

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

IN THE MATTER OF:

Soo & Chan, Inc. t/a
Georgia Avenue Food Barn Show
6205 Georgia Avenue, NW Cause
Retailer A - ANC-4B Hearing
License No. 71950
Case# 13-CMP-00525

(Sold Go-Cups)

June 18, 2014

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
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

WALTER ADAMS, 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

(11:18 a.m.)

CHAIRPERSON MILLER: Okay. We have a Show Cause Hearing next, Case No. 13-CMP-00525, Georgia Avenue Food Barn.

CHAIRPERSON MILLER: Would you introduce yourself for the record, please?

MR. KIM: Oh, yes, ma'am. My name is Sean Kim from the Georgia Avenue Food Barn. I represent the -- my store, the Georgia Avenue Food Barn.

CHAIRPERSON MILLER: Are you the owner?

MR. KIM: I'm the vice president.

CHAIRPERSON MILLER: You're vice president?

MR. KIM: Yes.

CHAIRPERSON MILLER: And what's your name again?

MR. KIM: Sean Kim.

CHAIRPERSON MILLER: Okay.

MR. ADAMS: Good morning, Walter

1 Adams. Good morning, Members of the Board and
2 Madam Chairman, Walter Adams. I represent the
3 District of Columbia.

4 CHAIRPERSON MILLER: Okay. Are
5 there any preliminary matters in this case?

6 MR. ADAMS: There are no
7 preliminary matters.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: So before we
10 proceed --

11 CHAIRPERSON MILLER: Yes?

12 MEMBER ALBERTI: -- I'm a little
13 confused about the ownership issue. Do you
14 know anything about it? Can you speak to
15 that, Mr. Walters? I mean, we are getting --
16 I'm getting our records here, but I don't have
17 them right now.

18 MR. ADAMS: Based upon the
19 information I have, I have it listed that the
20 owner is Chon Yun Kim. He is listed as the
21 principle. I do not have any further records
22 regarding who are all the individuals who are

1 listed as --

2 MEMBER ALBERTI: Okay. We have,
3 in our records, two corporate officers listed
4 and that's it. In our records, it's Yun Chon
5 Kim.

6 MR. KIM: Right.

7 MEMBER ALBERTI: Is that you?

8 MR. KIM: That's my father.

9 MEMBER ALBERTI: That's your
10 father.

11 MR. KIM: Right.

12 MEMBER ALBERTI: And So Ye or is
13 it Yu Ye?

14 MR. KIM: Yes, that's my mother.

15 CHAIRPERSON MILLER: Su Ye Kim?

16 MR. KIM: Right.

17 MEMBER ALBERTI: And that's your
18 mom, but that's not you.

19 MR. KIM: No, it's not.

20 MR. ADAMS: Well, obviously, the
21 establishment has been notified. I guess they
22 decided to send their son instead of

1 presenting themselves. I believe the Board
2 can at least proceed forward in terms of with
3 the matter today if they have sufficient
4 notice. I don't know if the Board would
5 consider wanting to continue this matter for
6 purposes of making sure the person is there.

7 However, the Board, I mean --

8 MEMBER ALBERTI: Mr. Walters, I
9 can only speak for myself as a Board Member.
10 I think it's perfectly fine to go ahead with
11 this matter. I mean, I assume that our
12 records show that we have served this, we have
13 appropriate service.

14 MR. ADAMS: Right.

15 MEMBER ALBERTI: And I guess we
16 could check. We will check later who showed
17 up.

18 MR. ADAMS: Right.

19 MEMBER ALBERTI: Who represented
20 the licensee at the Status Hearing.

21 CHAIRPERSON MILLER: Who was
22 served though?

1 MEMBER ALBERTI: Who?

2 CHAIRPERSON MILLER: Who was
3 served notice?

4 MEMBER ALBERTI: All right.
5 That's a good question. Who was served
6 notice?

7 MR. ADAMS: Based upon the service
8 form that I have, it was served upon Mr. Yun
9 Chon Kim.

10 MEMBER ALBERTI: Okay. So it was
11 served on the owner?

12 MR. ADAMS: Yes, it was served on
13 the owner.

14 MEMBER ALBERTI: All right. And
15 the respondent failed to appear at the Status
16 Hearing. Is that correct?

17 MR. ADAMS: I believe that is
18 correct. I'm not -- because actually one of
19 my colleagues handled it, but let me just
20 double check. Yes, I have it as that we just
21 continued to the Show Cause.

