

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

b-----»
IN THE MATTER OF: :
: :
Suk In Hyun :
t/a DC Fish Carryout : Show Cause
3475 14th Street, NW : Hearing
Retailer B :
License No. 74236 :
Case #12-251-00086 :
: :
(Allowed the Establishment :
to be Used for the Sale :
of Illegal Drugs and :
Paraphernalia) :
b-----¼

May 8, 2013

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

NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
ALSO PRESENT:

LOUISE PHILLIPS, OAG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

(2:02 p.m.)

CHAIRPERSON MILLER: Okay. Good afternoon. We are ready to proceed with the afternoon calendar. The first case on our calendar is Case No. 12-251-00086, DC Fish Carryout located at 3475 14th Street, N.W.

Now, first, I think we have an interpreter here?

INTERPRETER WHONG: Yes.

CHAIRPERSON MILLER: Hi. What's your name?

INTERPRETER WHONG: Jon Whong, W-H-O-N-G, Jon.

CHAIRPERSON MILLER: Okay. I'm going to swear you in first.

Do you solemnly affirm that you will faithfully -- wait, is this Korean, too?

INTERPRETER WHONG: Korean.

CHAIRPERSON MILLER: Korean. Okay.

Do you solemnly affirm that you

1 will faithfully and accurately interpret the
2 proceedings in this matter from Korean into
3 English and from English into Korean to be
4 best of your ability?

5 INTERPRETER WHONG: Yes, I do.

6 CHAIRPERSON MILLER: Okay. Thank
7 you. Okay. So let's have introductions by
8 everybody else. And who else is with you?
9 Mr. Whong, yes.

10 INTERPRETER WHONG: Mr. Hyun, Suk
11 In.

12 CHAIRPERSON MILLER: Mr. Hyun, H-
13 Y-U-N?

14 INTERPRETER WHONG: Yes, yes.

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: Louise Phillips,
17 Assistant Attorney General, for the District
18 of Columbia. Good afternoon, Board.

19 CHAIRPERSON MILLER: Good
20 afternoon. So this is a Show Cause Hearing.

21 Are there any preliminary matters?

22 MS. PHILLIPS: There are no

1 preliminary matters. It is just going to be
2 submission of a certified copy of the sentence
3 of the Court, that will be the only evidence
4 that the District will present.

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: But I believe that
7 this is Mr. Hyun's first time before the
8 Board. I believe that he was not present for
9 the status conference because there was a
10 criminal matter. We have extended this
11 several times. Right.

12 I see on 6/13/2012, it was no show
13 and it was supposed -- he was -- I understood
14 that he might not come because there was a
15 criminal matter pending in Superior Court, so
16 that he would not maybe come to this. I don't
17 know.

18 CHAIRPERSON MILLER: So we didn't
19 establish then that he got notice of the
20 hearing?

21 MS. PHILLIPS: That's why I'm --

22 CHAIRPERSON MILLER: Okay.

1 MS. PHILLIPS: -- telling you
2 this.

3 CHAIRPERSON MILLER: Okay. All
4 Right. Where is the notice?

5 MS. PHILLIPS: We want everything
6 to go smoothly and it may not yet.

7 CHAIRPERSON MILLER: Okay. So
8 usually at the status conference we ask the
9 licensee whether he got notice of the hearing
10 and whether he understood the notice.

11 MS. PHILLIPS: Yes.

12 INTERPRETER WHONG: Yes, he
13 recalls that he received. He was in receipt
14 of hearing notice.

15 CHAIRPERSON MILLER: Right. Okay.
16 And did he read it and understand it?

17 INTERPRETER WHONG: Yes, yes.

18 CHAIRPERSON MILLER: Okay. So we
19 are going to make that notice a part of the
20 record, if there is no objection.

21 (Whereupon, the document was
22 marked for identification as

1 Exhibit 1 and was received in
2 evidence.)

3 MS. PHILLIPS: And for the record,
4 I gave him a copy of the notice, my only copy,
5 but a copy of the notice today and so that the
6 Interpreter could help him with it, if need be
7 today.

8 And also, I have spoken to both of
9 his criminal attorneys about this matter and
10 it is my understanding from them that they
11 explained what was happening at the Alcohol
12 Beverage proceeding and where we were going
13 with it.

14 CHAIRPERSON MILLER: You spoke to
15 his criminal attorneys?

16 MS. PHILLIPS: I spoke to both of
17 them.

18 CHAIRPERSON MILLER: Both. Okay.

19 MS. PHILLIPS: Mr. Paine put a
20 Notice of Appearance in front of ABRA, but
21 withdrew it when Mr. Hyun decided to change
22 attorneys.

