

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

IN THE MATTER OF: :
: :
Metaril, LLC, :
t/a Prego Again :
1617 17th Street NW, : Show Cause
Retailer B - ANC 2B : Hearing (Status)
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

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

2 11:54 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record for Prego Again. All
5 right. I make a motion that we -- all right.
6 Did I -- I didn't state -- did I state the --
7 well, let me start over, because I don't remember
8 where I was. I'm sorry?

9 MR. RIVERO: You did relay the offer --

10 CHAIRPERSON ANDERSON: Okay, I did?

11 MR. RIVERO: -- and you did all the
12 voir dire and he said he understands everything.

13 CHAIRPERSON ANDERSON: Okay. All
14 right. Thank you, Mr. Rivero.

15 MR. RIVERO: That's where we left off.

16 CHAIRPERSON ANDERSON: Thank you. All
17 right. Then, I make a motion that we approve the
18 OIC and the OIC -- I make a motion that we
19 approve for Charge 1, there's a fine of \$5,000.
20 There is a suspension for 15 days, 12 days will
21 be served, three days will be stayed for one
22 year, pending no violations.

1 As a result of this new charge, six
2 days are triggered from Case Number 16-CC-00016.
3 Therefore, there --

4 MEMBER SILVERSTEIN: 166.

5 CHAIRPERSON ANDERSON: 166. And also,
6 there is, all employees who serve alcohol has to
7 undergo training within 90 days. Therefore,
8 there's a total suspension of 18 days. The days
9 that will be served are December 17, 2018 through
10 January 4, 2019.

11 For Charge Number 2, that will be
12 dismissed.

13 Charge Number 3, there is a \$4,000
14 fine. Therefore, there's a total of \$9,000 and
15 the fine will be payable within 120 days. If the
16 fine is not paid within 120 days, the license
17 will be suspended.

18 Is there a second?

19 MEMBER SHORT: Second.

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 seconded the motion, also Mr. Silverstein has

1 seconded the motion. All those in favor, say
2 aye.

3 (Chorus of ayes.)

4 CHAIRPERSON ANDERSON: Those opposed?
5 The matter passes 6-0-0. I want to thank the
6 parties for coming up to an OIC to address this
7 matter. Mr. Kim --

8 MR. KIM: Yes?

9 CHAIRPERSON ANDERSON: -- now that this
10 case is over, we have made our -- yes?

11 MR. RIVERO: The Board will issue an
12 order?

13 CHAIRPERSON ANDERSON: We are going to
14 issue a Board, yes, the Board will issue a Board
15 Order. Meaning, that you have -- the assigned
16 period to pay the fine will be 120 days after the
17 Board Order is issued.

18 However, even if the Board Order is
19 not issued before December 17, which I don't
20 think that will happen, but just in case there is
21 some quirk in the Board Order not being issued by
22 December, you have agreed today that you will be

1 closed December 17 through January 4, 2019.

2 I just want you to be clear that you
3 will be closed, even if the Board Order is not
4 issued by that date.

5 MR. RIVERO: The license will be
6 suspended?

7 CHAIRPERSON ANDERSON: It will be --
8 and the license will be suspended --

9 MR. RIVERO: The establishment can
10 continue to sell food, but not alcohol?

11 CHAIRPERSON ANDERSON: Right. So,
12 that's what it means. So, you cannot sell
13 alcohol during this period of time. I mean, if
14 you want to close your business, that's up to
15 you.

16 But there can be no alcohol. If the
17 alcohol is in the establishment, it has to be
18 under lock and key and cannot be served to
19 anyone. All right.

20 Mr. Kim, this is your third sale to a
21 minor violation. You are moving down a very
22 precarious road. And if you have another one,

1 which is the fourth, and God forbid you have the
2 fifth, you will lose your ability to sell
3 alcohol.

4 And one of the things I've done here,
5 and I'll say this, I'm not here proponing to say
6 that you need to be Costco and I'm not saying
7 that Costco is the best thing since sliced bread.
8 But everyone who goes to Costco to buy alcohol,
9 they have to give an ID, sir.

10 I don't see any reason why, sir, since
11 for whatever reason, either you or your
12 employees, they can't tell when somebody is 21,
13 that they're selling.

14 You need to make sure that everyone
15 who comes in your establishment, no matter what
16 they look like, sir, even if they are, I don't
17 know how old you are, sir, but if they are your
18 mother and you know that your mother is above 21,
19 you need to still ask her for ID.

20 Because if you go down this road, you
21 will lose your ability to serve alcohol. I'm not
22 sure how much of your business is generated by

1 alcohol sales, however, and I don't know how
2 large or small your business is, but you will
3 lose that ability and there's no negotiation.

