

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

 IN THE MATTER OF: :
 :
 Xaing Fong Corporation, :
 t/a North Sea Carry-out :
 Restaurant :
 2479 18th Street NW :
 :
 Retailer B - ANC 1C :
 License No. 73973 :
 Case #17-CC-00077 :
 :
 (Transfer of Ownership :
 Without Board Approval) :

Wednesday
 April 11, 2018

The Alcoholic Beverage Control Board
 met in the Alcoholic Beverage Control Hearing
 Room, Reeves Building, 2000 14th Street, N.W.,
 Suite 400S, Washington, D.C. 20009, Chairperson
 Donovan W. Anderson, presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- NICK ALBERTI, Member
- BOBBY CATO, JR., Member
- DONALD ISAAC, SR., Member
- MIKE SILVERSTEIN, Member
- JAMES SHORT, Member

- REMA WAHABZADAH, Member

ALSO PRESENT:

BING KAI CHEN, Licensee

DAVON TODD, ABRA Investigator

FELICIA DANTZLER, ABRA Investigator

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

1:49 p.m.

CHAIRPERSON ANDERSON: We're back on the record. Our next case is Case. No., it's a fact-finding hearing on Case #17-CC-00077, North Sea Carry-Out Restaurant, license number 73973. Will the parties please approach and identify themselves for the record, please?

MR. CHEN: My name is Bing Kai Chen.

CHAIRPERSON ANDERSON: Your name is, I didn't hear your name.

MR. CHEN: Kai Chen.

CHAIRPERSON ANDERSON: Hold on one minute, please. Have a seat first. What language is this, ma'am?

INTERPRETER: This is the Chinese Mandarin.

CHAIRPERSON ANDERSON: Chinese Mandarin. Okay. Raise your hand, please.

(The translator was sworn.)

CHAIRPERSON ANDERSON: Have him identify himself for the record, please.

1 MR. CHEN: (Speaking for himself) My
2 name is Kai Chen.

3 CHAIRPERSON ANDERSON: Have a seat,
4 sir.

5 MR. TODD: Investigator DaVon Todd.
6 Good afternoon, sir.

7 CHAIRPERSON ANDERSON: Sir, do you know
8 why you're here today?

9 MR. CHEN: Yes.

10 CHAIRPERSON ANDERSON: Okay, fine.
11 Investigator Todd, can you explain to us, did you
12 write a report for this? For this case?

13 MR. TODD: Investigator Felicia
14 Dantzler did write a case about it, however, I'm
15 testifying on the ownership piece that she
16 included with her case.

17 CHAIRPERSON ANDERSON: All right, so
18 let me have Investigator Dantzler also come up so
19 she can go through her report and then we'll have
20 --- So introduce yourself for the record.

21 INVESTIGATOR DANTZLER: Good afternoon.
22 On July 5 ---

1 CHAIRPERSON ANDERSON: No, who are you?

2 INVESTIGATOR DANTZLER: I'm sorry. I'm
3 Felicia Dantzler, ABRA investigator.

4 CHAIRPERSON ANDERSON: Thank you. All
5 right, so what we'll do is that we will have you,
6 since you wrote a report, then I'll have you go
7 through the report that was generated. Do they,
8 do you have a copy of the report, sir?

9 MR. CHEN: Is it this report?

10 CHAIRPERSON ANDERSON: Yes. Now, tell
11 me, how much does he understand?

12 INTERPRETER: He understands the
13 simple, like the number, investigating number and
14 the license description, he understands.

15 CHAIRPERSON ANDERSON: What I need to
16 find out is that, when she testifies, and I'm
17 trying to figure out how, tell us for your
18 purpose, do you need to do it word for word or
19 how is it that ---

20 INTERPRETER: If she can say two or
21 three sentences and give us a break and I'll
22 explain it to him.

1 CHAIRPERSON ANDERSON: All right, Ms.
2 Dantzler, you can tell us, go through your report
3 and in order for her to translate it, maybe two
4 or three sentences at a time, to have a break so
5 she can translate. So you can go through your
6 report.

