DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

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Y & H Trading, Inc., : t/a 1101 Convenience Mart:

1101 H Street NE, : Show Cause

Retailer B - ANC 6A : Hearing (Status)

License No. 86305 : Case #17-CC-00141 :

:

(Sale to Minor Violation,: Failed to Take Steps: Necessary to Ascertain: Legal Drinking Age):

Wednesday
June 20, 2018

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 DONALD ISAAC, SR., Member JAMES SHORT, Member REMA WAHABZADAH, Member ALSO PRESENT:

CHRISTINE GEPHARDT, OAG

KYUNG-HUAN LEE, LICENSEE

HWA YOUNG CHUNG, LICENSEE

1	P-R-O-C-E-E-D-I-N-G-S
2	9:43 a.m.
3	CHAIRPERSON ANDERSON: The next case
4	on our calendar is Case No. 17-CC-00141 and this
5	is t/a 1101 Convenience Mart, License No. 86305.
6	Will the parties, please, approach and
7	identify themselves for the record, please?
8	MS. GEPHARDT: Good morning, Board
9	Members. Chrissy Gephardt here on behalf of the
10	Office of the Attorney General.
11	CHAIRPERSON ANDERSON: Good morning,
12	Ms. Gephardt.
13	MS. GEPHARDT: Good morning.
14	MR. LEE: Good morning, Members. My
15	name is Kevin Lee, Y & H Trading trade name 1101
16	Convenience Mart and next to me is the owner of
17	the establishment and license.
18	CHAIRPERSON ANDERSON: And you, sir,
19	are you an attorney?
20	MR. LEE: Yes.
21	CHAIRPERSON ANDERSON: Oh, I wasn't
22	aware, so all right. And the client's name?

1	MR. CHUNG: Hwa Young Chung.
2	CHAIRPERSON ANDERSON: Good morning.
3	MR. CHUNG: Yeah, 1101 Convenience
4	Mart the owner, yeah.
5	CHAIRPERSON ANDERSON: All right.
6	Fine. Can you make sure you sign-in on the sign-
7	in sheet, please?
8	MR. LEE: Okay.
9	CHAIRPERSON ANDERSON: Are there any
10	preliminary matters in this case?
11	MS. GEPHARDT: Yes, there is a
12	preliminary matter. The parties have reached an
13	Offer in Compromise that we would like to present
14	to the Board.
15	CHAIRPERSON ANDERSON: And what is
16	that?
17	MS. GEPHARDT: And the Offer in
18	Compromise consists of for Charge 1 it would be a
19	\$3,000 fine to be paid within 30 days. The
20	second part would be a 10 day suspension with 6
21	days served and 4 days stayed for one year. The
22	dates that the establishment would be closed is

1	July 23rd to July 28th. And finally, all
2	employees who serve alcoholic beverages in the
3	licensed establishment complete an alcohol
4	training program within three months from the
5	OIC's date.
6	CHAIRPERSON ANDERSON: I'm sorry, all
7	employees to do what?
8	MS. GEPHARDT: All employees who serve
9	alcoholic beverages.
10	CHAIRPERSON ANDERSON: Okay. And?
11	MS. GEPHARDT: And finally Charge 2 is
12	a warning.
13	CHAIRPERSON ANDERSON: I'm sorry, your
14	name again, sir? Your name again, please?
15	MR. LEE: Kevin Lee.
16	CHAIRPERSON ANDERSON: Mr. Lee.
17	MR. LEE: Yes.
18	CHAIRPERSON ANDERSON: Okay. All
19	right. Mr. Lee, it's my understanding that there
20	is an Offer in Compromise and the Offer in
21	Compromise consists of for Charge 1, there is a
22	fine of \$3,000 payable in 30 days.

