

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

2 1:38 p.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record. We are having a Fact-
5 Finding Hearing on Fairmont Market, License No.
6 109297. It's a request to extend safekeeping.

7 Could the parties, please, approach
8 and identify themselves for the record, please?

9 MR. LEE: Good afternoon, Board
10 Members. My name is Kevin Lee representing --

11 MS. DANG: Katie Dang.

12 MR. LEE: -- Pho Viet USA, Inc. and
13 then next to me is the owner of the corporation
14 and the Fairmont Market.

15 CHAIRPERSON ANDERSON: All right. So
16 state your name for the record and, please, sign-
17 in on the sign-in sheet, please, if you have not
18 done that already.

19 MS. DANG: Yes. Good afternoon, Board
20 Members. My name is Katie Dang and I am the
21 member of the LLC of Pho Viet.

22 CHAIRPERSON ANDERSON: All right.

1 There is a sign-in sheet. Have you signed in on
2 the sign-in sheet?

3 MR. LEE: Yes.

4 MS. DANG: Yes.

5 MR. LEE: We already did.

6 CHAIRPERSON ANDERSON: All right. All
7 right. It's an application for safekeeping and I
8 think one of the reasons why the Board had asked
9 for you to come in is for -- on April the 13th,
10 the Board had approved the sale, the transfer of
11 the liquor license from Hu Herr Wu to Pho Viet
12 USA, Inc. and so I guess what I'm trying to find
13 out is -- hold on one moment, please.

14 I'm sorry, your name again? I'm
15 sorry, who do you represent, Mr. Lee?

16 MR. LEE: I represent the Pho Viet
17 USA, Inc., that's applicant.

18 CHAIRPERSON ANDERSON: Okay.

19 MR. LEE: Yeah.

20 CHAIRPERSON ANDERSON: All right.

21 Which is Fairmont Market?

22 MR. LEE: Yes.

1 CHAIRPERSON ANDERSON: Okay. That's
2 who --

3 MR. LEE: That's the trading name.

4 CHAIRPERSON ANDERSON: Okay.

5 MR. LEE: Yes, yeah.

6 CHAIRPERSON ANDERSON: So that's who
7 you represent.

8 MR. LEE: Yeah.

9 CHAIRPERSON ANDERSON: And she is a
10 member of the association, the Pho Viet USA. All
11 right. Now, tell me what is going on. What
12 happened since we approved the transfer? What
13 happened with that? Is there a sale still going
14 on? And since you are now asking for extension
15 of safekeeping, when is the safekeeping? And I
16 apologize for that -- did the safe -- the current
17 safekeeping -- okay. So you had asked for the
18 safekeeping through September 30, 2018.

19 So just bring me, bring the Board up
20 to speed where we are, what is going on with the
21 transfer and if there is going to be no transfer,
22 let's say even if the Board was to approve the

1 safekeeping request, it's going to be through
2 September 30, 2018. So what is going to happen
3 in November, because you would have to come back
4 again and ask for another extension. So tell us
5 what is going on, please.

6 MR. LEE: Well, actually, before we
7 get to that part, I wanted to update you or the
8 Members that I work with Examiner Ms. Marty
9 Fowler. And we submitted all the documents by
10 today and she is ready to issue the license
11 tomorrow, so we are ready to pick up the license
12 tomorrow.

13 So we don't need to request another
14 extension period, because we just submit all the
15 required document today. So --

16 CHAIRPERSON ANDERSON: Okay. So you
17 are saying that from April, you needed -- I
18 think, basically, what was needed -- what was
19 needed from the April -- do you have the April --

20 MR. LEE: Yes.

21 CHAIRPERSON ANDERSON: -- 13th letter?

22 MR. LEE: It's on the --

1 CHAIRPERSON ANDERSON: Right. So what
2 was -- what is it that was needed? And what did
3 you provide?

4 MR. LEE: A Certificate of Occupancy,
5 a business license, clear out the check,
6 registration, bill of sale, amend the lease and
7 we are going to pay for transfer fee. We are all
8 ready for that.

