

ALSO PRESENT:

SYDELLE MOORE, PROTESTANT

KATHY HENDERSON, ANC-5D05

HYE NA, LICENSEE

NAMYOUNG JOUNG, LICENSEE

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

2 9:35 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. I would like to welcome you to the
5 regularly scheduled meeting of the District of
6 Columbia Alcoholic Beverage Control Board.
7 Please know that today's hearings will be
8 conducted in accordance with D.C. Official Code
9 Section 2-574 of the Open Meetings Act.

10 Today is July 11, 2018. I would like
11 to introduce Members of the Board with us today.
12 To my far right is Mr. Donald Isaac, Sr. To my
13 immediate is Mr. Nick Alberti. To my far left is
14 Ms. Rema Wahabzadah. To her right is Mr. Mike
15 Silverstein and to my immediate left is Mr. James
16 Short. My name is Donovan Anderson and I'm the
17 Chairman of the Board. We do have six Members
18 today and so we do have a quorum.

19 I would like to mention two things
20 before we first get started. First of all, if
21 you have any electronic devices, pagers, cell
22 phones or such, please, make certain that they

1 are turned off to avoid any interruption of the
2 proceedings.

3 Secondly, there is a piece of paper on
4 each table. When you come forward as your case
5 is called, please, take a seat at the table and,
6 please, sign-in. This is to ensure the correct
7 spelling of your name for the record.

8 Additionally, when you introduce
9 yourself for the record, please, spell your name
10 aloud for the court reporter.

11 I will note that the approximate time
12 is 9:37 a.m. and our first order of business
13 today is a Protest Hearing (Status), Case No. 18-
14 PRO-00042, Sylvia Liquors, License No. 104606.

15 Is there anyone in the audience today
16 for Sylvia Liquors? Are both the protestants and
17 the licensee here?

18 MS. MOORE: I'm the protestant.

19 CHAIRPERSON ANDERSON: All right. I'm
20 going to -- the licensee is not here. We were
21 informed that both the protestant and the
22 licensee were running late.

1 So what I will do, I will -- which is
2 what I -- well, I normally do this anyway, so
3 I'll recall the case probably about 10:00.

4 But if the licensee shows up, maybe
5 you can just signal me and I will call --

6 MS. MOORE: Okay.

7 CHAIRPERSON ANDERSON: Okay. Thank
8 you. So for the record, I'm sorry, you are the?

9 MS. MOORE: Protestant.

10 CHAIRPERSON ANDERSON: The protestant.
11 So are you Ms. Moore?

12 MS. MOORE: Yes.

13 CHAIRPERSON ANDERSON: Yes, okay. So
14 for the record, Ms. Moore has been here timely
15 for the hearing. Thank you, Ms. Moore.

16 (Whereupon, the above-entitled matter
17 went off the record at 9:37 a.m. and resumed at
18 9:56 a.m.)

19 CHAIRPERSON ANDERSON: Is the folks
20 from Sylvia -- is the licensee from Sylvia's
21 here? All right.

22 (Whereupon, the above-entitled matter

1 went off the record at 9:56 a.m. and resumed at
2 10:04 a.m.)

3 CHAIRPERSON ANDERSON: Now, is there
4 still -- is the licensee from --

5 MEMBER SHORT: Sylvia's.

6 CHAIRPERSON ANDERSON: -- we were told
7 that they were running late. So I'm going to
8 move on. The Agency was -- the Agency was
9 provided notice that the licensee from Sylvia's
10 was running late.

11 So the only reason why I'm not going
12 to make a Motion to Dismiss it is that we were
13 informed that they are running late.

14 This matter was scheduled for 9:30.
15 I think that we will decide -- I'm going to move
16 on with the calendar. I apologize for the folks
17 who are here for this matter who are being
18 inconvenienced, but since they did advise us that
19 they were running late, I will move on with the
20 calendar, but I will call that case once they
21 have shown up.

22 So again, I do apologize for the folks

1 who were here timely at 9:30 who will still have
2 to wait, but I have to give them reasonable
3 notice, since they did inform us that they were
4 running late. Okay. All right.

