

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :
:
Case# 11-251-00048 & :
11-251-00049 :
UW Liquors, Inc. :
t/a University Wine & Liquors: Show Cause
333 Hawaii Avenue NW : Hearing
License #76744 : (Status)
Retailer A :
ANC-5C :
Sale to Minor, Failed to Take:
Steps Necessary to Ascertain :
Legal Drinking Age :
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January 18, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
CALVIN NOPHLIN, Member
NICK ALBERTI, Member
DONALD BROOKS, Member

MIKE SILVERSTEIN, Member
HERMAN JONES, Member
JEANNETTE MOBLEY, Member

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

12:38 p.m.

CHAIRPERSON MILLER: We're going to take up case #11-251-00048 and #11-251-00049, UW Liquors, Inc., trading as University Wine & Liquors, License #76744 in ANC-5C.

Would the parties introduce themselves, please.

MR. PASCAL: Good morning -- good afternoon. Paul L. Pascal of Pascal & Weiss for the licensee.

MS. JONG: Hello. My name is Il Lee Jong. I'm going to translate for my mom here. Her name is Hwa Cha Kim, the owner of UW Liquor.

MS. KIM: My name is Hwa Cha Kim.

CHAIRPERSON MILLER: You're the owner?

MS. KIM: Yes.

CHAIRPERSON MILLER: Okay. Thank you.

CHAIRPERSON MILLER: Ms. Phillips.

1 MS. PHILLIPS: Louis Phillips,
2 Assistant Attorney General for the District of
3 Columbia.

4 CHAIRPERSON MILLER: Okay. Mr.
5 Pascal, did your client receive notice of the
6 show cause hearing?

7 MR. PASCAL: Yes, she did.

8 CHAIRPERSON MILLER: I'm not sure
9 who should respond. I want to make sure --
10 Did you understand the notice?

11 MS. KIM: Yes.

12 CHAIRPERSON MILLER: Okay. Do you
13 waive my reading the notice into the record?
14 Do you know what I'm saying? That's kind of
15 a difficult question today.

16 MS. KIM: Yes.

17 CHAIRPERSON MILLER: Yes?

18 MR. PASCAL: Yes.

19 CHAIRPERSON MILLER: Okay.

20 Ms. Phillips, do you have some
21 preliminaries or anything, or is there a
22 Offer-in-Compromise?

1 MS. PHILLIPS: Yes. The parties
2 have agreed on an Offer-in-Compromise to
3 present to the Board. This is, I believe, a
4 four-charge notice but all of the charges
5 occurred on one day. The first three charges,
6 which are sale to minor charges, will be
7 merged into one charge.

8 Then there is a failure to take
9 reasonable steps on what I call a 783. This
10 Offer-in-Compromise based on three charges
11 being merged to one and a second charge. The
12 Offer-in-Compromise is as follows.

13 There will be a total fine of
14 \$5,000, a 10-day suspension all stayed for one
15 year.

16 CHAIRPERSON MILLER: I'm sorry.
17 How long is the suspension? I didn't mean to
18 interrupt you. I just missed it.

19 MS. PHILLIPS: I think it's
20 statutory pending for one year.

21 MEMBER ALBERTI: No, the number.

22 CHAIRPERSON MILLER: The number of

1 days.

2 MS. PHILLIPS: Oh, I'm sorry.

3 Ten.

4 CHAIRPERSON MILLER: Ten. Thank
5 you.

6 MS. PHILLIPS: All right. If you
7 wish to have it divided, as the Board often
8 does, it's a \$3,000 fine for the merged
9 charges one, sale to minors with five days
10 stayed. Then \$2,000 for the 783 five days
11 stayed. And payment within 30 days.

12 CHAIRPERSON MILLER: So it's a
13 total of \$5,000 fine. \$3,000 for the first
14 three charges combined, \$2,000 for charge No.
15 4 with license suspended for 10 days but
16 stayed for one year pending no violations
17 during that time. Is that correct?

18 MS. PHILLIPS: And suspended days
19 all stayed.

20 CHAIRPERSON MILLER: Stayed.

21 MS. PHILLIPS: I think that's what
22 you said.

1 CHAIRPERSON MILLER: For one year.

2 MS. PHILLIPS: For one year as a
3 statutory requirement unless there are other
4 violations.

5 MEMBER ALBERTI: And the fine will
6 be paid within 30 days?

7 MS. PHILLIPS: Thirty days.

8 MEMBER ALBERTI: Thank you.

9 CHAIRPERSON MILLER: Mr. Pascal,
10 what is your client's position on the Offer-
11 in-Compromise?

12 MR. PASCAL: This is an agreement
13 that we have worked out and it is agreeable
14 with the client.

15 CHAIRPERSON MILLER: Do you
16 understand that you are waiving your right to
17 a hearing by accepting it?

18 MR. PASCAL: Yes.

19 CHAIRPERSON MILLER: Okay. We're
20 going to take a short recess to consider the
21 Offer-in-Compromise and to obtain any advice
22 from counsel if necessary. I'm going to read

1 the Open Meetings Act.