9 CHAIRPERSON ANDERSON: So you are
10 saying that you provided all this information --

11 MR. LEE: Yeah, all the information.

12 CHAIRPERSON ANDERSON: -- to --

13 MR. LEE: And then Ms. Marty Fowler
14 just asked me to update your Members today, just
15 to say like that and that she is ready to pick up
16 the -- issue the license. And I'm going to pick
17 up tomorrow morning.

18 CHAIRPERSON ANDERSON: All right. So
19 the transfer expired when? When did -- I'm
20 sorry. The safekeeping -- currently, it's in
21 safekeeping through March? What was the date?

22 MR. LEE: I'm not sure about it, but

1 well, first of all, we were confused with the Ms.
2 Marty Fowler, because when Board approved our
3 transfer application, that was outside of
4 safekeeping.

5 But later on Ms. Kelly Campbell from
6 the Licensing Division advised me to request for
7 the extension because currently the business is
8 not operating.

9 CHAIRPERSON ANDERSON: Right.

10 MR. LEE: So that's why I understand
11 that we were asking for stay in safekeeping.

12 CHAIRPERSON ANDERSON: Right. Because
13 you had not completed the process.

14 MR. LEE: Yes, that's right.

15 CHAIRPERSON ANDERSON: So the transfer
16 had -- was not complete.

17 MR. LEE: Yes.

18 CHAIRPERSON ANDERSON: So therefore,
19 you had to extend, request and I think the, if I
20 understand correctly, the -- it remained in
21 safekeeping through March 31st.

22 MR. LEE: Yes.

1 CHAIRPERSON ANDERSON: So therefore,
2 it is now -- and you requested this in May,
3 right. So it's now July and so it's in no-no
4 land. So I guess if you are stating that you
5 have now provided the Agency with the appropriate
6 information, I think the Agency -- well, I think
7 we have to agree to approve the --

8 MEMBER ALBERTI: Well, it has been
9 approved. It's just --

10 CHAIRPERSON ANDERSON: No, I mean, to
11 -- it's in --

12 MEMBER ALBERTI: Can I ask a real
13 question?

14 CHAIRPERSON ANDERSON: Yeah.

15 MEMBER ALBERTI: A real quick
16 question. Mr. Lee?

17 MR. LEE: Yeah.

18 MEMBER ALBERTI: When will the
19 business be operating? When will the business
20 begin operation?

21 MR. LEE: When will be operating?

22 MS. DANG: Any time now.

1 MR. LEE: Yeah, she is ready to open
2 now.

3 MEMBER ALBERTI: All right. So almost
4 immediately --

5 MR. LEE: Once got it, yeah.

6 MEMBER ALBERTI: -- like the next --

7 MS. DANG: Yeah.

8 MEMBER ALBERTI: -- day or so?

9 MS. DANG: Yeah.

10 MR. LEE: Yeah.

11 MEMBER ALBERTI: All right.

12 MR. LEE: She just waiting for to
13 finish up.

14 MEMBER ALBERTI: So, Mr. Lee --

15 MR. LEE: She just needs the business
16 license, so we submitted the last requirement
17 today.

18 CHAIRPERSON ANDERSON: No, but the
19 problem though it has been --

20 MEMBER ALBERTI: You don't have it in
21 safekeeping. We don't have it. Currently, it is
22 not in safekeeping.

1 CHAIRPERSON ANDERSON: But it is not
2 operational. So it has been in --

3 MEMBER ALBERTI: It's sort of in
4 limbo.

5 CHAIRPERSON ANDERSON: It has been in
6 limbo.

7 MEMBER ALBERTI: Yes, my point is is
8 if she is going to operate -- let's say she opens
9 it this weekend, then essentially they will get
10 the license. And there is really nothing --
11 there is no action that this Board needs to take
12 at this time, is my point.