1 Mr. Benowitz --

2 CHAIRPERSON MILLER: Wait. You're
3 going too fast. Are you -- he is
4 interpreting.

5 MS. PHILLIPS: And Mr. Benowitz is
6 also -- did not enter an appearance before
7 ABRA, though he said he was going to. He did
8 not, but I spoke to him Monday and he told me
9 that he would make his client come today,
10 because he had not intended to and that he
11 would explain it to him again what was going
12 to happen, but they were not contesting the
13 revocation, which is mandatory under the
14 statute.

15 CHAIRPERSON MILLER: Okay. And is
16 that what you will be addressing?

17 MS. PHILLIPS: That's what I'll be
18 addressing today.

19 CHAIRPERSON MILLER: Okay. And
20 are you saying you told the attorneys that you
21 would be addressing the revocation today?

22 MS. PHILLIPS: Yes. And I was

1 told by his attorney that they were not
2 contesting it. And when Mr. Hyun and I spoke
3 briefly, he told me that himself and then he
4 told me again with the Interpreter.

5 CHAIRPERSON MILLER: Okay?

6 INTERPRETER WHONG: Yes, yes.

7 CHAIRPERSON MILLER: Yes. He is
8 saying yes?

9 INTERPRETER WHONG: Yes, yes, yes,
10 ma'am.

11 CHAIRPERSON MILLER: Okay. All
12 Right. Then I'll let you proceed, Ms.
13 Phillips.

14 MS. PHILLIPS: I would have a
15 certified copy of the sentence of the Superior
16 Court. I gave a copy to Mr. Hyun right there.
17 And I would hand it up. I'm handing you the
18 copy with the original seal. It shows that he
19 pled guilty to distribution of a controlled
20 substance, cocaine. Is that true?

21 MR. HYUN: Yes.

22 CHAIRPERSON MILLER: Yes?

1 INTERPRETER WHONG: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MS. PHILLIPS: And according to DC
4 Code 25-822, if the licensee has been
5 convicted of a felony, it's a mandatory
6 revocation. And that's what the Government is
7 asking for, mandatory revocation.

8 CHAIRPERSON MILLER: And when was
9 he convicted of the felony?

10 MS. PHILLIPS: My true copy, it
11 was on the 18th of April. Let's see when it
12 is saying he was convicted. I don't know that
13 it has a date. Let me see, I have the docket
14 here somewhere, maybe I can -- I think it was
15 in 2013. It was just recently.

16 It looks like a hearing was held
17 on 6/13/2012, I'm sorry about saying it was
18 this year.

19 No, I'm sorry, I don't have the
20 docket. I can look. It didn't occur to me
21 that that would be relevant, so I'll try to
22 find it.

1 CHAIRPERSON MILLER: Well, I mean,
2 I have it in my notes that a guilty plea was
3 entered on November 1, 2012.

4 MS. PHILLIPS: I think that that
5 might have been, but I think they had
6 subsequent hearings and then it was entered --

7 CHAIRPERSON MILLER: Oh.

8 MS. PHILLIPS: -- later.

9 CHAIRPERSON MILLER: Okay. Well,
10 it's relevant to the part of the statute that
11 says that -- it says "The Board shall revoke
12 the license of a licensee as a result of any
13 of the following events," which you said he
14 has been convicted of a felony, which is No.
15 3.

16 And then it says "During the
17 period for which the license was issued," so
18 that's my next question. When was the period
19 for which the license was issued?

20 MS. PHILLIPS: I know that he was
21 arrested during the period when the license
22 was issued.

1 CHAIRPERSON MILLER: He was
2 arrested.

3 MS. PHILLIPS: That's all I know.

4 CHAIRPERSON MILLER: Do you know
5 if he was convicted during the period during
6 which the license was issued?

7 MS. PHILLIPS: I don't know that
8 his license was revoked. It is not relevant
9 to me, that portion of it is not relevant to
10 me. I'm sure your records are up to date.

11 CHAIRPERSON MILLER: Yes.

12 MS. PHILLIPS: I have something
13 that is called an application that something--
14 but that's '03, so that --

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: -- doesn't --

17 CHAIRPERSON MILLER: Okay.

18 MS. PHILLIPS: -- help me.

19 CHAIRPERSON MILLER: So he was
20 convicted while he had his license?

21 MS. PHILLIPS: Correct.

22 CHAIRPERSON MILLER: Yes.

1 MS. PHILLIPS: I just assumed --

2 CHAIRPERSON MILLER: He was
3 convicted --

4 MS. PHILLIPS: -- by the hearing
5 date that --

6 CHAIRPERSON MILLER: -- he still
7 has his license?

8 MS. PHILLIPS: -- he has got a
9 license, you know.

10 CHAIRPERSON MILLER: He still has
11 his license, correct?

12 MS. PHILLIPS: Otherwise, we
13 wouldn't be here today.

14 CHAIRPERSON MILLER: Correct.
15 Okay. That's a long period of time has gone
16 by. Okay. Okay. Did you have anything more
17 to add, Ms. Phillips?

