

IN THE MATTER OF: :  
 :  
 :  
 Wi Mila, Inc., :  
 t/a New Seven Market :  
 1406 Good Hope Road SE : Protest  
 Retailer B - ANC 8A : Hearing  
 License No. 113576 :  
 Case #19-PRO-00108 :  
 :  
 (Substantial Change :  
 [Class Change from :  
 Retailer "B" 25% to :  
 Retailer B]) :

Wednesday  
January 15, 2020

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  
BOBBY CATO, JR., Member  
RAFI ALIYA CROCKETT, Member  
JAMES SHORT, JR., Member

ALSO PRESENT:

KEVIN LEE, Counsel for Licensee

WI SUK PARK, Licensee

MYUNG JA OH, Interpreter for Licensee

YOUNG MOO KIM, Interpreter for Licensee

INVESTIGATOR JOVAN MILLER, DC ABRA

DORCAS AGYEI, ANC 8A

STEVEN KANG, Witness

CLARENCE JONES, Witness

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

2 1:41 p.m.

3 CHAIRPERSON ANDERSON: Our next case  
4 is Case Number 19-PRO-00108, New Seven Market,  
5 License Number 113576.

6 Would the parties please identify  
7 themselves for the record, starting with the  
8 licensee?

9 MR. LEE: Good afternoon, Board  
10 Members. My name is Kevin Lee; I represent Wi  
11 Mila, Inc.

12 CHAIRPERSON ANDERSON: Oh, I'm sorry,  
13 I apologize, I apologize. What language is  
14 this?

15 MR. LEE: Korean.

16 CHAIRPERSON ANDERSON: Can you stand  
17 up, sir? All right. Come up, ma'am. Can you  
18 raise your right hand?

19 Do you swear or affirm to faithfully  
20 interpret these proceedings from English into  
21 Korean and from Korean into English?

22 MR. OH: I do.

23 MS. KIM: I do.

24 CHAIRPERSON ANDERSON: All right.  
25 Thank you. Have a seat. All right. Yes, go

1 ahead. Go ahead, Mister.

2 MR. LEE: Good afternoon, Board  
3 Members. My name is Kevin Lee; I represent Wi  
4 Mila, Inc., trade name, New Seven Market. Next  
5 to me is the owner of the establishment, the  
6 Applicant.

7 MS. PARK: My name is W-I P-A -- Wi  
8 Park, I'm the owner.

9 MR. OH: My name is Wi Suk Park.

10 CHAIRPERSON ANDERSON: There's a  
11 sign-in sheet --

12 (Simultaneous speaking.)

13 CHAIRPERSON ANDERSON: All right.  
14 All right. So, this is a protest hearing, and  
15 basically, the process for the protest hearing  
16 is that we'll -- of course, I do their opening.

17 I will ask is there any preliminary  
18 matters.

19 Once I ask that, the Applicant will  
20 give an opening statement, to let us know what  
21 it is that they are seeking.

22 Then, the Protestant would also do  
23 an opening statement, to tell the Board what it  
24 is that the Protestants are seeking.

25 The Board then will call its

1 witness, which is the investigator. And the  
2 investigator will go over his report and let us  
3 know what it is that he has been able to find,  
4 what information was he able to gather as a  
5 result of his investigation of this application.

6 Each side has 90 minutes to present  
7 its case. Your case presentation starts after  
8 the Board has presented its witness.

9 I will ask that you do not spend the  
10 majority of its time in cross examination, that  
11 you spend your time presenting direct evidence.

12 So, each side will have 90 minutes  
13 to present its case.

14 You will also have, I will also give  
15 you five minutes, each side will have five  
16 minutes to do an opening and five minutes at the  
17 end of the case to do a closing.

18 Are there any preliminary matters  
19 that can be discussed?

20 I don't know what the Protestant's  
21 position is. Is it the Protestant's position  
22 that they will agree to the substantial change,  
23 with restrictions?

24 Or is it the Protestant's position  
25 that they would not agree to the substantial

1 change?

2 MS. AGYEI: Is that a -- are you --

3 CHAIRPERSON ANDERSON: Yes, ma'am,  
4 I'm asking it.

5 MS. AGYEI: So, I'm Dorcas Agyei, I'm  
6 the ANC of 8A05. The building in question is in  
7 my SMD. And I'm also the lead of the Party of  
8 11 that's protesting.

9 CHAIRPERSON ANDERSON: Right.

10 MS. AGYEI: At this time, the parties  
11 have not come to a settlement. And our stance  
12 is that we would like the application to be  
13 denied.

14 CHAIRPERSON ANDERSON: All right. I  
15 was just -- normally, before a protest hearing,  
16 I would ask, are there preliminary matters, I  
17 don't know where the parties are, to see if it  
18 could be settled by the Board issuing  
19 memorializing an agreement by the parties.

20 But since you're telling me what the  
21 position is, fine. It's not --

22 MS. AGYEI: I do have an outstanding  
23 item, I'm not sure if it would be considered as  
24 a preliminary --

25 CHAIRPERSON ANDERSON: Preliminary,

1       what's that?

2                   MS. AGYEI: -- item or not. In the  
3       report that was submitted to myself and as well  
4       as the client and counsel, there was not a  
5       issuance of the gross receipts of the alcohol  
6       sales. I felt that that should have been in the  
7       report.

8                   So, I feel the report is incomplete,  
9       because this Applicant is coming to the Board  
10      requesting a substantial change from their  
11      current license and I don't feel that they have  
12      shown the Board that they are even in need of  
13      that license, without that data admitted for the  
14      report.

15                  CHAIRPERSON ANDERSON: You could ask  
16      the -- you're going to get an opportunity to  
17      cross examine. So, once we provide -- you have  
18      an opportunity to ask questions of the  
19      investigator.

20                  MS. AGYEI: Okay.

21                  CHAIRPERSON ANDERSON: You can ask  
22      him those questions, if --

23                  MS. AGYEI: Okay.

24                  CHAIRPERSON ANDERSON: -- he has that  
25      information and why is it that it's not

1 included.

2 MS. AGYEI: Okay.

3 CHAIRPERSON ANDERSON: And I will --  
4 and you could also, as part of your --

5 MS. AGYEI: It's hard for me to hear  
6 you.

7 CHAIRPERSON ANDERSON: Pardon? As  
8 part of your questioning, you can also maybe, if  
9 the licensee decides to put herself to testify,  
10 you could also ask her those questions --

11 MS. AGYEI: Okay.

12 CHAIRPERSON ANDERSON: -- too. Yes,  
13 Mr. Lee?

14 MR. LEE: I have two issues,  
15 actually. I want to call to attention that --

16 CHAIRPERSON ANDERSON: You want to do  
17 what, sir? I didn't hear what you said you  
18 wanted to do.

19 MR. LEE: Oh, okay. I want to make  
20 clear that, first, Protestant for this case is  
21 not an ANC. ANC Protestant's qualification was  
22 dismissed.

23 CHAIRPERSON ANDERSON: Okay.

24 MR. LEE: So, it's just making sure  
25 she is representative of Group of Five or More.



1 CHAIRPERSON ANDERSON: Well, she --

2 MS. AGYEI: I did state, I stated  
3 that before I even spoke --

4 CHAIRPERSON ANDERSON: No, she stated  
5 --

6 MR. LEE: No, no, she did say that I  
7 am a --

8 CHAIRPERSON ANDERSON: Hold up.

9 MR. LEE: -- ANC, so --

10 CHAIRPERSON ANDERSON: Hold up. Hold  
11 on. All right. This license has only been  
12 protested by --

13 MR. LEE: Okay.

14 CHAIRPERSON ANDERSON: -- a Group of  
15 Five or More.

16 MR. LEE: Okay.

17 CHAIRPERSON ANDERSON: In her  
18 introduction, she tells me who she is.

19 But as far as the agency is  
20 concerned, it doesn't really matter, because  
21 standing was granted to the Group of Five or  
22 More.

23 So, the license is being protested  
24 by the Group of Five or More and standing was  
25 granted and so, therefore, whatever her position

1 is -- Ms. Agyei?

2 MS. AGYEI: Yes.

3 CHAIRPERSON ANDERSON: Ms. Agyei.

4 MS. AGYEI: But I also stated that I  
5 was the lead of the Party of 11.

6 CHAIRPERSON ANDERSON: I'm clarifying  
7 the record.

8 MS. AGYEI: Okay.

9 CHAIRPERSON ANDERSON: But I'm just  
10 saying, whatever position, it's irrelevant at  
11 this junction what role she, who she represents.  
12 She does have --

13 MR. LEE: I wanted to call it to your  
14 attention.

15 CHAIRPERSON ANDERSON: Right. She  
16 does have standing as a Group of Five or More to  
17 move forward with this protest. So, whatever  
18 rights -- so, the group has the rights to move  
19 forward.

20 And it would only be relevant if  
21 there was a settlement agreement. And if there  
22 was a settlement agreement with the ANC, then  
23 the Group of Five or More could not move  
24 forward.

25 But since there's no ANC here, the

1 Group of Five or More was granting standing by  
2 the agency, so they can move forward.

3 Any other preliminary matter that  
4 needs to be addressed?

5 MR. MILLER: Before we go further --

6 CHAIRPERSON ANDERSON: Yes, sir?

7 MR. MILLER: -- I've got a request  
8 from the Applicant's attorney and Applicant  
9 herself --

10 CHAIRPERSON ANDERSON: The  
11 Applicant's attorney?

12 MR. MILLER: -- to not interpret  
13 simultaneously and just to ask -- she asks me to  
14 interpret your questions or Board's question  
15 only.

16 CHAIRPERSON ANDERSON: No, but --

17 MR. MILLER: Is that allowable?

18 CHAIRPERSON ANDERSON: Why was an  
19 interpreter requested for this case?

20 MR. LEE: Because she's not qualified  
21 for --

22 CHAIRPERSON ANDERSON: Because she's  
23 --

24 MR. LEE: -- English is --

25 CHAIRPERSON ANDERSON: -- not what?

1 MR. LEE: -- isn't very --

2 CHAIRPERSON ANDERSON: She's what?

3 MR. LEE: English barrier, language  
4 barrier, she has.

5 CHAIRPERSON ANDERSON: So, if she has  
6 a language barrier, why is an interpreter  
7 interpreting --

8 MR. LEE: When she try to testify,  
9 and I will ask her question and she needed to  
10 answer for it.

11 CHAIRPERSON ANDERSON: No, I'm saying  
12 a different thing, sir. We're paying for an  
13 interpreter, okay?

14 MR. LEE: Yes.

15 CHAIRPERSON ANDERSON: And I want to  
16 make sure that the public funds that are being  
17 expended to pay for an interpreter are being  
18 properly utilized.

19 I do not want someone to tell me  
20 that, although we're paying for an interpreter,  
21 I don't really need one.

22 So, the interpreter is either  
23 interpreting everything or we don't need an  
24 interpreter, because the public should not be  
25 paying for an interpreter who is not fulfilling

1 his or her role.

2 So, I want the licensee, it needs to  
3 be clear to the licensee that if she -- since  
4 she requested an interpreter, this person should  
5 be interpreting everything that goes on in these  
6 proceedings word-for-word.

7 MR. LEE: The reason why I ask the  
8 interpreter that is because simultaneously  
9 interpreting it's kind of bothering the  
10 conversation between the board and I, so that's  
11 why I just for a little bit --

12 CHAIRPERSON ANDERSON: Mr. Lee?

13 MR. LEE: Yes, all right.

14 CHAIRPERSON ANDERSON: You and your  
15 client asked for an interpreter --

16 MR. LEE: Okay.

17 CHAIRPERSON ANDERSON: -- and the  
18 interpreter needs to interpret everything that  
19 goes on here, because as I said before, it's --  
20 we're paying for the service of the interpreter.  
21 And if one --

22 MR. LEE: Okay.

23 CHAIRPERSON ANDERSON: -- is not  
24 needed, then we should not be paying, the  
25 District, the residents of the District of

1 Columbia should not be paying for an  
2 interpreter.

3 So, I can stop, I can go slower, you  
4 tell me, the interpreter can tell me, but it  
5 can't be selectively interpreting.

6 I see, at least I watch TV and I see  
7 interpreters and people having conversations and  
8 the interpreter is talking to them. And I don't  
9 see anybody complaining that the interpreter is  
10 interfering with their understanding of what's  
11 going on in the proceeding.

12 MR. LEE: Okay.

13 CHAIRPERSON ANDERSON: Okay? All  
14 right. The Board will call its first witness,  
15 Mr. Jovan Miller.

16 Mr. Miller, can you raise your right  
17 hand, please? Do you swear or affirm to tell  
18 the truth and nothing but the truth?

19 MR. MILLER: Yes, sir.

20 CHAIRPERSON ANDERSON: All right.  
21 Have a seat, sir, and please pull the microphone  
22 to you.

23 What I would ask you to do, sir, in  
24 testifying, since your words are being  
25 interpreted --

1 MR. MILLER: I understand.

2 CHAIRPERSON ANDERSON: -- I would ask  
3 that you move slowly through your report, so it  
4 can be interpreted for the licensee. Is that  
5 clear, sir?

6 MR. MILLER: Yes, sir.

7 CHAIRPERSON ANDERSON: All right.  
8 Can you state your name for the record, please?

9 MR. MILLER: Jovan Miller.

10 CHAIRPERSON ANDERSON: And where are  
11 you employed, Mr. Miller?

12 MR. MILLER: I am employed at the  
13 Alcoholic Beverage Regulation Administration.

14 CHAIRPERSON ANDERSON: And how long  
15 have you been employed at the agency?

16 MR. MILLER: Nine months.

17 CHAIRPERSON ANDERSON: And what are  
18 your duties and responsibilities here, sir?

19 MR. MILLER: ABRA investigators  
20 conduct investigations and inspections at ABC  
21 licensed establishments throughout the District  
22 of Columbia.

23 CHAIRPERSON ANDERSON: Are you  
24 familiar with this establishment, New Seven  
25 Market?

1 MR. MILLER: Yes, sir.

2 CHAIRPERSON ANDERSON: And how are  
3 you familiar with this establishment?

4 MR. MILLER: I was assigned a protest  
5 investigation for the establishment.

6 CHAIRPERSON ANDERSON: You can sit up  
7 and pull up the microphone next to you, so you  
8 don't have to extend, just make sure that you  
9 speak into the microphone. All right. Thank  
10 you.

11 So, can you tell us what  
12 information, if any, were you able to gather as  
13 a result of your assignment, of this case being  
14 assigned to you?

15 MR. MILLER: Yes, Mr. Chair. I  
16 conducted a protest investigation for New Seven  
17 Market.

18 This is a substantial change, to go  
19 from a Retail --

20 CHAIRPERSON ANDERSON: Remember, Mr.  
21 Miller, go slower, because --

22 MR. MILLER: All right.

23 CHAIRPERSON ANDERSON: -- you're  
24 being -- we have a translator here.

25 MR. MILLER: This is a substantial



1 change, to go from a Retail Class B 25 Percent  
2 to a Retail B.

3 The substantial change application  
4 is to be processed, protested by a Group of Five  
5 or More Individuals residing in ANC 8A. The  
6 designated representative is Ms. Dorcas Agyei.  
7 I'm sorry if I said your name wrong.

8 The protest issues for all  
9 Protestants involved are all the following.

10 Adverse impact on peace, order, and  
11 quiet. D.C. Official Code 25-404 Section 3, in  
12 determining whether the proposed changes are  
13 substantial, the Board shall consider whether  
14 they are potentially of concern to the residents  
15 or businesses surrounding the establishment.

16 D.C. Official Code 25-314(a)(1-  
17 4),(b)(1). The proximity of the establishments  
18 to schools, recreation centers, daycare centers,  
19 public libraries, or similar facilities.

20 Whether issuance of license would  
21 create or contribute to the overconcentration of  
22 licensed establishments, which is likely to  
23 affect adversely the locality, section, or  
24 portion in which the establishment is located.

25 Investigator Miller contacted Ms.

1       Agyei on multiple occasions regarding the  
2       protest for additional information.

3               Ms. Agyei -- sorry if I keep  
4       pronouncing it wrong -- replied on two separate  
5       occasions, stating that she understood what I  
6       was asking for regarding for the protest, and  
7       she would speak to me about the protest at a  
8       later date.

9               I did not receive a response from  
10       Ms. Agyei regarding the protest issues as of  
11       January 8, 2020.

12              Investigator Miller contacted the  
13       attorney, Kevin Lee, representing New Seven  
14       Market on multiple occasions regarding the  
15       protest for additional information.

