

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

2 (9:42 a.m.)

3 CHAIRPERSON MILLER: Good morning,
4 ladies and gentlemen. I would like to welcome
5 you to the regularly scheduled meeting of the
6 District of Columbia Alcoholic Beverage
7 Control Board. Today is June 6, 2012.

8 My name is Ruthanne Miller. I'm
9 the Chairperson. Joining me to my far right
10 is Mr. Calvin Nophlin. To his immediate left
11 is Mr. Donald Brooks. To my immediate right
12 is Mr. Nick Alberti. To my left is Mr. Mike
13 Silverstein. The Board has five Members in
14 attendance for the conduct of business today,
15 with three constituting a quorum.

16 Copies of today's hearing calendar
17 and agenda are available at the receptionist
18 desk.

19 Please be aware that these
20 proceedings are being recorded by a court
21 reporter. Accordingly, we must ask you to
22 refrain from any disruptive noises or actions

1 in the hearing room.

2 If you have any electronic
3 devices, pagers, cell phones or such, please,
4 make certain that they are turned off to avoid
5 any interruption of the proceedings.

6 Please note that there is a piece
7 of paper on each table in the front. When you
8 come forward as your case is called, please,
9 take a seat at the table and, please, sign-in.
10 This is to ensure the correct spelling of your
11 name for the record.

12 The record will be closed at the
13 conclusion of each case, except for any
14 material specifically requested by the Board
15 or if the parties elect to submit proposed
16 findings of fact and conclusions of law within
17 30 calendar days after the conclusion of the
18 hearing, as permitted by 23 DCMR ^U 1717.2.

19 After the record is closed, no
20 other information will be accepted by the
21 Board.

22 Copies of transcripts are

1 available by contacting ABRA's Records
2 Manager, Bill Hager, and it is the sole
3 responsibility of the parties to make this
4 request.

5 The Open Meetings Act requires
6 that a public hearing on each case be open to
7 the public. The Board may, consistent with ^U
8 405(b) of the Open Meetings Act, enter a
9 closed meeting during or after the public
10 hearing on a case to consult with an attorney
11 to obtain legal advice, discuss settlement
12 agreements or deliberate upon a decision in an
13 adjudication proceeding.

14 We will now turn to the first case
15 on our calendar, which is a Protest (Status)
16 Hearing. And that is Case No. 12-PRO-00022,
17 Town Square Gourmet, located at 4418 MacArthur
18 Boulevard, N.W., License No. 78664 in ANC-3D.

19 Would the parties in that case,
20 please, come forward and take a seat at the
21 table? Good morning. And when you are ready,
22 would you introduce yourselves for the record,

1 please?

2 TRANSLATOR SHIN: My name is
3 James. I'm Mr. Kim's translator in Korean.

4 CHAIRPERSON MILLER: Okay. Your
5 name is James?

6 TRANSLATOR SHIN: James Shin, S-H-
7 I-N.

8 CHAIRPERSON MILLER: S-H-I-N,
9 okay.

10 TRANSLATOR SHIN: This is Mr. Kim,
11 Richard Kim.

12 CHAIRPERSON MILLER: You will be
13 translating for Mr. Kim?

14 TRANSLATOR SHIN: Yes.

15 CHAIRPERSON MILLER: Okay. Mr.
16 Shin, I need to swear you in, since you will
17 be speaking for him.

18 TRANSLATOR SHIN: Yes.

19 CHAIRPERSON MILLER: Okay.

20 (Whereupon, interpreter was
21 sworn.)

22 CHAIRPERSON MILLER: Okay. Thank

1 you. And over here?

2 MR. ROSS: Good morning, Madam
3 Chairman.

4 CHAIRPERSON MILLER: Good morning.

5 MR. ROSS: My name is Stuart Ross
6 and I'm the Chairman of ANC-3D. We are the
7 protesters.

8 CHAIRPERSON MILLER: Okay. And
9 are there any preliminary matters in this
10 case? Otherwise, we will just set it for
11 hearing.

12 MR. ROSS: There are no
13 preliminary matters. We had the required
14 mediation and we were unable to make any
15 progress in that. And I do not believe that
16 we will be able to make any progress. I think
17 that the date is July 25th which has been set
18 for the hearing, at least that was the
19 preliminary date.

20 CHAIRPERSON MILLER: Okay. Yes,
21 the date for the Protest Hearing is July 25th
22 at 1:30.

1 MR. KIM: The 27th you say?

2 CHAIRPERSON MILLER: 25.

3 MR. KIM: 25, yes.

4 CHAIRPERSON MILLER: Okay. You
5 don't have any preliminary matters? Okay. So
6 what I'm going to do now is read you the
7 instructions for proceeding to a protest
8 hearing.