18 MS. PHILLIPS: I have something
19 that says his license expires on 9/30/2014.

20 CHAIRPERSON MILLER: Okay. Then--

21 MEMBER ALBERTI: The issue is when
22 was the license issued?

1 CHAIRPERSON MILLER: Convicted --

2 MEMBER ALBERTI: When was the
3 license issued?

4 CHAIRPERSON MILLER: No.

5 MEMBER ALBERTI: Was it issued --

6 MS. PHILLIPS: I --

7 MEMBER ALBERTI: -- prior to?

8 Because we know the license is still in
9 existence and he is still currently the
10 licensee. So what --

11 MS. PHILLIPS: Can the staff
12 locate --

13 MEMBER ALBERTI: My question is
14 when did he first become a licensee?

15 MS. PHILLIPS: The only thing I
16 had was what I read you, which is a 2003, I
17 think, document.

18 MEMBER ALBERTI: Okay. So he has
19 been a licensee since 2003.

20 MS. PHILLIPS: Maybe he knows.

21 CHAIRPERSON MILLER: Are you
22 finished? I would turn to Mr. Whong.

1 MS. PHILLIPS: All I have is the
2 application that is dated -- that it was
3 accepted on 12/16/2003 and I can't read
4 anything else because it is scratched over.

5 CHAIRPERSON MILLER: Mr. Hyun,
6 were you convicted of this felony while you
7 had your license, alcohol license?

8 MR. HYUN: Yes, yes.

9 CHAIRPERSON MILLER: Okay. The
10 Government is moving under 25-822 that your
11 license be revoked because 25-822 speaks to
12 mandatory revocation if the licensee has been
13 convicted of a felony.

14 MR. HYUN: Yes.

15 CHAIRPERSON MILLER: Okay. So Ms.
16 Phillips had said that you were not contesting
17 that. Is that correct?

18 MR. HYUN: Yes.

19 INTERPRETER WHONG: No, he doesn't
20 contest.

21 CHAIRPERSON MILLER: Okay. Is
22 there anything else that anyone wants to say

1 before we rule on the Government's motion to
2 revoke?

3 All Right. Not hearing anything
4 then, I move that we revoke the license for DC
5 Fish Carryout pursuant to 25-822, because the
6 licensee has been convicted of a felony.

7 Do I have a second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Any other
10 comments, questions? Okay.

11 Then all those in favor of the
12 motion to revoke say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? Then the motion
16 passes 5-0-0 and this license is revoked.

17 Okay. Thank you.

18 MR. HYUN: Thank you.

19 INTERPRETER WHONG: Thank you.

20 CHAIRPERSON MILLER: Okay.

21 (Whereupon, the Show Cause Hearing
22 was concluded at 2:15 p.m.)