22 MEMBER ALBERTI: Okay. Ms.

1 Miller, my opinion is as long as my fellow
2 Board Members are satisfied that we have
3 proper notice here, I think we can go ahead.
4 I mean, as long as we have it on the record
5 that this is not the owner. It's kind of akin
6 to going forward without the respondent
7 present.

8 But we do have someone who could
9 testify.

10 MR. ADAMS: Exactly.

11 MEMBER ALBERTI: As long as they
12 are not making representations on behalf of
13 the owner, I think we are safe.

14 MR. ADAMS: That is true, Mr.
15 Alberti. I think we --

16 MEMBER ALBERTI: I just think we
17 need to note that in the record.

18 CHAIRPERSON MILLER: Yun Chon Kim
19 is your father?

20 MR. KIM: That's right.

21 CHAIRPERSON MILLER: The owner.
22 Okay. Because that's what our records show

1 that that is the person served and that is
2 what the Board's -- OAG's obligation is to
3 serve the owner. Okay.

4 MEMBER SHORT: Madam Chair?

5 CHAIRPERSON MILLER: Yes?

6 MEMBER SHORT: Why isn't the owner
7 here? Is there a reason why he is not here
8 according to the importance?

9 MR. KIM: First of all, he can't
10 speak that much English.

11 CHAIRPERSON MILLER: What?

12 MR. KIM: He doesn't speak that
13 much English.

14 CHAIRPERSON MILLER: Oh, he
15 doesn't speak English very good.

16 MR. KIM: Right.

17 CHAIRPERSON MILLER: Okay.

18 MR. KIM: And then one or the
19 other actually be in the store at the time.
20 And we both want to know what the other going
21 to talk about. We have been talking, but, I
22 mean, if you didn't agree with the notice that

1 like he wants me to pay them \$50 here for
2 whatever the position is and he going to like
3 accept it. But if he needs the letter, I
4 mean, I can bring.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER SILVERSTEIN: We can move
7 forward.

8 CHAIRPERSON MILLER: I think we
9 can move forward, because, yes, you could
10 bring this. The District could bring this, so
11 you can --

12 MR. KIM: Thank you.

13 CHAIRPERSON MILLER: --
14 participate then and that's fine. As long as
15 he was served.

16 MR. ADAMS: No problem.

17 CHAIRPERSON MILLER: All right.
18 So just so you know, have you been to any of
19 our proceedings, so you know what is going to
20 happen?

21 MR. KIM: I'm sorry?

22 CHAIRPERSON MILLER: Do you know

1 how the proceedings are going to go? I'll
2 give you a quick overview, if you don't. Have
3 you been to one of our Show Cause proceedings?

4 MR. KIM: No, I never.

5 CHAIRPERSON MILLER: Okay. So the
6 Government has the burden of proof.

7 MR. KIM: Right.

8 CHAIRPERSON MILLER: Okay. And
9 they go first. You can give -- Mr. Adams can
10 give an opening statement, which would say
11 what he intends to show and prove in the case.
12 You can then give an opening statement, but
13 you are not required to do so.

14 MR. KIM: Okay.

15 CHAIRPERSON MILLER: Okay. And
16 then he will call his witnesses, ask
17 questions. You can cross-examine his
18 witnesses --

19 MR. KIM: Right.

20 CHAIRPERSON MILLER: -- based on
21 their testimony.

22 MR. KIM: Okay.

1 CHAIRPERSON MILLER: Okay. Fine.
2 Okay. So this is an unusual situation that we
3 have. Our counsel thinks that we ought to not
4 proceed without either a letter authorizing
5 you to represent your parents or speak for
6 them.