4 And that's what I'm saying, the
5 Government was generous enough to negotiate this
6 matter with you. But if you go to number five,
7 which I'm hoping you never get to number five,
8 it's either revocation or a \$30,000 fine. And
9 that's not negotiable.

10 So, it's up to you, sir. This is not
11 the Board doing this to you, it is you doing it
12 to yourself and it is preventable. It is
13 preventable if you have everyone who alcohol is
14 sold to prove that they are older than 21, sir.
15 Okay?

16 MR. KIM: Okay.

17 CHAIRPERSON ANDERSON: All right.

18 MEMBER SILVERSTEIN: Mr. Chair?

19 CHAIRPERSON ANDERSON: Yes, Mr.

20 Silverstein?

21 MEMBER SILVERSTEIN: I vote for this
22 and I do so with deep reservations. The licensee

1 served his most recent suspension that ended
2 January 2 and this most recent violation was less
3 than three months later. This is, as you point
4 out, Mr. Chairman, the third.

5 The licensee is located barely two
6 blocks from an elementary school, where the
7 neighbors and the PTA have expressed deep concern
8 about liquor matters.

9 And I personally noted, sir, that on
10 your last suspension, you placed a sign in your
11 front door that said you were closed for
12 vacation.

13 And since it was over Christmas,
14 people probably believed that. At least, they
15 believed it until our agency put placards on your
16 window.

17 I trust, sir, that you will protect
18 your business, that you will protect the children
19 of our neighborhood, and that you will man up
20 this time. No further comments, sir.

21 MEMBER SHORT: Can I say one --

22 CHAIRPERSON ANDERSON: Yes, Mr. Short.

1 MEMBER SHORT: Mr. Kim, very much like
2 my esteemed Board Member Silverstein, I have an
3 affinity for sale to minors, and having been a
4 young person in this town to the age I am now,
5 it's not a good thing.

6 You are in a very, very great
7 neighborhood, Dupont Circle community. I
8 wouldn't like to see you here again under any
9 circumstances. You look remorseful, so we hope
10 we won't see you again. Thank you, Mr. Chair.

11 MR. KIM: The concern is, I purchased
12 another type of cash register the day after this
13 violation. So now, we want scan the product with
14 alcohol, the screen asks the clerk to ask for a
15 date of birth. So, unless somebody is trying to
16 intentionally do harm for me, they are supposed
17 to ask for a date of birth. So, there is no --

18 MEMBER SHORT: Can I please address --

19 MR. KIM: -- excuse, they forget --

20 MEMBER SHORT: Can I please address
21 that real quick?

22 MR. KIM: Yes.

1 MEMBER SHORT: The last time I was at
2 O'Hare International Airport in Chicago, I sat at
3 the bar and I think I had a little more hair on
4 my head than I have today.

5 And I ordered an alcoholic drink and
6 the server said to me, I'd like to see your ID.
7 And I said -- he said, we card everyone who sits
8 at this bar. And I thought to myself, what a
9 great practice.

10 Everyone who sits at that bar to have
11 a drink at the airport at that particular
12 establishment is carded. And maybe you need to
13 think about that.

14 Because asking an age, if a person
15 wants to do you harm and gives you a correct date
16 and then, right outside is someone waiting to
17 find out if he shows that ID to them, then you in
18 trouble again. So, I would suggest you card
19 everyone, that's my suggestion.

20 MR. KIM: Yes. When I meant do harm,
21 means maybe a clerk of myself wanted to harm me,
22 not to asking ID, so make me in trouble. That's

1 what I meant, not from the customer. And the
2 part of the reason that I told you was, at least
3 I tried some of my part to prevent this happening
4 again. That's all.

5 MEMBER SHORT: Okay. Well, we hope we
6 don't see you again. Thank you, Mr. Chair,
7 that's all I have.

8 MR. KIM: Thank you.

9 CHAIRPERSON ANDERSON: All right.
10 Well, as I said, sir, it wasn't -- all employees
11 have to undergo training within 90 days. So,
12 therefore, it's your business and it's not the
13 employee who is going to fall on, you're the one
14 we're going to hold accountable.

15 So, as Mr. Short said, I hope I don't
16 have the opportunity to see you again, sir.
17 Because usually when I see a licensee, it's
18 because they have done something wrong. Okay?

19 MR. KIM: Thank you.

20 CHAIRPERSON ANDERSON: You have a good
21 day. Take care. Bye-bye.

22 MR. RIVERO: Thank you.

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MR. KIM: Thank you.

CHAIRPERSON ANDERSON: We'll go ahead
and recess until our 1:30 hearing.

(Whereupon, the above-entitled matter
went off the record at 12:05 p.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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