

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

IN THE MATTER OF:

Brentwood Liquors
t/a Brentwood Liquors
1319 Rhode Island Ave., NE
Retailer A - ANC-5C
License No. 60622
Case #15-PRO-00048

Protest
Hearing
(Status)

(Application to Renew the
License)

July 15, 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
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

2 9:39 a.m.

3 CHAIRPERSON MILLER: Okay. Good
4 morning, everyone. I would like to welcome you
5 to the regularly scheduled meeting of the
6 District of Columbia's Alcoholic Beverage Control
7 Board. Today is July 15, 2015.

8 My name is Ruthanne Miller. I'm the
9 Chairperson. Joining me to my far right is Mr.
10 Donald Brooks. Next to Mr. Brooks is Mr. Nick
11 Alberti. And next to Mr. Alberti is Mr. Hector
12 Rodriguez. And to my left is Mr. Mike
13 Silverstein and then Mr. James Short. So we have
14 six in attendance for business this morning and
15 three constitutes a quorum.

16 Copies of today's hearing calendar and
17 agenda are available at the receptionist desk.
18 Please be aware that these proceedings are being
19 recorded by a court reporter. Accordingly, we
20 must ask you to refrain from any disruptive
21 noises or actions in the hearing room.

22 If you have any electronic devices,

1 pagers, cell phones or such, please, make certain
2 that they are turned off to avoid any
3 interruption of the proceedings.

4 When I call your case, please, come
5 forward and take a seat at the table. You will
6 note that there is a piece of paper on each table
7 for you to sign-in. This is to ensure the
8 correct spelling of your name for the record.

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

18 Okay. That concludes my preliminary
19 remarks. I'm going to start calling the morning
20 calendar beginning with our Protest Hearing
21 (Status) cases.

22 The first case is Case No. 15-PRO-

1 00048, Brentwood Liquors located at 1319 Rhode
2 Island Avenue, N.E., License No. 60622, in ANC-
3 5C.

4 This is an application to renew a
5 license. And I believe we have an Interpreter
6 here as well? Wait a second. Can you come
7 forward? I can't hear you. And you can sit
8 down. The microphone is on the table, so you
9 don't have to stand.

10 INTERPRETER LI: I'm Chinese
11 Interpreter.

12 CHAIRPERSON MILLER: Is it Chinese?

13 INTERPRETER YANG: It's Korean.

14 CHAIRPERSON MILLER: Korean. So you
15 may be here on another case. Okay.

16 INTERPRETER LI: Yes, I'm here for
17 Chinese case.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER RODRIGUEZ: Okay.

20 CHAIRPERSON MILLER: Is anybody here,
21 protesters? Okay. Well, what I want to do is
22 I'm going to swear you in and acknowledge you who

1 are here and then I may come back to this case,
2 because the other side is not here yet. And I
3 understand that there are some delays on the
4 Metro today.

5 But, sir, what's your name?

6 INTERPRETER YANG: Sung Yang, Y-A-N-G.

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

9 Do you solemnly affirm that you will
10 faithfully and accurately interpret the
11 proceedings in this matter from Korean into
12 English and from English into Korean to the best
13 of your ability?

14 INTERPRETER YANG: I do.

15 CHAIRPERSON MILLER: Okay. Thank you
16 very much. And you are here with? Who are you
17 here with? Who is sitting next to you?

18 MR. YOO: Yeah, I'm the Brentwood
19 Liquors owner, Ji Kwan Yoo.

20 CHAIRPERSON MILLER: Okay. Okay. So
21 the applicant is here, but the protestants are
22 not, so what I want to do is ask you to take a

1 seat back in the audience and I'll call the case
2 again.

3 Do you know the protestants? Will you
4 be able to signal to me when they are here?

5 MR. YOO: Yes.

6 CHAIRPERSON MILLER: Okay. Thank you.
7 So I'll call you later.

8 (Whereupon, the above-entitled matter
9 went off the record at 9:43 a.m. and resumed at
10 9:53 a.m.)

11 CHAIRPERSON MILLER: Okay. Let's see,
12 we skipped a couple and I want to see if anybody
13 has shown up on those. I think those first two
14 cases, Brentwood Liquors, anybody here for that?
15 Not yet. Okay.

16 (Whereupon, the above-entitled matter
17 went off the record at 9:43 a.m. and resumed at
18 10:06 a.m.)

19 CHAIRPERSON MILLER: Okay. Has
20 anybody else come in on the cases that we passed
21 yet? Okay. What I would like to do then is take
22 one more hearing ahead of them, as it's 10:06.