5 (Whereupon, the above-entitled matter
6 went off the record at 10:05 a.m. and resumed at
7 10:24 a.m.)

8 CHAIRPERSON ANDERSON: All right. We
9 are going to move back to our Protest Hearing
10 (Status) Calendar, Case No. 18-PRO-00042, Sylvia
11 Liquors, License No. 104606.

12 Will the parties, please, approach and
13 identify themselves for the record, please?

14 MS. MOORE: Hi, my name is Sydelle
15 Moore and I'm the President of the Langston Civic
16 Association and I am a protestant.

17 CHAIRPERSON ANDERSON: Good morning,
18 Ms. Moore.

19 MS. MOORE: Good morning.

20 MS. HENDERSON: Can you move your bag,
21 please?

22 MS. MOORE: No.

1 MS. NA: Hi, my name is Hye Na. I'm
2 sorry, I'm part of the owner and I --

3 CHAIRPERSON ANDERSON: I'm sorry,
4 what's your name, ma'am?

5 MS. NA: My first name is Hye, H-Y-E,
6 last name is N-A. I'm the registered owner, part
7 owner.

8 MEMBER SHORT: Write your name on
9 that.

10 CHAIRPERSON ANDERSON: And you, sir?

11 MR. JOUNG: Hi, my name is Namyoung
12 JounG, Sylvia Liquors, owner, too.

13 CHAIRPERSON ANDERSON: The who, what?

14 MR. JOUNG: Sylvia Liquors, too, I'm
15 it's owner. She is my wife.

16 CHAIRPERSON ANDERSON: All right. So
17 whose name is on the license?

18 MS. NA: We are both.

19 CHAIRPERSON ANDERSON: And what's your
20 last name? Spell it.

21 MR. JOUNG: JounG, J --

22 MS. NA: J-O-U-N-G.

1 MR. JOUNG: -- O-U-N-G, yes.

2 CHAIRPERSON ANDERSON: All right.

3 Well, the Board briefing that I have has
4 different names. Who is S-E-U-N-G-R-Y-U? Who is
5 that?

6 MS. NA: That's the partner. We have
7 four owner names listed on our -- under our
8 license.

9 CHAIRPERSON ANDERSON: Okay. All
10 right. All right. Yes, ma'am, can you identify
11 yourself for the record, please?

12 MS. HENDERSON: (No audible answer.)

13 CHAIRPERSON ANDERSON: Ma'am, can you
14 identify --

15 MS. HENDERSON: Yes. Commissioner
16 Kathy Henderson, ANC-5D05, on behalf of ANC-5D.

17 CHAIRPERSON ANDERSON: All right.
18 Now, you know that the ANC is not a protestant in
19 this case, right?

20 MS. HENDERSON: Well, that is actually
21 debatable. The ANC through me did submit a
22 timely protest and there has been some

1 communication regarding the validity of that
2 protest, because your rules -- you don't have
3 anything in your rules that say an officer must
4 sign the protest letter, although it is one of
5 your established practices. So that's -- so it's
6 not clear as to why the ANC has -- you know, you
7 dismissed the protest.

8 Nevertheless, the ANC has entered into
9 a voluntary agreement with the licensee.

10 CHAIRPERSON ANDERSON: Which is fine.
11 So I mean, I'm just saying that the ANC is not an
12 official protestant in this case. And, Ms.
13 Moore, it really doesn't matter whether or not
14 the ANC is an official protestant or not. The
15 ANC can always sign a settlement agreement and
16 whether or not the ANC signs a settlement
17 agreement, because you are a civic association,
18 you do -- you can still move forward.

19 So irrespective of what the ANC does,
20 you can -- if there is a settlement agreement
21 that they are going to -- that they have signed
22 and if you are in agreement to it, you can sign-

1 off on that settlement agreement.

2 If you don't agree with that, you can
3 still move forward with your protest, because a
4 civic association does have its own jurisdiction
5 irrespective of the negotiation of a settlement
6 agreement.