13 MR. LEE: Now, we are ready for a
14 business license and the ABC License to pick up
15 scheduled for tomorrow then she open, operating
16 right away.

17 MEMBER SHORT: So he has checked all
18 these boxes.

19 MEMBER ALBERTI: I know.

20 MR. LEE: I attended the hearing --

21 MEMBER ALBERTI: You might ask that--

22 MR. LEE: -- I just comment on Ms.

1 Marty Fowler.

2 MEMBER ALBERTI: A request to come out
3 of safekeeping, but it's not in safekeeping, so
4 there is really no action we need to take.

5 CHAIRPERSON ANDERSON: I know.

6 MEMBER ALBERTI: So there is no action
7 we need to take.

8 MEMBER SHORT: Could I ask a question
9 for a minute?

10 CHAIRPERSON ANDERSON: Go ahead, Mr.
11 Short.

12 MEMBER SHORT: Okay. Mr. Lee, how are
13 you this afternoon?

14 MR. LEE: Good afternoon.

15 MEMBER SHORT: Good. The letter I see
16 that is dated April 13, 2018, and that is from
17 Margaret Fowler, do you have that letter in front
18 of you? Do you have a copy of that letter?

19 MR. LEE: It's May 18th, that's my
20 letter?

21 MEMBER SHORT: No. April the 13th.

22 MR. LEE: April 13, yeah, approval

1 letter.

2 MEMBER SHORT: Okay. All right. Now,
3 and it was saying that she wanted you to have all
4 these documents in within 45 days.

5 MR. LEE: Okay.

6 MEMBER SHORT: So you have done the
7 Certificate of Occupancy, correct?

8 MR. LEE: Yes.

9 MEMBER SHORT: What is the occupancy?
10 What is that? What is the occupancy that you
11 were approved for by DCRA?

12 MR. LEE: I only submitted. I don't
13 know how.

14 MEMBER SHORT: It's a basic business
15 license, right?

16 MR. LEE: Yeah, basic business license
17 and occupancy permit. It's business license.

18 MEMBER SHORT: Okay. So what is on
19 the occupancy? What does it say? What did they
20 give you, the C of O, to occupy is what?

21 MR. LEE: The occupancy permit.

22 MEMBER SHORT: And have you provided

1 a copy of that?

2 MR. LEE: This is --

3 CHAIRPERSON ANDERSON: Yes, all of
4 that was done yesterday.

5 MR. LEE: -- a copy of that.

6 MEMBER SHORT: Okay. So on that
7 Certificate of Occupancy, what does it say?

8 MS. DANG: It say retail and deli on
9 the occupancy.

10 MEMBER SHORT: What does it say?
11 Again, say it louder, so I can hear you.

12 MS. DANG: Retails and deli.

13 MEMBER SHORT: Okay. That's what I
14 wanted to hear. All right. Now, you also have
15 done the Clean Hands and you have done DC Tax
16 Registration?

17 MR. LEE: Yes, I have done.

18 MEMBER SHORT: You've done the bill of
19 sale?

20 MR. LEE: Yeah.

21 MEMBER SHORT: And amended the lease?

22 MR. LEE: Yes.

1 MEMBER SHORT: What's the date on the
2 lease?

3 MR. LEE: Actually, she put her
4 property, too. She is our landlord at the same
5 time.

6 MEMBER SHORT: So she owns the
7 building?

8 MR. LEE: Yep. And there is a
9 separate --

10 MEMBER SHORT: Well, I'm just kind of
11 confused now. So amended lease. So --

12 MR. LEE: It's January 2018, that's
13 the lease date.

14 MEMBER SHORT: That's the bill of sale
15 or the -- what is that that you are reading that
16 date from?

17 MR. LEE: This is the lease.

18 MEMBER SHORT: I'm just trying to get
19 some things untangled, so that we can make a
20 better decision about what we need to do with
21 your safekeeping.