16              Mr. Lee replied on two separate  
17       occasions, stating he would email a written  
18       statement as requesting and stating he would  
19       send a response on December 18, 2019.

20              Mr. Lee emailed a statement to  
21       Investigator Miller on December 18, 2019.

22              On January 8, 2020, Investigator  
23       Miller contacted Mr. Lee by email about a  
24       portion of his statement regarding New Seven  
25       Market alcohol sales never exceeding 25 percent,

1 asking for documentation if available.

2 Investigator Miller received a  
3 response from Mr. Lee on January 8, 2020,  
4 stating, I advised client to check with her  
5 accountant as requested. I will provide any  
6 available documents when I receive it.

7 Mr. Chair, on the record, Mr. Lee  
8 submitted documentation after the authoring of  
9 my report, providing weekly sales for October,  
10 November, and December.

11 The documents did not have  
12 supporting evidence that the weekly sales report  
13 belonged to New Seven Market. The establishment  
14 name and address were not present on the  
15 reports.

16 In reference to the food versus  
17 alcohol sales, in regards to the 25 percent  
18 restriction, I spoke to ABRA's auditor on the  
19 procedure.

20 He stated the establishment should  
21 submit a yearly gross report with their alcohol  
22 versus food sales.

23 As of January 15, 2020, there has  
24 not been an audit or documentation for New Seven  
25 Market. An audit has not been completed because

1 the establishment has not been open a year.

2 Effects of the establishment on  
3 peace, order, and quiet. ABRA investigators  
4 monitored New Seven Market on 12 occasions, from  
5 December 2, 2019 through January 6, 2020.

6 ABRA investigators did not hear  
7 excessive noise, did not observe any issues with  
8 peace, order, and quiet, did not observe trash  
9 or crowds outside the establishment, and did not  
10 observe criminal activity.

11 In regards to D.C. Official Code 25-  
12 404(b)(3). In determining whether the proposed  
13 changes are substantial, the Board shall  
14 consider whether they are potentially of concern  
15 to the residents or businesses surrounding the  
16 establishment.

17 ABRA investigators do not determine  
18 this. This decision is determined by the Board.

19 D.C. Official Code 25-314(a)(1-4)  
20 and (b)(1). According to the GIS map, the  
21 surrounding areas of New Seven Market, there are  
22 no schools, recreation centers, public  
23 libraries, or daycare centers located within 400  
24 feet of the establishment.

25 During the monitoring period, ABRA

1 investigators assessed the effects of the  
2 establishment on the operation and clientele of  
3 the schools, recreational centers, daycare  
4 centers, public libraries, or other similar  
5 facilities, appear minor.

6 In regards to whether the issuance  
7 of the license would create or contribute to an  
8 overconcentration of licensed establishments.  
9 New Seven Market has an existing ABC license and  
10 only applying for a substantial change.

11 There were no noise complaints  
12 reported to ABRA with the associated address,  
13 1406 Good Hope Road.

14 On Tuesday, December 16, 2019,  
15 Investigator Miller contacted the official,  
16 sorry, excuse me, the Office of Unified  
17 Communication regarding the calls for service  
18 for 1406 Good Hope Road Southeast, Washington,  
19 D.C.

20 Investigator Miller asked for and  
21 received the calls for service for 1406 Good  
22 Hope Road.

23 From December 14, 2018 through  
24 December 2, 2019, eight out of the 46 calls for  
25 service related to New Seven Market. The calls

1 for service did not result in ABRA violations.

2 Although the calls for service were  
3 from December 14, 2018 through December 2, 2019,  
4 New Seven Market got their approved license in  
5 July of 2019 from a transfer of sales.

6 ABRA investigator history. New  
7 Seven Market does not have an investigator  
8 history.

9 But, Mr. Chair, on the record, New  
10 Seven Market had a warning citation issued for  
11 window advertisement that I issued during my  
12 monitoring investigation.

13 The ABRA investigator history has  
14 not been finalized at the time of authoring my  
15 report.

16 That's all, Mr. Chair.

17 CHAIRPERSON ANDERSON: Did you -- are  
18 there any exhibits attached to your report?

19 MR. MILLER: Yes, sir.

20 CHAIRPERSON ANDERSON: Can you  
21 identify them, please?

22 MR. MILLER: Yes, sir. Exhibit 1,  
23 copy of protest letter from Ms. Dorcas.

24 Exhibit 2, copy of protest letter  
25 from Barbara Clark.

1                   Exhibit 3, copy of protest letter  
2                   from Hannah Baker.

3                   Exhibit 4, copy of protest letter  
4                   from DeAndra -- excuse me if I pronounce her  
5                   name wrong -- Short.

6                   Exhibit 5, copy of protest letter,  
7                   Katrine Wilder.

8                   Exhibit 6, copy of protest letter  
9                   from Latasha Gunnels.

10                  Exhibit 7, copy of protest letter  
11                  from Melanie Crosby.

12                  Exhibit 8, copy of protest letter  
13                  from Lay Wiser.

14                  Exhibit 9, copy of protest letter  
15                  from Angela Cockland.

16                  Exhibit 10, copy of protest letter  
17                  from Adel Roby.

18                  Exhibit 11, copy of protest letter  
19                  from Greta Fuller.

20                  Exhibit 12, District of Columbia  
21                  Geographic Information System map of licensed  
22                  establishment within 1200 feet.

23                  Exhibit 13, District of Columbia  
24                  Geographic Information System map of schools  
25                  within 400 feet.

1                   Exhibits 14 through 16 are exterior  
2 photographs of New Seven Market.

3                   Exhibit 17 through 31 are interior  
4 photographs of New Seven Market.

5                   CHAIRPERSON ANDERSON: Hold on. Hold  
6 on. Go ahead.

7                   MR. MILLER: Exhibit 32, Office of  
8 Unified Communication calls for service.

9                   Exhibit 33, New Seven Market  
10 investigative history.

11                   That is all, Mr. Chair.

12                   CHAIRPERSON ANDERSON: All right.  
13 So, let me go over with you, Mr. Miller, Exhibit  
14 14. Is -- so, just Exhibit 14, 15, 16.

15                   You said that you had cited them for  
16 window lettering?

17                   MR. MILLER: Yes, for window  
18 advertisement.

19                   CHAIRPERSON ANDERSON: So, is this  
20 before or after? Or is it -- did -- I'm just  
21 asking, the window lettering that we're seeing  
22 in 14, 15, 16, is this legally compliant or was  
23 it not at the time?

24                   MR. MILLER: At the time, it was not  
25 legal.



1 CHAIRPERSON ANDERSON: All right.

2 MR. MILLER: Well, not in compliance.

3 CHAIRPERSON ANDERSON: Have you --  
4 so, you're stating that they have, you gave them  
5 a citation and they have corrected the  
6 infraction?

7 MR. MILLER: Yes, sir.

8 CHAIRPERSON ANDERSON: All right.  
9 And you did this citation while you were  
10 monitoring as part of this protest report?

11 MR. MILLER: Yes, sir.

12 CHAIRPERSON ANDERSON: Okay. Now, I  
13 need you to go through 17, 18 -- they're asking  
14 to be a full-service grocery store and I see you  
15 took several pictures.

16 So, why don't you -- let's go  
17 through 17 and explain to us what is in 17 and  
18 why did you take that picture?

19 MR. MILLER: Exhibit 17 is the  
20 entrance into New Seven Market.

21 CHAIRPERSON ANDERSON: All right.

22 MR. MILLER: So, they have double  
23 doors. You have to walk through one door and  
24 there's a small area with all of their  
25 certifications and documents, where you can --

1 they have like a small window for you to  
2 purchase things, just in case they want to lock  
3 the inside.

4 CHAIRPERSON ANDERSON: Okay. So,  
5 where -- so, you're saying there's a double  
6 door, so this area, so they can basically lock  
7 the store and you purchase stuff from in this  
8 area?

9 MR. MILLER: Correct, sir.

10 CHAIRPERSON ANDERSON: All right.  
11 So, what is Exhibit 18? And what are we looking  
12 at in Exhibit 18?

13 MR. MILLER: Exhibit 18 is  
14 immediately to the left, when you walk in the  
15 door, they have a refrigerator with food and  
16 various items inside the freezers.

17 CHAIRPERSON ANDERSON: So, can you  
18 tell me what type of food, if any, did this  
19 picture that you -- I mean, what food type am I  
20 looking at?

21 MR. MILLER: They had, like,  
22 Lunchables and breakfast foods, some cheese,  
23 milk, meat --

24 CHAIRPERSON ANDERSON: What do you  
25 mean, meat? What kind of meat?

1 MR. MILLER: Like, the bags of meat  
2 that you can purchase in a store, just like  
3 Hillshire Farms, the little packets of meat --

4 CHAIRPERSON ANDERSON: What are you -  
5 -

6 MR. MILLER: -- deli meat.

7 CHAIRPERSON ANDERSON: I'm not being  
8 facetious, you're talking about, can I buy beef?  
9 Can I buy pork?

10 MR. MILLER: Like, ham --

11 CHAIRPERSON ANDERSON: Can I buy  
12 chicken?

13 MR. MILLER: -- turkey --

14 CHAIRPERSON ANDERSON: Or is it  
15 processed meat? That's what I'm trying to find  
16 out, what type of --

17 MR. MILLER: No, it's not processed  
18 meat, it's just the deli sliced meat. In the --

19 CHAIRPERSON ANDERSON: Deli type of  
20 meat in the package?

21 MR. MILLER: Well, in the already  
22 packaged meat.

23 MS. AGYEI: It's prepackaged, I --

24 MR. MILLER: Prepackaged.

25 MS. AGYEI: -- think is what --

1 CHAIRPERSON ANDERSON: No, ma'am, not  
2 you, I'm asking the investigator. All right.

3 So, you're saying, what do you mean,  
4 prepackaged? So, you're -- I guess when you  
5 said meat, and I'm just like, be specific, what  
6 do you mean meat? Like -- yes.

7 MR. MILLER: They have containers  
8 that have deli meat inside of them that you can  
9 purchase.

10 CHAIRPERSON ANDERSON: Deli meat?

11 MR. MILLER: Yes, sir.

12 CHAIRPERSON ANDERSON: All right.  
13 What do we see in 19? What's that supposed to  
14 depict?

15 MR. MILLER: Exhibit 19 is just a  
16 bigger view of the area, just showing more of  
17 their ice cream and certain things that they  
18 sell, such as magazines and books, hats.

19 CHAIRPERSON ANDERSON: All right.  
20 What about 20? What does that show? What do we  
21 see in 20?

22 MR. MILLER: Exhibit 20 is just a  
23 little bit over from the refrigerator area, just  
24 showing that they have a variety of snacks and  
25 showing what kind of snacks that they have and

1 sell to their patrons.

2 CHAIRPERSON ANDERSON: Exhibit 21?

3 MR. MILLER: That is the next aisle  
4 to the right, showing that they have canned  
5 goods and other various house items for  
6 purchase, such as sugar, ketchup.

7 CHAIRPERSON ANDERSON: Twenty-two?

8 MR. MILLER: That's the second aisle  
9 over, showing that they have a variety of  
10 cereals and sales of noodles. And to the right  
11 side is their various options of wines.

12 CHAIRPERSON ANDERSON: Twenty-three?

13 MR. MILLER: This is the third, I  
14 believe, aisle over, in regards to having, this  
15 is like their medicine and other household items  
16 that you can purchase, paper towels. To the  
17 right, bags of chips for purchase.

18 CHAIRPERSON ANDERSON: Twenty-four?

19 MR. MILLER: This is the last aisle,  
20 all the way in the back of the store, showing  
21 that they have a variety of drinks to the right  
22 and to the left for purchase.

23 CHAIRPERSON ANDERSON: What about 25?

24 MR. MILLER: Twenty-five is the view  
25 turning 90 degree angle towards the front door,

1 just showing that they have a variety of cakes  
2 for sale. They have fountain drinks, coffee.  
3 Showing the walkway.

4 CHAIRPERSON ANDERSON: So, in this  
5 cooler, that's what? Cakes? That's what's in  
6 this -- that's in the cooler? Is that --

7 MR. MILLER: Yes, sir.

8 CHAIRPERSON ANDERSON: -- what that  
9 is? What about 26?

10 MR. MILLER: Twenty-six is inside of  
11 their register spot, where they can -- they have  
12 all their extra items behind there.

13 CHAIRPERSON ANDERSON: Twenty-seven?

14 MR. MILLER: That is the entrance to  
15 their register.

16 CHAIRPERSON ANDERSON: To where?

17 MR. MILLER: To where they enter into  
18 their -- to get to their register, to lock in.  
19 They can be locked inside the booth.

20 CHAIRPERSON ANDERSON: All right.  
21 Twenty-eight?

22 MR. MILLER: That is another picture  
23 of inside of the booth, where they stand. And  
24 it has a variety of house products as well and  
25 pills, over-the-counter prescriptions.

1 CHAIRPERSON ANDERSON: Twenty-nine?

2 MR. MILLER: Twenty-nine is another  
3 picture of behind the booth, inside the booth,  
4 excuse me, showing the other things that they  
5 have inside the store, regarding candy, Black  
6 and Milds, Backwoods, fly swatters.

7 CHAIRPERSON ANDERSON: Thirty?

8 MR. MILLER: Thirty is also inside of  
9 the booth, where they have clothing all the way  
10 in the back.

11 CHAIRPERSON ANDERSON: They sell  
12 clothing also?

13 MR. MILLER: Yes, sir. Like white  
14 tees, I believe, hats, scarves, gloves.

15 CHAIRPERSON ANDERSON: What about 31?

16 MR. MILLER: Thirty-one is the  
17 opposite side, away from the door, facing the  
18 freezers.

19 CHAIRPERSON ANDERSON: All right.  
20 I've never -- now, when you're in the store, do  
21 you have a sense of -- what's your sense of what  
22 type of store you're in when you're in this  
23 establishment?

24 MR. MILLER: When I went inside of  
25 New Seven Market, it reminded me of me just

1 going to a regular corner store in the District  
2 of Columbia, or a Safeway or a Giant, same  
3 items. It didn't seem any different, just  
4 smaller.

5 CHAIRPERSON ANDERSON: Okay. All  
6 right. Any questions from any Board Members?  
7 Yes, Mr. Short?

8 MEMBER SHORT: Good afternoon.

9 MR. MILLER: Good afternoon.

10 MEMBER SHORT: I want you to go back  
11 to Exhibit 22.

12 MR. MILLER: Yes, sir, Mr. Short.

13 MEMBER SHORT: Okay. Looking at the  
14 floor, what kind of floor is that?

15 MR. MILLER: I am not sure if that's  
16 --

17 MEMBER SHORT: Did it look like a  
18 tile floor? Look like it's tiles?

19 MR. MILLER: It's tiles, but I'm not  
20 sure what material it's made out of.

21 MEMBER SHORT: Okay. But it's tiles,  
22 right?

23 MR. MILLER: Yes, sir.

24 MEMBER SHORT: Okay. All right.

25 Now, right beside the cardboard boxes, is that



1       some tile that's missing or broken or discolored  
2       or what is that?

3               MR. MILLER: It's broken, Mr. Short.

4               MEMBER SHORT: So, you mentioned it's  
5       just like a Safeway or a Giant or any other  
6       store you go into, you see tiles like that in  
7       Safeways and Giants?

8               MR. MILLER: Occasionally, sir.

9               MEMBER SHORT: You do? Okay. All  
10      right. Then you said something about records;  
11      can you explain to us again what you said about  
12      records in your opening statements? Accounting  
13      records? Bookkeeping?

14              MR. MILLER: I am not sure about  
15      that, Mr. Short.

16              CHAIRPERSON ANDERSON: No, I think  
17      you're talking about --

18              MEMBER SHORT: Okay.

19              CHAIRPERSON ANDERSON: -- you're  
20      talking about the --

21              MEMBER SHORT: I'm sorry.

22              CHAIRPERSON ANDERSON: -- the 25  
23      percent.

24              MEMBER SHORT: I'll withdraw. I'll  
25      withdraw that.

1 CHAIRPERSON ANDERSON: All right.

2 MEMBER SHORT: But again, I just, the  
3 question I would ask is what's the square  
4 footage of this establishment?

5 MR. MILLER: I'm not sure, Mr. Short.

6 MEMBER SHORT: Did you ask for any  
7 drawings or any floor plans or --

8 MR. MILLER: No, sir.

9 MEMBER SHORT: This is going to be a,  
10 they're asking to be a grocery store, correct?

11 MR. MILLER: Unrestricted grocery  
12 store, yes, sir.

13 MEMBER SHORT: Excuse me?

14 MR. MILLER: An unrestricted grocery  
15 store, yes, sir.

16 MEMBER SHORT: So, if you were to go  
17 into a Safeway or a Giant or stores like you  
18 said, grocery stores you normally go to, and if  
19 you were, an investigator was sent there to do  
20 an investigation, do you think they would show  
21 you a floor plan of where everything is, the  
22 different items?

