

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

City Corner, Inc.
t/a City Corner
2601 Sherman Ave., NW
Retailer B - ANC-1B
License No. 94587

Fact-
Finding
Hearing

(Application for a New 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 9:54 a.m.

3 CHAIRPERSON MILLER: Okay. We have a
4 Fact-Finding Hearing for City Corner. Are the
5 parties here for that? City Corner is located at
6 2601 Sherman Avenue, N.W., License No. 94587, in
7 ANC-1B.

8 I was just informed that you may be
9 needed for this hearing. We need a Chinese
10 Interpreter for this hearing. Is that right?

11 INTERPRETER LI: Yes.

12 CHAIRPERSON MILLER: Yes. Could you
13 tell your name for the record, please?

14 INTERPRETER LI: I'm Robert Li.

15 CHAIRPERSON MILLER: Robert Li? Okay.

16 Do you solemnly affirm that that you
17 will faithfully and accurately interpret the
18 proceedings in this matter from Chinese into
19 English and from English into Chinese to the best
20 of your ability?

21 INTERPRETER LI: Yes, I do.

22 CHAIRPERSON MILLER: All right. Thank

1 you. Okay. Let's do introductions for the
2 record, please.

3 MR. MATTHEWS: Mike Matthews on behalf
4 of City Corner.

5 CHAIRPERSON MILLER: You can sit.
6 Okay. What's your name?

7 MS. CHAN: Yin Ching Chan.

8 CHAIRPERSON MILLER: Okay. You're the
9 applicant?

10 MR. MATTHEWS: Yes.

11 CHAIRPERSON MILLER: Applicant? Okay.
12 And over here?

13 MR. MUHAMMAD: Good morning.
14 Commissioner Sedrick Muhammad, ANC-1B.

15 CHAIRPERSON MILLER: Okay. Mr.
16 Matthews, you requested this hearing?

17 MR. MATTHEWS: Yes, on behalf of Ms.
18 Chan. We had hoped today to reverse the decision
19 to allow Ms. Chan to receive alcohol ABC license,
20 the B License actually to serve, you know. We
21 are basing this off of -- it was a previous ABC
22 establishment before at the same address and one

1 of the things we had discovered while we was
2 working with DCRA was that this establishment,
3 the actual Certificate of Occupancy predates the
4 actual zoning ordinance of the District of
5 Columbia, you know.

6 And Ms. Chan along with other members
7 of the community, you know, they are really
8 interested in having this establishment sell beer
9 and wine items with the other items that they
10 currently already sell, like sodas, popcorn,
11 chips and other items, you know, like the folks
12 use in their household for the day-to-day usage.

13 Other than that, I was going to have
14 Ms. Chan explain a little about the
15 establishment.

16 CHAIRPERSON MILLER: Well, what's the
17 law though?

18 MR. MATTHEWS: Well, we understand
19 what the law is. The law is -- we understand the
20 law, but we was hoping that we could somehow --
21 you know, based off of the previous owner, the
22 landlord and the owner was trying to transfer

1 this license to the landlord, but was unable to
2 do so, because the landlord -- what he was
3 explaining to me is that the owner had died and
4 he was unable to get the transfer complete, the
5 application complete so he could do that.

6 And he didn't know that he could come
7 down here as well and do an involuntary transfer
8 of the liquor license. He didn't know that. I
9 mean, these are just some things that some
10 landlords don't understand, you know, when it
11 comes to dealing with ABC.

12 CHAIRPERSON MILLER: When did the
13 owner die?

14 MR. MATTHEWS: I don't have that
15 information with me.

16 CHAIRPERSON MILLER: Okay. When was
17 the last time there was a liquor license there?

18 MEMBER ALBERTI: Madam Chair, I can
19 help you.

20 CHAIRPERSON MILLER: Yes?

21 MEMBER ALBERTI: We have an order
22 dated July 27, 2011 canceling the previous

1 license.

2 CHAIRPERSON MILLER: Okay. Thank you.

3 Okay.

4 MR. MATTHEWS: Thank you.

5 MEMBER ALBERTI: So we have that
6 information.

7 CHAIRPERSON MILLER: That's the
8 operative date. Okay.

9 MEMBER ALBERTI: Yes.

10 CHAIRPERSON MILLER: Okay. So I mean
11 I don't want to prevent you from putting
12 information on the record if you want to about
13 the establishment. It seems like this is a legal
14 issue, but maybe there are some facts that you
15 think bear on this legal issue.

16 MR. MATTHEWS: Repeat that, ma'am?

17 CHAIRPERSON MILLER: It seems more
18 like a legal issue than a factual issue to me.

19 MR. MATTHEWS: Okay.

20 CHAIRPERSON MILLER: It's to, you
21 know, the whole grandfathering issue and zoning
22 and ABRA. However, you said that the applicant

1 wanted to say something about the establishment,
2 so --

3 MR. MATTHEWS: I mean, I was just
4 going to have her speak on the establishment,
5 that's all, you know, and hope that it can help
6 her in the future, you know, trying to obtain a
7 liquor license for the establishment.