22 MR. LEE: You -- I already provided.

1 CHAIRPERSON ANDERSON: The Agency has
2 the documents.

3 MEMBER SHORT: That's --

4 MEMBER ALBERTI: He has --

5 (Simultaneous speaking)

6 MEMBER SHORT: Just if you don't mind.

7 MEMBER ALBERTI: All right.

8 MEMBER SHORT: We can get into --

9 CHAIRPERSON ANDERSON: I think Mr. --
10 they provided all the information to the Agency.

11 MEMBER SHORT: I understand and that's
12 the reason why I wanted to get it on the record.

13 CHAIRPERSON ANDERSON: But --

14 MEMBER SHORT: That's the reason why
15 I asked the question and I ask these questions.
16 I'm only going down the list of things that is on
17 this letter.

18 CHAIRPERSON ANDERSON: Well, I know,
19 but they --

20 MEMBER SHORT: So if they have done
21 all of that, then, Mr. Chair, I don't know, you
22 know --

1 CHAIRPERSON ANDERSON: No, the -- from
2 my perspective, and there are two options to do,
3 we can say no further action or because it's in--
4 the business has been in limbo. It has not been
5 in safekeeping. It's not operating. Although
6 they might pick up the license tomorrow or at
7 some period and we still need to sign-off on it,
8 there is going to be a period of time that the
9 license is not in safekeeping and it's not
10 operational.

11 MEMBER SHORT: Okay.

12 CHAIRPERSON ANDERSON: So from an
13 administrative perspective, what should we do?
14 Should we just say -- should we agree to place it
15 back in safekeeping through September 30th and
16 then once they are ready to operate, then they
17 ask us to take it out or should we just leave it
18 the way it is and they operate whenever they feel
19 like?

20 MEMBER SHORT: Okay.

21 CHAIRPERSON ANDERSON: That's what I'm
22 trying to --

1 MS. DANG: I have some pictures --

2 MR. LEE: Right.

3 MS. DANG: -- of the details.

4 CHAIRPERSON ANDERSON: All right.

5 MEMBER SHORT: I'm here.

6 CHAIRPERSON ANDERSON: And that is why
7 we were going through this process. All right.

8 So what I'm going to recommend for the
9 Board to do, okay, we are going to put it back in
10 safekeeping through September 30, 2018 to ensure
11 that all the documents -- all the missing
12 documents that are in the April 13th letter that
13 they are complying with, we will issue the
14 license.

15 We also have to sign-off on the
16 license and it's not -- so we haven't signed off
17 on it yet, so it probably is going to be another
18 week or so before you -- the Board is able to
19 sign-off on the license.

20 What will happen once you come and
21 pick up the license, once it is available and you
22 are going to pick it up, you need to let us know

1 when you are going to -- when is it that you are
2 going to open.

3 MR. LEE: Okay.

4 CHAIRPERSON ANDERSON: You tell us
5 that I'm going to open on January 1st and you are
6 asking us to take it back out of safekeeping.
7 All right? So we are giving you until September
8 the 30th to straighten this back up. And so at
9 any point, once you have picked up the license,
10 once you have decided the date that the business
11 is going to be operational, you then need to make
12 a request to the Board to take it out of
13 safekeeping and say I'm requesting that the
14 license be taken out of safekeeping for us to
15 operate on whatever date you decide to -- she is
16 going to open the business.

17 Are you clear or are there -- tell me.

18 MR. LEE: Yeah, I understand what you
19 are saying, but --

20 CHAIRPERSON ANDERSON: But what?

21 MR. LEE: -- actually, the -- what
22 happening is at the time of the approval --

1 CHAIRPERSON ANDERSON: Yes.

2 MR. LEE: -- that order approval on
3 the agenda said that it's order approved and out
4 of the safekeeping.

5 CHAIRPERSON ANDERSON: You said it was
6 what?

7 MR. LEE: Yeah, that's the -- what's
8 the --

9 CHAIRPERSON ANDERSON: When was that?

10 MR. LEE: -- it is from the
11 safekeeping, that was true. So I just checked
12 and the safekeeping period with Ms. Marty Fowler,
13 Marty Fowler said that it's the Board approved
14 the taking out of safekeeping. Then after that,
15 you can have a small email with Ms. Kelly
16 Campbell sent me email that says that that's a
17 mistake and that you have to request the
18 safekeeping. That's why we filed the request for
19 safekeeping again.