7 MR. KIM: Right.

8 CHAIRPERSON MILLER: Or ideally
9 have, you know, your father here. So we are
10 going to postpone the case until -- well, our
11 attorney will get back to you when the new
12 date would be.

13 MR. ADAMS: And just for the
14 record, it should be noted for Mr. Kim's
15 purposes and obviously it's already within our
16 Notice of Show Cause that if there is a
17 language issue, that obviously the Board --

18 CHAIRPERSON MILLER: Right.

19 MR. ADAMS: -- can provide --

20 CHAIRPERSON MILLER: Okay. So if
21 there is a -- yes. We will provide the
22 interpreter if there is a language issue.

1 MR. KIM: I mean, yes, you can.

2 CHAIRPERSON MILLER: And you all--
3 just if they come, you still can come or you
4 still can --

5 MR. KIM: No, I can't come. If he
6 come in, I can't come in.

7 CHAIRPERSON MILLER: Oh, I see.
8 It's one or the other.

9 MR. KIM: Right.

10 CHAIRPERSON MILLER: So you just
11 decide, but we do at least need a letter from
12 the owner, your father authorizing you to
13 represent them and bind them. So whatever you
14 say, you know, represents them.

15 MR. KIM: Okay.

16 CHAIRPERSON MILLER: Okay.

17 MR. KIM: I mean, understand like
18 if the owner has to come in, the matter we
19 having here is not the matter of the owner.
20 I mean, that was some issues form the ticket
21 we got. We got issued a ticket for the -- to
22 our premises, I understand. So if you wanted

1 to bring the owner here, like, I mean, or
2 papers, I'm going to do it, but --

3 CHAIRPERSON MILLER: Okay. Let me
4 get clear, okay?

5 MR. KIM: Right.

6 CHAIRPERSON MILLER: It's either
7 the owner or a letter from the owner --

8 MR. KIM: Correct.

9 CHAIRPERSON MILLER: -- saying,
10 authorizing you --

11 MR. KIM: Right.

12 CHAIRPERSON MILLER: -- to testify
13 and represent them.

14 MR. KIM: Okay.

15 CHAIRPERSON MILLER: That they
16 will be bound by what you say.

17 MR. KIM: All right.

18 CHAIRPERSON MILLER: That's all.
19 Okay. So either one.

20 MEMBER ALBERTI: Mr. Kim, if you
21 have any questions about that --

22 MR. KIM: About?

1 MEMBER ALBERTI: -- about any of
2 this, if you have any questions about any of
3 this --

4 MR. KIM: About this?

5 CHAIRPERSON MILLER: This process.

6 MEMBER ALBERTI: If you have any
7 questions at all, contact our General Counsel,
8 Ms. Jenkins, and Ms. Jenkins will give you her
9 card.