A	<p>calendar 2:5,6 called 11:13 Carryout 1:6 2:7 15:5 case 1:9 2:5,6 Cause 1:6 3:20 15:21 certified 4:2 8:15 Chairperson 1:17 1:19 2:3,11,15,20 3:6,12,15,19 4:5 4:18,22 5:3,7,15 5:18 6:14,18 7:2 7:15,19 8:5,7,11 8:22 9:2,8 10:1,7 10:9 11:1,4,11,15 11:17,19,22 12:2 12:6,10,14,20 13:1,4,21 14:5,9 14:15,21 15:9,14 15:20 change 6:21 client 7:9 cocaine 8:20 Code 9:4 Columbia 1:1 3:18 come 4:14,16 7:9 comments 15:10 concluded 15:22 conference 4:9 5:8 contest 14:20 contesting 7:12 8:2 14:16 Control 1:2,14,15 controlled 8:19 convicted 9:5,9,12 10:14 11:5,20 12:3 13:1 14:6,13 15:6 copy 4:2 6:4,4,5 8:15,16,18 9:10 correct 11:21 12:11 12:14 14:17 Court 4:3,15 8:16 criminal 4:10,15 6:9,15 currently 13:9</p>	D	<p>date 9:13 11:10 12:5 dated 14:2 DC 1:6 2:6 9:3 15:4 decided 6:21 distribution 8:19 District 1:1 3:17 4:4 docket 9:13,20 document 5:21 13:17 DONALD 1:21 Drugs 1:11 D.C 1:16</p>	E	<p>English 3:3,3 enter 7:6 entered 10:3,6 establish 4:19 Establishment 1:10 events 10:13 everybody 3:8 evidence 4:3 6:2 Exhibit 6:1 existence 13:9 expires 12:19 explain 7:11 explained 6:11 extended 4:10</p>	F	<p>faithfully 2:18 3:1 fast 7:3 favor 15:11 felony 9:5,9 10:14 14:6,13 15:6 find 9:22 finished 13:22 first 2:5,8,16 4:7 13:14 Fish 1:6 2:6 15:5 following 10:13 front 6:20</p>	G	<p>General 3:17 go 5:6 going 2:16 4:1 5:19 6:12 7:3,7,11 Good 2:3 3:18,19 Government 9:6 14:10 Government's 15:1 guilty 8:19 10:2</p>	H	<p>H 3:12 hand 8:17 handing 8:17 happen 7:12 happening 6:11 hearing 1:7,15 3:20 4:20 5:9,14 9:16 12:4 15:3,21 hearings 10:6 held 9:16 help 6:6 11:18 HERMAN 1:21 Hi 2:11 Hyun 1:6 3:10,12 6:21 8:2,16,21 14:5,8,14,18 15:18 Hyun's 4:7 H-O-N-G 2:14</p>	I	<p>identification 5:22 Illegal 1:11 intended 7:10 interpret 3:1 interpreter 2:9,10 2:13,19 3:5,10,14 5:12,17 6:6 8:4,6 8:9 9:1 14:19 15:19 interpreting 7:4 introductions 3:7 issue 12:21 issued 10:17,19,22 11:6 12:22 13:3,5</p>	J	<p>Jon 2:13,14 JONES 1:21</p>	K	<p>know 4:17 9:12 10:20 11:3,4,7 12:9 13:8 knows 13:20 Korean 2:18,19,20 3:2,3</p>	L	<p>let's 3:7 9:11 license 1:8 10:12,17 10:19,21 11:6,8 11:20 12:7,9,11 12:19,22 13:3,8 14:7,7,11 15:4,16 licensee 5:9 9:4 10:12 13:10,14,19 14:12 15:6 locate 13:12 located 2:7 long 12:15 look 9:20 looks 9:16 Louise 1:24 3:16</p>	M	<p>mandatory 7:13 9:5,7 14:12 marked 5:22 matter 1:5 3:2 4:10 4:15 6:9 matters 3:21 4:1 ma'am 8:10 mean 10:1 MEETING 1:3 Member 1:20,21 1:21,22 12:21 13:2,5,7,13,18 15:8 met 1:15 MIKE 1:22 Miller 1:17,19 2:3 2:11,15,20 3:6,12 3:15,19 4:5,18,22 5:3,7,15,18 6:14</p>	A	<p>ability 3:4 ABRA 6:20 7:7 abstaining 15:15 accepted 14:3 accurately 3:1 add 12:17 addressing 7:16,18 7:21 affirm 2:17,22 afternoon 2:4,5 3:18,20 ALBERTI 1:20 12:21 13:2,5,7,13 13:18 alcohol 6:11 14:7 Alcoholic 1:2,14,15 Allowed 1:10 appearance 6:20 7:6 application 11:13 14:2 April 9:11 arrested 10:21 11:2 asking 9:7 Assistant 3:17 assumed 12:1 attorney 3:17 8:1 attorneys 6:9,15,22 7:20 aye 15:12,13</p>	B	<p>B 1:8 believe 4:6,8 Benowitz 7:1,5 best 3:4 Beverage 1:2,14,15 6:12 Board 1:2,15 3:18 4:8 10:11 briefly 8:3 BROOKS 1:21 15:8 Building 1:15</p>	C
----------	--	----------	---	----------	---	----------	---	----------	--	----------	--	----------	---	----------	--	----------	---	----------	---	----------	---	----------	---	----------	--	----------

