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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :  
Brentwood Liquors :  
t/a Brentwood Liquors : Case #15-CMP-00217  
1319 Rhode Island Avenue NE : Show Cause Hearing  
License #60622 :  
Retailer A :  
ANC-5C :  
Sold Go-Cups :

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Wednesday, October 14, 2015

Whereupon, the above-referenced matter  
came on for hearing at the Alcoholic Beverage  
Control Board, Reeves Center, 2000 14th Street,  
N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 RUTHANNE MILLER, Presiding

3

4 BOARD MEMBERS:

5 DONALD BROOKS

6 HECTOR RODRIGUEZ

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11 LOUISE PHILLIPS, ESQ.

12 On behalf of the District of Columbia

13 JI KWANG YOO, Owner

14 SUNG YANG, Korean Interpreter

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

2 [11:11 a.m.]

3 CHAIRPERSON MILLER: Okay. We're back on  
4 the record for our show-cause hearing. It is  
5 Case No. 15-CMP-00217, Brentwood Liquors located  
6 at 1319 Rhode Island Avenue, Northeast, License  
7 No. 60622, in ANC-5C.

8 And would the parties introduce  
9 themselves for the record, please.

10 MS. PHILLIPS: Louise Phillips, Assistant  
11 Attorney General for the District of Columbia.  
12 Good morning, Board members.

13 MR. YOO: My name Ji Kwang Yoo. I am the  
14 owner of the Brentwood Liquor and Grocery.

15 CHAIRPERSON MILLER: Okay.

16 MR. YANG: Sung Yang, Korean Interpreter.

17 CHAIRPERSON MILLER: All right. I'm  
18 going to swear you in. And what language?

19 MR. YANG: Korean.

20 CHAIRPERSON MILLER: Korean, okay.

21 Do you solemnly affirm -- would you say  
22 your name again?

1 MR. YANG: Sung Yang.

2 CHAIRPERSON MILLER: Sung Yang, okay.

3 Do you solemnly affirm that you will  
4 faithfully and accurately interpret the  
5 proceedings in this matter from Korean into  
6 English and from English into Korean to the best  
7 of your ability?

8 MR. YANG: I do.

9 CHAIRPERSON MILLER: Okay. Thank you  
10 very much.

11 All right. Now, are there any  
12 preliminary matters?

13 MS. PHILLIPS: No, Madam Chair, there are  
14 not.

15 CHAIRPERSON MILLER: Okay. So this is a  
16 show cause hearing, then. There are no  
17 preliminary matters. Government is ready to  
18 proceed.

19 Do you know about the procedure here that  
20 we will be following for a show cause hearing?

21 MR. YANG: Not really.

22 CHAIRPERSON MILLER: Okay. So I'm just

1 going to give you a quick overview, okay? The  
2 Government has the burden of proof to prove the  
3 charge at issue here, which is selling a Go-Cup.  
4 At the beginning, the Government's attorney will  
5 probably give an opening statement, just giving  
6 an overview of the case.

7           The Respondent then has the right to also  
8 give an opening statement but is not required to  
9 and can also wait to do an opening statement  
10 after the Government completes her case.

11           The Government may present a witness.  
12 The Respondent will have an opportunity to  
13 cross-examine or ask questions of the witness  
14 based on the witness' testimony. And the Board  
15 members will also have the opportunity to ask  
16 questions of the witness, and the Government may  
17 also submit documents for the record, and if the  
18 Respondent has some objection to the documents,  
19 they can raise that with the Board.

20           And the Respondent will also have the  
21 opportunity to testify or present a witness or  
22 two, and then the Government and the Board may

1 ask questions of those witnesses. And basically,  
2 then the parties will have a chance to make final  
3 arguments at the end.

4 Okay. Any questions?

5 MR. YOO: No.

6 CHAIRPERSON MILLER: Okay. All witnesses  
7 will be under oath.

8 MR. YOO: [via interpreter] I'm not  
9 denying the charges that have been brought  
10 against me. I stipulate that these things  
11 happened. The reason I am here is just to tell a  
12 situation that I'm in right now and try to ask  
13 you for leniency.

14 CHAIRPERSON MILLER: Okay.

15 Ms. Phillips, are you aware of that?

16 MS. PHILLIPS: No, but that's fine. I  
17 mean, I never minded a party stipulate to the  
18 charges against them because that relieves me of  
19 the burden of proof, and we can move quickly to  
20 what he needs to do.

21 I have the investigator here with the  
22 evidence from the evidence locker, but there's no

1 need to call the investigator if their  
2 stipulation is accepted by the Board.