23 MR. MILLER: I'm not sure, Mr. Short.

24 MEMBER SHORT: Okay. All right.  
25 I'll just simply say this; did you see any

1 produce there? Any fresh food or fresh produce  
2 or anything that -- vegetables or fresh anything  
3 there?

4 You mentioned that you saw a lot of  
5 packaged meats, but did you see anything fresh  
6 there? Vegetables?

7 MR. MILLER: From my memory, Mr.  
8 Short, I cannot recall.

9 MEMBER SHORT: So, the Giants and  
10 Safeways you've been going to over the years, do  
11 you see fresh fruits and vegetables there, when  
12 you go in those stores?

13 MR. MILLER: Yes, sir.

14 MEMBER SHORT: But you didn't see any  
15 in this store?

16 MR. MILLER: Not that I recall, sir.

17 MEMBER SHORT: Thank you. That's all  
18 I have, Mr. Chairman.

19 CHAIRPERSON ANDERSON: Any other  
20 questions by any of the Board Members? No? Mr.  
21 Lee, your witness.

22 MR. LEE: First of all, thanks for  
23 your work. Thanks for coming today.

24 You've been there a couple of times,  
25 that covering the night and days, right? Did

1       you see any violations, ABC violations?

2               MR. MILLER: I did not, Mr. Lee,  
3       besides the warning citation for the window  
4       advertisement.

5               MR. LEE: Okay. Your exhibit -- I'm  
6       not sure about the Exhibit 14, 15.  
7       Advertisement rule at 25 percent, nothing over  
8       25 percent with price in it.

9               MR. MILLER: I --

10              MR. LEE: So, this one is not -- not  
11       all of them are priced with that.

12              MR. MILLER: ABRA regulations does  
13       not state pricing for --

14              MR. LEE: On the window --

15              MR. MILLER: -- advertisement --

16              CHAIRPERSON ANDERSON: Can -- let him  
17       finish, Mr. Lee. Go ahead, Mr. Miller.

18              MR. MILLER: ABRA regulation does not  
19       state that it has to have a pricing on it. If  
20       there is advertisement of any alcohol over 25  
21       percent, then it is in violation.

22              MR. LEE: Okay. So, she corrected it  
23       on the spot?

24              MR. MILLER: The first time that I  
25       mentioned it to the Applicant, the first time I

1       came, I'm not sure if there was a language  
2       barrier, but it was not corrected when I came  
3       back.

4               MR. LEE: Okay. Beside that  
5       advertisement, the citation, is there any other  
6       criminal activities or illegal drug activities,  
7       dumpster clean, or any ABC-related relations?

8               MR. MILLER: ABRA investigators,  
9       while monitoring, did not see any criminal  
10      activity.

11              MR. LEE: Okay. Have you observed  
12      the police presence at the time while you  
13      monitoring?

14              MR. MILLER: No, sir.

15              MR. LEE: Okay. So, basically, on  
16      your report, the Page 7, peace, order, and  
17      quiet, what is your finding again?

18              MR. MILLER: You did say Page 7?

19              MR. LEE: Yes, Page 7, 7 and 8.

20              MR. MILLER: During -- do you mind  
21      stating that question one more time for me, sir?

22              MR. LEE: Peace, order, and quiet,  
23      effects of the peace, order, and quiet, I just  
24      reiterate that the effects of New Seven Market  
25      having no restriction on the ABC license

1 compared to other grocery in the area gives the  
2 impression that this would be minimum effect of  
3 the area.

4 MR. MILLER: Correct.

5 MR. LEE: So, your finding is without  
6 restriction, 25 percent restriction, it would be  
7 fine to the community and peace, order, and  
8 quiet? That's your finding?

9 MR. MILLER: From monitoring the  
10 establishment, that's what I found.

11 MR. LEE: No further question.

12 CHAIRPERSON ANDERSON: Your witness,  
13 Ms. Agyei.

14 MS. AGYEI: I would like to start  
15 with Exhibit 22.

16 Well, actually, can you explain to  
17 me the violation? I don't know -- for your  
18 Exhibits 14 and 15, can you explain to me what  
19 you said the violation was?

20 MR. MILLER: So, ABRA regulation  
21 states that establishments cannot have exceeding  
22 25 percent of advertisement of alcohol in their  
23 windows.

24 MS. AGYEI: Are you saying 25 percent  
25 of the space?

1 MR. MILLER: Yes.

2 MS. AGYEI: Okay.

3 MR. MILLER: So, a fourth of the  
4 window can be used for advertisement.

5 MS. AGYEI: But I'm kind of confused  
6 because you're saying that that was a citation  
7 and not a violation. So, are you saying that  
8 there's a difference?

9 MR. MILLER: No, ma'am. They had a  
10 violation, which I brought them a citation.

11 MS. AGYEI: Okay. So, when the Board  
12 asked you has this establishment had any  
13 violations, the answer should have been yes, not  
14 no?

15 MR. MILLER: For the record, I did  
16 mention that. I stated that after the  
17 investigative report was published, or authored,  
18 that they had a violation that was not yet  
19 finalized on their record.

20 MS. AGYEI: So, I guess the point  
21 that I'm making to you, and I would hope the  
22 Board would appreciate, is that they have been  
23 advertising more than 25 percent of their space.

24 I would infer that they had been in  
25 violation until you actually came and viewed

1       that violation and then, told them about that  
2       violation.

3               And then, you're saying upon you  
4       telling them about that violation, it was  
5       corrected.

6               MR. MILLER: Correct.

7               MS. AGYEI: Okay. I would now like  
8       to go to your Exhibit 22.

9               I have entered items into the  
10      record, I'm not quite sure if the Board looks  
11      what's entered or --

12              CHAIRPERSON ANDERSON: It's not  
13      entered, it's not entering it --

14              MS. AGYEI: Okay.

15              CHAIRPERSON ANDERSON: -- when you  
16      present evidence, you can enter them when you  
17      introduce them when you're presenting your case.

18              MS. AGYEI: Okay. So, your Exhibit  
19      22, if you look at the right side of the  
20      picture, because I actually -- this brought a  
21      red flag to me.

22              And I'm going to use your words  
23      about you felt like you have the look and the  
24      feel of a Safeway and a Giant, when you go into  
25      New Seven Market.



1 I'm not sure which Giants and  
2 Safeways you've gone to, but on the left side of  
3 the picture, you see cereal.

4 But more specifically, there are  
5 children's cereal. There is Frosted Flakes. I  
6 believe there was a Captain Crunch in one of my  
7 pictures, but we'll just deal with you can see.

8 There's Frosted Flakes, which I  
9 would think would be a children's cereal. And I  
10 have observed other children's cereal. But in  
11 this picture, anyway, we see Frosted Flakes,  
12 which I would classify as a children's cereal.

13 On the other side of the aisle, so  
14 basically co-mingling, are where they have their  
15 wines. That's not a violation?

16 MR. MILLER: No, ma'am.

17 MS. AGYEI: Okay. Have you seen that  
18 in the Safeway and Giant that you've gone to?

19 MR. MILLER: Are you pertaining to  
20 the cereal across from wine?

21 MS. AGYEI: Yes.

22 MR. MILLER: No, ma'am.

23 MS. AGYEI: How do they normally set  
24 up their wine aisle?

25 MR. MILLER: I cannot speak to that.

1 MS. AGYEI: Okay. But you said that  
2 you had the look and feel as if you'd been in a  
3 Safeway or a Giant, so what were you using as a  
4 look and feel?

5 MR. MILLER: In regards to the items  
6 that they sell.

7 MS. AGYEI: Okay. But not the setup,  
8 just what they sell?

9 MR. MILLER: No, ma'am, I cannot  
10 speak for the layout.

11 MS. AGYEI: Okay. Also, I'm looking  
12 at your Exhibit 17. So, where they have the --  
13 did you take a picture of the display that's  
14 supposed to say alcohol can harm your fetus if  
15 you're pregnant, like the pregnancy warning of  
16 alcohol, did you picture that?

17 MR. MILLER: I did not take a  
18 picture.

19 MS. AGYEI: Did you see that?

20 MR. MILLER: Yes, ma'am.

21 MS. AGYEI: Where did you see it?

22 MR. MILLER: It is in the booth, I  
23 believe, or it is in the entrance. So, you can  
24 double-check that picture, see if it's there.

25 MS. AGYEI: I didn't see that.

1 MR. MILLER: So, I believe it's in  
2 the booth.

3 MS. AGYEI: And how many of those  
4 pictures do they have to have?

5 MR. MILLER: One.

6 MS. AGYEI: Okay. Also, omitted from  
7 your report, you spoke to it a little bit, was  
8 that there weren't any inclusions of their gross  
9 sales receipts.

10 And you said that they received that  
11 documentation after you had already finished  
12 your report? I just want to make sure I'm under  
13 --

14 MR. MILLER: Correct.

15 MS. AGYEI: Okay. Was that a  
16 necessary part of your report?

17 MR. MILLER: It was good information  
18 to have for myself. It doesn't have -- it  
19 wasn't -- the information that I received wasn't  
20 good enough evidence to add to a report.

21 MS. AGYEI: Okay. So, let me ask you  
22 another question, because I'm not clear on what  
23 you're saying.

24 So, to make a determination, for the  
25 Board to make a determination if they should

1 grant this Applicant a license, basically  
2 removing the restriction of their alcohol sales,  
3 does the Board need to know how much they're  
4 currently selling in alcohol sales?

5 MR. MILLER: That is a question you  
6 would have to ask the Board.

7 MS. AGYEI: Okay. But you didn't  
8 feel it was needed for your report?

9 MR. MILLER: The information that I  
10 was given wasn't adequate enough.

11 MS. AGYEI: Okay. Then, I just want  
12 to go back to your description of my  
13 correspondence to you, I think is a little bit  
14 incorrect, so I just want to clarify for the  
15 record our correspondence.

16 So, I had told you in a  
17 correspondence that I was aware of the deadlines  
18 and that I would communicate with you when I  
19 can.

20 And then, in a second  
21 correspondence, I said that I was aware of our  
22 deadlines, that I was dealing with another  
23 matter, but I would please refer you to the  
24 protest items, because they specifically lay out  
25 what my concerns are.

1 Did you not receive that email?

2 MR. MILLER: I did.

3 MS. AGYEI: Okay. But you made it  
4 seem as if there had not been a response to your  
5 --

6 MR. MILLER: I stated that there were  
7 responses, but there weren't any in regards to  
8 the protest issues.

9 MS. AGYEI: Could you clarify that?

10 MR. MILLER: You did not talk about  
11 the protest issues in those emails.

12 MS. AGYEI: Okay. I -- okay. No  
13 further questions. Oh, actually, I do have one.

14 CHAIRPERSON ANDERSON: Go ahead.

15 MS. AGYEI: So, you said that -- do I  
16 need -- if I have -- I have an exhibit for him  
17 that I feel --

18 CHAIRPERSON ANDERSON: You can, it's  
19 not in the record, but you can ask, you can show  
20 him.

21 MS. AGYEI: Okay.

22 CHAIRPERSON ANDERSON: Why don't tell  
23 us what -- let Mr. Lee know what exhibit you're  
24 talking about.

25 MS. AGYEI: It's my Exhibit 3, that

1 talks about the proximity to Ketcham Elementary  
2 School to New Seven Market.

3 He stated that New Seven Market is  
4 not proximity to a school or a daycare center  
5 and I don't think that that's correct.

6 CHAIRPERSON ANDERSON: Well, let me  
7 ask you a question. Are there other liquor  
8 establishments in the area?

9 MS. AGYEI: I know of --

10 CHAIRPERSON ANDERSON: Which are a  
11 similar proximity to the school? The reason I'm  
12 asking, because there are exceptions in the law.

13 MS. AGYEI: Okay.

14 CHAIRPERSON ANDERSON: If there's  
15 already an ABC -- and I mean, they're already an  
16 ABC establishment, so it's not relevant --

17 MS. AGYEI: Right.

18 CHAIRPERSON ANDERSON: -- in this  
19 particular case, because they already have a  
20 license. So, it's -- because --

21 MS. AGYEI: I did not --

22 CHAIRPERSON ANDERSON: -- although  
23 there's a school --

24 MS. AGYEI: There are liquor stores;  
25 I did not measure the proximity, because I was

1 dealing with this one.

2 CHAIRPERSON ANDERSON: No, I --

3 MS. AGYEI: The answer would be yes,  
4 but I don't know --

5 CHAIRPERSON ANDERSON: Yes.

6 MS. AGYEI: -- the proximity.

7 CHAIRPERSON ANDERSON: There is an  
8 exception in the law --

9 MS. AGYEI: Okay.

10 CHAIRPERSON ANDERSON: -- they  
11 already have a liquor license, so the proximity  
12 to the school is not relevant.

13 MS. AGYEI: Oh, you're saying for  
14 them?

15 CHAIRPERSON ANDERSON: Yes, because  
16 they already have -- because the exception is  
17 that if there are other establishments within  
18 the square footage of the school or recreational  
19 center, there's an exception there. So, if --

20 MS. AGYEI: So, would that --

21 CHAIRPERSON ANDERSON: -- generally -  
22 -

23 MS. AGYEI: Okay.

24 CHAIRPERSON ANDERSON: -- generally,  
25 if there -- you cannot be within a certain

1 amount of feet of a school or recreational  
2 center.

3           However, if one was already there,  
4 say for example, if the establishment was there  
5 prior to the school, another establishment can  
6 come in and they'll be grandfathered in, because  
7 there was already an establishment there.

8           MS. AGYEI: Okay. Well, I --

9           CHAIRPERSON ANDERSON: You can --

10           (Simultaneous speaking.)

11           MS. AGYEI: I would --

12           CHAIRPERSON ANDERSON: Ask your  
13 question --

14           MS. AGYEI: I would propose to the  
15 Board that --

16           CHAIRPERSON ANDERSON: Ask your  
17 question to him. Ask your question.

18           MS. AGYEI: The proximity is not less  
19 than 400 feet, you said. So, I understand what  
20 the Board has stated to me, but in your report,  
21 you said that --

22           CHAIRPERSON ANDERSON: Why don't you  
23 ask him to explain -- I know you're not an  
24 attorney, I'm only doing this for the specific  
25 reason.



1 I think one of his exhibits, you can  
2 ask him exhibit -- what exhibit has the GIS?

3 MS. AGYEI: So, his exhibit --

4 MR. MILLER: Exhibit 13.

5 CHAIRPERSON ANDERSON: Thirteen? Ask  
6 him about 13.

7 MS. AGYEI: Okay.

8 CHAIRPERSON ANDERSON: Show him 13  
9 and ask him the question you want to ask him in  
10 relation to Number 13.

11 MS. AGYEI: So, I guess I just want  
12 to know how you measure the establishment to the  
13 school?

14 MR. LEE: Objection.

15 CHAIRPERSON ANDERSON: What's the  
16 objection?

17 MR. LEE: Those are the GIS system,  
18 so we created, and it is kind of -- boundary  
19 measurements are different.

20 CHAIRPERSON ANDERSON: Mr. Lee, she  
21 has a question, she can ask for clarification  
22 from it.

23 I -- she's not an attorney and I  
24 know she wanted to ask another question, I was  
25 trying to explain to her what the law is.

1                   But that's why I -- since the GIS  
2                   system, she can ask him the question and the  
3                   investigator can answer to the best of his  
4                   ability.

5                   I know what the law is, but it's a  
6                   little bit different. So, if the investigator  
7                   can answer the question, then, yes. If he can't  
8                   answer the question --

9                   MS. AGYEI: I'll rephrase my  
10                  question.

11                  CHAIRPERSON ANDERSON: No, it's --  
12                  your question is fine, ma'am.

13                  MS. AGYEI: Okay.

14                  CHAIRPERSON ANDERSON: Nothing is  
15                  wrong with your question. I just -- if the  
16                  investigator cannot answer your question, then  
17                  he can't.

18                  MS. AGYEI: Okay.

19                  CHAIRPERSON ANDERSON: But ask your  
20                  question from that exhibit, because that exhibit  
21                  would address the issue that you want to be  
22                  addressed.

