

DISTRICT OF COLUMBIA
 + + + + +
 ALCOHOLIC BEVERAGE CONTROL BOARD
 + + + + +
 MEETING

IN THE MATTER OF: :

:

J & J Holdings, LLC, :

t/a Pho 88 Noodles and Grill :

608 H Street NW, : Show Cause

Retailer DR - ANC 2C : Hearing (Status)

License No. 101629 :

Case #18-CMP-00035 :

:

(Purchased Alcohol from an off-premises retailer, Failed to Obtain Importation Permit) :

Wednesday
 June 20, 2018

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

PRESENT:

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

REMA WAHABZADAH, Member

ALSO PRESENT:

CHRISTINE GEPHARDT, OAG

GUO ZHEN SUN, LICENSEE

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

2 10:08 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 18-CMP-
5 00035, Pho 88 Noodles and Grill, License No.
6 101629.

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

9 MS. GEPHARDT: Good morning. Chrissy
10 Gephardt here on behalf of the Office of the
11 Attorney General for the District of Columbia.

12 CHAIRPERSON ANDERSON: Good morning
13 again, Ms. Gephardt. Your name, ma'am?

14 MS. SUN: I have a little cold.

15 CHAIRPERSON ANDERSON: Sure.

16 MS. SUN: Sorry.

17 CHAIRPERSON ANDERSON: There is a
18 microphone there in front of you.

19 MS. SUN: Okay. Yeah, my name is Guo
20 Zhen Sun, last name S-U-N. And they printed a
21 mistake like C-H-U-N.

22 CHAIRPERSON ANDERSON: Oh, so it's --

1 MS. SUN: S-U-N.

2 CHAIRPERSON ANDERSON: Oh, it's S-U-N?

3 MS. SUN: Yes.

4 CHAIRPERSON ANDERSON: All right. So
5 I think the Agency needs to make sure.

6 MS. SUN: I'm here for the Status
7 Hearing today.

8 CHAIRPERSON ANDERSON: All right. All
9 right. I'm sorry, hold on one minute, please.

10 Ms. Gephardt, are there any
11 preliminary matters in this case?

12 MS. GEPHARDT: There are no
13 preliminary matters in this case.

14 CHAIRPERSON ANDERSON: Okay. Then
15 this matter then is scheduled for a Show Cause
16 Hearing on July 25th at 11:00.

17 MS. SUN: Okay, yeah. So I'm here,
18 should I give you some -- a little bit, you know,
19 my thoughts about, you know, the fine.

20 CHAIRPERSON ANDERSON: No, that -- not
21 at this juncture. The next hearing if you -- so
22 are you contesting the charge?

1 MS. SUN: Okay.

2 CHAIRPERSON ANDERSON: No, I'm asking
3 you. You are contesting the charge, right? You
4 are saying that we -- you shouldn't be fined? Is
5 that what you are saying?

6 MS. SUN: Yeah.

7 CHAIRPERSON ANDERSON: All right. You
8 do that when we have the next hearing on July
9 25th at 11:00.

10 MS. SUN: Okay.

11 CHAIRPERSON ANDERSON: So you need to
12 come back on July 25th at 11:00 and if you have
13 witnesses --

14 MS. SUN: Okay.

15 CHAIRPERSON ANDERSON: -- then you
16 bring those people at that time.

17 MS. SUN: Okay.

18 CHAIRPERSON ANDERSON: Today is just
19 a status for you to be here and we will set the
20 other case.

21 MS. SUN: Oh, okay.

22 CHAIRPERSON ANDERSON: Okay.

1 MS. SUN: So I just come back on July
2 25th?

3 CHAIRPERSON ANDERSON: July 25th at
4 11:00.

5 MS. SUN: I have it, yeah.

6 CHAIRPERSON ANDERSON: And then if you
7 have any witnesses that you want or any documents
8 and witnesses that you have to support your
9 contention that this --

10 MS. SUN: Okay.

11 CHAIRPERSON ANDERSON: -- fine should
12 not -- that's when you make those arguments.

13 MS. SUN: Okay.

14 CHAIRPERSON ANDERSON: Okay. All
15 right.

16 MS. SUN: So at that day, you will
17 make decision?

18 CHAIRPERSON ANDERSON: I'm sorry?
19 Yeah.

20 MS. SUN: Okay.

21 CHAIRPERSON ANDERSON: We will -- so
22 the Government -- so what will happen on July

1 25th, unless you guys decide to come up with an
2 agreement, is that the Government will present
3 its case. The Investigator will come and
4 testify. You will cross-examine the
5 Investigator. And then if you have any witnesses
6 that you have, then you will bring them, they
7 will testify.

8 MS. SUN: Yes, okay.

9 CHAIRPERSON ANDERSON: And we will go
10 back and forth and then the Board will listen and
11 the Board will make a decision. Okay?

