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

:

IN THE MATTER OF:

Metaril, LLC, t/a Prego Again 1617 17th Street, NW, Retailer B - ANC 2B License No. 90326 Case #18-CC-00036 :

(Sale to Minor Violation,: Failed to Take Steps : Necessary to Ascertain : Legal Drinking Age, Sold : an Individual Container : of alcohol with a : Capacity of 70 Ounces or : Less) :

> Wednesday August 15, 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 BOBBY CATO, JR., Member DONALD ISAAC, SR., Member MIKE SILVERSTEIN, Member JAMES SHORT, Member REMA WAHABZADAH, Member

ALSO PRESENT:

FERNANDO RIVERO, DC OAG

KYUNG KIM, Licensee

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1	P-R-O-C-E-E-D-I-N-G-S		
2	10:03 a.m.		
3	CHAIRPERSON ANDERSON: All right. We		
4	now move back to our show cause hearing status		
5	calendar. The next case on our calendar is Case		
6	No. 18-CC-00036, Prego Again, License No. 90326.		
7	Would the parties please approach and identify		
8	themselves for the record, please?		
9	MR. RIVERO: Good morning, Board		
10	Members. Fernando Rivero for the District of		
11	Columbia, standing in for Assistant Attorney		
12	General Sousa.		
13	CHAIRPERSON ANDERSON: Good morning,		
14	Mr. Rivero.		
15	MEMBER SILVERSTEIN: Sir?		
16	CHAIRPERSON ANDERSON: He's writing		
17	something. Wait a minute. Your name for the		
18	record, please, sir.		
19	MR. KIM: Kyung Kim.		
20	CHAIRPERSON ANDERSON: Good morning,		
21	Mr. Kim. Mr. Rivero, is there any preliminary		
22	matters in this case?		

1	MR. RIVERO: The parties do not have
2	an offer in compromise to present to the Board at
3	this time. So, the Government, we're ready to
4	move to the next scheduled date. However, if
5	after all of these status hearings I am able to
6	provide some resolution I may ask the Board be
7	recalled.
8	CHAIRPERSON ANDERSON: All right.
9	Thank you. Mr. Kim, this matter is scheduled for
10	a show cause hearing on September 26th at 11:00
11	a.m.
12	MR. KIM: Thank you.
13	(Whereupon, the above-entitled matter
14	went off the record at 10:04 a.m. and resumed at
15	11:38 a.m.)
16	CHAIRPERSON ANDERSON: All right. The
17	next case we're going to recall is Case number
18	18-CC-00036 Prego Again, License number 90326.
19	Will the parties please approach and identify
20	themselves for the record, please?
21	MR. RIVERO: Good morning, Board
22	Members. Fernando Rivero for the District of

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1	Columbia, standing in for Assistant Attorney			
2	General Sousa.			
3	CHAIRPERSON ANDERSON: Mr. Rivera.			
4	MR. KIM: And Kyung Kim, the owner of			
5	the establishment.			
6	CHAIRPERSON ANDERSON: Good morning,			
7	Mr. Kim. Are there any preliminary matters with			
8	this case, please?			
9	MR. RIVERO: Yes. The parties have an			
10	offer in compromise to present to the Board at			
11	this time.			
12	CHAIRPERSON ANDERSON: And what's the			
13	offer in compromise, please?			
14	MR. RIVERO: The offer consists of,			
15	for Charge 1 a fine of \$5,000 dollars, and a			
16	suspension of the license for 15 days. Twelve			
17	days served, and three days stayed for a period			
18	of one year pending no further violation.			
19	In addition six stayed days from a			
20	prior case will be served. The prior case is 16-			
21	CC			
22	MEMBER SILVERSTEIN: Say again,			

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2 MR. RIVERO: 16-CC-00166. The total suspension therefore is 12 days for Charge 1, and 3 4 six days for the prior case, for a total of 18 5 days served. And as I indicated, three stayed 6 for one year. 7 Those 18 days will be served starting 8 December 17, 2018 and ending on January 4, 2019. 9 Those are 18 consecutive days during which the licensee is regularly open. 10 11 For Charge 2 the charge will be 12 dismissed. For Charge 3 it will be a fine of \$4,000 dollars. The total of fines therefore, is 13 14 \$9,000 dollars to be paid in 120 days. 15 If the fine of \$9,000 dollars is not 16 paid in that time the license will be suspended 17 until the payment of \$9,000 dollars is received. 18 That is the offer in compromise. 19 CHAIRPERSON ANDERSON: Thank you. 20 Give me one minute. 21 MR. RIVERO: Actually --22 CHAIRPERSON ANDERSON: What's that,

1	sir?
2	MR. RIVERO: Yes. There's the
3	training people. For Charge 1 there was a
4	training component that I missed.
5	CHAIRPERSON ANDERSON: Okay.
6	MR. RIVERO: Because it's a sale to
7	minor. The statute holds that part of the
8	penalty includes training for employees who serve
9	alcoholic beverages within 90 days. That's
10	attached to Charge 1.
11	CHAIRPERSON ANDERSON: Okay.
12	MR. RIVERO: That's the complete
13	offer.
14	CHAIRPERSON ANDERSON: Okay. Thank
15	you. Mr. Kim, it is my understanding that there
16	is an offer in compromise. And the offer in
17	compromise is that for Charge 1 there is a fine
18	of \$5,000 dollars that, along with the \$5,000
19	dollar fine there is a suspension for 15 days.
20	Twelve of those 15 days will be served, and three
21	will be stayed for one year, pending no
22	violation.