7 INVESTIGATOR DANTZLER: Yes, sir. On
8 July 5, 2017, I was working an undercover
9 operation in reference to sales to minors
10 enforcement. At approximately 12:50 p.m. the
11 minors and myself entered North Sea Carry-Out
12 Restaurant, located at 2479 18th Street, NW.

13 The minors approached the counter,
14 encountered a cashier, and requested a six-pack
15 of Bud Light beer. The minor provided a photo
16 identification to the cashier, the cashier took a
17 look at the identification and handed it back to
18 the minor. The minor paid for the six-pack of
19 beer and both minors left the establishment.

20 Once the minors and I returned to the
21 vehicle, I informed Investigator Todd that a sale
22 was made.

1 CHAIRPERSON ANDERSON: Hold on a
2 minute, ABRA. I know you did everything, part of
3 the reason why the owner is here is because
4 there's some discussion. I think, if I remember
5 correctly, you found out that there was a
6 different owner when you visited the
7 establishment, is that correct, Ms. Dantzler, or
8 is that Investigator Todd?

9 INVESTIGATOR DANTZLER: That's
10 Investigator Todd.

11 CHAIRPERSON ANDERSON: So you don't
12 know anything about the ownership?

13 INVESTIGATOR DANTZLER: At the point of
14 sale, no.

15 CHAIRPERSON ANDERSON: No. All right.
16 Then when is it that you became aware that there
17 was some ownership concern?

18 Hold on a minute, Ms. Dantzler. You
19 have your report. When is it that you became
20 aware that there were some ownership concerns?

21 INVESTIGATOR DANTZLER: After
22 Investigator Todd made notification to the

1 establishment on July 5 that a sale was made,
2 Investigator Todd came back to ABRA. Within a few
3 days, he did a check to see who the owners were.

4 CHAIRPERSON ANDERSON: All right. Let
5 me switch gears a little bit. I know that this
6 matter came to ABRA's attention because of a sale
7 to minor, but this hearing is not about
8 necessarily the sale to minor. The purpose of
9 this hearing is to find out whether or not, who
10 the owner of this establishment, because ABRA
11 records say one thing but the investigator in
12 their encounter with the establishment says
13 something else.

14 So at the end of this hearing, I need
15 you, sir, to tell us what's going on with this
16 establishment as far as the ownership and who's
17 actually running it and managing it. Okay? Do you
18 have any questions, sir?

19 MR. CHEN: No.

20 CHAIRPERSON ANDERSON: So Investigator
21 Todd, why don't you then bring us up to speed
22 regarding the ownership and how you became aware

1 that there's an issue with ownership. And
2 remember, she's a translator.

3 INVESTIGATOR TODD: Yes. So just to
4 reiterate, my findings were as a result of a sale
5 to minor violation that I was providing
6 notification on July 5, 2017.

7 I entered the establishment, North Sea
8 Carry-Out at 12:55 p.m. and identified myself as
9 an ABRA investigator. I requested to speak to an
10 ABC manager or an owner, specifically. Mr. Hang
11 Chen presented himself as the owner of the
12 establishment.

13 I asked Mr. Chen if he was either an
14 ABC manager again or an owner. Mr. Hang Chen
15 stated that he was the owner of the
16 establishment. I then explained to Mr. Chen that
17 the establishment was in violation of a sale to
18 minor violation, a sale that was made at
19 approximately 12:50 p.m.

20 Mr. Chen read and signed the sale to
21 minor notification form, in which he also listed
22 himself as the owner of the establishment. Later

1 that day, once that evidence was transported back
2 to ABRA, later that day I did a check in ABRA
3 records to clarify the status of Mr. Hang Chen. I
4 found that Mr. Chen was neither an ABC manager or
5 an owner.

6 On Tuesday, July 11, 2017, I visited
7 North Sea Carry-Out again at approximately 2:50
8 p.m. Again I asked to speak to an ABC manager or
9 the owner. Ms. Juan Fen Cao identified herself as
10 an ABC manager. Ms. Cao also identified herself
11 as Yuki.