7 And for the owner, I'll -- let me
8 explain that. What is going on is that the --
9 you can have a settlement agreement with an ANC
10 and you can sign that. But because the civic
11 association also has standing to protest, you
12 also have to negotiate with the civic
13 association.

14 And so therefore, if the civic
15 association does not agree with the settlement
16 agreement that you signed with the ANC, they can
17 still move forward with a protest, with their
18 protest.

19 MS. HENDERSON: Okay.

20 CHAIRPERSON ANDERSON: And so I just
21 wanted to let you know, because sometimes folks
22 believe that okay, because I signed with the ANC,

1 then I don't have to negotiate with other folks.
2 If it was a group of -- say for example, if it
3 was a group of five or more and if you signed a
4 settlement agreement with the ANC, then that
5 group would go away.

6 MS. NA: Okay.

7 CHAIRPERSON ANDERSON: But because
8 it's a civic association and they have their own
9 jurisdiction, you also have to negotiate with
10 them to make sure that they are happy, because if
11 they are not happy, they do have the right to
12 come here to a hearing.

13 MS. NA: Okay.

14 CHAIRPERSON ANDERSON: Yes, Ms.
15 Henderson?

16 MS. HENDERSON: And there is also
17 another issue --

18 CHAIRPERSON ANDERSON: What is that?

19 MS. HENDERSON: -- with the civic
20 association having jurisdiction. First of all,
21 the Langston Civic Association is not a real
22 civic association under the rules. It is a

1 nonprofit that is registered with DCRA. I
2 understand that there is an issue with the
3 Federation of Civic Associations, they are,
4 essentially, a group of five.

5 They are not open to the entire
6 community. They do not represent anyone in the
7 community. They are a private organization in
8 the area that operates out of Ms. Moore's home.
9 And they don't have any jurisdiction.

10 So we have raised that issue before.
11 We will raise it again in writing, but they are,
12 essentially, a party of five. And unless the
13 Board has any information that shows that they
14 are more than a party of five, it is respectfully
15 requested that they be dismissed as protestants.

16 CHAIRPERSON ANDERSON: Well, all I can
17 -- with all due respect, Ms. Henderson, the Board
18 has recognized the civic association as having
19 the requisite -- they provided the Board with its
20 requisite information. And so the Board is
21 satisfied, is comfortable that they are an
22 appropriate party in this matter and that

1 whatever community conversations or communication
2 that is going on, as far as the Board is
3 concerned, they are properly before us.

4 And so they are here today. They are
5 moving forward and I'm just -- I just want to
6 remind the licensee that as far as the Board is
7 concerned, and as far as this -- the renewal of
8 your license is concerned, irrespective of what
9 is going on, as far as the Board is concerned,
10 they are the party who you have this Protest
11 Hearing with.

12 Of course, whether or not the ANC is
13 an official or unofficial part of this protest,
14 they have the right to sign a settlement
15 agreement, that's fine, and the Board will review
16 the settlement agreement and the Board -- if the
17 Board believes that the terms are appropriate,
18 the Board will sign-off on the settlement
19 agreement that you do have with the ANC.

20 I just want to let you know that you
21 have to negotiate, and I'm not saying you are not
22 doing it, so I'm not -- so don't take it that

1 way. I'm just -- I just want to -- want you to
2 be clear that as far as this case moving forward,
3 that the person that you need to deal with is the
4 civic association, because we will move forward
5 with the ANC.

6 Now, Ms. Patterson -- Ms. Henderson,
7 I'm sorry. Are you making an oral motion to the
8 Board for us to dismiss the civic association?

9 MS. HENDERSON: Yes, and it will be
10 fortified in writing.

11 CHAIRPERSON ANDERSON: Well, the
12 reason I'm asking is that if you are making an
13 oral motion, are you asking the Board to make a
14 decision today or are you --

15 MS. HENDERSON: No, not today.

16 CHAIRPERSON ANDERSON: All right.
17 Okay. So since you are not asking the Board to
18 make a decision on your motion, then the Board
19 will not make a decision on the motion. If you
20 put something in writing, the Board will consider
21 and make a determination. All right.

