

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

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Three Way Liquors, Inc. :

t/a Three Way Liquors. Inc. :

4823 Georgia Ave. NW :

License #ABRA-021972 :

Retailer A - Renewal :

Case #12-PRO-00058 :

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MONDAY, June 4, 2012

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C., Ms. La Verne Fletcher, Agent, presiding.

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

10:03 a.m.

AGENT FLETCHER: Are all the parties present in the matter of Three Way Liquors, Inc.? The parties in the matter of Three Way Liquors, Inc. Okay. You can be seated at this table over here. Yes. You can just pull up a couple more chairs and just be seated at that table. Thank you.

This is Case Number 12-PRO-00058, Three Way Liquors, Inc., trading as Three Way Liquors, 4823 George Avenue, NW, License Number ABRA-021972. This a Retailer Class A, Renewal Application. The protest issues are adverse impact on peace, order, and quiet.

My name is La Verne Fletcher, and I will be conducting the Roll Call Hearing as the Board's Agent pursuant to D.C. Official Code 1601.2.

Introductions, beginning with the Applicant, please?

MR. DIETZ: Yes. I'm Bernard C.

1 Dietz. I'm representing the Applicant. I  
2 have with me, Mr. Jungseu Yu, who is the  
3 president of the Applicant corporation.

4 AGENT FLETCHER: Mr. Dietz, would  
5 you spell your name for the court reporter,  
6 please?

7 MR. DIETZ: First name is Bernard,  
8 B-E-R-N-A-R-D, Dietz, D-I-E-T-Z.

9 AGENT FLETCHER: And the spelling  
10 of your name, sir?

11 MR. YU: Jungseu Yu, J-U-N-G-S-E-U  
12 last name Y-U.

13 AGENT FLETCHER: Thank you, very  
14 much. And present on behalf of the  
15 Protestant?

16 PASTOR WAY: Yes. Good morning.

17 AGENT FLETCHER: Good morning.

18 PASTOR WAY: Pastor Alfonso Way,  
19 Senior Pastor of the Faith Assembly of Christ  
20 Church of Washington, D.C.

21 AGENT FLETCHER: And Pastor Way,  
22 would you spell your name for the court

1 reporter, please?

2 PASTOR WAY: A-L-F-O-N-S-O, last  
3 name W-A-Y.

4 AGENT FLETCHER: Thank you. And  
5 your name, sir?

6 MR. BOND: Charles Bond, B-O-N-D.

7 AGENT FLETCHER: And Mr. Bond, are  
8 you with Pastor Way?

9 MR. BOND: Yes.

10 AGENT FLETCHER: Okay. I just  
11 wanted to make sure that the church is the  
12 Protestant. You are accompanying Pastor Way?

13 MR. BOND: Yes.

14 AGENT FLETCHER: Okay, with the  
15 church. Okay. Thank you. There is one  
16 Protestant in this matter, Faith Assembly of  
17 Christ Church. The church does have standing  
18 as a Protestant. A church normally does not  
19 have standing as a Protestant. But, in this  
20 case, the church does have standing as a  
21 Protestant because the church is an abutting  
22 property owner. And, according to the records

1 of the Department of Consumer and Regulatory  
2 Affairs, the Property Information System, the  
3 church actually owns the property. So,  
4 therefore, you are considered an abutting  
5 property owner and you have standing as a  
6 Protestant.

7 Pastor Way, there is one issue  
8 that I'd like to bring to your attention,  
9 related to the actual claims in the protest  
10 letter. One of the protest issues is noise.  
11 The church is exempt from filing just that  
12 portion of the complaint because the noise  
13 complaint is exempt because the church is  
14 located in a commercial zone. But the other  
15 issues are fine.

16 PASTOR WAY: Okay. That's fine.

17 AGENT FLETCHER: So you have other  
18 issues, aside from noise. It's just the noise  
19 issue that you cannot pursue, because you're  
20 located in a commercial zone.

21 PASTOR WAY: Okay. Thank you.

22 That's understandable. Thank you, Ms.

1 Fletcher.

2 AGENT FLETCHER: Yes. You are  
3 welcome. And I will just state for the  
4 record, the issue of noise is pursuant to D.C.  
5 Official Code 25-725.

