

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

S & K Corporation	Show Cause
t/a 11th & M Corner Market	Hearing
1133 11th Street, NW	(Status)
Retailer B - ANC-2F	
License No. 86606	
Case #14-CMP-00709	

(Failed to Maintain Books and
Records - Two Counts)

April 8, 2015

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
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

9:59 a.m.

CHAIRPERSON MILLER: The next case is Case No. 14-CMP-00709, 11th and M Corner Market located at 1133 11th Street, N.W., License No. 86606, in ANC-2F.

MR. RIVERO: Fernando Rivero for the District of Columbia standing in for Assistant Attorney General Gephardt.

CHAIRPERSON MILLER: Okay. Is anybody here from M Corner Market?

MR. RIVERO: The licensee was actually here.

CHAIRPERSON MILLER: They were in the hearing room?

MR. RIVERO: I had a discussion with the licensee. We did not reach an agreement for an Offer in Compromise and I think he left.

CHAIRPERSON MILLER: Okay.

MR. RIVERO: I told him he had to come up here, but I don't know that he understood that.

1 CHAIRPERSON MILLER: Okay. So and our
2 records show that he was served on March 9, 2015.

3 We will go ahead then and schedule
4 this for a hearing, May 6, 2015 at 10:00 a.m.
5 All right.

6 (Whereupon, the above-entitled matter
7 went off the record at 10:00 a.m. and resumed at
8 10:44 a.m.)

9 CHAIRPERSON MILLER: Okay. So before
10 we go to our next hearing, I understand there are
11 a couple of Status Hearing cases that I called
12 earlier that wish to come forward that weren't
13 here before.

14 11th and M Corner Market? Is that
15 right, Mr. Rivero? Good morning. 11th and M, is
16 that one of the cases --

17 MR. RIVERO: Yes.

18 CHAIRPERSON MILLER: -- you would like
19 recalled? Okay. 11th and M Corner Market is Case
20 No. 14-CMP-00709.

21 MR. RIVERO: Good morning, Board
22 Members, Fernando Rivero for the District of

1 Columbia standing in for Assistant Attorney
2 General Gephardt.

3 CHAIRPERSON MILLER: And, sir, you can
4 have a seat.

5 MR. JEONG: Yes.

6 CHAIRPERSON MILLER: Yes. Could you
7 give us your name and have a seat?

8 MR. JEONG: Yes. My first name S-E
9 last name Jeong, J-E-O-N-G.

10 CHAIRPERSON MILLER: Okay.

11 MR. JEONG: From 11th and M Corner
12 Market.

13 CHAIRPERSON MILLER: All right. You
14 can sit down. I believe when we got to this
15 case, Mr. Rivero, I think this is the one where
16 you said he had been here, but left?

17 MR. RIVERO: Correct.

18 CHAIRPERSON MILLER: Okay.

19 MR. RIVERO: Yes, and came back.

20 CHAIRPERSON MILLER: He came back.

21 All right. So he came back in time.

22 MR. RIVERO: That's good.

1 CHAIRPERSON MILLER: I need to ask you
2 if you got notice of this hearing?

3 MR. JEONG: Yes. Actually what I move
4 store invoice to my home.

5 CHAIRPERSON MILLER: Okay. Wait a
6 second. No, we are not going to -- no, no. We
7 are not going to try the case today.

8 MR. JEONG: Yes.

9 CHAIRPERSON MILLER: I just want to
10 ask you some preliminary questions like did you
11 get notice of this hearing? Is that why you are
12 here? Did you get notice?

13 MR. JEONG: Yes.

14 CHAIRPERSON MILLER: Okay. And you
15 read it and understood it?

16 MR. JEONG: Yes.

17 CHAIRPERSON MILLER: Okay. So we
18 wanted to make sure there were no notice
19 questions. Okay. So, Mr. Rivero, do we have a
20 preliminary matter?

21 MR. RIVERO: We do. The parties have
22 an Offer in Compromise to present to the Board,

1 at this time.

2 CHAIRPERSON MILLER: Okay.

3 MR. RIVERO: The terms are for Charge
4 1, a mandatory written warning. For Charge 2, a
5 fine of \$1,000 payable in 30 days. If payment is
6 not made in 30 days, the license will be
7 suspended until the payment is made.