12 MR. CHEN: As what?

13 INVESTIGATOR TODD: Yuki.

14 I again advised Ms. Cao of the sale to
15 minor violation that was found on July 5. Ms. Cao
16 then reported that they were informed about the
17 violation and I went on to proceed to Ms. Cao the
18 false statements in regard to ownership that Mr.
19 Hang Chen stated that he was the owner of the
20 establishment.

21 I then again informed Ms. Cao of the
22 no ABC manager being on duty during the violation

1 that was found on July 5. I specifically then
2 asked Ms. Cao who was the owner of North Sea
3 Carry-Out. Ms. Cao then stated that you, Bing Kai
4 Chen, was the owner of North Sea Carry-out.

5 On Wednesday, July 12, 2017, I
6 contacted you on the phone, Mr. Bing Kai Chen,
7 and informed you of the violations of the sale to
8 minor and no ABC manager, the false and
9 misleading statements that were found from July
10 5th all the way into Tuesday July 11, 2017. You
11 then stated, Mr. Chen, that you were not the
12 owner of North Sea Carry-Out any longer and you
13 transferred the business in 2014.

14 You then stated that Ms. Juan Fen Cao,
15 also known as Yuki, was the owner of North Sea
16 Carry-Out.

17 INTERPRETER: I'm sorry, I didn't hear
18 clearly. You said you didn't or you then ---

19 CHAIRPERSON ANDERSON: When you say,
20 just say that you spoke to the owner and that you
21 spoke to Mr. Chan and rather than you, just say
22 you spoke to Mr. Chan, because I think that

1 that's causing the misunderstanding.

2 INVESTIGATOR TODD: I spoke to Mr. Chan
3 and he stated that he no longer owned North Sea
4 Carry-Out and Yuki, which is Juan Fen Cao, is the
5 owner of North Sea Carryout. Mr. Chen stated he
6 would forward all the information to Mr. Todd's,
7 Investigator Todd's, email.

8 Investigator Todd then told Mr. Chen,
9 the owner, that he did not submit any information
10 to ABRA in regards to the change of ownership. I
11 then sent Mr. Chen a text message with my
12 information to verify the conversation that we
13 had telephonically. From that day I had no other
14 contact with Mr. Chen when I attempted to call.
15 That's it.

16 CHAIRPERSON ANDERSON: Thank you. And
17 Investigator Dantzler, do you have anything you
18 can add regarding the ownership prior to I turned
19 off the hearing, to the owner?

20 INVESTIGATOR DANTZLER: Yes, sir. Just
21 to add that sometime in November 2017, I
22 responded to North Sea Restaurant to issue a

1 service warrant and discovered that the
2 individuals who we encountered to be who, who
3 identified themselves as owners on July 5th were
4 no longer there.

5 I do not recall the gentleman's last
6 name, however his first name is Ken and that was
7 the gentleman who identified himself to me as the
8 owner who was here two weeks ago. I asked him
9 about Mr. Bing Chen ownership, and he told me
10 that Mr. Chen is his cousin and that the
11 business, his wife, Mr. Ken's wife, is going to
12 actually be the owner. I think that's it.

13 CHAIRPERSON ANDERSON: Okay. Thank you.
14 So Mr. Chen, what I would like you to do when you
15 explain what's going on to us, is that who is
16 Hang Chen and who is Ms. Cao, C-A-O?

17 INTERPRETER: He said, I don't know who
18 Hang Chen is.

19 CHAIRPERSON ANDERSON: Hold on, okay,
20 go ahead.

21 INTERPRETER: He says he doesn't know
22 who Hang Chen is.

1 CHAIRPERSON ANDERSON: Okay, well, who
2 is running this restaurant?

3 MR. CHEN: Ms. Chu, who is the wife of
4 Zheng. She is running the restaurant.

5 CHAIRPERSON ANDERSON: Did you sell the
6 business to someone, or do you still own the
7 business?

8 MR. CHEN: I sold it to her, I sold it
9 to Zheng's wife.

10 CHAIRPERSON ANDERSON: And when did you
11 sell the business to Mr. Ken's wife?

12 MR. CHEN: Probably 2013 or '14.

13 CHAIRPERSON ANDERSON: Did you know
14 that when you sell the business you are supposed
15 to come to the ABC board and transfer the license
16 from your name to the other entity?