1 Also, as a result of this charge, six, 2 there is a six day suspension that now is in effect for Case number 16-CC-00166. 3 So, that's, those six days will, were triggered. And so, 4 5 therefore they will be, the will have, they must 6 have to be served. 7 And also, the part of Charge 1 that 8 all employees who serve alcohol will undergo 9 training within 90 days. The total suspension days therefore are 18 days. And the days run 10 11 from December 17th, 2018 to January 4th, 2019. 12 There is a second charge, which is Charge 2. And that charge will be dismissed. 13 14 There is a third charge. And that charge there 15 is a fine of \$4,000 dollars. Meaning that there 16 is a total fine of \$9,000 dollars payable within 17 120 days. 18 And if the fine is not payable within 19 120 days the license will be suspended until the 20 fine has been paid. So, Mr. Kim, is this your 21 understanding, sir, of the offer in compromise? 22 MR. KIM: Yes.

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1	CHAIRPERSON ANDERSON: Are you aware			
2	that by accepting an offer in compromise that you			
3	are giving up your right to a hearing?			
4	MR. KIM: Yes, I do.			
5	CHAIRPERSON ANDERSON: Are you also			
6	aware that by accepting an offer in compromise			
7	that you are giving up your right to appeal this			
8	matter?			
9	MR. KIM: Yes, I am.			
10	CHAIRPERSON ANDERSON: With this said,			
11	are there any questions by any Board Member			
12	regarding this offer in compromise?			
13	MEMBER SILVERSTEIN: Mr. Chairman, I'd			
14	like to			
15	CHAIRPERSON ANDERSON: Yes, Mr.			
16	Silverstein.			
17	MEMBER SILVERSTEIN: I would like to			
18	discuss this matter.			
19	CHAIRPERSON ANDERSON: All right. As			
20	Chairperson of the Alcoholic Beverage Control			
21	Board for the District of Columbia, and in			
22	accordance with D.C. Official Code Section 2-			

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1	574(b) of the Open Meetings Act I move that ABC			
2	Board hold a closed meeting for the purpose of			
3	seeking legal advice from our counsel on Case			
4	number 18-CC-00036, Prego Again, pursuant to D.C.			
5	Official Code Section 20574(b) of the Open			
6	Meetings act. And deliberate upon Case number			
7	18-CC-00036, Prego Again, for the reasons cited			
8	in D.C. Official Code Section 2-574(b)(13) of the			
9	Open Meetings Act. Is there a second?			
10	MEMBER SHORT: Second.			
11	CHAIRPERSON ANDERSON: Mr. Short has			
12	seconded the motion. I will now take a roll call			
13	vote on the motion before us now that has been			
14	seconded. Ms. Wahabzadah.			
15	MS. WAHABZADAH: I agree.			
16	CHAIRPERSON ANDERSON: Mr.			
17	Silverstein.			
18	MEMBER SILVERSTEIN: I agree.			
19	CHAIRPERSON ANDERSON: Mr. Short.			
20	MEMBER SHORT: I agree.			
21	CHAIRPERSON ANDERSON: Mr. Cato.			
22	MEMBER CATO: I agree.			

CHAIRPERSON ANDERSON: Mr. Isaac.
MEMBER ISAAC: I agree.
CHAIRPERSON ANDERSON: Mr. Anderson.
I agree. As it appears that the motion has
passed I hereby give notice that the ABC Board
will recess these proceedings to hold a closed
meeting in the ABC conference room, pursuant to
Section 2-574(b) of the Open Meetings Act. We're
in recess. We will be right back. Thank you.
(Whereupon, the above-entitled matter
went off the record at 11:47 a.m. and resumed at
11:54 a.m.)