20 MEMBER ALBERTI: All right. Can you--

21 MR. LEE: Because there is
22 administrative that I'm also kind of confused.

1 MEMBER ALBERTI: But if it goes back
2 in, Mr. Lee, to safekeeping --

3 MR. LEE: Yeah.

4 MEMBER ALBERTI: -- you will have to
5 request that it come out of safekeeping --

6 MR. LEE: Yeah.

7 MEMBER ALBERTI: -- before you can
8 open.

9 MR. LEE: Yeah. We already put it in
10 part of the application.

11 MEMBER ALBERTI: Right.

12 MR. LEE: Because signed by the
13 seller.

14 MEMBER ALBERTI: So once --

15 MR. LEE: Yeah, yeah.

16 MEMBER ALBERTI: -- everything is
17 complete --

18 MR. LEE: Yeah.

19 MEMBER ALBERTI: -- and your client is
20 issued the license --

21 MR. LEE: Okay.

22 MEMBER ALBERTI: -- it will still be

1 in safekeeping.

2 MR. LEE: Uh-huh.

3 MEMBER ALBERTI: And your client will
4 have to request that it come out of safekeeping
5 before they can operate.

6 MR. LEE: Yeah.

7 MEMBER ALBERTI: Do you understand
8 that?

9 MR. LEE: Yeah, I understand that.

10 MEMBER ALBERTI: That's just as simple
11 as that.

12 CHAIRPERSON ANDERSON: Right. So the
13 letter that you got from the Agency was dated May
14 17, 2018 is that I spoke with Shawn and Karen and
15 they said we can accept this safekeeping
16 extension letter from you on behalf of your
17 client.

18 MR. LEE: So there is a kind of a
19 breach between the Examiner and the License
20 Division.

21 CHAIRPERSON ANDERSON: Yeah.

22 MR. LEE: So that's why I just make up

1 or that's why I just request for safekeeping.

2 CHAIRPERSON ANDERSON: Right.

3 MR. LEE: But it's okay, I follow
4 those.

5 CHAIRPERSON ANDERSON: So I'm going to
6 make a motion that the Board grant the
7 safekeeping request through September 30, 2018.
8 Is there a second?

9 MEMBER SHORT: Second.

10 CHAIRPERSON ANDERSON: Mr. Short has
11 seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON ANDERSON: Those opposed?
15 Okay. The matter passes --

16 MEMBER ALBERTI: 4.

17 CHAIRPERSON ANDERSON: -- 4-0-0.

18 Okay. This is where we are now, sir, okay? It's
19 in safekeeping through September 30, 2018.

20 MR. LEE: Okay.

21 CHAIRPERSON ANDERSON: Okay?

22 MR. LEE: Um-hum.

1 CHAIRPERSON ANDERSON: Once the
2 license is approved for the transfer, once you
3 have -- since you said you have given all the
4 information to the Agency, once they have issued
5 the license, you need to tell the Agency to say
6 on August the 1st, so therefore once she has
7 decided the day she wants to open back up --

8 MR. LEE: Okay.

9 CHAIRPERSON ANDERSON: -- you need to
10 send a letter to us to say I'm asking to take the
11 license out of safekeeping, because I want to
12 open up on August 1st.

13 MR. LEE: Okay. Even though I pick up
14 the ABC License tomorrow?

15 CHAIRPERSON ANDERSON: I don't think
16 you are going to pick up the license tomorrow,
17 sir. What I'm -- this is what the Agency has
18 informed me.