12 MS. SUN: Okay. All right. Do you
13 want me to sign-in? Do I need to sign-in today?

14 CHAIRPERSON ANDERSON: Yes, please.

15 MS. SUN: Okay.

16 CHAIRPERSON ANDERSON: All right.

17 Have a good day.

18 MS. SUN: Thank you.

19 CHAIRPERSON ANDERSON: You're welcome.

20 Take care.

21 (Whereupon, the Show Cause (Status)

22 Hearing was concluded at 10:12 a.m.)

A	decision 6:17 7:11 District 1:1 3:11 documents 6:7 DONALD 1:21 Donovan 1:17,20 DR 1:8	ma'am 3:13 matter 1:5 4:15 matters 4:11,13 MEETING 1:3 Member 1:20,21,21,22 2:9 met 1:16 microphone 3:18 minute 4:9 mistake 3:21 morning 3:9,12	sorry 3:16 4:9 6:18 SR 1:21 status 1:8 4:6 5:19 7:21 Street 1:7,16 Suite 1:17 Sun 2:14 3:14,16,19,20 4:1,3,6,17 5:1,6,10,14 5:17,21 6:1,5,10,13 6:16,20 7:8,12,15,18 support 6:8
a.m 3:2 7:22 Agency 4:5 agreement 7:2 ALBERTI 1:20 Alcohol 1:10 Alcoholic 1:2,15,16 ANC 1:8 Anderson 1:17,20 3:3 3:12,15,17,22 4:2,4,8 4:14,20 5:2,7,11,15 5:18,22 6:3,6,11,14 6:18,21 7:9,14,16,19 approach 3:7 arguments 6:12 asking 5:2 Attorney 3:11	E	N	T
B	Failed 1:11 fine 4:19 6:11 fined 5:4 forth 7:10 front 3:18	N.W 1:16 name 3:13,19,20 need 5:11 7:13 needs 4:5 NICK 1:20 Noodles 1:6 3:5 NW 1:7	t/a 1:6 testify 7:4,7 Thank 7:18 thoughts 4:19 today 4:7 5:18 7:13
back 5:12 6:1 7:10 behalf 3:10 Beverage 1:2,15,16 bit 4:18 Board 1:2,15 7:10,11 BOBBY 1:21 bring 5:16 7:6 Building 1:16	F	O	U
C	General 3:11 Gephardt 2:13 3:9,10 3:13 4:10,12 give 4:18 Government 6:22 7:2 Grill 1:7 3:5 Guo 2:14 3:19	OAG 2:13 Obtain 1:11 off-premises 1:10 Office 3:10	V
C-H-U-N 3:21 calendar 3:4 care 7:20 case 1:9 3:4,4 4:11,13 5:20 7:3 CATO 1:21 Cause 1:7 4:15 7:21 Chairperson 1:17,20 3:3,12,15,17,22 4:2,4 4:8,14,20 5:2,7,11,15 5:18,22 6:3,6,11,14 6:18,21 7:9,14,16,19 charge 4:22 5:3 Chrissy 3:9 CHRISTINE 2:13 cold 3:14 Columbia 1:1 3:11 come 5:12 6:1 7:1,3 concluded 7:22 contention 6:9 contesting 4:22 5:3 Control 1:2,15,16 cross-examine 7:4	G	W 1:17,20 WAHABZADAH 2:9 Washington 1:17 Wednesday 1:13 welcome 7:19 witnesses 5:13 6:7,8 7:5	W
D	H 1:7 happen 6:22 hearing 1:8,16 4:7,16 4:21 5:8 7:22 hold 4:9 Holdings 1:6	P	X
D.C 1:17 day 6:16 7:17 decide 7:1	H	P-R-O-C-E-E-D-I-N-G-S 3:1 parties 3:7 people 5:16 Permit 1:11 Pho 1:6 3:5 please 3:7,8 4:9 7:14 preliminary 4:11,13 present 1:19 2:11 7:2 presiding 1:17 printed 3:20 Purchased 1:10	Y
	I	Q	Z
	identify 3:8 Importation 1:11 Investigator 7:3,5 ISAAC 1:21	record 3:8 Reeves 1:16 REMA 2:9 retailer 1:8,10 Room 1:16	Zhen 2:14 3:20
	J	R	0
	J 1:6,6 JAMES 1:22 JR 1:21 July 4:16 5:8,12 6:1,3 6:22 junction 4:21 June 1:14	Reeves 1:16 REMA 2:9 retailer 1:8,10 Room 1:16	00035 3:5
	K	S	1
	L	S-U-N 3:20 4:1,2 saying 5:4,5 scheduled 4:15 set 5:19 SHORT 1:22 Show 1:7 4:15 7:21 sign-in 7:13,13	10:08 3:2 10:12 7:22 101629 1:8 3:6 11:00 4:16 5:9,12 6:4 14th 1:16 18-CMP- 3:4 18-CMP-00035 1:9
	License 1:8 3:5 LICENSEE 2:14 listen 7:10 little 3:14 4:18 LLC 1:6		2
	M		20 1:14 2000 1:16 20009 1:17 2018 1:14 25th 4:16 5:9,12 6:2,3 7:1 2C 1:8

3
4
400S 1:17
5
6
608 1:7
7
8
88 1:6 3:5

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Pho 88

Before: DC ABRA

Date: 06-20-18

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

Neal R Gross

Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701