22 MS. HENDERSON: Okay. That's

1 reasonable. And I would respectfully request a
2 copy of any documents that the civic association
3 has submitted to buttress their claim that they
4 are a legitimate party to these matters.

5 CHAIRPERSON ANDERSON: Well, you -- I
6 don't know if that's public information, so you
7 can request from -- I -- what I'll say is that
8 request it from the Agency and if it's
9 information the Agency can provide, it will
10 provide it. I don't know. I can't answer that
11 question.

12 MS. HENDERSON: It should be covered
13 under the Freedom of Information Act.

14 CHAIRPERSON ANDERSON: I --

15 MS. HENDERSON: Anything that this
16 Agency does as a Government, a DC Government
17 body, is open to the public. And whatever your
18 process is, which is the FOIA process, if that's
19 the process you want me to go through, I will do
20 so and request those documents. Thank you so
21 much.

22 CHAIRPERSON ANDERSON: I'm not -- what

1 I'm saying is that I don't know. And so what I'm
2 saying is that if you request -- if you are
3 asking for documents, you request it from the
4 Agency and the Agency will follow its process.

5 MS. HENDERSON: Thank yo so much.

6 CHAIRPERSON ANDERSON: That's all I'm
7 saying.

8 Yes, Ms. Moore, you have something you
9 need to say?

10 MS. MOORE: So my only comment was
11 that I have a concern about members being
12 harassed, so if one of the documents that we are
13 being asked to submit are the names and home
14 addresses and contact information from members of
15 the civic association, there have been some
16 issues with some of Ms. Henderson's conduct in
17 the past in terms of her harassment of some of
18 the people in the neighborhood.

19 And so just out of a concern for the
20 safety of my members, I would just like to state
21 on the record that, you know, I don't know that
22 that would be -- that safety would be a factor.

1 CHAIRPERSON ANDERSON: Well, I, again,
2 don't --

3 MS. HENDERSON: May I respond?

4 CHAIRPERSON ANDERSON: -- no.

5 MS. HENDERSON: That's absurd.

6 CHAIRPERSON ANDERSON: No, hold on,
7 Ms. Henderson. Hold on, hold on, hold on.

8 MS. HENDERSON: For something like
9 that to be said in public, that's absurd.

10 CHAIRPERSON ANDERSON: Hold on, Ms.
11 Henderson. This is not the forum for this.

12 MS. HENDERSON: That's absurd.

13 CHAIRPERSON ANDERSON: I -- you are
14 here and as an officer of the law, since you are
15 an ANC member, I am giving you the respect to
16 speak. You -- as far as the Board is concerned,
17 you are not a party in this proceeding and I
18 could have stated because you are not a party,
19 that you can't speak today.

20 So that's why I'm not going to go
21 there, but so that's why I'm going to end the
22 conversation. As an ANC Commissioner, that I

1 know you are, so I'm just giving you an
2 opportunity to speak.

3 But in this proceeding, the way we are
4 here, you are not a formal member. The ANC is
5 not a protestant in this matter, so therefore,
6 I'm not going to entertain any further
7 conversation.

8 All right. All right. Yes, ma'am?

9 MS. NA: Before you start, I have to
10 let you know my English is not perfect. I'm
11 trying to do my best to understand.

12 MEMBER SHORT: Speak up, please. He
13 is hard of hearing.

14 MEMBER SILVERSTEIN: Please, speak up.

15 CHAIRPERSON ANDERSON: All right. All
16 right. So let me -- so are you then asking the
17 Agency to provide you a translator or what is it
18 that you want?

19 MS. NA: No. I'm just letting you
20 know that I am aware how serious this is and how
21 important this is. I am trying to talk to Ms.
22 Moore and resolve the situation. I've been

1 trying to do it. And I am looking at lawyer to
2 hire and I'm just letting you know in front if I
3 need to do it, I will do it.

4 And I was waiting to get draft of
5 settlement from Ms. Moore, but we didn't get a
6 chance to actually receive or, you know, talk
7 about this situation before. We couldn't met at
8 mediation. I'm just trying to let you know that
9 I will do whatever I need to do.

