



**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**

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

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,

1 please?

2 MR. RIVERO: 16-CC-00166. The total  
3 suspension therefore is 12 days for Charge 1, and  
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  
10 licensee is regularly open.

11 For Charge 2 the charge will be  
12 dismissed. For Charge 3 it will be a fine of  
13 \$4,000 dollars. The total of fines therefore, is  
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  
3           effect for Case number 16-CC-00166. So, that's,  
4           those six days will, were triggered. And so,  
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  
10          days therefore are 18 days. And the days run  
11          from December 17th, 2018 to January 4th, 2019.

12          There is a second charge, which is  
13          Charge 2. And that charge will be dismissed.  
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.



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-

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.

1 CHAIRPERSON ANDERSON: Mr. Isaac.

2 MEMBER ISAAC: I agree.

3 CHAIRPERSON ANDERSON: Mr. Anderson.

4 I agree. As it appears that the motion has  
5 passed I hereby give notice that the ABC Board  
6 will recess these proceedings to hold a closed  
7 meeting in the ABC conference room, pursuant to  
8 Section 2-574(b) of the Open Meetings Act. We're  
9 in recess. We will be right back. Thank you.

10 (Whereupon, the above-entitled matter  
11 went off the record at 11:47 a.m. and resumed at  
12 11:54 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Metaril, LLC

Before: Alcoholic Beverage Control Board

Date: 08-15-18

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.



-----  
Court Reporter

**NEAL R. GROSS**

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