23                  MS. AGYEI: So, from Exhibit 13,  
24                  could you tell myself and the Board how you  
25                  measure the distance from the school to New

1 Seven Market? And is this the only system that  
2 you used? Or tool that you used for  
3 measurement?

4 MR. MILLER: The District of Columbia  
5 Geographic Information System map is generated  
6 and I use that information to go off of, as far  
7 as schools in that area.

8 MS. AGYEI: Okay.

9 CHAIRPERSON ANDERSON: And to -- and  
10 what did the GIS system tell you, Mr. Miller,  
11 when you utilized it? What information did you  
12 find out --

13 MR. MILLER: There were --

14 CHAIRPERSON ANDERSON: -- about  
15 schools?

16 MR. MILLER: There were no schools in  
17 the surrounding area of 400 feet of the  
18 establishment.

19 And some schools in the District of  
20 Columbia are not accredited, so they're  
21 sometimes not counted as a school, accredited  
22 school, for the map.

23 CHAIRPERSON ANDERSON: Are you  
24 familiar with the Ketcham School?

25 MR. MILLER: Not --

1 CHAIRPERSON ANDERSON: In the sense  
2 that, in the -- with the location of the Ketcham  
3 School in the area, are you, yes or no?

4 MR. MILLER: No.

5 CHAIRPERSON ANDERSON: Okay. That's  
6 fine. Any questions by any of the Board  
7 Members?

8 Any questions, any clarifying  
9 questions that you need to ask the investigator  
10 based on the question that was asked by me, Mr.  
11 Lee?

12 MR. LEE: Just one question. It's  
13 about the citation issue.

14 As far as I know about the  
15 advertisement citation, advertisement violation  
16 is 25 percent over the window with the price in  
17 it.

18 Just illustrate or just beer, wine  
19 advertisement not count. So, your honor, to  
20 make sure with the General Counsel about the  
21 rule.

22 So, this is an issue, because the  
23 Protestants make an issue about there was a  
24 violation and whatnot. Then, I may argue about  
25 it. It's not the --

1                   CHAIRPERSON ANDERSON: But this is  
2 not the forum, Mr. Lee, for you to argue.

3                   What the investigator stated was  
4 that he saw what he perceived was a violation,  
5 he came them a warning, which was not -- he gave  
6 them a warning to say that, in his view that you  
7 were not in compliance with the law. That was  
8 what the investigator stated.

9                   This is not the forum. If you  
10 believe that the warning was issued improperly,  
11 then you can file a complaint with -- your  
12 client can contest that through us.

13                  But this is not -- the investigator  
14 gave a warning and he stated to you, based on  
15 his view, that --

16                  MR. LEE: This is his, yes.

17                  CHAIRPERSON ANDERSON: -- this is his  
18 interpretation of what the law stated. He said  
19 that your client, after, at some point, after  
20 informing your client of the violation, your  
21 client corrected it. So, there's no issue.

22                  Any other questions?

23                  MR. LEE: That's all.

24                  CHAIRPERSON ANDERSON: Thank you, Mr.  
25 Miller, for your testimony. You can step down.

1 MR. MILLER: Thank you, Mr. Chair.

2 MR. LEE: Thank you.

3 CHAIRPERSON ANDERSON: Mr. Lee, do  
4 you have a witness you want to call?

5 MR. LEE: Yes. I may call the owner,  
6 Wi Park.

7 MS. PARK: Yes.

8 CHAIRPERSON ANDERSON: Can you raise  
9 your right hand, ma'am? Do you swear or affirm  
10 to tell the truth and nothing but the truth?

11 MS. PARK: Yes.

12 MR. OH: I do.

13 MS. PARK: Yes.

14 CHAIRPERSON ANDERSON: Have a seat,  
15 please.

16 MR. LEE: Ms. Park, thanks for coming  
17 today.

18 MR. OH: I'm ready.

19 MR. LEE: Please state your name and  
20 address.

21 MS. PARK: (Speaking through an  
22 interpreter unless otherwise indicated.) My  
23 name is Wi Suk Park. Address is 1406 Good Hope  
24 Road, New Seven Market.

25 MR. LEE: Are you the President of

1 the corporation, Wi Mila, Inc.?

2 MS. PARK: (Speaking for herself.)

3 Yes.

4 MR. OH: Yes.

5 MR. LEE: How many employees do you  
6 have?

7 MS. PARK: Three.

8 MR. LEE: So, you are the -- stay at  
9 the business?

10 MS. PARK: (Speaking for herself.)

11 Yes.

12 MR. OH: Yes.

13 MR. LEE: Can you describe your  
14 business?

15 MS. PARK: How -- what do you mean by  
16 explain?

17 MR. LEE: So, what kind of items do  
18 you sell and what is your business proposed for  
19 and --

20 MS. PARK: (Speaking for herself.) A  
21 lot of grocery item and medicine. Frozen food,  
22 ice cream --

23 CHAIRPERSON ANDERSON: I can't hear  
24 what is it that she's saying.

25 MR. OH: I'm taking note of what

1 she's saying.

2 CHAIRPERSON ANDERSON: Oh, I hear  
3 you're saying things in English, so I thought  
4 you were talking -- I didn't realize --

5 MR. OH: So, I would --

6 CHAIRPERSON ANDERSON: Okay.

7 MR. OH: -- later that I --

8 CHAIRPERSON ANDERSON: Okay.

9 MR. OH: -- this is a consecutive  
10 note.

11 CHAIRPERSON ANDERSON: Okay. Go  
12 ahead.

13 MS. PARK: (Speaking for herself.)  
14 Frozen food and dairy and meat, packaged meat.  
15 And hat and t-shirt.

16 MR. OH: Hat?

17 MS. PARK: (Speaking for herself.)  
18 Yes, hat and t-shirt. Something like in corner,  
19 little convenience store. We selling a lot of  
20 thing. And, yes, and that is --

21 MR. OH: What I'm handling is a lot  
22 of grocery items and cereal and frozen food,  
23 deli item, packaged meat, and hat and t-shirts,  
24 just like a little convenience store, I'm  
25 handling most of everything.



1 MS. PARK: (Speaking for herself.)

2 Soda, juice --

3 MR. OH: Including soda, juice --

4 MS. PARK: (Speaking for herself.)

5 Juice.

6 MR. OH: Anything else?

7 MS. PARK: (Speaking for herself.)

8 Bag ice.

9 MR. OH: Bag of ice.

10 MS. PARK: (Speaking for herself.)

11 Yes.

12 MR. LEE: Okay.

13 MS. PARK: That's all.

14 MR. LEE: So, what's your business  
15 experience? Did you handle this license before?

16 MS. PARK: Yes.

17 MR. LEE: So, what kind of business  
18 you were in?

19 MS. PARK: I had two convenience  
20 stores and one big liquor store.

21 MR. LEE: Those were with ABC  
22 license?

23 MS. PARK: That's correct.

24 MR. LEE: So, are you comfortable  
25 with any responsibility that comes with the ABC

1 license?

2 MS. PARK: (Speaking for herself.)

3 Yes.

4 MR. OH: Yes.

5 MR. LEE: Did you know the rules and  
6 regulations?

7 MS. PARK: (Speaking for herself.)

8 Yes.

9 MR. OH: Yes.

10 MR. LEE: So, why did you apply the  
11 substantial change?

12 MS. PARK: I heard that there was a  
13 limit of 25 percent was abolished, that's what I  
14 heard. So, every convenience store carries a B  
15 licenses.

16 When I purchased this business, so  
17 they have their 25 percent limit on their  
18 license, that's why I had reduced the purchase  
19 amount from the previous owner.

20 You know what? With the B license,  
21 so at the time of my retirement, maybe, I can  
22 sell the business easily.

23 And then, definite, the value of the  
24 business will rise and I feel more comfortable  
25 without the 25 percent limit.

1 MR. LEE: So, do you have any plan to  
2 sell more alcohol, over 25 percent, if the Board  
3 approve your application?

4 MS. PARK: (Speaking for herself.)  
5 No.

6 MR. OH: I have one addition, I have  
7 missed in her previous statement. I have never  
8 sold the alcoholic beverage higher than 25  
9 percent of my sales. So, that part was missed,  
10 sorry about that. And now, you can answer --

11 MR. LEE: So, I'll ask --

12 MR. OH: Can you repeat the question  
13 again?

14 MR. LEE: If the Board approve your  
15 application, then do you have any plan to sell  
16 more than 25 percent alcohol?

17 MS. PARK: I do not have plan to sell  
18 the alcoholic beverage higher than 25 percent,  
19 but this kind of -- the corner grocery stores  
20 might not be able to sell higher than 25  
21 percent.

22 MR. LEE: Okay. You understand the  
23 community concern about the school nearby. Do  
24 you have any plan not to allow the kid inside  
25 between school times, except accompanied by

1 parents?

2 MS. PARK: I know about that. And  
3 so, especially in the morning, the children come  
4 in with their parents.

5 MR. LEE: So, Protestant's complaint  
6 about the wine aisle is shared with the  
7 children's cereal. So, did you fix that?

8 MS. PARK: Yes, I did change.

9 MR. LEE: Do you have any business  
10 plan to change after if Board approve your  
11 application?

12 MS. PARK: I think I try to keep the  
13 store a lot cleaner, cleaner setup. And I'm  
14 going to provide a better service for the  
15 customers.

16 I don't think there will be a big  
17 change, especially for the sale of alcoholic  
18 beverages.

19 MR. LEE: Do you have any security  
20 systems, such as security cameras, flood lights,  
21 or asking police presence?

22 MS. PARK: No, currently have a  
23 similar program. Police stop by the area twice  
24 a day. There are cameras, currently. Yes, I  
25 already have flood lights at the front and

1 outside of the business.

2 If there's anything else I needed to  
3 beef up the security, I'll definitely do what I  
4 need to do.

5 MR. LEE: So, how often do you clean  
6 your area or pick up trash?

7 MS. PARK: For the trash pickup and  
8 recycle, things pick up five days a week.

9 For the cleaning the front, the  
10 facade of the store, was done by the government.  
11 And also, if gets dirty, my employees cleaning  
12 up the facade of the store.

13 MR. LEE: So, how do you want to  
14 involve the community? Because the community  
15 concern about that area were clear. And any  
16 plan, do you have any plan to involve the  
17 community?

18 MS. PARK: I will plan to attend the  
19 ANC meeting, when they are planned. So far, I  
20 haven't heard any complaints against my  
21 business.

22 MR. LEE: Okay. No further  
23 questions.

24 CHAIRPERSON ANDERSON: Your witness.

25 MS. AGYEI: Could you have her tell

1 me, she said that there are cameras, where her  
2 cameras are located?

3 MR. OH: Interjection, the Chair, the  
4 questioner should directly address that to the -  
5 -

6 CHAIRPERSON ANDERSON: Yes, ask her,  
7 just ask her the question and he will translate.

8 MR. OH: Not me --

9 CHAIRPERSON ANDERSON: Yes, ask her -  
10 -

11 MR. OH: -- ask to her.

12 CHAIRPERSON ANDERSON: Yes, ask --

13 MS. AGYEI: Where are your cameras  
14 located, please?

15 MS. PARK: I have 16 cameras  
16 installed currently.

17 MS. AGYEI: Where are your cameras  
18 located, please?

19 MS. PARK: At the outside, just one  
20 camera. Of course, there are 15 cameras inside.  
21 And there is also a back door, there is a  
22 camera, too.

23 MS. AGYEI: Are you currently  
24 participating in the Camera Rebate Program  
25 that's sponsored by the --

1 MR. OH: Camera what?

2 MS. AGYEI: Camera Rebate Program  
3 that's sponsored by the police. With that  
4 program, the police have a live feed to the  
5 cameras.

6 MS. PARK: I know about that police  
7 program, but I haven't done that yet.

8 MS. AGYEI: You stated that when you  
9 bought this business, you understood -- what  
10 there was -- you were going to be -- the license  
11 would be transferring from the previous owner  
12 and that it was a 25 percent limitation of  
13 alcohol sales.

14 Did you understand what that license  
15 meant when you chose to purchase the business?

16 MS. PARK: Yes, I fully understand  
17 what that means.

18 MS. AGYEI: Why did you ask -- is  
19 there a reason why you didn't request the  
20 current owner of New Seven Market, before you  
21 obtained it, to apply for that license?

22 MR. OH: Can you repeat that, please?

23 MS. AGYEI: Is there a reason why you  
24 didn't ask the previous owner before you  
25 purchased the building to change their license?

1 MS. PARK: No, I did not ask them to  
2 do that.

3 MS. AGYEI: Is there a reason why?

4 MS. PARK: Well, there's no  
5 particular reason I ask for, that's why I did  
6 not ask him to change the license.

7 MS. AGYEI: Because it seems as if  
8 you're coming before the Board now to basically  
9 facilitate a situation where you're going to  
10 change the license, but you're -- you're saying  
11 you want to change the license to sell more  
12 alcohol, but yet, you said to the Board that you  
13 don't have the intent to sell more alcohol.

14 MS. PARK: The reason why I did not  
15 ask is that I don't think I sell higher than 25  
16 percent with the alcoholic beverages.

17 MS. AGYEI: Would your business be  
18 hurt if you only sold 25 percent in alcohol?

19 MR. OH: Be hurt?

20 MS. AGYEI: Yes, would your business  
21 be hurt?

22 MS. PARK: I don't think so. After I  
23 purchase the business, the record shows me that  
24 the volume of the alcoholic beverage is always  
25 under 25 percent. So, it doesn't hurt my



1 business.

2 MS. AGYEI: Okay. So, your business,  
3 I just want to be clear, your business would not  
4 be hurt if you only had this 25 percent license  
5 in place?

6 MS. PARK: It doesn't hurt my  
7 business at the moment, but the time of my  
8 selling my business to other party, they could  
9 use this 25 percent limit, using maybe some  
10 paying less for my business when they buy it.

11 MS. AGYEI: And my last question. I  
12 have one more question. And you are -- are you  
13 aware of Ketcham Elementary School?

14 MS. PARK: Yes.

15 MS. AGYEI: Are you aware that  
16 Ketcham Elementary School also now has a daycare  
17 center on their grounds?

18 MS. PARK: Yes.

19 MS. AGYEI: When you come out of your  
20 store, can you see the playground from your  
21 store?

22 MS. PARK: No, I can't see that.

23 MS. AGYEI: Okay. Thank you.

24 CHAIRPERSON ANDERSON: No more  
25 questions?

1 MS. AGYEI: No, no more questions.

2 CHAIRPERSON ANDERSON: I guess the  
3 question I want to ask is that, how do you know  
4 you don't sell more than 25 percent alcohol?

5 MR. OH: Say that again, sir?

6 CHAIRPERSON ANDERSON: How does she  
7 know that she does not currently sell more than  
8 25 percent alcohol?

9 MS. PARK: My current POS system,  
10 point of sale system, can show clearly the sales  
11 amount of grocery items and beer or alcoholic  
12 beverage items.

13 So, that shows me clearly the  
14 percentage of the sales of grocery and alcoholic  
15 beverages.

16 CHAIRPERSON ANDERSON: Now, if you do  
17 not plan to make any changes in the percentage  
18 of alcohol you're selling, why are you asking  
19 for a change in license class?

20 MS. PARK: My understanding is that  
21 DC Government no longer has 25 percent  
22 limitation for alcoholic beverages sale.

23 And my understanding also is that  
24 convenience store has B license, every  
25 convenience store has B licenses. So, I see no

1 reason to keep that 25 percent limitation.

2 Without that limitation, it would be  
3 easier for me to sell the business later on.  
4 I'm 66 years old; I'm looking forward to my  
5 retirement.

6 CHAIRPERSON ANDERSON: But she just  
7 bought the business, how long have you owned  
8 this business?

9 MS. PARK: So, I took over the  
10 business July of 2019. However, nobody knows  
11 how am I going to be for the next several years,  
12 so I am old, I may get sick abruptly, so nobody  
13 knows.

14 CHAIRPERSON ANDERSON: Well, all  
15 right. I guess my view is that, yes, I know  
16 that, as you stated, that there are different  
17 type of license. But your license is a 25  
18 percent license.

19 You stated that you do not plan to  
20 make any changes in your alcohol sales. So, if  
21 you don't plan to make any changes in your  
22 alcohol sales, I don't see why you need to  
23 change your license.

24 Because that's the license class you  
25 have, so why do you need to make changes in it?

1 MS. PARK: My thinking is that it is  
2 easier to sell the business with full license.  
3 With 25 percent license, the purchaser may use  
4 that to lower down the purchase price.