2 As Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia and in accordance with Section 405 of
5 the Open Meetings Amendment Act of 2010, I
6 move that the ABC Board hold a closed meeting
7 for the purpose of seeking legal advice from
8 our counsel on case #11-251-00048 and 11-251-
9 00049 per Section 405(b)(4) of the Open
10 Meetings Amendment Act of 2010 and possibly
11 deliberating.

12 MEMBER ALBERTI: I'll second the
13 motion.

14 CHAIRPERSON MILLER: Thank you.

15 All those in favor say aye.

16 BOARD MEMBERS: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The vote is
19 seven zero zero.

20 We'll take a short recess and go
21 off the record at this point and return
22 shortly.

1 (Whereupon, at 12:45 p.m. off the
2 record until 1:10 p.m.)

3 CHAIRPERSON MILLER: Okay. We are
4 back on the record. Again, I want to ask the
5 parties if there is anything further to say to
6 the Board before the Board takes under
7 consideration an Offer-in-Compromise in this
8 case?

9 MS. PHILLIPS: Yes, please. The
10 Government would like to amend the Offer-in-
11 Compromise. The fine would be the same. The
12 days suspended will be the same except that
13 now seven days will be stayed and three served
14 on February 6th, 7th, and 8th, 2012. Those
15 are days, I am told by the owner, the
16 establishment is open.

17 MEMBER NOPHLIN: Madam Chair?

18 CHAIRPERSON MILLER: Yes.

19 MEMBER NOPHLIN: May I ask a quick
20 question to counsel?

21 Could you specify what days those?
22 Is it Wednesday, Thursday, Friday?

1 MS. PHILLIPS: Monday, Tuesday,
2 Wednesday.

3 MEMBER NOPHLIN: Thank you.
4 Thank you, Madam Chair.

5 CHAIRPERSON MILLER: Could you
6 repeat the dates?

7 MS. PHILLIPS: Certainly.
8 February 6th, 7th, and 8th.

9 CHAIRPERSON MILLER: Okay. I'm
10 going to try to repeat it so I make sure that
11 we have it right before us. That is a total
12 fine of \$5,000, \$3,000 for the first three
13 offenses combined and \$2,000 for the fourth
14 offense. License suspended for 10 days.

15 Seven of those 10 days stayed for
16 a year pending no further violation. Three
17 days the license will be suspended, those
18 being February 6th, 7th, and 8th. Payment will
19 be made within 30 days of today. Correct?

20 MS. PHILLIPS: Correct, Madam
21 Chair.

22 MR. PASCAL: That's correct.

1 CHAIRPERSON MILLER: Okay. Does
2 the applicant agree to those terms?

3 MR. PASCAL: Yes.

4 CHAIRPERSON MILLER: Okay. Any
5 questions by Board members? Okay. Then at
6 this point I would move to accept the Offer-
7 in-Compromise as stated.

8 Is there a second?

9 MEMBER NOPHLIN: Second.

10 CHAIRPERSON MILLER: All those in
11 favor say aye.

12 BOARD MEMBERS: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed?

15 MEMBER JONES: Nay.

16 CHAIRPERSON MILLER: Mr. Jones'
17 opposed. All those abstaining? The vote is
18 six to one to zero to accept the Offer-in-
19 Compromise. Any comments?

20 MEMBER JONES: Madam Chairperson.

21 CHAIRPERSON MILLER: Yes, Mr.
22 Jones.

1 MEMBER JONES: I'm not in favor of
2 accepting the OIC based on the fact that this
3 establishment was clearly warned of the nature
4 of the violations which brought you here
5 today. Roughly six months before we had three
6 incidents occur on the same day sale to minor.
7 It disturbs me greatly. I feel as though the
8 establishment is getting away fairly easily or
9 off fairly easily with the nature of this OIC.
10 For that I don't want to align myself to such
11 an easy fine for such an egregious breaking of
12 the regulations given that you were fully
13 aware of this just six months prior to that.
14 For the record I would like to state that.
15 Thank you, Madam Chair.

16 CHAIRPERSON MILLER: Thank you.
17 Any other comments? Okay. That
18 concludes this case. Thank you very much.

19 MS. PHILLIPS: Thank you, Board
20 members.

21 (Whereupon, at 1:14 p.m. the
22 hearing was adjourned.)