19 MR. LEE: Okay.

20 CHAIRPERSON ANDERSON: The Agency has
21 informed me that we have not signed off on --
22 because we still have to sign-off on everything.

1 So I'm told -- but even if you pick it up
2 tomorrow, it does not mean that she is going --
3 tomorrow is Thursday, does that -- is she going
4 to open the business up on Friday? Huh?

5 MS. DANG: Everything we set up is
6 ready.

7 CHAIRPERSON ANDERSON: All right. So
8 I'm still getting -- all right. Well, maybe I
9 need to --

10 MEMBER SHORT: He said he can pick up
11 tomorrow.

12 MEMBER ALBERTI: It came out of
13 safekeeping, didn't it? I think it came out of
14 safekeeping.

15 CHAIRPERSON ANDERSON: Well, let me
16 ask. Who has the license? Who has the physical
17 license?

18 MEMBER SHORT: There we go.

19 CHAIRPERSON ANDERSON: Where is the
20 old license? Who has it?

21 MR. LEE: That's with Jin Herr, that's
22 the seller.

1 CHAIRPERSON ANDERSON: Oh, the Agency?

2 MR. LEE: Yeah.

3 CHAIRPERSON ANDERSON: Who has the
4 license?

5 MR. LEE: The safekeeping.

6 CHAIRPERSON ANDERSON: Oh, so you are
7 saying we, the Agency, has the license?

8 MR. LEE: Yes, that's correct.

9 MEMBER ALBERTI: Fine. Then we can't
10 issue it to them.

11 MR. LEE: It has been in safekeeping.

12 CHAIRPERSON ANDERSON: All right.

13 MEMBER ALBERTI: All right.

14 CHAIRPERSON ANDERSON: All right.

15 MEMBER ALBERTI: So we won't issue the
16 new license until you request it to come out of
17 safekeeping.

18 CHAIRPERSON ANDERSON: Right.

19 MEMBER ALBERTI: Do you understand
20 that?

21 MR. LEE: (No audible answer.)

22 CHAIRPERSON ANDERSON: So you need to

1 -- so I'm not -- it's still not clear to me that
2 the transfer has been approved. Okay? Because
3 when the Board issued this order on April 13th,
4 it says --

5 MEMBER ALBERTI: We approved it.

6 CHAIRPERSON ANDERSON: -- we approved
7 it, but it was contingent on --

8 MEMBER ALBERTI: Well, it always is.
9 Approval and issuance are two different things.

10 CHAIRPERSON ANDERSON: Right.

11 MEMBER ALBERTI: We approved it, but
12 it can't issue until --

13 CHAIRPERSON ANDERSON: They do the
14 rest of the -- rest of it.

15 MEMBER ALBERTI: Yes. So we don't
16 know what the status of the issuance is.

17 CHAIRPERSON ANDERSON: Right.

18 MR. LEE: That's why I just said to
19 you before I came here this room, I talked to the
20 conformance of it. My apologies.

21 CHAIRPERSON ANDERSON: It's not that
22 I don't -- I disbelieve you, sir.

1 MR. LEE: Okay.

2 CHAIRPERSON ANDERSON: Okay. It's --

3 MR. LEE: That's okay.

4 CHAIRPERSON ANDERSON: -- has nothing
5 to do with me disbelieving you.

6 MR. LEE: I totally understand.

7 CHAIRPERSON ANDERSON: The Agency has
8 not informed me that -- you are here for a Fact-
9 Finding Hearing and no one at the Agency is
10 saying to me that they are going to issue the
11 license tomorrow.