10 MR. KIM: Okay.

11 CHAIRPERSON MILLER: Yes.

12 MEMBER ALBERTI: All right?

13 MR. KIM: Okay. So --

14 MEMBER ALBERTI: If you have any
15 questions, contact our General Counsel, Mr.
16 Kim, before the next hearing.

17 MR. KIM: Okay. Gotcha.

18 CHAIRPERSON MILLER: And I'm sure
19 Mr. Adams also, right?

20 MR. KIM: Okay.

21 CHAIRPERSON MILLER: Yeah. Or Mr.
22 Adams.

1 MR. KIM: Yes, bring notice.

2 CHAIRPERSON MILLER: Okay. So
3 this case is continued.

4 MR. KIM: And one more thing.

5 CHAIRPERSON MILLER: Okay.

6 MR. KIM: Once I get the
7 authorization, the letter from them, maybe
8 should I get it notarized or something?

9 MR. ADAMS: Yes.

10 MR. KIM: This letter?

11 CHAIRPERSON MILLER: Okay. Mr.
12 Adams can give you counsel, too.

13 MR. KIM: Okay.

14 CHAIRPERSON MILLER: Okay.

15 MR. KIM: Thank you.

16 CHAIRPERSON MILLER: Thank you.

17 All right.

18 MR. KIM: I see you next time.

19 MR. ADAMS: Madam Chair, will we
20 get a date now or will the date be sent to us?

21 CHAIRPERSON MILLER: What?

22 MR. ADAMS: Are we scheduling a

1 date right now or --

2 CHAIRPERSON MILLER: I think Ms.
3 Jenkins -- do you know a date right now or do
4 you want to -- no.

5 MR. ADAMS: Okay.

6 CHAIRPERSON MILLER: She will be
7 in touch with you. I don't know.

8 MR. ADAMS: All right. Whatever.
9 All right.

10 CHAIRPERSON MILLER: Thank you.

11 MR. ADAMS: Thank you.

12 MEMBER ALBERTI: That's very
13 flattering you think she can come up with a
14 date right now.

15 (Whereupon, the Show Cause Hearing
16 in the above-entitled matter was concluded at
17 11:29 a.m.)