5 For instance, when I bought the  
6 business, I also used that to get a little bit  
7 lower purchase price.

8 CHAIRPERSON ANDERSON: It's not the  
9 Board's intention to -- it's not the Board's  
10 position to make a business a profit in the type  
11 of license they have.

12 So, therefore, I guess the question  
13 I'm asking, you're applying for a -- you want to  
14 change your license from 25 percent to a regular  
15 B, which I guess did not exist when this license  
16 class was first issued.

17 Now, if you can't -- you're only  
18 justification to me, to say that, well, I want  
19 to change my license class because when I sell  
20 my business, I can make more money. That's not  
21 justification for the Board to give you, to  
22 change your license class.

23 I'm not -- we're not -- it's not,  
24 okay, let me change -- like, when I bought the  
25 license, because it was a 25 percent, I low-

1       balled them.

2                   So, now, I'm told that I can get a B  
3       license and so, therefore, I want to get the B  
4       license so I can sell the license and get more  
5       money.

6                   What type of justification is that  
7       to the Board?

8                   MS. PARK: See, again, my  
9       understanding is that there are no ABC license  
10      of 25 percent in D.C. So, why should I keep the  
11      25 percent limitation?

12                  And when I didn't know, I bought it  
13      as such, with 25 percent limitation. But now  
14      that I know and my understanding is that D.C. no  
15      longer has that limitation, I would like to get  
16      rid of that limitation myself.

17                  CHAIRPERSON ANDERSON: Any other  
18      questions by any of the Board Members?

19                  Any questions, Ms. Agyei?

20                  MS. AGYEI: No.

21                  CHAIRPERSON ANDERSON: Based on the  
22      questions that I asked.

23                  MS. AGYEI: Pardon me?

24                  CHAIRPERSON ANDERSON: Based on the  
25      questions that the Board asked.

1 MS. AGYEI: No.

2 CHAIRPERSON ANDERSON: Mr. Lee, any  
3 questions you have based on the questions the  
4 Board asked?

5 MR. LEE: No question.

6 CHAIRPERSON ANDERSON: No?

7 MR. LEE: No.

8 CHAIRPERSON ANDERSON: Thank you very  
9 much for your testimony, ma'am. You can step  
10 down.

11 MS. PARK: (Speaking for herself.)  
12 Thank you.

13 CHAIRPERSON ANDERSON: Do you have  
14 another witness, sir?

15 MR. LEE: Yes. I may call Mr. Steve  
16 Kang.

17 CHAIRPERSON ANDERSON: Mister who?

18 MR. LEE: Mr. Steve Kang.

19 CHAIRPERSON ANDERSON: Mr. Huang?

20 MR. LEE: Kang.

21 CHAIRPERSON ANDERSON: Khan?

22 MR. LEE: Kang.

23 CHAIRPERSON ANDERSON: Can you remove  
24 your hat, sir, please? Thank you.

25 MS. KIM: May I ask Mr. Kang whether

1 he needs interpreter?

2 MR. KANG: I'm all right.

3 CHAIRPERSON ANDERSON: He said he's  
4 all right.

5 MS. KIM: (Foreign language spoken.)

6 CHAIRPERSON ANDERSON: Can you raise  
7 your right -- he says he's okay.

8 Can you raise your right hand, sir?  
9 Do you swear or affirm to tell the truth and  
10 nothing but the truth?

11 MR. KANG: Yes.

12 CHAIRPERSON ANDERSON: Have a seat,  
13 sir. Your witness.

14 MR. LEE: Mr. Kang, thanks for  
15 coming. Please state your name and address.

16 MR. KANG: My name is Steven Kang.  
17 You want home address?

18 MR. LEE: Yes.

19 MR. KANG: 1522 Rabbit Hollow Place,  
20 Silver Spring, Maryland, 20906.

21 CHAIRPERSON ANDERSON: Pull the  
22 microphone --

23 MR. KANG: Okay.

24 CHAIRPERSON ANDERSON: -- closer to  
25 you, sir. I'm sorry, say your last name again?

1 MR. KANG: Kang, K-A-N-G.

2 CHAIRPERSON ANDERSON: Thank you.

3 MR. LEE: So, how are you related to  
4 the establishment?

5 MR. KANG: The building owner.

6 MR. LEE: The building owner?

7 MR. KANG: Yes. And the --

8 MR. LEE: And are you the previous  
9 owner too?

10 MR. KANG: Yes.

11 MR. LEE: Okay. How did you decide  
12 to testify today?

13 MR. KANG: I'm just here to support  
14 Ms. Park and just trying to help her business,  
15 try to grow her business.

16 MR. LEE: So, would you explain, how  
17 did you obtain the current ABC license with the  
18 25 percent?

19 MR. KANG: Well, there was, about  
20 five years ago, there were -- D.C. Alcohol  
21 Beverage, they were giving out 25 percent during  
22 a special time.

23 So, that time we had a lawyer, I  
24 think Mr. Pascal. He had got us the license,  
25 because they were giving out a certain amount, I



1 think like 250.

2 MR. LEE: So, at the time, there was  
3 no regular B license available?

4 MR. KANG: Yes, there was none.

5 MR. LEE: So, at the time, was there  
6 any Protestant?

7 MR. KANG: No, there was no protest.

8 MR. LEE: So, you placarded at the  
9 time?

10 MR. KANG: What was that?

11 MR. LEE: You placarded for 45 days?

12 MR. KANG: Yes.

13 MR. LEE: Okay. Since you had  
14 initial license, have you received any concern  
15 from the community?

16 MR. KANG: No. There may -- I've  
17 been there for a long time, so I had full  
18 support from the community, so there was no  
19 complaint.

20 MR. LEE: So, how long have you been  
21 in the business?

22 MR. KANG: About 35 to 40 years, in  
23 that one spot.

24 MR. LEE: Are you currently working  
25 at the store?

1 MR. KANG: Yes, I'm running it as a  
2 manager for Ms. Park at night time.

3 MR. LEE: Okay. Do you think what's  
4 the difference under your operation and Ms.  
5 Park's operation?

6 MR. KANG: I mean, she's trying to do  
7 more stuff with the store, putting in, like,  
8 more grocery, more food items.

9 And she has a different variety of  
10 ideas that she wants to put in. So, hopefully  
11 she can put that in through the -- when the  
12 weather gets better.

13 MR. LEE: I understand that there is  
14 a lease agreement between Ms. Park and you. And  
15 how do you maintain your property as a landlord?

16 MR. KANG: I mean, since I'm on the  
17 property with her, I mean, I'll try and work  
18 with her to clean up the -- keep the place  
19 clean. And whatever needs to get fixed, get it  
20 fixed.

21 MR. LEE: Do you currently have any  
22 issues about your property?

23 MR. KANG: No, not that I know of.

24 MR. LEE: Okay. Are you familiar  
25 with this area?

1 MR. KANG: The store area?

2 MR. LEE: Yes.

3 MR. KANG: I've been there maybe more  
4 than half of my life.

5 MR. LEE: Okay. So, do you think  
6 what is the community concern now?

7 MR. KANG: Community concern?

8 MR. LEE: Yes.

9 MR. KANG: I --

10 MR. LEE: Even you said that you  
11 never contacted with them.

12 MR. KANG: Yes, I mean, there is no,  
13 I mean, as far as I know, there is no concern  
14 with the community. I get along fine with  
15 everybody.

16 So, I would even see, like, a couple  
17 generation go by. Kids having kids and kids  
18 having kids.

19 MR. LEE: Okay. Can you describe the  
20 impact on the establishment without 25 percent  
21 on your property or community in this area? If  
22 they don't have a 25 percent restriction?

23 MR. KANG: The impact? I don't know.  
24 I mean, I believe she -- we do enough general  
25 merchandise and grocery stuff to draw more

1 people in. So, I mean, I don't know, couldn't  
2 really answer that question, sorry.

3 MR. LEE: Do you think if the Board  
4 approved the substantial change, that -- you  
5 were previous owner.

6 So, as a previous owner, you expect  
7 that the sales volume will be over 25 percent,  
8 easily, in that area?

9 MR. KANG: No, because, basically,  
10 we're now, we're serving people in the  
11 neighborhood. Now and then, maybe we might get  
12 people outside, like during summer time.

13 But basically, we just -- we're  
14 serving the neighborhood. We're not, like,  
15 really --

16 MR. LEE: So, actually, she took over  
17 last July, since last July, 2019. Do you think  
18 she is a responsible owner, in terms of ABC  
19 establishment?

20 MR. KANG: Yes.

21 MR. LEE: Do you think if she has a  
22 regular B, without this 25 percent, she still is  
23 a responsible owner, or changing any operation  
24 or anything?

25 MR. KANG: No, I mean, the only thing

1 she's right now is trying to do is change more -  
2 - is give the community more products,  
3 groceries, trying to put some healthy food in.

4 So, I mean, as of beer and wine, she  
5 could give them a different variety of more beer  
6 and wine than what we have right now.

7 Because right now, because the 25  
8 percent, we only have limited space for our beer  
9 and wine.

10 MR. LEE: So, as a previous owner,  
11 seller, and at the time, for the contract  
12 between you and Ms. Park, she hesitated to  
13 purchase your business because of the  
14 restriction on the ABC license?

15 MR. KANG: Yes, we went back and  
16 forth, until we came to agreement.

17 MR. LEE: So, do you think if  
18 something going on, same thing going on, she  
19 will struggle when it is trying to sell it?

20 MR. KANG: I mean, I think if I had a  
21 regular B Class license, it would have been  
22 easier for me to sell my business.

23 MR. LEE: Okay. Do you believe that  
24 a substantial change could support the local  
25 business?

1 MR. KANG: What was that again?

2 MR. LEE: If she doesn't have a 25  
3 percent restriction, it might support her local  
4 business?

5 MR. KANG: Yes.

6 MR. LEE: Since Applicant applied the  
7 license, applied the application, are there any  
8 contact from community to discuss issues?

9 MR. KANG: No, because, I mean, she  
10 put a couple other, like, variety of wine and  
11 stuff like that. I mean, community, people that  
12 come in regularly, they love it.

13 MR. LEE: Okay. Actually, one of  
14 exhibit, the supporting list, you just put on  
15 the establishment to get it signed from the  
16 neighbors?

17 MR. KANG: Yes.

18 MR. LEE: They voluntarily signed on  
19 it?

20 MR. KANG: Volunteered, after I asked  
21 them.

22 MR. LEE: You explained to them --

23 MR. KANG: Yes, what --

24 MR. LEE: -- whenever they sign it?

25 MR. KANG: What she was trying to do.

1 MR. LEE: Was it explained, one of  
2 exhibits, and it's a Dunkin' Donuts box, so what  
3 is about?

4 MR. KANG: That was something I just  
5 did, like maybe for last ten years. First,  
6 every New Years, we give out free coffee,  
7 donuts, gifts, and snacks and stuff like that.  
8 So, that's something I just did for the  
9 community.

10 MR. LEE: Okay. That is only one you  
11 support the community so far --

12 CHAIRPERSON ANDERSON: Hold on, Mr.  
13 Lee. What's the --

14 MEMBER CROCKETT: Can you please  
15 address the exhibit and identify the exhibit?

16 MR. LEE: Yes, I will --

17 MEMBER CROCKETT: Yes, can you please  
18 say the exhibit you're referring to?

19 MR. LEE: Yes, it's Applicant Appeal  
20 Exhibit 1. I didn't separate the number on the  
21 photos.

22 Exhibit 1 is interior. I just tried  
23 to show that it's clean and well maintained.  
24 And the second show the same thing.

25 And fourth is the flood lights in

1 the outside, for the security. And the next  
2 one, the security cameras inside.

3 And the next one is the dumpster  
4 area, it well maintained, it's cleaned.

5 CHAIRPERSON ANDERSON: Hold on, I --

6 MR. LEE: Yes.

7 CHAIRPERSON ANDERSON: All right,  
8 hold on. I think all that Ms. Crockett was  
9 asking you to do, you show the witness a --

10 MR. LEE: Yes.

11 CHAIRPERSON ANDERSON: -- an exhibit,  
12 all that she'd ask you to do is to identify the  
13 exhibit that you were showing the witness.

14 MEMBER CROCKETT: I believe there  
15 were two, one was a list of --

16 MR. LEE: Yes, one --

17 MEMBER CROCKETT: -- signatures and  
18 one had --

19 MR. LEE: Yes.

20 MEMBER CROCKETT: -- something to do  
21 with donuts.

22 MR. LEE: Yes, Exhibit 2 is a list of  
23 the supporters.

24 MEMBER CROCKETT: Okay.

25 MR. LEE: Yes.



1 CHAIRPERSON ANDERSON: Go ahead, sir.

2 MR. LEE: I already present this copy  
3 to yourself. Okay.

4 Do you think the substantial change  
5 granted without 25 percent would cause increase  
6 in crime, public safety?

7 MR. KANG: I mean, no, because I've  
8 been, like I said, I've been there for quite a  
9 while. I mean, we really had no problem in the  
10 property or in the store. It been pretty safe.

11 MR. LEE: Okay. No further question.

12 CHAIRPERSON ANDERSON: Your witness,  
13 then.

14 MS. AGYEI: I'm kind of confused on  
15 your relationship, so could you please explain  
16 that again to me?

17 Because I thought -- it sounds to me  
18 that you're saying you're the landlord and  
19 you're an employee. Is that accurate?

20 MR. KANG: Yes, I'm running for her  
21 as a manager in night time, trying to make a  
22 smooth transaction for her.

23 MS. AGYEI: So, she pays you rent and  
24 she pays you fees to run her business?

25 MR. KANG: As a manager, as an

1 employee.

2 MS. AGYEI: And -- okay. And can you  
3 tell me and the Board, I guess, your business  
4 operations?

5 MR. KANG: What do you mean by  
6 business?

7 MS. AGYEI: So, from what time do you  
8 open to what time do you close?

9 MR. KANG: 6:00 a.m. to 10:00 p.m.

10 MS. AGYEI: And you come onboard at  
11 what time?

12 MR. KANG: From 1:00 to 10:00.

13 MS. AGYEI: 1:00 to 10:00?

14 MR. KANG: Yes.

15 MS. AGYEI: And when you're not in  
16 charge, who's in charge?

17 MR. KANG: Ms. Park and one employee  
18 in the morning, that opens with her.

19 MS. AGYEI: And do they manage the  
20 store equally? Or would you say one manages the  
21 store more than the other?

22 MR. KANG: I mean, she's the owner,  
23 so I mean, so basically, she manages the store  
24 and gets it done, whatever she needs to get it  
25 done.

1 MS. AGYEI: Okay. Because I guess my  
2 concern is that she has required -- she has  
3 asked for interpretive assistance during the  
4 court hearings, but there's not an interpreter  
5 that I'm aware of at the store.

6 So, how is she communicating with  
7 the customers?

8 MR. KANG: I mean, as far as  
9 communicating, I mean, it's broken down English,  
10 but still communicate with people.

11 I mean, maybe not able to do it here  
12 with a proper manner, but she, may be broken  
13 down English, but she communicates.

14 MS. AGYEI: So, if there were any  
15 concerns, she would be able to understand any of  
16 the concerns of the customers or the --

17 MR. KANG: Or she would give me a  
18 call, then I'll come directly --

19 MS. AGYEI: Okay.

20 MR. KANG: -- whenever I need it.

21 MS. AGYEI: Okay. And I wanted to go  
22 to one of the questions that you answered of Mr.  
23 Lee.

24 Mr. Lee asked you, would you all be  
25 selling more than 25 percent, if the B license -

1 - if you all -- the limitation wasn't there, and  
2 you said no. Can you explain that?

3 MR. KANG: Repeat that again?

4 MS. AGYEI: Mr. Lee asked you if you  
5 thought you would be selling more than 25  
6 percent sales in alcohol if you didn't have the  
7 restriction of the license, and you said no.

8 MR. KANG: No, like I said,  
9 basically, right now, we are basically dealing  
10 within the neighborhood.

11 So, I mean, that's been pretty  
12 consistent. If you look at any tax return,  
13 anything, the percentage of sale has been like  
14 maybe at 20 percent.

15 So, basically, I mean, me, previous  
16 owner, if I had a chance, I would apply for a  
17 regular Class B license, it would make the sale,  
18 the transaction a little bit easier.

19 MS. AGYEI: Okay. So, what you mean,  
20 basically, transferring the business? So, the  
21 concern of the license -- I just want to be  
22 clear, because my concerns seem to be different  
23 than your concern for the license.

24 So, the concern of the license is  
25 upon exiting the business, but not necessarily

1 the day-to-day running of the business, is that  
2 accurate?