10 CHAIRPERSON ANDERSON: All right. Ms.
11 Moore?

12 MS. MOORE: So basically, the status
13 for me is that we -- I attended mediation. We
14 had a scheduled mediation. The owners did not
15 attend mediation. We -- on behalf of the civic
16 association, I attempted to schedule several non-
17 mandatory informal meetings prior to that. We
18 have not been able to meet. Those have been
19 canceled by the owner.

20 And so, at this point, I am concerned
21 about whether there is an appropriate level of
22 urgency and commitment to the process from them.

1 CHAIRPERSON ANDERSON: Well, let me
2 ask you a question. A settlement agreement was
3 provided to the Board for consideration, which is
4 on our agenda. I don't know what decision we are
5 going to make.

6 Have you seen that?

7 MS. MOORE: No.

8 CHAIRPERSON ANDERSON: Is it possible
9 since you have agreed in principle to a
10 settlement agreement with the ANC, have you
11 shared that document with the civic association?
12 Because so if -- maybe the settlement agreement
13 that you have with the ANC, if you share that
14 with the civic association, if they agree with
15 the terms, they can sign-off on it and this
16 matter could go away or they could add -- they
17 could let you know what their concerns are and
18 they could -- you could add that to the
19 settlement agreement that you already have with
20 your -- that you have already have with the ANC.

21 So I don't understand what is the
22 problem.

1 MS. NA: I don't know if they are
2 saying --

3 CHAIRPERSON ANDERSON: No, but I'm
4 saying though have you shared it? Because you
5 said that --

6 MS. NA: No, we have not, no.

7 CHAIRPERSON ANDERSON: Why not?

8 MS. NA: I mean, I just received the
9 draft and we agree and I sign and there was -- I
10 mean, Ms. Moore was not part of that.

11 CHAIRPERSON ANDERSON: She doesn't
12 have -- but I know.

13 MS. NA: So I didn't think we have to
14 share this.

15 CHAIRPERSON ANDERSON: No. But
16 listen, listen, listen, listen. This is for your
17 own -- all right. You have a Protest Hearing.

18 MS. NA: Yes.

19 CHAIRPERSON ANDERSON: And where we
20 are right now is that the person who is on the
21 record protesting your liquor license is the
22 civic association. You are in discussion with

1 the ANC, which is fine. The ANC provided you
2 with a settlement agreement, which you have
3 signed.

4 I would say to you share that
5 settlement agreement with the -- with them, let
6 them review it to see whether or not the concerns
7 that they have with your operation, whether or
8 not it satisfies them.

9 MS. NA: Okay.

10 CHAIRPERSON ANDERSON: If it satisfies
11 them, then you can -- they can be a signature to
12 the party.

13 MS. NA: Okay.

14 CHAIRPERSON ANDERSON: If the ANC does
15 not want them to sign that document, then you
16 sign a separate agreement with the ANC and then
17 you sign that same agreement with them. So
18 therefore, you will have two settlement
19 agreements, one with the ANC and one with the
20 civic association.

21 So what I would say if you already
22 have a settlement agreement that you are

1 discussing with the ANC and that these are terms
2 that you are happy with, I'm not saying that the
3 civic association is going to agree to it.

4 MS. MOORE: Right.

5 CHAIRPERSON ANDERSON: But at least
6 you have -- you already have a document that you
7 can share with them to say this is what I'm
8 discussing with the ANC. This is -- this works
9 for me. Does this work for you? Or if it
10 doesn't work for you, are there any additional
11 concerns?

12 And so therefore you could sign a
13 settlement agreement with the ANC and if there
14 are some other concerns that the civic
15 association has, you can sign a separate document
16 with them.

17 So it doesn't have to be -- they don't
18 have to sign-off on it if both parties don't want
19 to, but they can sign the same document
20 individually.

21 MS. NA: I mean, I thought about it
22 already and we -- I was trying to -- just like

1 Ms. Moore said, we were trying to set up a
2 schedule to meet like not officially meeting.

3 CHAIRPERSON ANDERSON: Right.

4 MS. NA: A scheduled meeting, I guess,
5 but we couldn't set it. We couldn't actually
6 find a time or a date to meet. I mean, they --
7 we are available, she was not. And when she is
8 available, we were not.