18

19

20

21

22

A	bound 13:16 bring 9:4,10,10 13:1 15:1 BROOKS 1:18 Building 1:13 burden 10:6	corporate 4:3 correct 6:16,18 13:8 counsel 11:3 14:7 14:15 15:12 cross-examine 10:17	going 7:6 8:20 9:2 9:19 10:1 11:10 13:2 good 2:22 3:1 6:5 8:15 Gotcha 14:17 Government 10:6 guess 4:21 5:15	know 3:14 5:4 8:20 9:18,19,22 11:9 12:14 16:3,7	
\$50 9:1 a.m 2:2 16:17 above-entitled 16:16 accept 9:3 Adams 1:21 2:22 3:1,2,6,18 4:20 5:14,18 6:7,12,17 7:10,14 9:16 10:9 11:13,19 14:19,22 15:9,12,19,22 16:5,8,11 agree 8:22 ahead 5:10 7:3 akin 7:5 Alberti 1:17 3:9,12 4:2,7,9,12,17 5:8 5:15,19 6:1,4,10 6:14,22 7:11,15 7:16 13:20 14:1,6 14:12,14 16:12 Alcoholic 1:2,12,13 ANC-4B 1:7 appear 6:15 appropriate 5:13 assume 5:11 attorney 11:11 authorization 15:7 authorizing 11:4 12:12 13:10 Avenue 1:6,6 2:5,9 2:11	C	D	H	L	
back 11:11 Barn 1:6 2:5,9,11 based 3:18 6:7 10:20 behalf 7:12 believe 5:1 6:17 Beverage 1:2,12,13 bind 12:13 Board 1:2,13 3:1 5:1,4,7,9 7:2 11:17 Board's 8:2	call 10:16 card 14:9 case 1:8 2:4 3:5 10:11 11:10 15:3 Cause 1:6 2:4 6:21 10:3 11:16 16:15 Chair 8:4 15:19 Chairman 3:2 Chairperson 1:14 1:17 2:3,6,12,15 2:18,21 3:4,8,11 4:15 5:21 6:2 7:18,21 8:5,11,14 8:17 9:5,8,13,17 9:22 10:5,8,15,20 11:1,8,18,20 12:2 12:7,10,16 13:3,6 13:9,12,15,18 14:5,11,18,21 15:2,5,11,14,16 15:21 16:2,6,10 Chan 1:5 check 5:16,16 6:20 Chon 3:20 4:4 6:9 7:18 clear 13:4 CMP-00525 2:5 colleagues 6:19 Columbia 1:1 3:3 come 12:3,3,5,6,6 12:18 16:13 concluded 16:16 confused 3:13 consider 5:5 contact 14:7,15 continue 5:5 continued 6:21 15:3 Control 1:2,12,13	D.C 1:14 date 11:12 15:20,20 16:1,3,14 decide 12:11 decided 4:22 District 1:1 3:3 9:10 DONALD 1:18 double 6:20	handled 6:19 happen 9:20 hearing 1:7,13 2:4 5:20 6:16 14:16 16:15	language 11:17,22 letter 9:3 11:4 12:11 13:7 15:7 15:10 License 1:7 licensee 5:20 listed 3:19,20 4:1,3 little 3:12 long 7:1,4,11 9:14	M
		E	I	ma'am 2:8 Madam 3:2 8:4 15:19 making 5:6 7:12 matter 1:4 5:3,5,11 12:18,19 16:16 matters 3:5,7 mean 3:15 5:7,11 7:4 8:22 9:4 12:1 12:17,20 13:1 MEETING 1:3 Member 1:17,18,18 1:19 3:9,12 4:2,7 4:9,12,17 5:8,9,15 5:19 6:1,4,10,14 6:22 7:11,16 8:4,6 9:6 13:20 14:1,6 14:12,14 16:12 Members 3:1 7:2 met 1:13 MIKE 1:18 Miller 1:14,17 2:3 2:6,12,15,18,21 3:4,8,11 4:15 5:21 6:2 7:1,18,21 8:5 8:11,14,17 9:5,8 9:13,17,22 10:5,8 10:15,20 11:1,8 11:18,20 12:2,7 12:10,16 13:3,6,9 13:12,15,18 14:5	
		F	J		
		failed 6:15 father 4:8,10 7:19 11:9 12:12 fellow 7:1 fine 5:10 9:14 11:1 first 8:9 10:9 flattering 16:13 Food 1:6 2:5,9,11 form 6:8 12:20 forward 5:2 7:6 9:7 9:9 further 3:21	ideally 11:8 importance 8:8 individuals 3:22 information 3:19 intends 10:11 interpreter 11:22 introduce 2:7 issue 3:13 11:17,22 issued 12:21 issues 12:20	JAMES 1:19 Jenkins 14:8,8 16:3 June 1:11	
		G	K		
		General 14:7,15 Georgia 1:6,6 2:5,9 2:10 getting 3:15,16 give 10:2,9,10,12 14:8 15:12 go 5:10 7:3 10:1,9 Go-Cups 1:9	Kim 2:8,9,14,17,20 2:20 3:20 4:5,6,8 4:11,14,15,16,19 6:9 7:18,20 8:9,12 8:16,18 9:12,21 10:4,7,14,19,22 11:7 12:1,5,9,15 12:17 13:5,8,11 13:14,17,20,22 14:4,10,13,16,17 14:20 15:1,4,6,10 15:13,15,18 Kim's 11:14 kind 7:5	J JAMES 1:19 Jenkins 14:8,8 16:3 June 1:11	