12 MR. LEE: Okay.

13 CHAIRPERSON ANDERSON: Okay. And so
14 what needs to be -- so if you -- if the Agency
15 tells you tomorrow to come and pick up the
16 license, if -- which I don't -- I doubt that is
17 going to happen and so I'll make sure of that
18 before you leave here today, that will be clear
19 whether or not you can come tomorrow and pick it
20 up, but --

21 MEMBER SHORT: Can we just check on
22 that.

1 CHAIRPERSON ANDERSON: Your license,
2 you are not able to pick it up tomorrow, because
3 it's not on our calendar for the Board to --
4 because we have to sign-off on it. Okay? So
5 once the Agency is satisfied that the remaining
6 information is provided --

7 MR. LEE: Okay.

8 CHAIRPERSON ANDERSON: -- then they
9 will issue the license. Once the license is
10 issued, you then need to let us know what day you
11 are going to open and we will -- and ask us to
12 remove it from safekeeping. Okay? So I'll give
13 you -- it appears that there has been Agency or
14 foul-ups until -- for this period of time.

15 And so for your own protection, it's
16 in safekeeping until September 30, 2018. Once
17 the license is issued, then you need to tell the
18 Agency what day you are going to open the
19 business up and ask them to remove it from
20 safekeeping. Okay?

21 MR. LEE: Actually, I can inform you
22 that -- I'm sorry.

1 CHAIRPERSON ANDERSON: The reason why
2 I'm saying this, sir --

3 MR. LEE: Yes.

4 CHAIRPERSON ANDERSON: -- in order for
5 a license to be issued, I'm sorry, it has to be
6 on our agenda, that's what I'm told. It's not on
7 our agenda, so there are some --

8 MEMBER SHORT: I'm trying just to get
9 some clarification.

10 CHAIRPERSON ANDERSON: Yeah, there is
11 some administrative type of things that needs to
12 happen for you to physically get the license and
13 those administrative things have not been done as
14 yet. And so until those administrative things
15 have been done, for your own protection, it is
16 best that the license is in safekeeping.

17 MR. LEE: Yes.

18 CHAIRPERSON ANDERSON: Okay. It is in
19 safekeeping until September 30, 2018.

20 MR. LEE: So we have to pay for the
21 safekeeping?

22 CHAIRPERSON ANDERSON: Because it has

1 been in the -- because the process expired, you--
2 in order for -- that was -- it was approved for
3 safekeeping through March 31st.

4 MR. LEE: Okay.

5 CHAIRPERSON ANDERSON: Okay. As of
6 April 13th, you still did -- the license still
7 was not approved. It wasn't transferred.

8 MR. LEE: Okay.

9 CHAIRPERSON ANDERSON: So on April
10 13th it still had to remain in safekeeping. So
11 you just told me that you didn't provide the
12 Agency with the rest of the information until
13 yesterday and we are now in July.

14 So things remain in safekeeping just
15 for six months. So you are already in the
16 safekeeping period, so you are in the middle of
17 the safekeeping period from March, because in
18 order for you not to have paid, the transfer had
19 to have been approved and the license issued and
20 you are in operation -- and she is in operation
21 prior to March 31, 2018.

22 And so you are telling me that we are

1 now in July and as of today, you are not
2 operating. You are not utilizing the license.
3 So, you know, because you are not utilizing the
4 license as of today, July 11, 2018, you -- the
5 license has to remain in safekeeping for April,
6 May, June and July, which is three months. So,
7 yes, you have to pay for the --

8 MR. LEE: Okay.

9 CHAIRPERSON ANDERSON: -- safekeeping
10 fee. Yeah. All right. So are you clear where
11 it is? I'm hoping that all of this will take
12 care of itself and -- because if you don't -- if
13 this license is not in operation by October 1st,
14 she has to come back again and ask us to keep it
15 in safekeeping.

16 MR. LEE: I understand that, but she
17 want to open tomorrow.

18 CHAIRPERSON ANDERSON: Well, she can't
19 open tomorrow.

20 MR. LEE: Because she has a restaurant
21 license.

22 CHAIRPERSON ANDERSON: Well, she can

1 open tomorrow, but she can't serve or sell
2 alcohol tomorrow.

3 MR. LEE: Yeah, yeah. Because she
4 just applied to open right away, that's why.

5 CHAIRPERSON ANDERSON: She can. She
6 can open whenever she wants to open. However,
7 she cannot sell or serve liquor/alcohol until we
8 take this license. So you can open tomorrow if
9 you want to.