8 MR. JEONG: Yes. I agree.

9 CHAIRPERSON MILLER: You agree to the
10 terms?

11 MR. JEONG: \$1,000 fine.

12 CHAIRPERSON MILLER: \$1,000 within 30
13 days for Charge 2?

14 MR. JEONG: Yes, ma'am.

15 CHAIRPERSON MILLER: And mandatory
16 warning for the first charge? Just a warning.

17 MR. JEONG: Warning.

18 CHAIRPERSON MILLER: Does he
19 understand? Do you know what a warning means?

20 MR. RIVERO: I can --

21 CHAIRPERSON MILLER: Okay. Mr.
22 Rivero?

1 MR. JEONG: Yes.

2 CHAIRPERSON MILLER: Okay. But you
3 understanding?

4 MR. JEONG: Yes, I understand.

5 CHAIRPERSON MILLER: Okay. And do you
6 understand you waive your right to a hearing?
7 You won't have a hearing on this by coming to
8 agreement on this agreement. You know, you pay
9 \$1,000 and get a warning, you won't have a
10 hearing.

11 MR. JEONG: Yes. We get one month to
12 pay.

13 CHAIRPERSON MILLER: You pay within
14 one month.

15 MR. JEONG: From today?

16 CHAIRPERSON MILLER: Okay. So you
17 will not have a hearing then. You won't
18 challenge this?

19 MR. JEONG: No, I don't need hearing.

20 CHAIRPERSON MILLER: Okay. You won't
21 need to challenge here. And you won't challenge
22 by appealing it? Is that right? You understand

1 that?

2 MR. JEONG: Yes, I understand.

3 CHAIRPERSON MILLER: Okay. All right.
4 Good. Okay. Any Board questions?

5 MEMBER RODRIGUEZ: No.

6 CHAIRPERSON MILLER: Okay. Then I'm
7 going to move that we approve this Offer in
8 Compromise consisting of a mandatory warning for
9 Charge 1; a \$1,000 penalty for Charge 2, payable
10 within 30 days. If not paid within 30 days, the
11 license will be suspended.

12 MEMBER RODRIGUEZ: Second it.

13 CHAIRPERSON MILLER: Okay. Mr.
14 Rodriguez has seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 5-0-0. Okay.

20 (Whereupon, the Show Cause (Status)
21 Hearing in the above-entitled matter was
22 concluded at 10:49 a.m.)