17 INTERPRETER: He says at the time he
18 notified the other owner that, you should find a
19 lawyer and you can get the license done because I
20 don't understand English and I don't understand
21 legal dealings.

22 CHAIRPERSON ANDERSON: Okay. Who

1 renewed the license in September? Who is the
2 person renewing the license?

3 MR. CHEN: You are saying 2017?

4 CHAIRPERSON ANDERSON: Yes.

5 MR. CHEN: I thought that they have
6 already transferred it. I had already signed my
7 name to it. The name here on this paper ---

8 CHAIRPERSON ANDERSON: Hold on one
9 moment, please.

10 MR. CHEN: The name on this paper, Yan
11 Qint Chu, that is the person that he transferred
12 the restaurant to.

13 CHAIRPERSON ANDERSON: What paper is
14 that?

15 MR. CHEN: Certificate of Clean Hands.

16 INVESTIGATOR TODD: Never signed it as
17 part of the application.

18 INVESTIGATOR DANTZLER: Right.

19 CHAIRPERSON ANDERSON: So what's that
20 document, the other document?

21 PARTICIPANT: And who is this
22 individual? Is that you?

1 (Simultaneous speaking.)

2 INTERPRETER: No, he says it's not him.

3 PARTICIPANT: Is this all the 2017?

4 CHAIRPERSON ANDERSON: All right, let
5 me ask you, what's the name on this Clean Hands
6 Certificate, what's the name of the person?

7 INTERPRETER: The name on the
8 certificate is Yan Qint Chu.

9 CHAIRPERSON ANDERSON: And who is she,
10 who's that?

11 INTERPRETER: She is the wife of his
12 cousin Zheng.

13 CHAIRPERSON ANDERSON: All right. The
14 form that he sent is Mr. Chen saying that he's
15 not the one who renewed the license in October,
16 in September?

17 INTERPRETER: He says he didn't.

18 CHAIRPERSON ANDERSON: So who renewed
19 the license?

20 INTERPRETER: He says he needs to call
21 them to ask them.

22 CHAIRPERSON ANDERSON: Okay, but you

1 didn't, but isn't that your name that's on the
2 paper?

3 MR. CHEN: Yes.

4 CHAIRPERSON ANDERSON: Is that your
5 signature that's on the paper?

6 MR. CHEN: Can I make, spend two
7 minutes to make a phone call?

8 CHAIRPERSON ANDERSON: No, I'm just,
9 well, I'm just asking - I'll say this to you,
10 sir. You're not under oath, so I'm just asking a
11 simple question. Is it yours or is it not yours?

12 MR. CHEN: It's not mine.

13 CHAIRPERSON ANDERSON: Okay. That's all
14 I needed. Give us the document. Our records
15 indicate that you are the president, you are the
16 president of the company. Prior to you selling
17 it, who else owned it with you? Did this wife,
18 did she have an ownership stake in the company?

19 INTERPRETER: Before he transferred it,
20 he was the only owner. Now he's transferred it
21 completely to her so he doesn't have any
22 ownership.

1 CHAIRPERSON ANDERSON: All right. Do
2 you have anything else you want to say?

3 MR. CHEN: No.

4 CHAIRPERSON ANDERSON: And when was the
5 last time you actively was involved in this
6 restaurant?

7 MR. CHEN: I don't remember.

8 CHAIRPERSON ANDERSON: Was it in
9 October, was it 2017 ---

10 MR. CHEN: When you say actively
11 involved, what do you refer to?

12 CHAIRPERSON ANDERSON: Did you manage
13 the restaurant in October 2017?

14 MR. CHEN: No.

15 CHAIRPERSON ANDERSON: 2016?

16 MR. CHEN: No. I only went in once or
17 twice to do a little bit, just to take a look
18 around and I left.

19 CHAIRPERSON ANDERSON: All right.
20 Before I bring this hearing to a close, does
21 anybody have any questions they want to ask
22 anyone? Does any board member have any questions?

1 All right. Thank you very much for being here
2 today, sir, thank you for appearing, and have a
3 good day.

4 (Whereupon, the above-entitled matter
5 went off the record at 2:20 p.m.)
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