3 I'll reask the question.

4 MR. KANG: Okay.

5 MS. AGYEI: So, I asked the owner  
6 several times, if you did not have -- if you  
7 didn't get this license, would it hurt your  
8 business? And she said, no.

9 So, my question is, for the day-to-  
10 day running of your business, for your average  
11 consumer who comes into your business and buys  
12 whatever they buy, it would not hurt you in that  
13 day-to-day transaction if you did not have that  
14 license? If you --

15 MR. KANG: You're correct, yes.

16 MS. AGYEI: Okay. So, could I -- I  
17 said that, but I just want to have you, so --

18 MR. KANG: Yes. It would not hurt  
19 the business.

20 MS. AGYEI: On a day-to-day --

21 MR. KANG: Yes.

22 MS. AGYEI: Okay. And then, I want  
23 to go to Mr. Lee's exhibit -- where is that?  
24 The donut one, which exhibit was that? What  
25 exhibit did you say this was, Mr. Lee? The

1 donut? I don't --

2 MR. LEE: So, it's a hand on the  
3 photo. Also part of Exhibit 2.

4 MS. AGYEI: Well, I want to ask him  
5 about the donut picture. So, you were saying  
6 that -- and I don't know if this matters or not,  
7 but that I've also spoken to Mr. Chan, within  
8 the store.

9 And he explained to me that you  
10 normally do the donut in the beginning of the  
11 year.

12 MR. KANG: Every New Year.

13 MS. AGYEI: So, was this taken at the  
14 top of the year?

15 MR. KANG: Yes.

16 MS. AGYEI: Because this was due --

17 MR. KANG: That was January 1.

18 MS. AGYEI: Okay. All right. So,  
19 this was from this year?

20 MR. KANG: Yes.

21 MS. AGYEI: Okay. So, she basically  
22 was just extending a tradition that you --

23 MR. KANG: Yes, I was --

24 MS. AGYEI: -- had implemented?

25 MR. KANG: -- showing her what --

1 MS. AGYEI: Okay.

2 MR. KANG: -- I was doing every New  
3 Year.

4 MS. AGYEI: Okay. All right. You  
5 stated that there had not been any violence or  
6 things of concerns, you said at the property or  
7 inside the store.

8 MEMBER SHORT: You're touching your  
9 microphone with your papers.

10 MS. AGYEI: Oh, sorry. Sorry. You  
11 had stated that there haven't been any issues of  
12 concern outside the store or inside the store?

13 MR. KANG: Not as big issues. I  
14 mean, there might be arguments or people -- but  
15 as a big issue, there was none.

16 MS. AGYEI: Would you say that New --  
17 what's the name of your store? -- New Seven  
18 Market is in a safe neighborhood?

19 MR. KANG: I think so, yes.

20 MS. AGYEI: You do? Okay. No  
21 further questions.

22 CHAIRPERSON ANDERSON: Let me ask you  
23 a question, sir. What impact, if any, will us  
24 granting this license have on the business of  
25 New Seven?

1 MR. KANG: Like I said, not  
2 immediately day-to-day, but like I said, if I  
3 had my -- if I could have, when I had the  
4 business, I would have applied for it, because  
5 it would have made a sale transaction a little  
6 easier, for me and for next person that's coming  
7 in.

8 CHAIRPERSON ANDERSON: But the --

9 MR. KANG: The day-to-day, no.

10 CHAIRPERSON ANDERSON: I'm sorry.  
11 But the ABC Board, I mean, our job, we're not --  
12 we don't grant license for -- we're not, at  
13 least I would hope that we're not granting  
14 license for someone to make money off the  
15 license.

16 I think that we grant license for  
17 the licensee to benefit the residents of the  
18 District of Columbia.

19 I don't quite see -- I'm not  
20 convinced, and I don't know what I'm going to  
21 do, but I'm not convinced that this business is  
22 saying that we need the restriction -- we need a  
23 regular B because this is how it's going to  
24 benefit my business.

25 I've been told that we're not going



1 to sell more than 20 percent of alcohol, that's  
2 not really going to change.

3 And all I'm told is that, well, we  
4 have this owner who bought it from you, who  
5 bought the business a year ago, and the owner is  
6 saying, well, because I was told it was a 25  
7 percent B, I negotiated a lower price, because  
8 it's a 25 percent B.

9 And I'm thinking about that when I  
10 sell the business, then if I tell folks that  
11 it's a regular B, I can get more money for my  
12 business.

13 That's not the job of the ABC Board.  
14 We're not in the market, I would hope, of  
15 granting license for people to sell a license.  
16 We're here to grant license for the licensee to  
17 sell products to benefit the residents.

18 So, you were the former owner,  
19 you're still in the business, so what impact on  
20 the business will it have if the Board was to  
21 grant the substantial change?

22 I mean, that's what I want to hear.  
23 I don't want to hear -- I mean, everybody's  
24 telling me that, when I sell the business next  
25 year, I'm going to make more money, so

1       therefore, I'm not going to sell more than 25  
2       percent alcohol, I just want to make more money  
3       so I can sell the license.

4               And so, you tell me, you work -- you  
5       said you've owned, you've been in business for  
6       35 years, I'm not sure if at this same location  
7       --

8               MR. KANG: Same location, one  
9       location.

10              CHAIRPERSON ANDERSON: So, you've  
11       been at this location for 35 years. You  
12       operated it. A year ago, you sold it to this  
13       other person. You're still in the business,  
14       operating it.

15              So, what's the change? What is  
16       going to change in the business?

17              MR. KANG: I mean, by her maybe  
18       getting a regular class license, maybe she can  
19       put more variety of stuff, grocery, beer, and  
20       wine, to raise her sales.

21              So, basically, she has to raise the  
22       sale from her grocery and to beer and wine to  
23       equal, where if she's granted a regular C Class  
24       license, she wouldn't have to worry about that.

25              I mean, she might have up and down

1 on beer and wine, but I mean, that would take up  
2 a little more stress off of the owner.

3 CHAIRPERSON ANDERSON: But is it that  
4 this business has had a concern in making the  
5 percentages?

6 MR. KANG: No, of --

7 CHAIRPERSON ANDERSON: I cannot --

8 MR. KANG: -- 25 percent?

9 CHAIRPERSON ANDERSON: Yes.

10 MR. KANG: No.

11 CHAIRPERSON ANDERSON: Did -- let me  
12 ask you this. You owned the business. During  
13 the time period that you owned the business,  
14 were you ever audited by ABRA?

15 MR. KANG: Yes.

16 CHAIRPERSON ANDERSON: How many times  
17 were you audited by ABRA?

18 MR. KANG: I believe it was first or  
19 second year.

20 CHAIRPERSON ANDERSON: But that was  
21 about, how many years ago that was?

22 MR. KANG: That was about three, four  
23 years ago, maybe.

24 CHAIRPERSON ANDERSON: Three or four  
25 years ago? And do you recall what percentage of

1       your sale -- did you meet the 25 percent?  
2       During the period of times you were audited by  
3       ABRA, did you meet that percentage?

4               MR. KANG: Yes.

5               CHAIRPERSON ANDERSON: You did?

6               MR. KANG: Yes. I mean, did I do the  
7       25 percent?

8               CHAIRPERSON ANDERSON: Yes.

9               MR. KANG: No, I didn't.

10              CHAIRPERSON ANDERSON: You never did?

11              MR. KANG: No. That time, I was --  
12       he said probably I was at, like, 15 or 20  
13       percent, because I was just -- we just got it,  
14       like, we just got it when they came and audit.  
15       So, we just -- people knew us as a regular  
16       convenience store.

17              CHAIRPERSON ANDERSON: So, what were  
18       people coming in there to buy?

19              MR. KANG: I mean, snacks, groceries.  
20       At that time, we had also a carry-out in the  
21       back.

22              CHAIRPERSON ANDERSON: If you had a  
23       carry-out grocery in the back, you shouldn't  
24       have a problem, if you're selling food, you  
25       shouldn't have a problem, you should never, if

1       you're only selling beer and wine, you shouldn't  
2       have had a problem making the 25 percent.

3               Because if you had a problem, then  
4       that says to me that you were not a legitimate  
5       grocery, you're just a regular liquor store.

6               MR. KANG: I mean, like I said, we  
7       had no problem -- average sales was probably  
8       about like 20 percent.

9               CHAIRPERSON ANDERSON: I'll say this  
10      to you, sir, I don't have a problem, and I know  
11      you're not the owner, I don't have a problem, we  
12      have restaurants and we have taverns and  
13      sometimes we have restaurants operating as  
14      taverns and so they can't make that percentage  
15      and the Board will recommend to the restaurant  
16      that they change to a tavern, so they don't have  
17      to have that food restriction.

18              But you're not telling me that. I'm  
19      not hearing that from you. What I'm hearing  
20      from you is that -- I mean, if you're saying to  
21      me that we are a legitimate grocery store,  
22      however, we're having some, because of some of  
23      the things we're selling, we do have some  
24      concerns making the percentage, so we believe  
25      that it -- our model is not going to change, but

1 in order to comply with the regulations, us  
2 having a regular B would benefit the  
3 establishment.

4 But I'm not hearing that. All I'm -  
5 - hold on, sir. What I'm hearing --

6 MR. KANG: But she --

7 MS. AGYEI: Let me finish. What I'm  
8 hearing is that, when I sell the license, I can  
9 make more money if I don't have the restriction.

10 And that's what I'm hearing. I'm  
11 hearing that from you as the former owner, who  
12 owned the business for 25 years. And I'm  
13 hearing that from the current owner, who has  
14 owned the business for one year.

15 And it's not saying that, yes, we're  
16 struggling to make, yes, because we're a small  
17 business, we're struggling to make the  
18 percentage, because we're a small business.

19 I would understand that. If we're  
20 in a community where -- it's a struggle. So,  
21 we're trying to make a business and we're trying  
22 to make this business work.

23 And so, because we were told that  
24 ABRA, we no longer have this 25 percent, so we  
25 want to convert to a regular grocery store,

1       because it will help our business model, we  
2       don't plan to sell more liquor than we normally  
3       do, but this is what we want.

4               But what I'm being told is that --  
5       yes, a regular B. What I'm being told is that,  
6       well, I'll make more money if I have a regular  
7       B, when I sell the business next year, I'm going  
8       to make more money.

9               I'm going to make more money in  
10      selling the license, not make more money in  
11      providing goods and services to the residents in  
12      the community.

13              MR. KANG: Well, and 25 percent, she  
14      doesn't have the ability to put more variety,  
15      more -- to grow the business, because she's  
16      stuck right here at under 25 percent.

17              I mean, if she wants to, then she  
18      can't do it, because she's trapped like that at  
19      25 percent.

20              CHAIRPERSON ANDERSON: But neither  
21      you or her is telling me. All you're telling me  
22      is that, I'm going to make more money when I  
23      sell the license, that is what you're telling  
24      me.

25              I'm going to make more money when I

1 sell the license. And I'm hearing, okay, I'm  
2 going to retire in a year. You just bought the  
3 business a year ago.

4 And when I bought the business,  
5 because I know it has 25 percent, I told you I'm  
6 not going to pay this much money for it. But  
7 now, if I get this substantial change, I'm going  
8 to make more money next year.

9 And so, the job is that, you don't  
10 apply for license to make money on the license.  
11 You apply for license to produce services, to  
12 produce, not like, when I sell the license, I'm  
13 going to make more money on the license. Come  
14 on.

15 MR. KANG: Well, I mean, at 25  
16 percent, she's stuck right there. She can't  
17 proceed to what she wants to do.

18 CHAIRPERSON ANDERSON: All right. I  
19 don't -- does anyone -- go ahead, Mr. Short.

20 MR. OH: Can I switch?

21 CHAIRPERSON ANDERSON: Yes, please.

22 MR. OH: Thank you.

23 MEMBER SHORT: Good afternoon, Mr.  
24 King.

25 MR. KANG: Yes.



1                   MEMBER SHORT: Currently, you are not  
2                   the owner of the business?

3                   MR. KANG: No.

4                   MEMBER SHORT: How many ABC managers  
5                   do you have for this, or does the owner have  
6                   working at the store?

7                   MR. KANG: Right now?

8                   MEMBER SHORT: Yes.

9                   MR. KANG: The manager --

10                  MEMBER SHORT: You can't answer?

11                  MR. KANG: Three. I mean, she -- I'd  
12                  be one of them.

13                  MEMBER SHORT: You have an ABC  
14                  manager's license?

15                  MR. KANG: Yes, I do.

16                  MEMBER SHORT: And who are the other  
17                  two? If you don't know, you can't --

18                  MR. KANG: I can't answer.

19                  MEMBER SHORT: Okay. All right. So,  
20                  when you work at night, you the only one there?

21                  MR. KANG: I have another worker with  
22                  me.

23                  MEMBER SHORT: And does that person  
24                  have an ABC license?

25                  MR. KANG: No.

1                   MEMBER SHORT: So, if you're not  
2                   there, then she can't sell alcohol, whoever the  
3                   other person is.

4                   MR. KANG: If she's there.

5                   MEMBER SHORT: No, she only works  
6                   during the day, you said.

7                   MR. KANG: Well, the days I'm off,  
8                   she works morning until closing.

9                   MEMBER SHORT: Okay. Thank you.  
10                  That's all I have.

11                  MR. KANG: That's Saturdays and  
12                  Sundays.

13                  MEMBER SHORT: Okay. That's all I  
14                  have, Mr. Chair. Thank you.

15                  CHAIRPERSON ANDERSON: All right.  
16                  Any other questions by any of the Board Members?  
17                  Do you have any follow-up questions to him,  
18                  based on the questions the Board asked him?

19                  MS. AGYEI: Based off of what --

20                  CHAIRPERSON ANDERSON: Based on the  
21                  questions the Board asked. You can only ask  
22                  questions based on what the Board asked.

23                  MS. AGYEI: I feel like my -- I guess  
24                  you'll tell me if I'm wrong or not. But you  
25                  made a point about further goods and services

1 and helping the community.

2 And I recall that you said that if  
3 you all had the regular B license, that you felt  
4 that it would help with increasing the business  
5 and the community. Is that accurate or did I  
6 miss --

7 MR. KANG: No.

8 MS. AGYEI: Okay. All right. Then,  
9 I don't have any more questions.

10 CHAIRPERSON ANDERSON: Any follow-up  
11 questions, Mr. Lee?

12 MR. LEE: I don't have one.

13 CHAIRPERSON ANDERSON: Thank you,  
14 sir, for your testimony. You can step down. Do  
15 you have any other witnesses, sir?

16 MR. LEE: Yes, one more. One more  
17 witness.

18 CHAIRPERSON ANDERSON: All right.

19 MR. LEE: That's Mr. Clarence Jones.

20 CHAIRPERSON ANDERSON: Mr. Who?

21 MR. JONES: Clarence Jones.

22 MR. LEE: Clarence Jones.

23 CHAIRPERSON ANDERSON: Johns?

24 MR. JONES: Jones, J-O-N-E-S.

25 CHAIRPERSON ANDERSON: Jones?

1 MR. LEE: J-O-N-E-S.

2 CHAIRPERSON ANDERSON: Mr. Jones, can  
3 you raise your right hand, please? Do you swear  
4 or affirm to tell the truth and nothing but the  
5 truth?

6 MR. JONES: Yes, sir.

7 CHAIRPERSON ANDERSON: Have a seat,  
8 sir. Your witness.

9 MR. LEE: Mr. Jones, where do you  
10 live?

11 MR. JONES: 2654 Douglass Road.

12 MR. LEE: In the same area?

13 (No audible response.)

14 MR. LEE: Okay. So how do you know  
15 Ms. Park? How do you know this business?

16 MR. JONES: Well, I just met Ms. Park  
17 earlier this year. Well, last year, anywhere.

18 MR. LEE: How long have you --

19 MR. JONES: I've been working at the  
20 store for like 15 years.

21 MR. LEE: Okay. So, how did you  
22 decide to testify today for Ms. Park?

23 MR. JONES: I mean, she's a good  
24 lady. I mean, I don't see no issues. I mean,  
25 she's helping out the community, you know?

1 MR. LEE: So, actually, as a  
2 neighbor, what did you find that Ms. Park's  
3 operating?

4 MR. JONES: What you mean?

5 MR. LEE: How does she operating the  
6 business?

7 MR. JONES: So far, I mean, I don't  
8 see no problems. No problems at all.

9 MR. LEE: So, do you tell us the  
10 difference between previous owner and Ms. Park?

11 MR. JONES: Oh, yes, I mean, Ms.  
12 Park, she's done brought more stuff into the  
13 store, more food, more products.