6 PASTOR WAY: Ms. Fletcher, could  
7 you repeat the code?

8 AGENT FLETCHER: Yes. It's D.C.  
9 Official Code 25-725.

10 PASTOR WAY: Thank you, Ms.  
11 Fletcher.

12 AGENT FLETCHER: You're welcome.  
13 And your name, ma'am?

14 MS. WAY: Ms. Way.

15 AGENT FLETCHER: And your first  
16 name, Ms. Way?

17 MS. WAY: Tawanna, T-A-W-A-N-N-A.

18 AGENT FLETCHER: Thank you. And  
19 your last name is spelled?

20 MS. WAY: W-A-Y.

21 AGENT FLETCHER: Okay. And you  
22 are also accompanying the church?

1 MS. WAY: The church.

2 AGENT FLETCHER: Okay. Thank you.

3 Okay. Any questions? Okay. So the Faith  
4 Assembly Church of Christ is the only  
5 Protestant in this matter. I have some dates  
6 for you. Actually, we will just set a date  
7 for mediation. I would normally give you the  
8 date for a Status Hearing and a Protest  
9 Hearing today, but those dates have not been  
10 provided to me. So you will receive those  
11 dates by mail. Today, I'm just going to set  
12 a date for the mediation only. And I will  
13 give you the next available dates.

14 I can tell you that the Status  
15 Hearing will not be before July 18. It will  
16 not be before July 18. That much, I know.  
17 So, following the mediation, the Status  
18 Hearing will be after July 18, 2012. I will  
19 give you the next available dates for  
20 mediation. Tuesday, June 19 and Friday June  
21 22, 2012 are available. The 19th is a Tuesday  
22 and the 22nd is a Friday. Is anybody

1 available on the 19th?

2 PASTOR WAY: Of June?

3 AGENT FLETCHER: Of June, yes.

4 And that would be at 9:00, 10:00, 11:00 or  
5 1:00.

6 MR. DIETZ: What day is that  
7 again?

8 AGENT FLETCHER: That's Tuesday,  
9 June 19th.

10 PASTOR WAY: And the times, Ms.  
11 Fletcher?

12 AGENT FLETCHER: Yes. 10:00,  
13 11:00, or 1:00.

14 MR. DIETZ: One works best for me.

15 PASTOR WAY: Let me confer with my  
16 staff.

17 AGENT FLETCHER: Okay.

18 PASTOR WAY: Are there any other  
19 dates available, other than June 19?

20 AGENT FLETCHER: Yes. Would you  
21 like to move to July? Or in June still? June  
22 22nd is also available, that Friday. But

1 there are other dates available in June, as  
2 well.

3 PASTOR WAY: So June 19th?

4 AGENT FLETCHER: June 19th --

5 PASTOR WAY: June 22nd?

6 AGENT FLETCHER: -- 22nd, and  
7 28th, and 29th.

8 PASTOR WAY: What is a -- can I  
9 confer with my staff?

10 AGENT FLETCHER: Yes.

11 (Whereupon, off the record  
12 discussion.)

13 PASTOR WAY: Ms. Fletcher, we have  
14 a question.

15 AGENT FLETCHER: Yes?

16 PASTOR WAY: My staff wants to  
17 know, will you need all of us? Or will it  
18 just be me as the principal representative of  
19 the ministry?

20 AGENT FLETCHER: It can actually  
21 be whomever you designate. You're the Pastor.  
22 Of course, you can come. But if you would

1       like to designate someone else to come on  
2       behalf of the church, that would be fine,  
3       since you appeared today, of course.

4               PASTOR WAY:   Or we can all come  
5       together, as a team?

6               AGENT FLETCHER:   Do you mean the  
7       three of you at the table?

8               PASTOR WAY:   Well, I have six  
9       members.

10              AGENT FLETCHER:   Yes.   Not  
11       everybody -- this is what we prefer.   We would  
12       prefer a designated representative, as opposed  
13       to a group of people.   Anyone who is a  
14       protestant has the right to be present.   In  
15       this case, the church is the Protestant, not  
16       all the individuals.

17              PASTOR WAY:   But I could bring my  
18       -- I could bring my staff with me?

19              AGENT FLETCHER:   Yes.   You can  
20       bring --

21              PASTOR WAY:   Is there any limit on  
22       the staff that I can bring?

1                   AGENT FLETCHER:  Yes.  There is --  
2                   yes.  The church has standing.  The church  
3                   itself has standing.