8 CHAIRPERSON MILLER: Okay.

9 MR. MATTHEWS: Do you want to say
10 anything?

11 MEMBER SHORT: Madam Chair, might I
12 ask a question?

13 CHAIRPERSON MILLER: Yes.

14 MEMBER SHORT: If this is a legal
15 matter, what are we hearing now?

16 CHAIRPERSON MILLER: Okay. So he
17 asked for this hearing and I don't know what she
18 is going to say and I wouldn't want to hear
19 anything lengthy, but if there is something, I
20 don't know, that would bear light on this issue.
21 I don't anticipate it, but I don't want to -- she
22 is going to say something very briefly --

1 MR. MATTHEWS: And to add, I mean, the
2 only reason why we requested the Fact-Finding
3 after speaking with several people in licensing
4 and in adjudication --

5 CHAIRPERSON MILLER: Okay.

6 MR. MATTHEWS: -- we thought this
7 might be one of the avenues we can take to
8 hopefully get a liquor license for the
9 establishment.

10 CHAIRPERSON MILLER: Okay. So --

11 MR. MATTHEWS: We know that there may
12 be other avenues we have to pursue on, but this
13 is like our first step trying to get a liquor
14 license for the establishment.

15 CHAIRPERSON MILLER: Okay. So we
16 issued an order and that order was based on legal
17 grounds, not something specific about her
18 establishment.

19 MR. MATTHEWS: Right.

20 CHAIRPERSON MILLER: And that's what
21 I think the Board Members are questioning why we
22 would even hear that, you know.

1 MR. MATTHEWS: I understand.

2 CHAIRPERSON MILLER: So I didn't know
3 if there was anything else she could say that
4 would go to the, you know, asking almost for a
5 reconsideration of our decision. And if our
6 decision is basically on legal grounds -- yes,
7 Mr. Alberti?

8 MEMBER ALBERTI: Madam Chair, may I
9 just comment?

10 CHAIRPERSON MILLER: Yes.

11 MEMBER ALBERTI: Mr. Matthews, your
12 client needs to understand this address is in a
13 Residential Zone.

14 MR. MATTHEWS: I understand that.

15 MEMBER ALBERTI: So unless the zoning
16 changes --

17 MR. MATTHEWS: That --

18 MEMBER ALBERTI: Well, wait. Unless
19 zoning changes --

20 MR. MATTHEWS: Well --

21 MEMBER ALBERTI: -- or there is some
22 change in ABRA Law, there is nothing that would

1 allow someone to be granted a license in a
2 Residential Zone other than the fact that -- in
3 this case. I mean, this has been now two and a
4 half years.

5 MR. MATTHEWS: Got it.

6 MEMBER ALBERTI: Given the facts of
7 this case, there is just no way that someone
8 could -- would be allowed to put a license, an
9 ABRA License in that location under the current
10 law.

11 MR. MATTHEWS: I understand. Another
12 reason why we pursued this avenue is because
13 zoning specifically told us that it was a
14 grandfather issue and they had nothing to do with
15 it and it was left up to ABRA. They didn't have
16 an issue with issuing a liquor license on this
17 establishment, because there was a liquor license
18 there previously and it's a retail store now.

19 MEMBER ALBERTI: Mr. --

20 MR. MATTHEWS: And it has been that
21 way for several years. So that's why we pursued
22 this avenue before we took any other steps.

1 MEMBER ALBERTI: I understand that,
2 Mr. Matthews, but zoning goes to the use of this
3 property.

4 MR. MATTHEWS: Exactly.

5 MEMBER ALBERTI: The zoning use of
6 this property.

7 MR. MATTHEWS: Exactly.

8 MEMBER ALBERTI: Alcohol beverage
9 licensing is a separate matter.

10 MR. MATTHEWS: Exactly.

11 MEMBER ALBERTI: So and the law is
12 very clear on that. ABRA Law is very clear. It
13 says that an issue cannot be -- a license cannot
14 be issued in a Residential Zone.

15 MR. MATTHEWS: Fine.

16 CHAIRPERSON MILLER: Anything else?

17 MR. MATTHEWS: That's it.

18 CHAIRPERSON MILLER: Okay. Mr.
19 Muhammad?

20 MR. MUHAMMAD: Yes. I just -- I'm
21 here -- the ANC fully supports this establishment
22 with getting the license. Myself as a single

1 Member District Commissioner along with all of
2 the residents in the area. Everyone is in full
3 support, primarily because there was a license
4 there for many years previous to this new
5 ownership. And (B) because the owner and the
6 family of the establishment agreed and the
7 community, but first and foremost, we support
8 them because the license was there for many
9 years, so we were all surprised that now they are
10 not able to obtain a license.

11 CHAIRPERSON MILLER: So just picking
12 up on what Mr. Alberti said, basically, you know,
13 there is zoning and then there is ABRA. And
14 according to the law that we cited in our order,
15 it's not allowed in a Residential Zone. So you
16 know, unless there was something in the law that
17 you could cite for waiving that or whatever,
18 which I don't see, we are not hearing any grounds
19 for changing that, our order, at this point.
20 Okay. Anything else?

21 MR. MUHAMMAD: That's it.

22 CHAIRPERSON MILLER: All right. And

1 it's not always the way, you know, we might want
2 it to be. We have to follow the law, that's what
3 the law says. Okay.

4 MR. MATTHEWS: That's no problem.
5 Thank you.

6 CHAIRPERSON MILLER: Okay. Thank you.
7 Okay. So why don't we just take a formal vote
8 then on denying reconsideration of this order
9 canceling the license. Do I have a second?

10 MEMBER RODRIGUEZ: Second.

11 All those in favor say aye.

12 MEMBER SHORT: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 6-0-0.

16 (Whereupon, the Fact-Finding Hearing
17 in the above-entitled matter was concluded at
18 10:05 a.m.)

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