6:18 7:2,15,19 8:5 8:7,11,22 9:2,8 10:1,7,9 11:1,4,11 11:15,17,19,22 12:2,6,10,14,20 13:1,4,21 14:5,9 14:15,21 15:9,14 15:20 Monday 7:8 motion 15:1,12,15 move 15:4 moving 14:10	11:5 12:15 Phillips 1:24 3:16 3:16,22 4:6,21 5:1 5:5,11 6:3,16,19 7:5,17,22 8:13,14 9:3,10 10:4,8,20 11:3,7,12,16,18 11:21 12:1,4,8,12 12:17,18 13:6,11 13:15,20 14:1,16 plea 10:2 pled 8:19 portion 11:9 preliminary 3:21 4:1 present 1:18,23 4:4 4:8 presiding 1:17 prior 13:7 proceed 2:4 8:12 proceeding 6:12 proceedings 3:2 pursuant 15:5 put 6:19 P-R-O-C-E-E-D-... 2:1 p.m 2:2 15:22	9:6,7 14:12 revoke 10:11 15:2 15:4,12 revoked 11:8 14:11 15:16 right 4:11 5:4,15 8:12,16 15:3 Room 1:15 rule 15:1 Ruthanne 1:17,19	T telling 5:1 Thank 3:6 15:17,18 15:19 thing 13:15 think 2:8 9:14 10:4 10:5 13:17 time 4:7 12:15 times 4:11 today 6:5,7 7:9,18 7:21 12:13 told 7:8,20 8:1,3,4 true 8:20 9:10 try 9:21 turn 13:22 t/a 1:6	0 03 11:14 1 1 6:1 10:3 12-251-00086 2:6 12/16/2003 14:3 14th 1:7,15 2:7 18th 9:11 2 2:02 2:2 2:15 15:22 2000 1:15 20009 1:17 2003 13:16,19 2012 10:3 2013 1:13 9:15 25-822 9:4 14:10,11 15:5 3 3 10:15 3475 1:7 2:7 4 400S 1:16 5 5-0-0 15:16 6 6/13/2012 4:12 9:17 7 74236 1:8 8 8 1:13 9 9/30/2014 12:19
N name 2:12 need 6:6 NICK 1:20 notes 10:2 notice 4:19 5:4,9,10 5:14,19 6:4,5,20 November 10:3 NW 1:7 N.W 1:16 2:7	Q question 10:18 13:13 questions 15:10	S Sale 1:10 saying 7:20 8:8 9:12,17 says 10:11,11,16 12:19 scratched 14:4 seal 8:18 second 15:7,8 see 4:12 9:11,13 sentence 4:2 8:15 show 1:6 3:20 4:12 15:21 shows 8:18 SILVERSTEIN 1:22 smoothly 5:6 solemnly 2:17,22 sorry 9:17,19 speaks 14:11 spoke 6:14,16 7:8 8:2 spoken 6:8 staff 13:11 status 4:9 5:8 statute 7:14 10:10 Street 1:7,16 2:7 submission 4:2 subsequent 10:6 substance 8:20 Suite 1:16 Suk 1:6 3:10 Superior 4:15 8:15 supposed 4:13 sure 11:10 swear 2:16	U understand 5:16 understanding 6:10 understood 4:13 5:10 usually 5:8	U understand 5:16 understanding 6:10 understood 4:13 5:10 usually 5:8
O OAG 1:24 objection 5:20 occur 9:20 Oh 10:7 Okay 2:3,15,21 3:6 3:7,15 4:5,22 5:3 5:7,15,18 6:18 7:15,19 8:5,11 9:2 10:9 11:15,17 12:15,16,16,20 13:18 14:9,15,21 15:10,17,20 opposed 15:15 original 8:18	R read 5:16 13:16 14:3 ready 2:4 recalls 5:13 receipt 5:13 received 5:13 6:1 record 5:20 6:3 records 11:10 Reeves 1:15 relevant 9:21 10:10 11:8,9 result 10:12 Retailer 1:8 revocation 7:13,21	W W 2:13 wait 2:18 7:2 want 5:5 wants 14:22 Washington 1:16 Whong 2:10,13,13 2:19 3:5,9,10,14 5:12,17 8:6,9 9:1 13:22 14:19 15:19 withdrew 6:21 wouldn't 12:13	W W 2:13 wait 2:18 7:2 want 5:5 wants 14:22 Washington 1:16 Whong 2:10,13,13 2:19 3:5,9,10,14 5:12,17 8:6,9 9:1 13:22 14:19 15:19 withdrew 6:21 wouldn't 12:13	3 3 10:15 3475 1:7 2:7 4 400S 1:16 5 5-0-0 15:16 6 6/13/2012 4:12 9:17 7 74236 1:8 8 8 1:13 9 9/30/2014 12:19
P Paine 6:19 Paraphernalia 1:12 part 5:19 10:10 passes 15:16 pending 4:15 period 10:17,18,21	P P 1:4,12 # #12-251-00086 1:9	Y year 9:18 Y-U-N 3:13	Y year 9:18 Y-U-N 3:13	8 1:13 9 9/30/2014 12:19