4                   PASTOR WAY:  Right.  But what I'm  
5                   saying, of the church --

6                   AGENT FLETCHER:  Yes?

7                   PASTOR WAY:  Is there any limit on  
8                   what --

9                   AGENT FLETCHER:  Yes.  Yes.  There  
10                  is a limit.

11                  PASTOR WAY:  What is the limit.

12                  AGENT FLETCHER:  Let me just  
13                  explain this, Pastor Way.  You filed your  
14                  protest on behalf of the church and you had a  
15                  long list of signatures in support of your  
16                  petition.

17                  PASTOR WAY:  Yes.

18                  AGENT FLETCHER:  But we are  
19                  recognizing the church as the Protestant, not  
20                  all of the individuals.

21                  PASTOR WAY:  Okay.

22                  AGENT FLETCHER:  Just the church.

1 PASTOR WAY: Okay.

2 AGENT FLETCHER: So, for us, the  
3 church has standing. You're the Pastor of the  
4 church and you may designate a representative  
5 to appear on your behalf. But all the  
6 individuals --

7 PASTOR WAY: Don't have to come.

8 AGENT FLETCHER: Exactly.

9 PASTOR WAY: Okay. Now, so we  
10 just want a subset. So we'll set -- and I  
11 just need a moment. Because they -- they  
12 accompany me and support me --

13 AGENT FLETCHER: Yes?

14 PASTOR WAY: -- in various tasks.

15 AGENT FLETCHER: So, for the  
16 purpose of mediation, the support group cannot  
17 participate. You can designate a  
18 representative. But the support group can be  
19 present during the Protest Hearing if we can't  
20 resolve this matter in mediation to your  
21 mutual satisfaction.

22 PASTOR WAY: I see.

1                   AGENT FLETCHER:  Then there will  
2                   be a Protest Hearing before the full Board.

3                   PASTOR WAY:  Right.

4                   AGENT FLETCHER:  And, in that  
5                   case, everybody -- all the supporters --

6                   PASTOR WAY:  So I can bring my  
7                   staff then?

8                   AGENT FLETCHER:  You can bring --  
9                   you can only designate -- for mediation?

10                  PASTOR WAY:  For mediation, I will  
11                  be the person who comes.

12                  AGENT FLETCHER:  Yes.  You can  
13                  bring someone else if you like, but not  
14                  everybody.  For example, if you wanted to  
15                  bring the two individuals that are present  
16                  with you today, that would be fine.  But not  
17                  the sub-group that you just mentioned in the  
18                  back.

19                  PASTOR WAY:  Okay.  So, for our  
20                  response to you, we will just find a date and  
21                  we'll promptly give you that date.  And, for  
22                  the rest of us, if we can't solve it at

1 mediation, then we'll bring the rest of my  
2 staff?

3 AGENT FLETCHER: Yes. If there is  
4 a Protest Hearing.

5 PASTOR WAY: Yes.

6 AGENT FLETCHER: There is going to  
7 be a Status Hearing beyond today, for which I  
8 cannot give you the date. The purpose of the  
9 Status Hearing is to report to the Board the  
10 outcome of the mediation.

11 MS. BARRITEAU: Right.

12 AGENT FLETCHER: For the purpose  
13 of the Status Hearing, you can just designate  
14 any person. Because all you will do is tell  
15 the ABC Board the results of the mediation.  
16 And they will restate the Protest Hearing  
17 date. So there are no decisions made. It's  
18 just a Status Hearing.

19 PASTOR WAY: Okay. Who will  
20 conduct the mediation?

21 AGENT FLETCHER: I will.

22 PASTOR WAY: Okay.

1                   AGENT FLETCHER: My card is on the  
2 table.

3                   PASTOR WAY: Yes.

4                   AGENT FLETCHER: I am the Board's  
5 mediator as well. There is my card on the  
6 table.

7                   PASTOR WAY: Thank you.

8                   AGENT FLETCHER: And you can just  
9 contact me. If you are going to say anything,  
10 you have to step forward, state your name, and  
11 read it into the record.

12                  MS. BARRITEAU: Good morning, Ms.  
13 Fletcher.

14                  AGENT FLETCHER: Good morning.

15                  MS. BARRITEAU: My name is Edna  
16 Barriteau, and I'm a resident of Delafield,  
17 right on the corner of the Alcohol and the  
18 church.