14:11,18,21 15:2 15:5,11,14,16,21 16:2,6,10 mom 4:18 morning 2:22 3:1 mother 4:14 move 9:6,9	6:11,13 7:5,13,21 8:3,6 12:12,18,19 13:1,7,7 ownership 3:13	4:4 5:12 7:22 Reeves 1:13 regarding 3:22 represent 2:10 3:2 11:5 12:13 13:13 representations 7:12 represented 5:19 represents 12:14 required 10:13 respondent 6:15 7:6 Retailer 1:7 right 3:17 4:6,11,16 5:14,18 6:4,14 7:20 8:16 9:17 10:7,19 11:7,18 12:9 13:5,11,17 14:12,19 15:17 16:1,3,8,9,14 Room 1:13 Ruthanne 1:14,17	Soo 1:5 sorry 9:21 speak 3:14 5:9 8:10 8:12,15 11:5 statement 10:10,12 Status 5:20 6:15 store 2:10 8:19 Street 1:14 Su 4:15 sufficient 5:3 Suite 1:14 sure 5:6 14:18	wanting 5:5 wants 9:1 Washington 1:14 witnesses 10:16,18
<hr/> N <hr/>	<hr/> P <hr/>	<hr/> S <hr/>	<hr/> T <hr/>	<hr/> Z <hr/>
N.W 1:14 name 2:8,19 need 7:17 12:11 needs 9:3 never 10:4 new 11:11 NICK 1:17 notarized 15:8 note 7:17 noted 11:14 notice 5:4 6:3,6 7:3 8:22 11:16 15:1 notified 4:21 NW 1:6	P-R-O-C-E-E-D-... 2:1 papers 13:2 parents 11:5 participate 9:14 pay 9:1 perfectly 5:10 person 5:6 8:1 please 2:7 position 9:2 postpone 11:10 preliminary 3:5,7 premises 12:22 present 1:16,20 7:7 presenting 5:1 president 2:14,16 presiding 1:15 principle 3:21 problem 9:16 proceed 3:10 5:2 11:4 proceedings 9:19 10:1,3 process 14:5 proof 10:6 proper 7:3 prove 10:11 provide 11:19,21 purposes 5:6 11:15	safe 7:13 satisfied 7:2 saying 13:9 scheduling 15:22 Sean 2:9,20 see 12:7 15:18 send 4:22 sent 15:20 serve 8:3 served 5:12,22 6:3 6:5,8,11,12 8:1 9:15 service 5:13 6:7 SHORT 1:19 8:4,6 show 1:6 2:4 5:12 6:21 7:22 10:3,11 11:16 16:15 showed 5:16 SILVERSTEIN 1:18 9:6 situation 11:2 Sold 1:9 son 4:22	t/a 1:5 talk 8:21 talking 8:21 terms 5:2 testify 7:9 13:12 testimony 10:21 Thank 9:12 15:15 15:16 16:10,11 thing 15:4 think 5:10 7:3,13 7:15,16 9:8 16:2 16:13 thinks 11:3 ticket 12:20,21 time 8:19 15:18 today 5:3 touch 16:7 true 7:14 two 4:3	<hr/> 0 <hr/>
<hr/> O <hr/>	<hr/> Q <hr/>	<hr/> U <hr/>	<hr/> V <hr/>	<hr/> 1 <hr/>
OAG 1:21 OAG's 8:2 obligation 8:2 obviously 4:20 11:15,17 officers 4:3 Oh 2:8 8:14 12:7 okay 2:3,21 3:4,8 4:2 6:10,22 7:22 8:3,17 9:5 10:5,8 10:14,15,22 11:1 11:2,20 12:15,16 13:3,4,14,19 14:10,13,17,20 15:2,5,11,13,14 16:5 Once 15:6 opening 10:10,12 opinion 7:1 ought 11:3 overview 10:2 owner 2:13 3:20	question 6:5 questions 10:17 13:21 14:2,7,15 quick 10:2	understand 12:17 12:22 unusual 11:2	think 5:10 7:3,13 7:15,16 9:8 16:2 16:13 thinks 11:3 ticket 12:20,21 time 8:19 15:18 today 5:3 touch 16:7 true 7:14 two 4:3	<hr/> 2 <hr/>
<hr/> R <hr/>	<hr/> W <hr/>	<hr/> W <hr/>	<hr/> W <hr/>	<hr/> 3 <hr/>
reason 8:7 record 2:7 7:4,17 11:14 records 3:16,21 4:3	question 6:5 questions 10:17 13:21 14:2,7,15 quick 10:2	understand 12:17 12:22 unusual 11:2	think 5:10 7:3,13 7:15,16 9:8 16:2 16:13 thinks 11:3 ticket 12:20,21 time 8:19 15:18 today 5:3 touch 16:7 true 7:14 two 4:3	<hr/> 4 <hr/>
				<hr/> 5 <hr/>
				<hr/> 6 <hr/>
				6205 1:6
				<hr/> 7 <hr/>
				71950 1:7