1 You know, delays can be half an hour or so. So
2 if you all can hang in? All right.

3 (Whereupon, the above-entitled matter
4 went off the record at 10:06 a.m. and resumed at
5 10:07 a.m.)

6 CHAIRPERSON MILLER: All right. Okay.
7 So apparently our next hearing may take a little
8 longer, so we are going to go --

9 MEMBER SILVERSTEIN: Who are these
10 people coming in?

11 CHAIRPERSON MILLER: Are you here --

12 MEMBER ALBERTI: No, Mike, they are
13 not.

14 CHAIRPERSON MILLER: No?

15 MEMBER SILVERSTEIN: Okay.

16 CHAIRPERSON MILLER: All right. So
17 because the next hearing will take or may take a
18 long time, I'm going to recall the Protest
19 Hearing cases. 15-PRO-00048, Brentwood Liquors.

20 Okay. Would you identify yourself for
21 the record again?

22 MR. YOO: My name is Ji Kwan Yoo.

1 CHAIRPERSON MILLER: Okay. And you
2 are the applicant. Is that correct?

3 MR. YOO: Yes.

4 CHAIRPERSON MILLER: Okay. My notes
5 indicate that ANC-5C is a protestant in the case
6 and Mid-City Financial Corp. is a conditional
7 protestant. Is that correct?

8 MR. YOO: Yes, correct.

9 CHAIRPERSON MILLER: Okay.

10 INTERPRETER YANG: That's correct.

11 CHAIRPERSON MILLER: Do you have any
12 knowledge that they may be on their way?

13 MR. YOO: I don't know.

14 CHAIRPERSON MILLER: You don't know.

15 MR. YOO: No.

16 CHAIRPERSON MILLER: Okay. Did you go
17 to mediation?

18 MR. YOO: No. We couldn't make it.

19 INTERPRETER YANG: Mediation is
20 scheduled for tomorrow.

21 MR. YOO: And we set up for tomorrow.
22 We set up for tomorrow.

1 CHAIRPERSON MILLER: All right. So
2 our normal process is when one party doesn't
3 appear, that party is dismissed. The Board has
4 discretion to do that. I have some concerns
5 about doing that, but I would like to just raise
6 it with the Board and that mediation is set for
7 tomorrow, accordingly, and if we dismiss them,
8 then the mediation will be delayed. That's all.

9 MEMBER ALBERTI: Madam Chair, I don't
10 think -- if the parties are acting in good faith,
11 I don't see why mediation has to be delayed. We
12 can certainly reach out to the protestants and
13 make sure they understand that they can submit a
14 letter of reinstatement or request for
15 reinstatement if we dismiss them.

16 And if it is due to the delay of
17 public -- problems with public transportation,
18 I'm confident that this Board would reinstate
19 them for those reasons. So I think it's just
20 cleaner that we -- since we don't know what their
21 delay is, that we cancel this -- that we do
22 dismiss the protest and let them file a Letter

1 for Reconsideration.

2 Again, if they are acting in good
3 faith, the process can go on. It's just a
4 formality.

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: They can send in a
7 letter and everything will proceed. But I mean
8 in the event that they just decided not to come,
9 I mean, I think we need to be safe here.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: I mean, otherwise we
12 are in limbo.

13 CHAIRPERSON MILLER: Well, also though
14 they may not have standing to mediate then.

15 MEMBER ALBERTI: Who is this?

16 CHAIRPERSON MILLER: Well, this is
17 ANC-5C.

18 MEMBER ALBERTI: Well, let me see,
19 this is -- I'm sorry, which case is this? This
20 is Brentwood?

21 CHAIRPERSON MILLER: Yes.

22 MEMBER SHORT: Yeah.

1 MEMBER ALBERTI: But there are two
2 protestants.

3 CHAIRPERSON MILLER: Yes. There is
4 one additional.

5 MEMBER ALBERTI: Right. And we could
6 deal with the standing for Mid-City Financial
7 Corporation at a future hearing and deal with
8 that issue then. But if the ANC is reinstated,
9 then the protest could go forward. I mean, there
10 is a party who now currently has standing and
11 that's the ANC.

12 CHAIRPERSON MILLER: But we are going
13 to throw them out. We are going to throw them
14 out for not coming today.

15 MEMBER ALBERTI: Right, right. And we
16 will give them the chance to request
17 reinstatement. It just makes things cleaner.

18 CHAIRPERSON MILLER: Okay. It usually
19 does. I'm just saying that tomorrow if that
20 mediation would happen, they don't have standing
21 if they are thrown out today.