3 CHAIRPERSON MILLER: Okay.

4 So I just want to make sure that we're  
5 clear about what he is stipulating too. There is  
6 a Charge 1 on the Notice of Status and Show Cause  
7 Hearings. Do you have that?

8 MR. YOO: [via interpreter] Yes.

9 MS. PHILLIPS: He is looking at the  
10 investigative report.

11 CHAIRPERSON MILLER: Okay.

12 MS. PHILLIPS: This is the notice, Mr.  
13 Yoo. You should have gotten that in the mail.

14 [Mr. Yoo perusing documents.]

15 MR. YANG: Which one are you talking  
16 about?

17 MS. PHILLIPS: That's the notice. Charge  
18 1 is the second page. That's what Madam Chair is  
19 talking about.

20 CHAIRPERSON MILLER: Okay.

21 MR. YOO: [via interpreter] Is this the  
22 one that I am charged with? Yeah, I think so.

1           What I want to say about this one is that  
2 I did not provide an empty cup. Because I have a  
3 food license, I provided ice cup because other  
4 convenience stores, they also sell ice cups as  
5 well. That's the thing I wanted to talk to you  
6 about.

7           MS. PHILLIPS: That doesn't sound like a  
8 stipulation to me, Madam Chair.

9           CHAIRPERSON MILLER: Okay.

10          MS. PHILLIPS: So I think we better put  
11 on evidence.

12          CHAIRPERSON MILLER: Okay, okay, okay.

13          MR. YOO: [via interpreter] I was saying  
14 that I sold a cup ice. Why is that not  
15 stipulation?

16          CHAIRPERSON MILLER: Okay. It sounds a  
17 little bit like a defense, so is that what you  
18 think, Ms. Phillips? We might as well just go  
19 ahead with the hearing.

20          MS. PHILLIPS: I think we should because  
21 this is a cup ice in combination with an  
22 alcoholic beverage, which is a little different.

1 CHAIRPERSON MILLER: Okay. We will still  
2 get to hear everything that he wants to tell us.

3 Does the Board agree? I think it's just  
4 not convincing enough that we know what the  
5 stipulation is.

6 [No audible response.]

7 CHAIRPERSON MILLER: Okay. So why don't  
8 the Government proceed.

9 MS. PHILLIPS: Thank you, Madam Chair.

10 This matter is a case of selling a Go-Cup  
11 actually filled with ice in combination with an  
12 alcoholic beverage, in this case a can of  
13 Icehouse to an ABRA investigator, in this case  
14 John Suero. And that was done on March 27th at  
15 approximately 12:55 p.m.

16 The evidence will show that this is what  
17 happened when the investigator went undercover to  
18 the establishment Brentwood Liquors, and so we  
19 should be carrying the burden of proof in this  
20 matter.

21 MR. YOO: [via interpreter] I am not  
22 opposing that. I am stipulating to the fact. So

1 what is there to waste time about?

2 CHAIRPERSON MILLER: Okay. Is there any  
3 other facts that you would put in evidence other  
4 than what you just articulated?

5 MS. PHILLIPS: There should be no other  
6 facts.

7 CHAIRPERSON MILLER: Okay.

8 MS. PHILLIPS: A cup with ice was in  
9 combination with an alcoholic beverage, which is  
10 the important part of the stipulation. It wasn't  
11 an isolated sale of a cup with ice, which seems  
12 to be what he is using as a distinguishing  
13 factor.

14 CHAIRPERSON MILLER: Okay. Does the  
15 Respondent stipulate that his establishment  
16 provided a cup with ice in combination with an  
17 alcoholic beverage.

18 MR. YOO: [via interpreter] Yes. I do  
19 stipulate to the fact.

20 MS. PHILLIPS: If the Board is satisfied,  
21 the Government is satisfied that he understands  
22 now, with the help of an interpreter, that it's

1 the selling of an ice -- a cup of ice, a  
2 Styrofoam cup of ice with an alcoholic beverage;  
3 in this case an Icehouse beer, which is the crux  
4 of the evidence the Government put on. Since  
5 that stipulation includes both, the Government is  
6 satisfied if the Board is satisfied.

7 CHAIRPERSON MILLER: All right. I want  
8 to restate because I didn't say "sell" last time,  
9 so what you have just said -- does he stipulate  
10 that he sold a cup of ice in combination with  
11 selling an alcoholic beer?

12 MR. YOO: Yes.

13 CHAIRPERSON MILLER: Okay. All right.  
14 Then if the Board satisfied with that  
15 stipulation? So that the Government will not put  
16 on a witness if the Board is satisfied with that  
17 stipulation.

