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

10:04 a.m.

CHAIRPERSON MILLER: Next case on the calendar is Case No. 12-CMP-00698, Lee's Liquor located at 2339 Pennsylvania Avenue, S.E., License No. 26650 in ANC 7B.

MR. ADAMS: Good morning, Madam Chairman. I'm Walter Adams. I represent the District of Columbia.

CHAIRPERSON MILLER: Good morning.

INTERPRETER: Interpreter.

CHAIRPERSON MILLER: Oh, interpreter? Okay. Let me swear you in as the interpreter.

Okay. Do you solemnly affirm that you will faithfully and accurately interpret the proceedings in this matter from Korean into English and from English into Korean to the best of your ability?

MR. WHONG: Yes, Your Honor.

WHEREUPON,
JON WHONG

1 was called for examination by Counsel for the
2 Government and, having first been duly sworn,
3 assumed the witness stand, was examined and
4 testified as follows. NOTE: UNLESS OTHERWISE
5 NOTED, ALL ANSWERS ARE GIVEN THROUGH THE
6 TRANSLATOR, MR. LEE, WHO WAS ALSO FIRST DULY
7 SWORN.

8 CHAIRPERSON MILLER: Okay. Thank
9 you. And your name is?

10 MR. WHONG: Jon, J-O-N.

11 CHAIRPERSON MILLER: Yes.

12 MR. WHONG: W-H-O-N-G. Jon Whong.

13 CHAIRPERSON MILLER: Okay. And
14 you're with?

15 MR. WHONG: Mr. Lee of Lee's
16 Liquors.

17 CHAIRPERSON MILLER: Okay. Did
18 Mr. Lee receive notice of this hearing?

19 MR. WHONG: Excuse me?

20 CHAIRPERSON MILLER: Did Mr. Lee
21 receive notice of the hearing?

22 MR. LEE: Yes.

1 CHAIRPERSON MILLER: And did he
2 read it and understand it?

3 MR. LEE: Yes.

4 CHAIRPERSON MILLER: Okay. Then
5 we're going to make that notice part of the
6 record, unless there's an objection.

7 (No audible response.)

8 CHAIRPERSON MILLER: Okay. Not
9 hearing any. Mr. Adams, are there any
10 preliminary matters?

11 MR. ADAMS: There's a preliminary
12 matter. The parties have discussed this
13 matter. There are two charges. The first
14 charge is for the establishment's provision of
15 go-cups. And the second charge for violation
16 of the establishment's voluntary agreement for
17 selling paper or plastic individual cups or
18 providing dark-color plastic bags with the
19 sale of single containers. They're both being
20 looked at as secondary tier offenses.

21 CHAIRPERSON MILLER: Wait a
22 minute. I just want to make sure he's up with

1 you. Okay.

2 MR. ADAMS: And the parties have
3 agreed to settle this for a total fine of
4 \$750. For charge 1, that is a fine of \$500.
5 And for charge 2, it's a fine of \$250.

6 MEMBER ALBERTI: Would you repeat
7 the Offer in Compromise?

8 MR. ADAMS: The Offer in
9 Compromise is a total of \$750. That's \$500
10 for charge 1 and \$250 for charge 2.

11 CHAIRPERSON MILLER: And could you
12 just explain your rationale a little bit more
13 for where you got those figures?

14 MR. ADAMS: All right. It looks
15 like the establishment had a \$500 fine back in
16 2009, however, you know, this charge is about
17 two years later. So I guess the rationale is
18 that at this would be the first case within a
19 two-year period. So that explains the fine
20 structure --

21 CHAIRPERSON MILLER: Okay.

22 MR. ADAMS: -- that's being

1 proffered.

2 CHAIRPERSON MILLER: Okay. Thank
3 you. All right. And when is it payable by?

4 MR. ADAMS: Payable within 30
5 days.

6 CHAIRPERSON MILLER: Okay. So
7 there's an Offer in Compromise of \$750 payable
8 today. It represents \$500 for the first
9 offense, furnishing go-cups; and \$250 for the
10 second offense, violation of the settlement
11 agreement. Does Mr. Lee agree to that Offer
12 in Compromise of \$750 total payable today?

13 MR. LEE: Yes, Your Honor.

14 CHAIRPERSON MILLER: Okay. And
15 does he know that he waives his right to a
16 hearing?

17 MR. LEE: Yes.

18 CHAIRPERSON MILLER: Okay. Any
19 questions by Board Members?

20 MEMBER ALBERTI: Yes.

21 CHAIRPERSON MILLER: Okay. Mr.
22 Alberti?

1 MEMBER ALBERTI: No, actually I'll
2 have comments when we have discussion. I have
3 no questions.

4 CHAIRPERSON MILLER: Okay. Then
5 I'll move to approve the Offer in Compromise.
6 Do I have a second?

7 (No audible response.)

8 CHAIRPERSON MILLER: Not hearing
9 any, the motion fails for lack of a second.

10 Do you have any comments, Mr.
11 Alberti?

12 MEMBER ALBERTI: Only just that I
13 want to thank Mr. Adams for his explanation.
14 It looks like you were kind of put on the
15 spot. That's not usual. It's a little bit
16 unusual to ask the prosecuting attorney for
17 rationale unless they volunteer one. So I
18 understand that you were sort of put on the
19 spot and I just want to acknowledge that.
20 Thank you for your explanation.

21 MR. ADAMS: Appreciate it.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER SILVERSTEIN: Madam Chair?

2 CHAIRPERSON MILLER: Yes, Mr.

3 Silverstein?

4 MEMBER SILVERSTEIN: I move that
5 we reject the offer.

6 CHAIRPERSON MILLER: Well, do you
7 want to move to reject the offer?

8 MEMBER ALBERTI: I second that
9 motion.

10 MEMBER SILVERSTEIN: I have done
11 so.

12 CHAIRPERSON MILLER: Okay. Mr.
13 Silverstein has moved to reject the Offer in
14 Compromise and Mr. Alberti has seconded the
15 motion. So all those in favor of rejecting
16 the Offer in Compromise, say aye?

17 (Chorus of ayes.)

18 CHAIRPERSON MILLER: All those
19 opposed? Opposed.

20 CHAIRPERSON MILLER: All those
21 abstaining?

22 (No audible response.)

1 CHAIRPERSON MILLER: Then the
2 motion passes 3-1-0 to reject the Offer in
3 Compromise.

4 MEMBER ALBERTI: If I may indulge
5 the Board, I will make a quick comment on
6 this. I'm rejecting this because these fines
7 are well below the statutory guidelines.
8 These charges really constitute the fourth
9 infraction within four years, if you look at
10 the Licensee's record. So the fine statutory
11 fine range is \$1,000 to \$2,000 for each
12 charge. So that's the rationale for my
13 rejecting this Offer in Compromise.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER SILVERSTEIN: Madam Chair?

16 CHAIRPERSON MILLER: Yes, Mr.
17 Silverstein?

18 MEMBER SILVERSTEIN: I'd like to
19 associate myself with the remarks of my
20 colleague, Mr. Alberti.

21 CHAIRPERSON MILLER: Okay.
22 Anybody else?

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(No audible response.)

CHAIRPERSON MILLER: Okay. Then we will schedule this matter for a show cause hearing October 2nd, 2013 at 10:00 a.m.

MR. WHONG: What time was that, Your Honor?

CHAIRPERSON MILLER: 10:00 a.m. And the date is October 2nd. Thank you very much

MR. WHONG: Thank you.

MR. LEE: Thank you.

(Whereupon, the hearing was concluded at 10:13 a.m.)

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