19                  AGENT FLETCHER: Are you with the  
20 church?

21                  MS. BARRITEAU: Yes, I am.

22                  AGENT FLETCHER: Edna, could you

1 please spell your full name for the record?

2 MS. BARRITEAU: E-D-N-A

3 B-A-R-R-I-T-E-A-U.

4 AGENT FLETCHER: Thank you.

5 MS. BARRITEAU: Yes. You said it  
6 was a commercial area.

7 AGENT FLETCHER: Right.

8 MS. BARRITEAU: That is also a  
9 residential area.

10 AGENT FLETCHER: Yes. The church,  
11 itself, is all we're not looking at. Not the  
12 residents. The church is the Protestant and  
13 the church is zoned commercial. It's zoned C-  
14 2-A, which is a commercial zone. So, although  
15 the residents may be located in the  
16 residential area, the church, which is the  
17 Protestant, is located in a commercial zone.

18 MS. BARRITEAU: Okay. Thank you.

19 AGENT FLETCHER: You are welcome.

20 PASTOR WAY: As a member, and as a  
21 part of the staff, they can still speak to the  
22 impact, both commercially and residentially?

1 AGENT FLETCHER: Yes. We're --

2 PASTOR WAY: Even though you are  
3 primarily concerned with the commercial?

4 AGENT FLETCHER: Yes. You can --

5 PASTOR WAY: The commercial is  
6 right next to -- the majority of the square  
7 footage of that block is residential.

8 AGENT FLETCHER: Yes.

9 PASTOR WAY: Even though the  
10 liquor store and the church is there.

11 AGENT FLETCHER: Yes.

12 PASTOR WAY: The majority of that  
13 square footage -- so, by virtue of the -- the  
14 majority of manual square footage, I would  
15 like for you to know that we're going to  
16 present, not only as a church, but the members  
17 of --

18 AGENT FLETCHER: Yes.

19 PASTOR WAY: -- the church is made  
20 up of people.

21 AGENT FLETCHER: Yes. That's  
22 fine.

1 PASTOR WAY: And so it's not just  
2 real estate. It's people who --

3 AGENT FLETCHER: Yes.

4 PASTOR WAY: -- and children and  
5 grandchildren who are affected by our  
6 complaints.

7 AGENT FLETCHER: Yes. And those  
8 individuals would be your witnesses if the  
9 case --

10 PASTOR WAY: Right.

11 AGENT FLETCHER: If we have a  
12 Protest Hearing.

13 PASTOR WAY: If we have a Protest  
14 Hearing.

15 AGENT FLETCHER: The ideal  
16 situation is that the parties are able to  
17 resolve the protest issues during mediation.  
18 But you are not required to do that. It is  
19 just an opportunity to do that.

20 PASTOR WAY: Okay. Okay.

21 AGENT FLETCHER: If you are not  
22 able to do that, then there is a Protest

1 Hearing, at which time you can bring your  
2 witnesses.

3 PASTOR WAY: I can then - yes.  
4 Okay. Thank you for clarifying that.

5 AGENT FLETCHER: You are welcome.  
6 And, Pastor Way, there's a sheet of paper on  
7 the table -- oh, you've filled that out  
8 already, with your name, e-mail address and --

9 PASTOR WAY: I will.

10 AGENT FLETCHER: Okay.

11 PASTOR WAY: We want to give you a  
12 date, to respond.

13 AGENT FLETCHER: Okay.

14 (Whereupon, of the record  
15 discussion between participants.)

16 PASTOR WAY: Ms. Fletcher, for us,  
17 10:00 on Tuesday, June 19th.

18 AGENT FLETCHER: 10:00 on June  
19 19th?

20 PASTOR WAY: Would be appropriate.

21 AGENT FLETCHER: Okay. So  
22 mediation is set for June 19th at 10:00 a.m.

1 MR. DIETZ: For the record.

2 AGENT FLETCHER: Yes.

3 MR. DIETZ: When you schedule the  
4 Status, could you possibly schedule it after  
5 July 16th, so it doesn't interfere with a  
6 long-planned vacation?