14 MR. LEE: Have you heard or have you  
15 observed any complaint?

16 MR. JONES: Not at all.

17 MR. LEE: So, do you think of Ms.  
18 Park as a responsible owner --

19 MR. JONES: Yes, sir.

20 MR. LEE: -- to handling of this  
21 license?

22 (No audible response.)

23 MR. LEE: Do you think if the Board  
24 granted the application, it affect the community  
25 about the criminal --

1 MR. JONES: Our community --

2 MR. LEE: -- the public safety or --

3 MR. JONES: I think our community is  
4 pretty decent, I don't see no problem  
5 whatsoever.

6 MR. LEE: Okay. No further  
7 questions.

8 CHAIRPERSON ANDERSON: Do you have  
9 any questions you want to ask him, ma'am?

10 MS. AGYEI: I do. Who is this,  
11 Clarence or Demarcus?

12 MR. JONES: Clarence.

13 MS. AGYEI: Okay. Where are you  
14 employed, sir?

15 MR. JONES: New Seven Market.

16 MS. AGYEI: Okay. And you said you  
17 just met Ms. Parks earlier this year, so --

18 MR. JONES: Last year.

19 MS. AGYEI: Last year?

20 MR. JONES: Yes, when she bought the  
21 store.

22 MS. AGYEI: Okay. So, I just, I  
23 guess -- so, you just stayed on with the  
24 business?

25 MR. JONES: Yes.

1 MS. AGYEI: Okay. Did you have to  
2 interview to keep your job?

3 (No audible response.)

4 MS. AGYEI: And what do you do for  
5 the store, sir?

6 MR. JONES: Basically, like, cashier,  
7 clean, stock.

8 MS. AGYEI: And do you work set  
9 hours?

10 MR. JONES: Monday through Friday --

11 MS. AGYEI: Okay.

12 MR. JONES: -- 2:00 to 10:00.

13 CHAIRPERSON ANDERSON: Excuse me,  
14 what --

15 MR. JONES: Monday through Friday,  
16 2:00 to 10:00.

17 MS. AGYEI: And are you familiar with  
18 Ketcham Elementary School?

19 (No audible response.)

20 MS. AGYEI: Could you tell me where  
21 that is in relation to your business?

22 MR. JONES: Like the next block up,  
23 across the street, next block.

24 MS. AGYEI: Are you aware that  
25 Ketcham also has a daycare now?

1 MR. JONES: I mean, there's kids, I  
2 just know they go to school.

3 MS. AGYEI: Okay. No further  
4 questions.

5 CHAIRPERSON ANDERSON: Any questions  
6 by any Board Members?

7 Thank you, sir, for your testimony.  
8 You can step down.

9 Do you rest, Mr. Lee?

10 MR. LEE: No further witness, that's  
11 right.

12 CHAIRPERSON ANDERSON: All right.  
13 How do you plan to move forward with your case,  
14 ma'am? Do you have any witnesses you plan to  
15 call?

16 MS. AGYEI: I have some exhibits that  
17 I would like to submit and then, I just have  
18 testimony that I want to give.

19 CHAIRPERSON ANDERSON: Can you raise  
20 your right hand, please? Do you swear or affirm  
21 to tell the truth and nothing but the truth?

22 MS. AGYEI: I do.

23 CHAIRPERSON ANDERSON: Go ahead.

24 MS. AGYEI: So, there are two  
25 exhibits that I would like to, I guess, put into



1 the record.

2 CHAIRPERSON ANDERSON: I need you to  
3 identify what the exhibits are, ma'am.

4 MS. AGYEI: Okay. So, on my exhibit  
5 list, they are going to be Exhibit 3 --

6 CHAIRPERSON ANDERSON: And what is  
7 Exhibit 3?

8 MS. AGYEI: Exhibit 3 is going to  
9 deal specifically with Ketcham Elementary School  
10 and the proximity to New Seven Market.

11 And then, I'm also going to  
12 introduce Exhibit 5, which are the minutes from  
13 an ANC meeting that was held November 5, 2019.

14 CHAIRPERSON ANDERSON: Okay. Do you  
15 have any objection, Mr. Lee?

16 MR. LEE: That's okay. Yes --

17 CHAIRPERSON ANDERSON: So moved.

18 MR. LEE: -- I have no objection.

19 MS. AGYEI: So, what --

20 CHAIRPERSON ANDERSON: They're part  
21 of the record.

22 MS. AGYEI: Okay. So, do I need to  
23 give these to you?

24 CHAIRPERSON ANDERSON: Or you can  
25 give it -- I have it, but you can give them to

1 her. Yes, you can take -- yes.

2 Well, I'm moving them -- yes, okay,  
3 that's fine. That's fine. I've moved the  
4 exhibits, they're part of the record. What else  
5 do you want to present, ma'am?

6 MS. AGYEI: So, I want to go back to  
7 the proximity of Ketcham Elementary School to  
8 New Seven Market.

9 So, my concern with the proximity  
10 and why I put that as part of the protest is  
11 that my understanding was that the request for a  
12 new substantial license change would trigger a  
13 new review of the business.

14 So, I guess I'm not understanding  
15 why anything that's being grandfathered would  
16 trump the new review, was my understanding.

17 So, I guess what I want to submit to  
18 the Board that the proximity of Ketcham  
19 Elementary School and, in fact, the new daycare  
20 center is less than 400 feet away from New Seven  
21 Market. In fact, I believe it's less than 300  
22 feet.

23 So, I'm hoping that the Board can  
24 look at that, because I feel that that should be  
25 part of Section 25-3314, which talks about the

1 closeness to elementary schools and also  
2 recreation centers that are governed by the  
3 District of Columbia.

4 And then, also, that I'm going to be  
5 submitting to the records are that you had  
6 mentioned, asked me if there were any other  
7 liquor stores in the neighborhood.

8 And there are and they've actually  
9 been a nuisance for the community. And what the  
10 minutes show is that we, at the ANC meeting, the  
11 Commission actually did a resolution to define  
12 that liquor store on the corner, which is Union  
13 Liquor, as a nuisance property.

14 So, my concern is that -- which is  
15 why I asked several times, will they be impacted  
16 if they don't receive a new license? And on  
17 both occurrences, both the owner and the  
18 previous owner said no.

19 So, I don't feel like they have a  
20 matter-of-right. I feel that the license that  
21 they have is actually appropriate for the  
22 business that they're doing.

23 I have -- I thought that, in the  
24 report, that Mr. Miller presented, that there  
25 would be receipts of how much they do and how

1 much they don't, so that I could see, are they  
2 above the limit?

3 Are they almost -- are they selling  
4 enough that they could be in violation, because  
5 they're almost at that threshold?

6 And I've received documentation, but  
7 Mr. Miller is saying that he hasn't been able to  
8 authenticate that these are actually their  
9 records, but in the documentation that was  
10 submitted to me, I don't see that they're near  
11 the 25 percent threshold.

12 And that being the case, I would  
13 hope that the Board would maintain them at their  
14 current license.

15 CHAIRPERSON ANDERSON: Anything else?

16 MS. AGYEI: No.

17 CHAIRPERSON ANDERSON: Mr. Lee?

18 MR. LEE: Yes, I have a question.

19 Because look at the exhibit, the photos around  
20 the school, it looks like nice. So --

21 MS. AGYEI: The what?

22 MR. LEE: I'm still confused about  
23 what the community concern, in detail. Because  
24 many times I'm just asking you if you want any  
25 concern on the voluntary agreement or that kind

1 of agreement, I wanted to review and consider.

2 So, still confused, because we ask  
3 for 25 percent removed. Then, even my client  
4 said that, in the near future, it not going to  
5 go up over 25 percent.

6 Then, how will it affect your  
7 community and what kind of measures do you want  
8 we take? That, I don't --

9 CHAIRPERSON ANDERSON: Mr. --

10 MR. LEE: -- I don't hear --

11 CHAIRPERSON ANDERSON: Mr. --

12 MR. LEE: -- anything about.

13 CHAIRPERSON ANDERSON: Mr. Lee,  
14 you're an attorney, sir. Are you asking her a  
15 question?

16 MR. LEE: I was just ask question.  
17 And then, what are you detailed asking to the  
18 applicant to do that?

19 CHAIRPERSON ANDERSON: Are you asking  
20 her a question, sir?

21 MS. AGYEI: I don't know the  
22 question.

23 CHAIRPERSON ANDERSON: I'm not sure  
24 if there's a question. So, she's -- this is  
25 your opportunity to cross examine her. So, are

1 you cross examining her or are you making a  
2 statement, which one are you doing?

3 If you don't have any questions to  
4 ask her, then you don't have any questions to  
5 ask her. So, which one is it?

6 Do you have any questions to ask  
7 her, sir? Mr. Lee?

8 MR. LEE: Yes.

9 CHAIRPERSON ANDERSON: Do you have a  
10 question to ask the witness?

11 MR. LEE: So my question is what's  
12 the community concern? What you're asking to my  
13 client to do it for the community?

14 MS. AGYEI: The community concern  
15 that I have is that, despite what people have  
16 said, we are not in a good neighborhood.

17 Even though I'm not referring to  
18 myself at this particular hearing as an ANC  
19 Commissioner, I get all the complaints, I get  
20 all of the violence that happens.

21 And to be quite frank,  
22 unfortunately, the position of protesting and  
23 being involved in the community, a lot of people  
24 don't get involved, a lot of people don't know  
25 that they have the right to get involved.

1                   So, the fact that there have not  
2                   been past protests does not mean that there  
3                   haven't been any concerns. From what I see, it  
4                   just shows that the community didn't know how to  
5                   protest.

6                   So, my concern is, if the license  
7                   that you currently have does what you need it to  
8                   do, I don't feel like you should be able just to  
9                   flip. Everyone out in the community comes in to  
10                  flip.

11                  From what you said to me here and  
12                  outside, the need for the license is basically  
13                  to flip the business and to make more money.

14                  I want people to be in the community  
15                  because they want to be good neighbors, not  
16                  because they're trying to flip. That's my  
17                  answer.

18                  CHAIRPERSON ANDERSON: Do you have  
19                  any other questions, sir?

20                  MR. LEE: So, I just keep asking my  
21                  witnesses, have you any received complaint from  
22                  the community or contact from the community?

23                  Why you didn't contact the  
24                  establishment what to do and how we cooperate  
25                  with the community?

1 MS. AGYEI: Sir, the impasse is, we  
2 don't want you to sell more license and you want  
3 to sell more -- I'm sorry, we don't want you to  
4 sell more alcohol.

5 You're saying that you want the  
6 ability to sell more alcohol. You want the  
7 ability, even though you're saying that you  
8 don't want to.

9 So, my concern and the community  
10 concerns, why we protested, I am not willing to  
11 give you a license, so that you can give it to  
12 somebody else and then, we the community can't  
13 do anything, because they already have the  
14 license.

15 If your client wants to sell the  
16 business, whoever she's going to sell the  
17 business to has the right to either buy or not.  
18 She bought.

19 Just like she bought, someone else  
20 can buy and then come before the Board again and  
21 state their case on why they want to change the  
22 license.

23 I'm not willing, on my watch, as an  
24 ANC, that is now representing the Group of 11,  
25 to allow you all just to walk free and do what



1       you want to do to increase your business.

2               You should be concerned about being  
3       a good neighbor, not trying to flip a business  
4       to make more profit.

5               MR. LEE: Okay. One more question.  
6       About the business information, Protestant keep  
7       asking about business information, how much  
8       we're selling, how much percentage.

9               And that contains the business  
10       information itself. So, we are fine to present  
11       it to the ABC Board, but not to individual  
12       neighbors.

13               They know how much they sell for the  
14       whole revenue from the grocery, how much they  
15       sell for every month or every week. It's too  
16       much detail and the --

17               CHAIRPERSON ANDERSON: Mr. Lee --

18               MR. LEE: -- protected information.

19               CHAIRPERSON ANDERSON: -- are you  
20       asking her a question? You're --

21               MR. LEE: No.

22               CHAIRPERSON ANDERSON: -- she's a --  
23       if you have questions to ask her, ask her, sir.  
24       This is the time to ask her questions. You  
25       can't --

1 MR. LEE: No further questions.

2 CHAIRPERSON ANDERSON: -- ask the  
3 Board questions, you're not being questioned.

4 Let me ask you -- you have no more  
5 questions?

6 MR. LEE: Yes.

7 CHAIRPERSON ANDERSON: Let me ask you  
8 a question, ma'am. Have you been in this store?

9 MS. AGYEI: I have.

10 CHAIRPERSON ANDERSON: How many times  
11 have you been in the store?

12 MS. AGYEI: I've been in the store  
13 more so based on this particular hearing, but in  
14 general, I don't like to go to corner stores.  
15 So, in my daily life, I don't go to that store.

16 CHAIRPERSON ANDERSON: Well, let me  
17 ask you, this is what I'm trying to ask. Have  
18 you visited this store prior to this owner  
19 owning the store?

20 MS. AGYEI: Have I actually gone  
21 inside the store?

22 CHAIRPERSON ANDERSON: Yes, prior to  
23 this owner owning this store.

24 MS. AGYEI: If I did, it's so long  
25 ago that I don't remember.

1 CHAIRPERSON ANDERSON: But you have -  
2 - because of this protest, you have been into  
3 this store, is that correct? Have you been in  
4 this store since you filed the protest?

5 MS. AGYEI: Yes, I have.

6 CHAIRPERSON ANDERSON: What do you  
7 see when you go inside the store?

8 MS. AGYEI: So, it is set up like a  
9 corner store. I don't want to be disparaging,  
10 but it's set up --

11 CHAIRPERSON ANDERSON: I'm asking you  
12 -- I don't --

13 MS. AGYEI: It's set up --

14 CHAIRPERSON ANDERSON: Ma'am, ma'am,  
15 I've not been in the store, I want you to give  
16 me -- and you sat here before, I asked --

17 MS. AGYEI: Yes, it --

18 CHAIRPERSON ANDERSON: -- I asked the  
19 --

20 MS. AGYEI: Right.

21 CHAIRPERSON ANDERSON: --  
22 investigator to describe what he sees in the  
23 store.

24 MS. AGYEI: It's set up as, in my  
25 opinion, a stereotypical corner store. You walk

1 in, there's double doors.

2 He, the inspector stated that you  
3 could do business from within the double-door, I  
4 don't see how that's possible.

5 So, I didn't see a screen where you  
6 can just walk in in that section, you can do  
7 business, you actually have to go into the  
8 store.

9 So, his description about, like, you  
10 could be kind of that holding area and conduct  
11 business, I didn't think that that was an  
12 accurate description.

13 There are two doors, but you have to  
14 go to the second door to actually be in the  
15 store and then, conduct the business.

16 So, to me, the first door is just  
17 kind of like your standard security door, just  
18 for protection. And then, you walk inside the  
19 store.

20 So, when you're in there, it's kind  
21 of crowded. The pictures that were taken that  
22 the inspector took are -- they're accurate.

23 It's not set up as a grocery store,  
24 there's not an aisle of produce. Most of the  
25 items that I saw are canned or processed. The

1 alcohol that I saw are in the back, on the  
2 latter six.

3 So, the coolers, the glass coolers,  
4 there's a total of 12. The first six are more  
5 like fruit drinks, energy drinks, and cold  
6 beverages.

7 And then, the last four are wines  
8 and, I guess, I don't know if you call them 40s,  
9 but similar to 40s, like name brand alcohol that  
10 are in the packages and then, single like beer  
11 type items. I don't drink alcohol, so I'm not  
12 sure I can give you the best description.

13 But it's crowded, it's small, I  
14 would not -- I don't get the feel of a Safeway  
15 or a Giant when I walk in there, I'm not sure  
16 why he gave that description.

17 I guess you could get milk there,  
18 but if I was -- put it this way, if I needed to  
19 get some milk, that would not be my first go-to.  
20 I wouldn't think, oh, I'm going to go here to  
21 get some milk.

22 CHAIRPERSON ANDERSON: What about  
23 fresh fruits and vegetables?

24 MS. AGYEI: I didn't see any.

25 CHAIRPERSON ANDERSON: How many times

1 have you been in there, ma'am?

2 MS. AGYEI: Again, just, since the  
3 whole protest, probably five times.

4 CHAIRPERSON ANDERSON: And you've  
5 never seen any fresh fruits and vegetables in  
6 there?

7 MS. AGYEI: No, there's not an aisle  
8 or anything. So, if there is fresh fruit, maybe  
9 you have to ask for it, but it's not where you  
10 could go pick it up yourself that I saw.