18 I'm satisfied. I think we've said it a  
19 few times. Are you all?

20 [No audible response.]

21 CHAIRPERSON MILLER: Okay. All right.  
22 Then the Government rests.

1           Then the next point is --

2           MS. PHILLIPS: The Government rests.

3           CHAIRPERSON MILLER: -- penalty.

4           Okay.

5           MS. PHILLIPS: He wants to put on  
6 evidence, and then he'll close. I'll discuss  
7 penalty.

8           CHAIRPERSON MILLER: Okay.

9           Do you have any evidence, or do you just  
10 want to address a penalty in this matter?

11          MR. YOO: [via interpreter] As I have  
12 mentioned already, I do stipulate to all the  
13 facts, but I just wanted to say that the current  
14 situation that I face is really dire. I was  
15 notified that I need to get out of the place by  
16 the end of January, and the business is not doing  
17 well. And I do not get a single penny out of  
18 that, and I have -- I have to take a loss of  
19 hundreds of thousands of dollars by having to  
20 forfeit this building.

21          CHAIRPERSON MILLER: Let me interrupt  
22 you, okay? There's a line between evidence and

1 testimony and argument, and I want to swear you  
2 in, so that to make sure that if you say  
3 something that's really evidence in the case,  
4 it's considered evidence, so your name is Mr.  
5 Yoo? Mr. --

6 MR. YANG: Yes.

7 CHAIRPERSON MILLER: Okay. Say your name  
8 again.

9 MR. YOO: My name is Ji Kwang Yoo.

10 CHAIRPERSON MILLER: Okay. Do you swear  
11 to tell the truth, the whole truth, and nothing  
12 but the truth?

13 MR. YOO: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MR. YOO: Yes.

16 CHAIRPERSON MILLER: Okay.

17 I also want to just ask another question  
18 because you keep saying that he stipulates to the  
19 facts, so we also want to be clear what facts he  
20 stipulates to. He already specifically said he  
21 stipulated to the facts that the Government was  
22 going to prove that he sold a cup of ice in

1 combination with selling alcohol, like beer.

2 But in general, is he --

3 MR. YOO: [via interpreter] That, I do  
4 stipulate.

5 CHAIRPERSON MILLER: Is that it, or when  
6 he talks about stipulating to facts, was he  
7 stipulating to a case report or other things or  
8 just that statement?

9 MR. YOO: [via interpreter] There is  
10 nothing I disagree with, the report, but what I  
11 wanted to say is that if I sold the cup of ice  
12 with the food license, is that violation of law?  
13 To me, it seems very unfair. Even though -- even  
14 though I have a liquor store, it is also a  
15 50-percent-or-more grocery.

16 CHAIRPERSON MILLER: Okay. This is his  
17 case. Is there anything more you want to say?  
18 Otherwise I will then open it up for questions by  
19 anybody.

20 MR. YOO: [via interpreter] I have  
21 nothing more to say except that, as I said  
22 before, you know, that my current situation is

1 such that I have to leave the premise because of  
2 redevelopment, and I am taking such a huge loss.  
3 And the business is not doing well. I just ask  
4 for your leniency and maybe reduce the fine a  
5 little bit so that I can -- I don't have to take  
6 as much loss.

7 CHAIRPERSON MILLER: Okay. Ms. Phillips,  
8 do you have any cross-examination?

9 MS. PHILLIPS: Mr. Yoo, you didn't  
10 actually sell this alcoholic beverage with the  
11 Go-Cup. Your clerk did. Is that fair?

12 MR. YOO: [via interpreter] Yes. I was  
13 not in the store at that time. I was outside.  
14 My kids and my wife were running the store at the  
15 time.

16 MS. PHILLIPS: Okay. Have you trained  
17 your clerk about the rules and regulations  
18 required for having an alcoholic beverage  
19 license?

20 MR. YOO: [via interpreter] Yes, I did.

21 MS. PHILLIPS: You did?

22 Did your clerk tell you that he had sold

1 an Icehouse beer with a cup of ice to an  
2 undercover agent?

3 MR. YOO: [via interpreter] Yes.

4 MS. PHILLIPS: And that undercover agent,  
5 Investigator Suero, called you on Friday, April  
6 17th at 2015 and spoke to you on the telephone?  
7 Do you recall that?

8 MR. YOO: Yes.

9 MS. PHILLIPS: And he explained to you  
10 about the violation?

11 MR. YOO: Yes.

12 MS. PHILLIPS: And he explained to you  
13 that providing a cup with ice was different than  
14 providing an empty cup? Did he explain that to  
15 you?

