. ELSENER: So even if I could make
6 it, another four could -

7 AGENT FLETCHER: Yes.

8 MR. ELSENER: Okay.

9 AGENT FLETCHER: You were here today,
10 so you count as one. We need to see four more.
11 But there would still have to be a designated
12 representative. If you have a list of designated
13 representatives, one of them should be the
14 designated representative.

15 MR. ELSENER: Okay. I think Jamie
16 Barden from 4D, his plan is to carry this.

17 AGENT FLETCHER: Yes, Jamie Barden,
18 his name is spelled J-A-M-I-E, for the record.
19 His last name is Barden, B-A-R-D-E-N. And yes,
20 Mr. Barden is also a designated representative.

21 If at least four individuals that are
22 not present today do not appear at the upcoming

1 status hearing, the ABC Board will dismiss the
2 group of eight.

3 We need to set a date for a mediation,
4 a status hearing, and a protest hearing.

5 MR. LEE: Is it possible to do either
6 Monday or Tuesday? Because Saturday we are busy.

7 AGENT FLETCHER: For the hearings?

8 MR. LEE: Yes, as far as the dates go.

9 AGENT FLETCHER: We can schedule the
10 mediation on a Monday or a Tuesday, but the ABC
11 Board, the full Board meets only on Wednesdays.

12 MR. LEE: Mediation is Monday or
13 Tuesday, but the full Board is only on
14 Wednesdays?

15 AGENT FLETCHER: Yes. We are flexible
16 with the mediation dates, but the status hearing
17 and the protest hearing have to be set on a
18 Wednesday.

19 MR. LEE: That's fine.

20 AGENT FLETCHER: I will give you the
21 dates for the status hearing and protest hearing
22 first. The date for the status hearing is June

1 27 at 9:30 a.m. The protest hearing is set for
2 July 25, 2018, at 4:30.

3 I'll give you the next available days
4 for mediation. And for mediation, we need a
5 Monday or a Tuesday?

6 MR. LEE: Either is fine.

7 AGENT FLETCHER: Okay, thank you. The
8 next available day for mediation is Monday, June
9 4, at 11:30.

10 MR. LEE: Yes.

11 AGENT FLETCHER: So would that work
12 for -

13 MR. ELSENER: I don't know if that
14 works for Jamie.

15 AGENT FLETCHER: Would you be
16 attending the mediation, Mr. Elsener?

17 MR. ELSENER: I'd be happy to, but
18 June 4th doesn't work for me.

19 AGENT FLETCHER: So here's what I'm
20 going to do. I'm going to set a date that works
21 for you.

22 MR. ELSENER: Okay.

1 AGENT FLETCHER: What about -

2 MR. ELSENER: The following Monday I
3 believe -

4 AGENT FLETCHER: We can do June the
5 11th at 11:30 a.m.

6 MR. ELSENER: Yes.

7 MR. KIM: This is the interpreter
8 speaking, you said 11:30 as well for June 11th?

9 AGENT FLETCHER: Yes. Or it can be
10 1:00 p.m., 11:30 or 1:00 on June 11th.

11 MR. LEE: The earlier the better. Do
12 you have any availability for 9:00 a.m.,
13 possibly?

14 AGENT FLETCHER: Well, no. Because
15 hearings are held every Monday morning like
16 today, at 10:00, so mornings are not good. On a
17 Tuesday we could do it earlier.

18 MR. LEE: Yes, then Tuesday, please,
19 if possible.

20 AGENT FLETCHER: So on Tuesday, June
21 the 12th, we could do 9:00, 9:30.

22 MR. LEE: Okay.

1 AGENT FLETCHER: Mr. Elsener, do you
2 have any availability on Tuesday morning?

3 MR. ELSENER: May I have one second,
4 please?

5 AGENT FLETCHER: Oh, yes.

6 MR. ELSENER: Let's try Tuesday at
7 9:00 a.m. if that works better for Colony. I
8 will reach out to Jamie and try to confirm that
9 he can attend as well.

10 AGENT FLETCHER: Okay. Mediation is
11 set for 9:00 o'clock a.m. on Tuesday, June 12th.

12 MR. KIM: The interpreter would like
13 to clarify. For the protest hearing, did you say
14 July 25th or 29th?

15 AGENT FLETCHER: I said - I'll tell
16 you in one second - for the protest hearing,
17 July 25.

18 MR. KIM: At 4:30 p.m.?

19 AGENT FLETCHER: Yes.

20 MR. KIM: Mediation you said is June
21 12th at 9:00 a.m.

22 AGENT FLETCHER: Yes.

1 MR. ELSENER: I actually just heard
2 from Jamie, so that time on June 12th works.

3 AGENT FLETCHER: That's good. Okay.
4 Any questions at all?

5 (No audible response)

6 AGENT FLETCHER: One second. Mr. Kim,
7 we will check with the interpreting service to
8 see if you're available on all the dates that we
9 just mentioned, in case you happen to be
10 available, since you were here from the
11 beginning. Is that okay with you, Mr. Lee?

12 MR. LEE: Yes.

13 AGENT FLETCHER: Okay, thank you.

14 MR. LEE: So in other words, you will
15 be finding out as to who the interpreter will be?

16 AGENT FLETCHER: Yes. So we have to
17 make a request for an interpreter through the
18 company that we use, which is how we wound up
19 with Mr. Kim today. And so we'll make the
20 request for Mr. Kim for all the other
21 proceedings.

22 MR. LEE: So we don't have to bring

1 our own interpreter?

2 AGENT FLETCHER: Only if you choose
3 to.

4 MR. LEE: No, no.

5 AGENT FLETCHER: Okay. Yes, we
6 provide them. But some people - and I just want
7 to note that this dialogue is off the record for
8 the court reporter, the dialogue between Mr. Kim
9 and the lady sitting in the back. That's all off
10 the record. That was off the record, yes.

11 MR. LEE: So we would just like to
12 clarify, so we will be bringing our own lawyer,
13 but our understanding is that you will be
14 providing an interpreter for us.

15 AGENT FLETCHER: Yes. We're going to
16 be requesting an interpreter for Mr. Lee. We're
17 going to be asking for you. And if you're not
18 available, then we'll request you.

19 Any other questions, Mr. Kim, or Mr.
20 Lee, any questions?

21 MR. LEE: No, I do not.

22 AGENT FLETCHER: Okay. Then we'll see

1 you on June the 12th for mediation.

2 MR. LEE: All right. Thank you.

3 AGENT FLETCHER: Yes, just check in up
4 front. Okay, thank you. The roll call hearing
5 is concluded.

6 (Whereupon, the Roll Call Hearing was
7 concluded at 10:17 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Colony Liquors

Before: DC ABRA

Date: 05-29-18

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

NEAL R. GROSS

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