9 CHAIRPERSON ANDERSON: All right.

10 MS. NA: So that's why we tried until
11 today's hearing.

12 CHAIRPERSON ANDERSON: Well, all I'm
13 suggesting to you as a start, give them a copy of
14 the settlement agreement that you have with the
15 ANC.

16 MS. NA: Okay.

17 CHAIRPERSON ANDERSON: That will be --
18 that can be the start of the discussion. Let
19 them look at it to say okay, I'm signing this
20 agreement with the ANC. Does this satisfy your
21 concerns? If this doesn't satisfy your concerns,
22 are there additional concerns that you have?

1 So I don't know what the relationship
2 is, based on the presentation that is made to me
3 today, it doesn't appear that the ANC and the
4 civic association will sign-off on the same
5 document, but you can have the same document.
6 You can have the ANC sign it as the ANC
7 settlement agreement. You can have another
8 document as the civic association's document.
9 And so you can -- and then you can present it to
10 the Board.

11 So you already have something to go
12 by.

13 MS. NA: Right.

14 CHAIRPERSON ANDERSON: So just give
15 them a copy of it. Who knows, maybe they will
16 agree to it and this matter will go away.

17 MS. NA: Okay.

18 CHAIRPERSON ANDERSON: So all right?

19 MS. NA: I can try that.

20 CHAIRPERSON ANDERSON: Well, I think
21 that's very easy just give them a copy of it and
22 make your -- it will make -- my job is to make

1 your life much easier, since you already have a
2 document. I'm not saying that the Board -- the
3 Board has not agreed to the settlement agreement.
4 It has been presented to us, but I'm just saying
5 since you already have a document, share it with
6 them and maybe -- because right now, as far as
7 this Board is concerned, this is the party that
8 you need to satisfy, because if you don't satisfy
9 them, we are going to have a hearing on August
10 1st at 1:30.

11 MS. NA: Okay.

12 CHAIRPERSON ANDERSON: And the only
13 party who is going to be here is Ms. Moore from
14 the civic association, not the ANC. The ANC is
15 not going to be here for hearing.

16 MS. NA: Okay.

17 CHAIRPERSON ANDERSON: The Board will
18 sign-off on a settlement agreement for the ANC,
19 but the ANC is not going to be here as a -- for
20 the hearing. Okay?

21 Do you understand the process of a
22 Protest Hearing?

1 MS. NA: Yes.

2 CHAIRPERSON ANDERSON: You do?

3 MS. NA: Yes.

4 CHAIRPERSON ANDERSON: So I don't need
5 to read the instructions? Ms. Moore?

6 MS. MOORE: Yes, I do.

7 CHAIRPERSON ANDERSON: All right. So
8 this matter is then scheduled for a Protest
9 Hearing on August 1st at 1:30 p.m.

10 If you have any questions, please
11 call, Assistant General Counsel, Ms. April
12 Randall. Her phone number is (202) 442-4353.

13 Okay. Any questions that you have,
14 contact Ms. Randall, either side, she will walk
15 you through the process to help you understand.

16 And if there is an issue with
17 translation, you can also ask the Agency to offer
18 you an interpreter to ensure that both parties
19 are hearing the same thing. Okay?

20 MS. NA: Okay.

21 CHAIRPERSON ANDERSON: So good luck
22 and if you are unable to agree, we will see you

1 here on August 1st at 1:30 p.m. Have a great
2 day. Thank you.

3 MS. HENDERSON: The same.

4 MS. NA: Thank you.

5 MS. MOORE: Thank you.

6 MS. HENDERSON: Thank you.

7 CHAIRPERSON ANDERSON: All right.

8 Bye-bye.

9 (Whereupon, the Protest (Status)

10 Hearing was concluded at 10:44 a.m.)

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In the matter of: Matthias, Inc.

Before: Alcoholic Beverage Control Board

Date: 07-11-18

Place: Washington, DC

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