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| <p style="text-align: center;">O</p> <p>obtain 6:21 occur 11:6 occurred 4:5 offense 9:14 offenses 9:13 Offer 6:10 10:6 Offer-in 8:10 10:18 Offer-in-Compr... 3:22 4:2,10,12 6:21 8:7 Oh 5:2 OIC 11:2,9 Okay 2:20 3:4,12 3:19 6:19 8:3 9:9 10:1,4,5 11:17 open 7:1,5,9 8:16 opposed 7:18 10:14 10:17 owner 2:14,18 8:15</p> <hr/> <p style="text-align: center;">P</p> <p>paid 6:6 parties 2:7 4:1 8:5 Pascal 2:9,10,10 3:5,7,18 6:9,12,18 9:22 10:3 Paul 2:10 payment 5:11 9:18 pending 4:20 5:16 9:16 Phillips 2:22 3:1,1 3:20 4:1,19 5:2,6 5:18,21 6:2,7 8:9 9:1,7,20 11:19 please 2:8 8:9 point 7:21 10:6 position 6:10 possibly 7:10 preliminaries 3:21 present 1:21 4:3 presiding 1:19 prior 11:13 purpose 7:7 P-R-O-C-E-E-D-... 2:1 p.m 2:2 8:1,2 11:21</p> | <p style="text-align: center;">Q</p> <p>question 3:15 8:20 questions 10:5 quick 8:19</p> <hr/> <p style="text-align: center;">R</p> <p>read 6:22 reading 3:13 reasonable 4:9 receive 3:5 recess 6:20 7:20 record 3:13 7:21 8:2,4 11:14 Reeves 1:18 regulations 11:12 repeat 9:6,10 requirement 6:3 respond 3:9 Retailer 1:12 return 7:21 right 5:6 6:16 9:11 Room 1:18 Roughly 11:5 Ruthanne 1:19,22</p> <hr/> <p style="text-align: center;">S</p> <p>sale 1:13 4:6 5:9 11:6 saying 3:14 second 4:11 7:12 10:8,9 Section 7:4,9 seeking 7:7 served 8:13 seven 7:19 8:13 9:15 short 6:20 7:20 shortly 7:22 show 1:10 3:6 SILVERSTEIN 1:24 six 10:18 11:5,13 sorry 4:16 5:2 specify 8:21 state 11:14 stated 10:7 Status 1:12</p> | <p>statutory 4:20 6:3 stayed 4:14 5:10,11 5:16,19,20 8:13 9:15 steps 1:14 4:9 Street 1:19 sure 3:8,9 9:10 suspended 5:15,18 8:12 9:14,17 suspension 4:14,17</p> <hr/> <p style="text-align: center;">T</p> <p>take 1:13 2:4 4:8 6:20 7:20 takes 8:6 Ten 5:3,4 terms 10:2 Thank 2:20 5:4 6:8 7:14 9:3,4 11:15 11:16,18,19 think 4:19 5:21 Thirty 6:7 three 4:5,10 5:14 8:13 9:12,16 11:5 Thursday 8:22 time 5:17 today 3:15 9:19 11:5 told 8:15 total 4:13 5:13 9:11 trading 2:5 translate 2:13 try 9:10 Tuesday 9:1 t/a 1:10</p> <hr/> <p style="text-align: center;">U</p> <p>understand 3:10 6:16 University 1:10 2:5 UW 1:10 2:5,15</p> <hr/> <p style="text-align: center;">V</p> <p>violation 9:16 violations 5:16 6:4 11:4 vote 7:18 10:17</p> | <p style="text-align: center;">W</p> <p>waive 3:13 waiving 6:16 want 3:9 8:4 11:10 warned 11:3 Washington 1:19 Wednesday 8:22 9:2 Weiss 2:10 We'll 7:20 We're 2:3 6:19 Wine 1:10 2:6 wish 5:7 worked 6:13</p> <hr/> <p style="text-align: center;">Y</p> <p>year 4:15,20 5:16 6:1,2 9:16</p> <hr/> <p style="text-align: center;">Z</p> <p>zero 7:19,19 10:18</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:7,15</p> <hr/> <p style="text-align: center;">\$</p> <p>\$2,000 5:10,14 9:13 \$3,000 5:8,13 9:12 \$5,000 4:14 5:13 9:12</p> <hr/> <p style="text-align: center;">#</p> <p>#11-251 2:4 #11-251-00048 2:4 7:8 #76744 1:12 2:6</p> <hr/> <p style="text-align: center;">0</p> <p>00049 2:5 7:9</p> <hr/> <p style="text-align: center;">1</p> <p>1:10 8:2 1:14 11:21 10 5:15 9:14,15 10-day 4:14 11-251 7:8 11-251-00048 1:9 11-251-00049 1:9</p> | <p>12:38 2:2 12:45 8:1 14th 1:18 18 1:16</p> <hr/> <p style="text-align: center;">2</p> <p>2000 1:18 2010 7:5,10 2012 1:16 8:14</p> <hr/> <p style="text-align: center;">3</p> <p>30 5:11 6:6 9:19 333 1:11</p> <hr/> <p style="text-align: center;">4</p> <p>4 5:15 405 7:4 405(b)(4) 7:9</p> <hr/> <p style="text-align: center;">6</p> <p>6th 8:14 9:8,18</p> <hr/> <p style="text-align: center;">7</p> <p>7th 8:14 9:8,18 783 4:9 5:10</p> <hr/> <p style="text-align: center;">8</p> <p>8th 8:14 9:8,18</p> |
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