7 AGENT FLETCHER: And, Mr. Dietz,  
8 it will be scheduled after the 18th.

9 MR. DIETZ: After July 18th?

10 AGENT FLETCHER: Yes.

11 MR. DIETZ: Okay.

12 AGENT FLETCHER: It will  
13 definitely be scheduled after July 18th. Will  
14 that be okay?

15 MR. DIETZ: Yes. That's fine.

16 AGENT FLETCHER: Okay. And so you  
17 will receive notices in the mail related to  
18 the scheduling of the Status Hearing and the  
19 Protest Hearing. Any questions? Any  
20 questions, Pastor Way?

21 PASTOR WAY: No. I was just  
22 communicating with ny staff. 10:00 June 19,

1 2012, here.

2 AGENT FLETCHER: Here. Yes. Just  
3 check in with the receptionist.

4 PASTOR WAY: And they will direct  
5 us?

6 AGENT FLETCHER: Yes. Okay.

7 PASTOR WAY: Is there anything  
8 that we need to do, from your perspective, to  
9 facilitate or to help you facilitate this  
10 process? Or what can we expect in terms of  
11 duration? Some of us have other jobs and are  
12 bi-vocational. Should we expect two hours?  
13 Should we expect 20 minutes? And what should  
14 be expect to be able to competently be a part  
15 of the mediation?

16 AGENT FLETCHER: You should expect  
17 at least one hour -- at least one hour. And,  
18 in terms of what you can do to facilitate the  
19 process, is to just be open to the possibility  
20 of a resolution and be able to discuss the  
21 particulars of the protest and what your  
22 particular concerns are, to the extent that

1 the licensee has an opportunity to hear what  
2 your concerns are and to, hopefully, come to  
3 some resolution. But, as I said, that's not  
4 a requirement. But it's preferable, if you  
5 have the ability resolve the issues among  
6 yourselves. If not, the case just goes  
7 forward to the next step.

8 PASTOR WAY: Okay.

9 AGENT FLETCHER: You are not  
10 required to.

11 PASTOR WAY: And the next step  
12 would be the --

13 AGENT FLETCHER: The next step  
14 would be the Status Hearing, where you'd report  
15 to the Board the results of the mediation.

16 PASTOR WAY: But, at that point,  
17 we still are not necessarily presenting our  
18 case. We're just reporting back to the Board?

19 AGENT FLETCHER: Exactly.

20 PASTOR WAY: The -- the -- the  
21 accountability piece, as it relates to what we  
22 do on the 19th?

1                   AGENT FLETCHER: Exactly. That's  
2                   it. When that case is called forward at the  
3                   Status Hearing, the Board --

4                   PASTOR WAY: And we'll set that  
5                   date post what happens?

6                   AGENT FLETCHER: Yes. That date  
7                   would normally be set today. But -- those  
8                   dates would normally be set today. But the  
9                   person that provides me with those dates is  
10                  not here.

11                  PASTOR WAY: Okay.

12                  AGENT FLETCHER: And so I don't  
13                  know what the other dates will be. But, when  
14                  you appear for the Status Hearing, they will  
15                  only want to know that you participated in  
16                  mediation, because that's mandatory. Although  
17                  it is not mandatory that you reach an  
18                  agreement. It is mandatory that you --

19                  PASTOR WAY: That we have  
20                  mediation?

21                  AGENT FLETCHER: Exactly.

22                  PASTOR WAY: Thank you.

1                   AGENT FLETCHER:  So they will only  
2                   want to know the outcome of that.  That's it.

3                   PASTOR WAY:  Who do I give this to  
4                   when I complete it?

5                   AGENT FLETCHER:  Just leave it  
6                   there.

7                   PASTOR WAY:  Just leave it there?

8                   AGENT FLETCHER:  Yes.

9                   PASTOR WAY:  Thank you.

10                  AGENT FLETCHER:  You're welcome.

11                  And I will wait until you do that before I  
12                  call the next case.  That has to stay there  
13                  for -- so the only name that needs to be on  
14                  that list is the name of the person that I  
15                  will communicate with if I have to.

16                  PASTOR WAY:  Yes.  And that will  
17                  be me.

18                  AGENT FLETCHER:  Okay.  The Roll  
19                  Call Hearing is concluded.

20                  (Whereupon, the Roll Call Hearing  
21                  was concluded at 10:20 a.m.)

22

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