<p style="text-align: center;">A</p> <p>\$1,000 6:5,11,12 7:9 8:9 a.m 2:2 3:4,7,8 8:22 above-entitled 3:6 8:21 abstaining 8:18 agree 6:8,9 agreement 2:17 7:8,8 ahead 3:3 Alcoholic 1:2,12,13 ANC-2F 1:7 2:6 anybody 2:10 appealing 7:22 approve 8:7 April 1:11 Assistant 2:8 4:1 Attorney 2:9 4:1 aye 8:15,16</p> <hr/> <p style="text-align: center;">B</p> <p>B 1:7 back 4:19,20,21 believe 4:14 Beverage 1:2,12,13 Board 1:2,12 3:21 5:22 8:4 Books 1:9 BROOKS 1:17 Building 1:13</p> <hr/> <p style="text-align: center;">C</p> <p>called 3:11 case 1:8 2:3,4 3:19 4:15 5:7 cases 3:11,16 Cause 1:6 8:20 Chairperson 1:14,16 2:3,10,14,19 3:1,9,18 4:3,6,10,13,18,20 5:1 5:5,9,14,17 6:2,9,12 6:15,18,21 7:2,5,13 7:16,20 8:3,6,13,17 challenge 7:18,21,21 charge 6:3,4,13,16 8:9 8:9 Columbia 1:1 2:8 4:1 come 2:20 3:12 coming 7:7 Compromise 2:18 5:22 8:8 concluded 8:22 consisting 8:8 Control 1:2,12,13 Corner 1:6 2:4,11 3:14 3:19 4:11 Corporation 1:6 Correct 4:17 Counts 1:10 couple 3:11</p>	<p style="text-align: center;">D</p> <p>D.C 1:14 days 6:5,6,13 8:10,10 discussion 2:16 District 1:1 2:8 3:22 DONALD 1:17</p> <hr/> <p style="text-align: center;">E</p> <p>earlier 3:12</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:9 favor 8:15 Fernando 1:20 2:7 3:22 fine 6:5,11 first 4:8 6:16 forward 3:12</p> <hr/> <p style="text-align: center;">G</p> <p>General 2:9 4:2 Gephardt 2:9 4:2 give 4:7 go 3:3,10 going 5:6,7 8:7 good 3:15,21 4:22 8:4</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:6,13 2:15 3:4 3:10,11 5:2,11 7:6,7 7:10,17,19 8:21 HECTOR 1:18 home 5:4</p> <hr/> <p style="text-align: center;">I</p> <p>invoice 5:4</p> <hr/> <p style="text-align: center;">J</p> <p>J-E-O-N-G 4:9 Jeong 4:5,8,9,11 5:3,8 5:13,16 6:8,11,14,17 7:1,4,11,15,19 8:2</p> <hr/> <p style="text-align: center;">K</p> <p>K 1:6 know 2:21 6:19 7:8</p> <hr/> <p style="text-align: center;">L</p> <p>left 2:18 4:16 license 1:8 2:5 6:6 8:11 licensee 2:12,17 located 2:5</p> <hr/> <p style="text-align: center;">M</p> <p>M 1:6 2:4,11 3:14,15,19 4:11 ma'am 6:14 Maintain 1:9</p>	<p>mandatory 6:4,15 8:8 March 3:2 Market 1:6 2:4,11 3:14 3:19 4:12 matter 1:5 3:6 5:20 8:21 means 6:19 MEETING 1:3 Member 1:17,17,18 8:5 8:12 Members 3:22 met 1:13 MIKE 1:17 Miller 1:14,16 2:3,10,14 2:19 3:1,9,18 4:3,6,10 4:13,18,20 5:1,5,9,14 5:17 6:2,9,12,15,18 6:21 7:2,5,13,16,20 8:3,6,13,17 month 7:11,14 morning 3:15,21 motion 8:14,18 move 5:3 8:7</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:13 2:5 name 4:7,8,9 need 5:1 7:19,21 notice 5:2,11,12,18 NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:20 Offer 2:18 5:22 8:7 Okay 2:10,19 3:1,9,19 4:10,18 5:5,14,17,19 6:2,21 7:2,5,16,20 8:3 8:4,6,13,19 opposed 8:18</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 paid 8:10 parties 5:21 passes 8:19 pay 7:8,12,13 payable 6:5 8:9 payment 6:5,7 penalty 8:9 preliminary 5:10,20 present 1:15,19 5:22 presiding 1:14</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 5:10,19 8:4</p> <hr/> <p style="text-align: center;">R</p> <p>reach 2:17</p>	<p>read 5:15 recalled 3:19 record 3:7 records 1:10 3:2 Reeves 1:13 resumed 3:7 Retailer 1:7 right 3:5,15 4:13,21 7:6 7:22 8:3 Rivero 1:20 2:7,7,12,16 2:20 3:15,17,21,22 4:15,17,19,22 5:19,21 6:3,20,22 Rodriguez 1:18 8:5,12 8:14 room 1:13 2:15 Ruthanne 1:14,16</p> <hr/> <p style="text-align: center;">S</p> <p>S 1:6 S-E 4:8 schedule 3:3 seat 4:4,7 second 5:6 8:12 seconded 8:14 served 3:2 show 1:6 3:2 8:20 SILVERSTEIN 1:17 sir 4:3 sit 4:14 standing 2:8 4:1 Status 1:7 3:11 8:20 store 5:4 Street 1:7,13 2:5 Suite 1:14 sure 5:18 suspended 6:7 8:11</p> <hr/> <p style="text-align: center;">T</p> <p>t/a 1:6 terms 6:3,10 think 2:18 4:15 time 4:21 6:1 today 5:7 7:15 told 2:20 try 5:7 Two 1:10</p> <hr/> <p style="text-align: center;">U</p> <p>understand 3:10 6:19 7:4,6,22 8:2 understanding 7:3 understood 2:21 5:15</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p style="text-align: center;">W</p> <p>Wait 5:5</p>
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