_	Also as a part of charge i, there is
2	a 10 day suspension, 6 days served and 4 will be
3	stayed for one year. The 6 days that would
4	that are being served are July 23rd through July
5	28th. All employees who serve alcohol will
6	undergo training within 90 days. And for Charge
7	2, a warning will be issued. Is this your
8	understanding, sir, of the Offer in Compromise?
9	MR. LEE: Yes. I have a there is
10	a slight change for 6 days served date.
11	CHAIRPERSON ANDERSON: Yes.
12	MR. LEE: And my client wanted to
13	CHAIRPERSON ANDERSON: Well, you
14	why don't you discuss it with Ms. Gephardt and
15	let me know and then she can tell me what it is.
16	MS. GEPHARDT: Okay. I mean, I don't
17	have a calendar in front of me, but what dates
18	are those?
19	Okay. So go ahead. I mean, I am okay
20	with that, but
21	CHAIRPERSON ANDERSON: What is what
22	are the dates?

1	MS. GEPHARDT: present it to the
2	Board.
3	MR. LEE: Yeah, it's July 22nd, it's
4	a Sunday through July 27th, that's a Friday. We
5	are worried the Ms. Phillips before that it's
6	the 22nd to 23rd to 28th, but my client ask
7	for from Sunday to Friday.
8	CHAIRPERSON ANDERSON: If the
9	Government remember, you are not negotiating
10	with me.
11	MR. LEE: Yes.
12	CHAIRPERSON ANDERSON: You are
13	negotiating with the Government.
14	MR. LEE: I understand that.
15	MS. GEPHARDT: I am in agreement with
16	that.
17	CHAIRPERSON ANDERSON: All right.
18	MS. GEPHARDT: I consent to it.
19	CHAIRPERSON ANDERSON: All right.
20	MR. LEE: Okay.
21	CHAIRPERSON ANDERSON: So the
22	Government has consented to for Charge 1 the 6

day suspension will be July 22nd to July 27th.

All employees who -- all right. So the question where I was?

As I said before, so let me start at the beginning, so it's clear for the record.

It's my understanding there is an Offer in Compromise. The Offer in Compromise is that for Charge 1, there is a \$3,000 fine payable in 30 days. Also as a part of Charge 1, there is a 10 day suspension, 6 days will be served and 4 days will be stayed for one year. The 6 days to be served are July 22nd through July 27th. All employees who serve alcohol will undergo training within 90 days. And that Charge 2 will -- there will be a warning.

Is this your understanding, sir, of the Offer in Compromise?

MR. LEE: Yes, I understand.

CHAIRPERSON ANDERSON: And is your client aware that by accepting an Offer in Compromise, that they are giving up their right to a hearing?

1 MR. LEE: Yes. 2 CHAIRPERSON ANDERSON: And does your client also understand that by accepting an Offer 3 4 in Compromise, that he is giving up his right to 5 appeal this matter? MR. LEE: 6 Yes. 7 CHAIRPERSON ANDERSON: With this said, 8 I then make a motion that the Offer in Compromise 9 of a -- for Charge 1 there is a fine of \$3,000 There is also a 10 days 10 payable in 30 days. suspension, 6 days served, 4 days will be stayed 11 12 for one year. The 6 days to be served are July 22nd through July 27, 2-18. All employees who 13 14 serve alcohol must undergo training within 90 15 For Charge 2, there is a letter -- a 16 written warning. Is there a second? 17 MEMBER SHORT: Second. 18 CHAIRPERSON ANDERSON: Mr. Short has 19 seconded the motion. 20 All those in favor say aye. 21 ALL: Aye.

CHAIRPERSON ANDERSON:

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Those opposed?