22 MEMBER ALBERTI: They can still go to

1 mediation without standing. There is nothing to
2 prevent that.

3 CHAIRPERSON MILLER: Okay. With our
4 rep, they don't have to have standing for
5 mediation?

6 MEMBER ALBERTI: We would --

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Any two parties who
9 want to enter into a negotiation for a settlement
10 agreement, no matter when that occurs, as part of
11 our customer service, we would offer the
12 assistance of a mediator. And essentially that's
13 what is happening here.

14 CHAIRPERSON MILLER: Okay. Okay. So
15 is there a motion?

16 MEMBER ALBERTI: I move that we
17 dismiss the protestants, both protestants in this
18 case for failure to appear.

19 MEMBER RODRIGUEZ: Second.

20 MEMBER ALBERTI: Again, and we have a
21 second, my comment is that I'm well aware of the
22 delays in public transportation and if that's the

1 reason for their delay in getting here and
2 missing this hearing, then I will be willing to
3 reinstate them. As I understand we have problems
4 with Metro today.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER RODRIGUEZ: Madam Chair?

7 CHAIRPERSON MILLER: Yes.

8 MEMBER RODRIGUEZ: The question is to
9 cede you here because we assume that it's Metro,
10 but we have not received any kind of
11 communication from the party at all, have we?

12 CHAIRPERSON MILLER: No.

13 MEMBER ALBERTI: Absolutely. And
14 that's partly why I'm suggesting that we move
15 forward with the dismissal. I mean, I don't
16 know. I mean, it could be that they have just
17 decided to forget about this meeting. I have not
18 heard from them. If we had heard from them, it
19 would be a completely different story.

20 MEMBER RODRIGUEZ: Yes.

21 MEMBER ALBERTI: And in the day of
22 cell phone usage, I kind of expect people to be

1 calling us.

2 MEMBER RODRIGUEZ: Yes, I do. I do as
3 well.

4 CHAIRPERSON MILLER: But sometimes it
5 doesn't work on Metro.

6 MEMBER ALBERTI: It absolutely -- and
7 I understand that. That's why I'm willing to
8 listen to them and give them due deference when I
9 see their letter for reconsideration.

10 CHAIRPERSON MILLER: Okay. Anybody
11 else? Okay. There has been a Motion to Dismiss
12 the protestants for failure to appear that has
13 been seconded.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0.

19 And the protestants will have an
20 opportunity to file a Motion for Reinstatement
21 and they will be able still to avail themselves
22 of mediation. So do you understand?

1 MR. YOO: Yes, yes.

2 CHAIRPERSON MILLER: Okay. I just
3 want to make clear that they have a chance to
4 give their reason why they weren't here. And if
5 mediation is before that, you are still free to
6 mediate. Okay. Okay. Any questions?

7 MR. YOO: I heard that Mr. Michael
8 Meers of Mid-City Corporation did not give
9 ability to protest my store, but I wind up
10 somehow somebody push through him and we had him
11 in court hearing time and he not supposed to be -
12 - he not request to protest my store. And he
13 probably just did not -- you know, he's not
14 there, so he could not protest me, but --

15 CHAIRPERSON MILLER: Okay.

16 MR. YOO: -- I don't know, somehow he
17 did it.

18 CHAIRPERSON MILLER: Okay. So it
19 sounds like you are addressing the question of
20 the protestant who is saying he is an abutting
21 property owner and I believe that our agent said
22 he wasn't.

1 MR. YOO: Yes.

2 CHAIRPERSON MILLER: And this was to
3 be the opportunity for him to make his case to
4 the Board and he didn't appear. So as of now,
5 there are no protestants, but we can reconsider
6 if they file something. Is that clear?

7 MR. YOO: Yes, ma'am.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Alberti?

10 MEMBER ALBERTI: Ms. Miller? Sir, I
11 would encourage you if mediation is scheduled for
12 tomorrow, I would encourage you to attend that
13 mediation.

14 MR. YOO: Yes, sir, I will.

15 MEMBER ALBERTI: It will be helpful to
16 both sides.

17 MR. YOO: Thank you, yes.

18 MEMBER ALBERTI: Okay. Thank you.

19 CHAIRPERSON MILLER: Okay. Thank you
20 very much.

21 MR. YOO: Thank you very much.

22 MEMBER RODRIGUEZ: Thank you.

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(Whereupon, the Protest (Status)
Hearing in the above-entitled matter was
concluded at 10:17 a.m.)

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