10 MR. LEE: Okay.

11 CHAIRPERSON ANDERSON: But you just
12 can't serve alcohol. You can't sell or serve
13 alcohol, because you don't have a license.

14 MR. LEE: Just to let you know that
15 she plan to -- planning to open tomorrow, that's
16 why --

17 CHAIRPERSON ANDERSON: Yeah, but even
18 if she --

19 MR. LEE: That's something on hold.

20 CHAIRPERSON ANDERSON: -- is planning
21 to open, where is she going to get her -- where
22 is she going to buy her alcohol from?

1 MR. LEE: Oh, no, no, no.

2 CHAIRPERSON ANDERSON: She can't --

3 MR. LEE: She is not serving alcohol.

4 MS. DANG: We don't sell.

5 CHAIRPERSON ANDERSON: Well, that's

6 what I'm saying, yeah, see, that's what I'm

7 saying. Because you have to have a license.

8 MR. LEE: We don't have a license yet.

9 CHAIRPERSON ANDERSON: Right. You
10 have to have a license to buy from the
11 wholesaler.

12 MR. LEE: Yes.

13 CHAIRPERSON ANDERSON: She has to buy
14 from a wholesaler. She can't go to the corner
15 store and buy alcohol. And the wholesaler is not
16 going to sell her alcohol unless she has a valid
17 license.

18 MR. LEE: Okay.

19 CHAIRPERSON ANDERSON: And I'm saying
20 to you, ma'am, you cannot go to the liquor store
21 and buy liquor and buy alcohol to serve. I'm
22 just saying that to you.

1 MR. LEE: Probably understand that,
2 yes.

3 CHAIRPERSON ANDERSON: Well, it's not
4 that she already knows that, I'm telling her
5 because she is new and folks always say that I
6 did not know, because nobody told me. So
7 therefore, I'm going to go to Costco to go buy
8 it. I'm going to go to the corner liquor store
9 to go buy it. I'm going to go here and buy it
10 and it's okay.

11 So that's why, because you are here in
12 front of me, I'm letting you know you can't do
13 that.

14 MS. DANG: Okay.

15 CHAIRPERSON ANDERSON: And one of the
16 things that I would ask is this a first time you
17 are operating a business selling alcohol?

18 MS. DANG: To be honest with you, sir,
19 no.

20 CHAIRPERSON ANDERSON: No?

21 MS. DANG: We have experience in hotel
22 business, so we aware and I thank you so much for

1 letting me know.

2 CHAIRPERSON ANDERSON: All right.

3 MS. DANG: And --

4 CHAIRPERSON ANDERSON: All right. I
5 just wanted to make sure, because one of the
6 things I said because you are here is that I will
7 also ask that we have different trainings coming
8 on that you use that, because I don't want to see
9 you again. Because normally when I see people,
10 it's not to say hi, bye, how are you doing. It's
11 because you do something wrong and you are going
12 to say I did not know, so because I'm seeing you
13 on the front end, I'm taking the time to say make
14 sure that you do these things, so you never have
15 to appear in front of me again.

16 Okay? So you -- so, Mr. Lee, you are
17 aware what is it that she needs to do? Is that
18 correct, sir?

19 MR. LEE: That's correct.

20 CHAIRPERSON ANDERSON: All right.

21 MS. DANG: Thank you.

22 CHAIRPERSON ANDERSON: So thank you

1 very much. Have a great day. But I don't think
2 you are going to pick up the license tomorrow,
3 okay? All right. Thanks.

4 MR. LEE: Thank you.

5 CHAIRPERSON ANDERSON: All right.

6 (Whereupon, the Fact-Finding Hearing
7 was concluded at 2:97 p.m.)
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In the matter of: Pho Viet USA, Inc.

Before: Alcoholic Beverage Control Board

Date: 07-11-18

Place: Washington, DC

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Court Reporter

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