further 5:18 minor 1:9 7:7 3:3.13.16.20 4:8.16 Α minute 3:17 6:20 5:3,6,12 6:19,22 7:5 **a.m** 3:2 4:11,14,15 G 7:11,14 9:1,5,10,15 missed 7:4 11:11,12 9:19,20 10:11,16,19 morning 3:9,13,20 4:21 General 3:12 5:2 **ABC** 10:1 11:5.7 10:21 11:1,3 give 6:20 11:5 5:6 **able** 4:5 charge 5:15 6:3,11,11 giving 9:3,7 motion 10:12,13 11:4 above-entitled 4:13 move 3:4 4:4 10:1 6:12 7:3,10,17 8:1,7 going 4:17 11:10 8:12,13,13,14,14 Good 3:9,13,20 4:21 accepting 9:2,6 Ν cited 10:7 5:6 act 10:1,6,9 11:8 closed 10:2 11:6 Government 4:3 N.W 1:17 addition 5:19 **Code** 9:22 10:5,8 name 3:17 advice 10:3 н Columbia 1:1 3:11 5:1 Necessary 1:10 Age 1:11 9:21 hearing 1:7,17 3:4 4:10 notice 11:5 **agree** 10:15,18,20,22 complete 7:12 9:3 number 4:17,18 8:3 11:2,4 component 7:4 hearings 4:5 10:4.6 alcohol 1:12 8:8 **compromise** 4:2 5:10 hold 10:2 11:6 NW 1:7 alcoholic 1:2,16,17 7:9 5:13 6:18 7:16,17 holds 7:7 9:20 0 8:21 9:2.6.12 **ANC** 1:7 conference 11:7 L OAG 2:21 Anderson 1:19 2:11 3:3 consecutive 6:9 identify 3:7 4:19 offer 4:2 5:10,13,14 3:13,16,20 4:8,16 5:3 consists 5:14 includes 7:8 6:18 7:13,16,16 8:21 5:6,12 6:19,22 7:5,11 Container 1:11 indicated 6:5 9:2.6.12 7:14 9:1,5,10,15,19 Control 1:2,16,17 9:20 Official 9:22 10:5,8 Individual 1:11 10:11,16,19,21 11:1,3 counsel 10:3 Isaac 2:13 11:1,2 **Okay** 7:5,11,14 11:3 open 6:10 10:1,5,9 11:8 appeal 9:7 D J **Ounces** 1:12 appears 11:4 **D.C** 1:18 9:22 10:4.8 **JAMES** 2:15 owner 5:4 approach 3:7 4:19 date 4:4 January 6:8 8:11 Ascertain 1:10 Ρ day 8:2 **JR** 2:12 Assistant 3:11 5:1 davs 5:16.17.17.19 6:3 P-R-O-C-E-E-D-I-N-G-S attached 7:10 6:4,5,7,9,14 7:9,19,20 Κ 3:1 Attorney 3:11 5:1 8:4,9,10,10,10,17,19 Kim 2:22 3:19,19,21 4:9 paid 6:14,16 8:20 August 1:15 DC 2:21 4:12 5:4,4,7 7:15 8:20 part 7:7 8:7 **aware** 9:1,6 December 6:8 8:11 8:22 9:4,9 parties 3:7 4:1,19 5:9 deliberate 10:6 Kyung 2:22 3:19 5:4 passed 11:5 В discuss 9:18 payable 8:16,18 **B** 1:7 dismissed 6:12 8:13 L payment 6:17 back 3:4 11:9 **District** 1:1 3:10 4:22 legal 1:11 10:3 penalty 7:8 Beverage 1:2,16,17 9:21 pending 5:18 7:21 license 1:8 3:6 4:18 9:20 dollar 7:19 people 7:3 5:16 6:16 8:19 beverages 7:9 dollars 5:15 6:13,14,15 licensee 2:22 6:10 period 5:17 **Board** 1:2,16 3:9 4:2,6 6:17 7:18 8:15,16 **LLC** 1:6 please 3:7,8,18 4:19,20 4:21 5:10 9:11.21 **DONALD** 2:13 5:8.13 6:1 10:2 11:5 Donovan 1:19 2:11 Μ Prego 1:6 3:6 4:18 10:4 **BOBBY** 2:12 Drinking 1:11 10:7 matter 1:5 4:9,13 9:8,18 Building 1:17 preliminary 3:21 5:7 11:10 E present 2:9,19 4:2 5:10 С matters 3:22 5:7 effect 8:3 presiding 1:19 Meaning 8:15 calendar 3:5,5 employees 7:8 8:8 prior 5:20,20 6:4 meeting 1:3 10:2 11:7 call 10:12 establishment 5:5 proceedings 11:6 Meetings 10:1,6,9 11:8 Capacity 1:12 provide 4:6 Member 2:12,13,14,15 case 1:8 3:5,5,22 4:17 F purpose 10:2 2:16 3:15 5:22 9:11 4:17 5:8,20,20 6:4 8:3 Failed 1:10 pursuant 10:4 11:7 9:13,17 10:10,18,20 10:3,6 Fernando 2:21 3:10 10:22 11:2 Cato 2:12 10:21,22 Q 4:22 Members 3:10 4:22 cause 1:7 3:4 4:10 fine 5:15 6:12.15 7:17 questions 9:11 met 1:17 CC 5:21 7:19 8:15,16,18,20 Metaril 1:6 Chairman 9:13 R fines 6:13 **MIKE** 2:14 Chairperson 1:18 2:11

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	I	I

## CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Metaril, LLC

Before: Alcoholic Beverage Control Board

Date: 08-15-18

(202) 234-4433

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.

near A ans f

Court Reporter

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