9 MR. ROSS: Madam Chairman, I do
10 have one preliminary thing that I forgot to
11 mention to you.

12 I think, at this Protest Hearing,
13 it will be very helpful if we had a translator
14 that was -- is obtained by the Board. I am
15 not criticizing in any way the gentleman who
16 is translating today, but I think we ought to
17 have someone who is an independent individual.

18 CHAIRPERSON MILLER: Okay. Do you
19 have anything else to say as to why you are
20 requesting that?

21 MR. ROSS: I guess it's probably
22 having practiced law for 45 years and when I

1 have been in court before in situations like
2 this, the court usually will require an
3 independent individual.

4 I think the gentleman sitting here
5 is a preacher, actually, if I --

6 CHAIRPERSON MILLER: Okay.

7 MR. ROSS: -- remember what he
8 said before.

9 CHAIRPERSON MILLER: Okay. Any
10 response?

11 MR. KIM: He ask, does he have a
12 choice? Do he have a choice?

13 CHAIRPERSON MILLER: I can't
14 really say at this point. I'm going to -- I
15 think what I would suggest is we take the
16 request under advisement and confer with our
17 attorneys and then our attorneys will get back
18 to you.

19 But if you have a position you
20 want to take on his request?

21 MR. KIM: The case in here, he was
22 talking and he would like to continue to use

1 me as his interpreter, because --

2 CHAIRPERSON MILLER: Okay.

3 MR. KIM: -- I know the -- all the
4 situations.

5 CHAIRPERSON MILLER: Okay. So
6 that's noted. And then we will get back on
7 that request.

8 MR. ROSS: My response would be
9 that I think that what he just said is almost
10 disqualifying. And that I would hope that we
11 would be able to arrive at someone who is
12 independent. And I do not mean to cast any
13 aspersions on the integrity or anything like
14 that for the gentleman who has been helping
15 him along.

16 CHAIRPERSON MILLER: Okay.
17 Actually, I've had a moment to confer with our
18 legal counsel and we will make a full request
19 to have an independent interpreter here.

20 MR. ROSS: Thank you very much.

21 CHAIRPERSON MILLER: Okay. So --

22 MR. KIM: So there will be another

1 translator which is from -- there will be a
2 different translator?

3 CHAIRPERSON MILLER: Yes. There
4 will be an official independent translator.

5 MR. ROSS: I appreciate that.

6 CHAIRPERSON MILLER: Okay. It's
7 not to say you cannot be here at the hearing
8 as well, but the official --

9 MR. KIM: Oh, yes, yes, I'll be
10 here.

11 CHAIRPERSON MILLER: Okay. Good.
12 All right. All right. If you have other
13 questions, you know, you can ask our staff
14 before the hearing.

15 So I just wanted to tell you in
16 general about the Protest Hearing and being
17 prepared for that.

18 A Protest Hearing is a focused
19 hearing addressing only those issues that are
20 being protested. You should have received in
21 a mailing, from Adjudication Assistant Sarah
22 Fashbaugh, a letter explaining the protest

1 process and a copy of the Protest Information
2 Form.

3 If you don't have these documents,
4 please, see Ms. Fashbaugh at the conclusion of
5 this hearing.

6 TRANSLATOR SHIN: A copy of?

7 CHAIRPERSON MILLER: If you don't
8 have the documents, see Ms. Fashbaugh after
9 this hearing.

10 TRANSLATOR SHIN: Oh. What's her
11 name? I'm sorry.

12 CHAIRPERSON MILLER: F-A-S-H-B-A-
13 U-G-H. It's very important that you complete
14 and submit the Protest Information Form seven
15 days before the date of the hearing. The
16 document needs to be submitted to ABRA and to
17 the opposing parties in this matter.

18 If we do not receive a copy of
19 your PIF, your application or your protest,
20 whichever side you are representing, may be
21 subject to dismissal. And that's very real
22 and that has to happen. So pay attention to

1 that.

2 And the form greatly assists the
3 Board in narrowing the protest issues,
4 facilitating the process and keeping the
5 parties on-point during the hearing.

6 So if you have further questions,
7 you should contact Ms. fashbaugh at (202) 397-
8 3971.

9 TRANSLATOR SHIN: 3971?

10 CHAIRPERSON MILLER: Right. And
11 that's all for today on this case. Thank you.

12 TRANSLATOR SHIN: Thank you very
13 much.

14 MR. ROSS: Thank you very much.

15 CHAIRPERSON MILLER: Okay. Thank
16 you.

17 (Whereupon, th Protest (Status)
18 Hearing in the above-entitled matter was
19 concluded at 9:53 a.m.)
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