1	The matter passes 5-0-0.
2	The Board will issue a Board Order
3	memorializing this the terms of the OIC and
4	the effective date will be the date the Board
5	issues its order. Okay. So thank you very much.
6	Have a good day. That's it?
7	MR. LEE: Yes.
8	CHAIRPERSON ANDERSON: All right.
9	Thank you. You can go, sir, I mean, we are done.
10	MR. LEE: Thank you.
11	CHAIRPERSON ANDERSON: Thank you.
12	(Whereupon, the Show Cause (Status)
13	Hearing was concluded at 9:50 a.m.)
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alcoholic 1:2,14,15 5:2 5:9 ANC 1:7 Anderson 1:16,19 3:3 3:11,18,21 4:2,5,915 5:6,10,13,16,18 6:11 6:13,21 7:8,12,17,19 7:21 8:19 9:2,7,18,22 10:8,11 appeal 9:5 approach 3:6 Ascertain 1:10 attorney 3:10,19 aware 3:22 8:20 aye 9:20,21 B B 1:7 beginning 8:5 behalf 3:9 Beverage 1:2,14,15 beverages 5:2,9 Board 1:2,14 3:8 4:14 7:2 10:2,2,4 BOBBY 1:20 Building 1:15 C calendar 3:4 6:17 case 1:8 3:3,4 4:10 CATO 1:20 Cause 1:7 10:12 Chairperson 1:16,19 3:3,11,18,21 4:2,5,9 4:15 5:6,10,13,16,18 6:11,13,21 7:8,12,17 7:19,21 8:19 9:2,7,18 9:22 10:8,11 change 6:10 Charge 4:18 5:11,21 6:14,16 7:3,15 Chrissy 3:9 CHRISTINE 2:11 Convenience 1:6 3:5 3:16 4:3 D K Kevin 3:15 5:15 KYUNG-HUAN 2:12 D Site 1:13 Supat 4:20 6:1 8:9 parties 3:6 4:12 passes 10:1 payable 5:22 8:8 Phillips 7:5 Pleases 1:6:17 Case 1:8 3:3,14,14,20 Bis 1:11 DONALD 1:20 Building 1:15 C Calendar 3:4 6:17 case 1:8 3:3,4 4:10 CATO 1:20 Cause 1:7 10:12 Chairperson 1:16,19 3:3,11,18,21 4:2,5,9 4:15 5:6,10,0,13,16,18 6:11,13,21 7:8,12,17 7:19,21 8:19 9:2,7,18 9:9,15 Chrissy 3:9 CHRISTINE 2:11 Convenience 1:6 3:5 Sin 6:4:3 Supat 4:20 6:1 8:9 Kevin 3:15 5:15 KYUNG-HUAN 2:12 D K Mexion 3:15 5:15 KYUNG-HUAN 2:12 D M Lee 2:12 3:14,15;20 4:8 Sin 3:16 4:12 D M Mart 1:6 3:5,16 4:4 memorializing 10:3 met 1:15 Member 1:19,20,20,21 Indid 4:19 parties 3:6 4:12 passes 10:1 payable 5:22 8:8 Phillips 7:5 Pleiminary 4:10 parties 3:6 4:12 passes 10:1 payable 5:22 8:8 Phillips 7:5 Pleiminary 4:10 matter 4:20 6:1 8:9 Phillips 7:5 Pleiminary 4:10 matter 4:20 6:1 8:9 Phillips 7:5 Pleiminary 4:10 matter 9:15 Mart 1:6 3:5,16,17,19 6:9 6:12 7:3,11,14,20 Bis 9:1,6 10:7,10 Matters 4:10 matters 4:10 memorializing 10:3 met 1:15 Sale 1:9 part 4:20 6:1 8:9 Phillips 7:5 Phillips 7:5 Pleiminary 4:10 matter 9:15 Mart 1:6 3:5,15,16,16,17,19 6:9 6:12 7:3,11,14,20 Bis 9:1,14 letter 9:15 Mart 1:6 3:5,16,14 Mart 1:6 3:5,16,14 Mart 1:6 3:5,16 4:4 memorializing 10:3 met 1:15 Sale 1:9 Priday 7		1	ı	1	
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<u>C E R T I F I C A T E</u>

This is to certify that the foregoing transcript

In the matter of: 1101 Convenience Mart

Before: DC ABRA

Date: 06-20-18

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

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