11 CHAIRPERSON ANDERSON: What about  
12 meats?

13 MS. AGYEI: I didn't see any meats,  
14 but I wasn't looking for meats either. But I  
15 didn't see --

16 CHAIRPERSON ANDERSON: Why did you go  
17 in there?

18 MS. AGYEI: I went to see how the  
19 alcohol was set up. So, basically, I went in to  
20 make sure that they had their signs up, to see  
21 where the alcohol was displayed.

22 To make sure that there wasn't  
23 anything that in my opinion felt like could be  
24 advertising to children, which is why I was  
25 concerned that the alcohol was in the same aisle

1 of, in my opinion, children's groceries, as far  
2 as the cereal went.

3 CHAIRPERSON ANDERSON: Okay. Any  
4 other questions from the Board Members? Yes,  
5 Ms. Crockett?

6 MEMBER CROCKETT: Ms. Agyei, you are  
7 protesting on the basis of peace, order, and  
8 quiet.

9 During your presentation to us, I  
10 don't feel that you've presented any evidence to  
11 identify that this establishment is impeding the  
12 peace, order, and quiet of your neighborhood.  
13 Could you please speak to that?

14 MS. AGYEI: Okay. So, the store is  
15 sandwiched in-between -- so, it's hard, I think  
16 it's hard to say specifically that they're  
17 causing a problem, but I definitely feel that I  
18 would say that they -- more alcohol sales would  
19 contribute to a problem.

20 So, they're already in proximity of  
21 people that loiter. Even though D.C. doesn't  
22 have a loitering law, so it makes it hard to  
23 kind of break up the groups.

24 Now, what I will give them credit  
25 for, and I don't know if the past owner did it

1 or not, there was a bus stop right in front of  
2 that grocery store and people would loiter, that  
3 were not waiting for the bus, by that particular  
4 storefront, so the bus stop was moved.

5 And I have noticed that since the  
6 bus stop has moved, that the loitering has  
7 dissipated.

8 But it's still there because there  
9 are a lot of social services in the neighborhood  
10 that are by that store that people loiter at.

11 So, my concern is that, if you're  
12 selling more alcohol, if you can now advertise  
13 more for alcohol, then your business model is  
14 not, in my opinion, a grocery store, your  
15 business model is more alcohol services.

16 And even looking at the picture of  
17 the storefront, did you see anything -- what  
18 else did you see advertised? You didn't see  
19 groceries. You didn't see milk. You didn't see  
20 Pampers. You saw alcohol.

21 Sorry, getting off tangent.

22 MEMBER CROCKETT: So, to my original  
23 question --

24 MS. AGYEI: Okay.

25 MEMBER CROCKETT: -- you've now



1 admitted that a lot of the loitering had been  
2 caused because there was a bus stop. You've  
3 also accepted that there is loitering because  
4 there are social services in the area.

5 So, you haven't shown me that  
6 there's loitering specifically as a result of  
7 this establishment.

8 My next question is, we keep talking  
9 about groceries and grocery stores and fresh  
10 produce and fresh meats. They're applying for a  
11 retail B license, which is a grocery or  
12 convenience store.

13 MS. AGYEI: Okay.

14 MEMBER CROCKETT: Are you aware that  
15 there's no requirement that there be fresh meats  
16 and fresh produce?

17 MS. AGYEI: That's not really an  
18 argument that I've been making, but --

19 MEMBER CROCKETT: Ma'am, you just  
20 mentioned that you don't feel that it's like a  
21 Safeway or a Giant because you don't see any  
22 fresh fruit in it.

23 MS. AGYEI: No, that was only in  
24 counter to Mr. Miller stating that it was a  
25 Safeway or Giant feel. All I'm saying is that's

1 not the feel that I get.

2 So, if he's using that as a standard  
3 or a model, my whole point was, that's not the  
4 feel that I get from it. I'm not speaking to  
5 what they're entitled to do or not.

6 MEMBER CROCKETT: Okay. Well, per  
7 their request, they're not required to sell  
8 fresh fruits and vegetables to get a retail B --

9 MS. AGYEI: Okay.

10 MEMBER CROCKETT: -- as a convenience  
11 store. Thank you.

12 MS. AGYEI: You're welcome. Thank  
13 you.

14 CHAIRPERSON ANDERSON: Yes, Mr.  
15 Short?

16 MEMBER SHORT: Yes, Ms. Agyei?

17 MS. AGYEI: Yes.

18 MEMBER SHORT: Okay. Ms. Agyei, can  
19 you go to Exhibit Number 13 that was submitted  
20 by ABRA, the investigator?

21 MS. AGYEI: Okay. Yes.

22 MEMBER SHORT: Okay. And I just want  
23 to say, I was just recently in that immediate  
24 block, because right down the street there is a  
25 -- excuse me? Well, I bought a book on that

1 block, so, yes, I do know that neighborhood.

2 So, I'll just say this, basically, I  
3 don't live but several, maybe a mile away from  
4 there.

5 I'll just simply say this, looking  
6 at Exhibit Number 13 --

7 MS. AGYEI: Okay.

8 MEMBER SHORT: -- how many alcohol  
9 stores are identified in that circle? How many  
10 ABC establishments are located?

11 MS. AGYEI: Based on the legend?

12 MEMBER SHORT: I'm looking at Exhibit  
13 Number 13.

14 MS. AGYEI: Yes, I am. Seven.

15 MEMBER SHORT: How long have you been  
16 the ANC Commissioner?

17 MS. AGYEI: Since January of last  
18 year.

19 MEMBER SHORT: How long have you  
20 lived in the area?

21 MS. AGYEI: Fifteen years.

22 MEMBER SHORT: Okay. How many  
23 serious crimes -- you mentioned Union Liquor  
24 Store, which is about a block away, correct?

25 (No audible response.)

1                   MEMBER SHORT: You said, you  
2 mentioned that as being --

3                   MS. AGYEI: Yes.

4                   MEMBER SHORT: -- a nuisance?

5                   MS. AGYEI: Yes.

6                   MEMBER SHORT: Okay. I just wanted  
7 this for the record, because I do realize, from  
8 all the testimony and everything else, that it  
9 is not a Giant or a Safeway and it doesn't  
10 required to have any fresh fruit or groceries.

11                   And are you familiar with an  
12 application that was turned down, there was a  
13 place right across from the library about 18  
14 months ago that applied for an alcohol license?

15                   This is the only time I've been on  
16 the Board that we turned down a license. It was  
17 because of Union was right down the street.

18                   But I'll just simply say this;  
19 there's a lot of alcohol in the neighborhood. I  
20 don't see any reason now that they can't have a  
21 B, because I don't think that 25 percent is  
22 going to make a difference.

23                   But I'll just simply say this; we do  
24 have a crime issue in that area. Or do we not?

25                   MS. AGYEI: We do.

1                   MEMBER SHORT: Have there been any  
2 recent homicides within that circle that we're  
3 looking at right there, that radius of the  
4 store?

5                   Just for the record, I know this has  
6 nothing to do with peace, order, and quiet, but  
7 -- that's okay, I'll withdraw the question.

8                   Thank you. That's all I have, Mr.  
9 Chair.

10                  MS. AGYEI: Okay.

11                  CHAIRPERSON ANDERSON: Are there any  
12 other questions by any Board Members? All  
13 right. Any questions based on the questions,  
14 Mr. Lee, of her?

15                  MR. LEE: Can I? Yes. Your exhibit  
16 list that there is a nuisance, the mention about  
17 it, at the Union Liquor and other place, have  
18 you talked with the owner of the Union Liquor  
19 about the community issues?

20                  MS. AGYEI: Why am I answering  
21 questions about another store?

22                  CHAIRPERSON ANDERSON: I'm sorry,  
23 what's -- you're under -- well, hold on. All  
24 right. I think Mr. Short kind of -- yes. Mr.  
25 Short kind of asked the question, so he's asking

1 questions based on the questions that was asked  
2 of you --

3 MS. AGYEI: Oh, okay.

4 CHAIRPERSON ANDERSON: -- from the  
5 Board. Although, he withdrew the question, so  
6 you --

7 MS. AGYEI: There is official notice  
8 that is in route to them. So, yes.

9 MR. LEE: So, you did talk with the  
10 owner how have --

11 MS. AGYEI: I have not personally  
12 spoken to the owner; there is an official notice  
13 to him, yes. If it's a man, yes. There's an  
14 official notice in route to the owner.

15 MR. LEE: So, have you talked or  
16 raised the issue at the community meeting?

17 MS. AGYEI: Excuse me?

18 MR. LEE: At the ANC meeting or PSA  
19 meeting you attended and have you discussed  
20 about that issue around that area? Because --

21 MS. AGYEI: Sir, that's the topic  
22 almost at every ANC meeting, but your client is  
23 never at the ANC meetings. So, yes, that's a  
24 topic almost every ANC meeting.

25 MR. LEE: But have you talked with my

1 client about your issues, community issues?

2 MS. AGYEI: About Union?

3 MR. LEE: Before we apply to the  
4 application, substantial change, have you talked  
5 with them?

6 MS. AGYEI: I didn't talk to her  
7 before the protest, no.

8 MR. LEE: So, you live in this area -  
9 -

10 MS. AGYEI: I do live in the area.

11 MR. LEE: -- for 15 years --

12 MS. AGYEI: I have.

13 MR. LEE: -- you said that?

14 MS. AGYEI: Yes.

15 MR. LEE: From your residence you can  
16 take a look the New Seven Market vicinity, that  
17 area? How you -- you commute that way?

18 MS. AGYEI: No, I can -- you're in  
19 walking distance from my home. The market is in  
20 walking distance from my home.

21 MR. LEE: Okay. All right. No  
22 further questions.

23 CHAIRPERSON ANDERSON: Do you need to  
24 provide any clarifying information, ma'am, based  
25 on the questions that were asked by the Board or

1 by Mr. Lee?

2 MS. AGYEI: Not -- well, he withdrew  
3 the question, but --

4 CHAIRPERSON ANDERSON: Well, he --

5 MS. AGYEI: -- there have been  
6 several murders by the laundry mat corridor. I  
7 just couldn't tell where that radius is, but the  
8 answer to your question about murders is yes.

9 CHAIRPERSON ANDERSON: All right. Do  
10 you have anything that you want to say or do you  
11 rest?

12 MS. AGYEI: Pardon?

13 CHAIRPERSON ANDERSON: Do you have  
14 anything else, any other witness or testimony to  
15 present, or do you rest?

16 MS. AGYEI: My case rests. I mean, I  
17 think that each one of you all have the right to  
18 -- I would hope that when you make your  
19 decision, you would take what is in the interest  
20 of the community.

21 CHAIRPERSON ANDERSON: All right.

22 MS. AGYEI: I'm comfortable with what  
23 I submitted to the record.

24 CHAIRPERSON ANDERSON: All right.  
25 Basically, where we are now is that I'm going to



1 give the Applicant five minutes to close and the  
2 Protestant five minutes.

3 You know what? Let's take a ten-  
4 minute break, please. And then, I'll give you  
5 five minutes to close.

6 (Whereupon, the above-entitled  
7 matter went off the record at 4:02 p.m. and  
8 resumed at 4:13 p.m.)

9 CHAIRPERSON ANDERSON: All right,  
10 we're back on the record. We're now ready for  
11 closing. So, the Applicant has five minutes to  
12 close.

13 MR. LEE: According to the protest  
14 report and ABRA investigator's testimony, ABRA  
15 investigator was unable to substantiate the  
16 protest claims.

17 It is a mere speculation that  
18 without restriction on its ABC license it would  
19 be able to do more crimes.

20 The Protestant clearly failed to  
21 prove that community concerns are closely  
22 connected to the operation of the store.

23 As a closing statement, I may  
24 revisit ABRA investigator's report and emphasis  
25 again his findings and conclusion.

1                   The effects of the establishment on  
2                   peace, order, and quiet, ABRA investigator  
3                   monitor the establishment on 12 occasions,  
4                   covering day and night.

5                   He did not observe any issue with  
6                   peace, order, and quiet, as it relate to the  
7                   establishment.

8                   Further, he did not observe trash,  
9                   crowd outside the establishment, and did not  
10                  observe criminal activities.

11                  In addition, he assessed the effect  
12                  of the establishment on the operation and the  
13                  clientele of schools, rec center, daycare  
14                  center, public libraries, or other similar  
15                  facilities appeared minor.

16                  He concluded the effects of the  
17                  establishment without restriction on its ABC  
18                  license compared to other grocery B in this area  
19                  gives the impression that this would be a  
20                  minimum impact to the area.

21                  Given the fact, the Applicant  
22                  strongly believes there's no exception to cause  
23                  for the approval of a substantial change to the  
24                  current license.

25                  The Applicant remain hopeful that

1 the Board makes a favorable decision to the  
2 application. Thanks very much for your time  
3 today.

4 CHAIRPERSON ANDERSON: Thank you, Mr.  
5 Lee. Ms. Agyei?

6 MS. AGYEI: As the representative as  
7 the Group of 11 that are protesting before the  
8 Board, I would hope that the Board will consider  
9 the testimony that the Applicant themselves has  
10 submitted to this Board that in fact the reason  
11 that they are requesting the change in license  
12 is not that their current business is being  
13 harmed by the license that they have, but in  
14 fact to make it easier for them to sell.

15 I maintain that we want good  
16 neighbors in our neighborhood. We are already  
17 in a challenged neighborhood with a lot of  
18 violence. There are more social services than  
19 businesses on the Good Hope Road strip.

20 And I would hope that the Board will  
21 deny this application. The current license that  
22 they have of limiting them to 25 percent of  
23 their alcohol sales is sufficient.

24 They have not submitted any records  
25 to the Board or to myself or the other Group of

1 11 that have shown that they are in jeopardy of  
2 being penalized because they're selling above 25  
3 percent, or even close to the limit of 25  
4 percent.

5 The Group of 11 feels that the  
6 current designation of the limited alcohol sales  
7 is sufficient and appropriate for this business.

8 CHAIRPERSON ANDERSON: All right.

9 MS. AGYEI: Thank you.

10 CHAIRPERSON ANDERSON: Thank you,  
11 ma'am.

12 All right. The record is now  
13 closed.

14 Do the parties wish to file proposed  
15 findings of fact and conclusions of law or waive  
16 a right to do that?

17 Meaning that, do you want the Board  
18 to make a decision based on the presentation  
19 that was made today?

20 MS. AGYEI: Yes.

21 CHAIRPERSON ANDERSON: Mr. Lee?

22 (No audible response.)

23 CHAIRPERSON ANDERSON: All right.  
24 Thank you. All right.

25 The Board will issue a decision

1 within the next 90 days.

2 And as Chairperson of the Alcohol  
3 Beverage Control Board for the District of  
4 Columbia, in accordance with D.C. Official Code  
5 Section 2-574(b) of the Open Meetings Act, I  
6 move that ABC Board hold a closed meeting for  
7 the purpose of seeking legal advice from our  
8 counsel on Case Number 19-PRO-00108, New Seven  
9 Market, pursuant to D.C. Official Code Section  
10 2-574(b)(4) of the Open Meetings Act, and  
11 deliberating upon Case Number 19-PRO-00108, New  
12 Seven Market, for the reasons cited in D.C.  
13 Official Code Section 2-574(b)(13) of the Open  
14 Meetings Act.

15 Is there a second?

16 MEMBER SHORT: Second.

17 CHAIRPERSON ANDERSON: Mr. Short has  
18 seconded the motion. I will now take a roll  
19 call vote to the motion before now that has been  
20 seconded. Mr. Short?

21 MEMBER SHORT: I agree.

22 CHAIRPERSON ANDERSON: Mr. Cato?

23 MEMBER CATO: I agree.

24 CHAIRPERSON ANDERSON: Ms. Crockett?

25 MEMBER CROCKETT: I agree.

1 CHAIRPERSON ANDERSON: Mr. Anderson?

2 I agree.

3 As it appears that the motion has  
4 passed, I hereby give notice that the ABC Board  
5 will recess these proceedings to hold a closed  
6 meeting in the ABC Board Conference Room  
7 pursuant to Section 2-574(b) of the Open  
8 Meetings Act.

9 Thank you for your presentation  
10 today. The Board will listen to the arguments  
11 and we will make a decision on the application.  
12 Thank you.

13 MS. AGYEI: Thank you.

14 MR. LEE: Thank you.

15 (Whereupon, the above-entitled  
16 matter went off the record at 4:19 p.m.)  
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Before: DCABRA

Date: 01-15-20

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