16 MR. YOO: No.

17 MS. PHILLIPS: No, he didn't? Okay.  
18 You don't recall or he did not?

19 MR. YOO: We discuss about something, cup  
20 ice and cup ice, and I said I did not -- I don't  
21 think this violation. He said it sure you did  
22 violation.

1           MR. YOO: [via interpreter] We discussed  
2 about the cup of ice, and I was saying I didn't  
3 think it was a violation, and he was saying yes,  
4 it is a violation. That was the extent to which  
5 our conversation went.

6           MS. PHILLIPS: Do you recall whether or  
7 not the investigator spoke to you about selling a  
8 cup with or without ice along with the purchase  
9 of an alcoholic beverage was what the violation  
10 of ABRA regulations was all about? Do you recall  
11 that discussion?

12          MR. YOO: [via interpreter] He might have  
13 mentioned it, and I was just expressing my  
14 opinion that selling the cup of ice was -- I  
15 didn't think it was a violation. I think that's  
16 how it ended.

17          MS. PHILLIPS: Mm-hmm, okay.

18                 Did the investigator discuss with you the  
19 fact that you had in June of 2013 had another  
20 Go-Cup violation?

21          MR. YOO: [via interpreter] He did not.  
22 He did not mention about that. He -- we talked

1 on the phone, and we didn't talk that long. I  
2 think he was only talking about this current  
3 case.

4 MS. PHILLIPS: Do you remember that you  
5 had a violation, the same violation along with  
6 another serving backup drinks, in 2013? Do you  
7 remember that?

8 MR. YOO: [via interpreter] Yes, I  
9 realized I had that violation by looking at the  
10 paper that I received.

11 MS. PHILLIPS: The Government has no more  
12 questions, Madam Chair.

13 CHAIRPERSON MILLER: Okay. Board  
14 members?

15 [No audible response.]

16 CHAIRPERSON MILLER: All right. I have a  
17 question. So the earlier violation or serving  
18 Go-Cups, was that just with a cup as opposed to a  
19 cup with ice? Is that the difference?

20 MR. YOO: [via interpreter] Well, at that  
21 time, it was without the ice, but the ANC told me  
22 that six or more cups sold is not a violation, so

1 that was my understanding, and that's what I did.  
2 But ABRA said it is, it is a violation. So I  
3 just took that, and I paid the fine at the time.

4 CHAIRPERSON MILLER: Have you had one or  
5 two previous violations?

6 MS. PHILLIPS: I'm sorry. Madam Chair,  
7 of the same violations?

8 CHAIRPERSON MILLER: Go-Cups, yeah.

9 MS. PHILLIPS: Go-Cups, okay.

10 CHAIRPERSON MILLER: I'm just trying to  
11 understand the history.

12 MR. YOO: [via interpreter] I'm not  
13 really sure, but I think it's here in the  
14 history.

15 CHAIRPERSON MILLER: Okay. So we know  
16 there was one in '13. But that one involved a  
17 cup, and you were told by ABRA that you were  
18 violating the law by selling that cup with the  
19 alcoholic beverage, correct?

20 MR. YOO: [via interpreter] At the time,  
21 we -- ANC and I had a voluntary written agreement  
22 saying that six or more cups sold, there is no

1 violation. So that was my understanding, but  
2 ABRA said, you know, that's not the case. So I  
3 just acknowledged, and I pay the fine. But there  
4 was a written agreement with ANC that said  
5 selling six or more cups, there's no violation.

6 MR. RODRIGUEZ: With the ANC?

7 CHAIRPERSON MILLER: Okay. But you know  
8 ABRA has authority over alcohol and not the ANC?

9 MR. YOO: [via interpreter] Yes. That's  
10 what I understood at that time.

11 CHAIRPERSON MILLER: Okay, good. All  
12 right.

13 Mr. Rodriguez, do you have a question?

14 MR. RODRIGUEZ: Yes.

15 Do you have the -- for the record, the  
16 agreement with the ANC?

17 MR. YOO: [via interpreter] It is at the  
18 store. I didn't bring it.

19 CHAIRPERSON MILLER: It's in our records.

20 MR. YOO: [via interpreter] But if you  
21 want to see it, I can bring it today.

22 CHAIRPERSON MILLER: No, it's in our

1 records. All ANC agreements with establishments  
2 are in our records.

3 MR. SHORT: Madam Chair?

4 CHAIRPERSON MILLER: Mr. Short.

5 MR. SHORT: Just my observation, the ANC  
6 has no authority of alcohol or licenses, and I  
7 don't think that's appropriate that we even  
8 discuss this.

9 MS. PHILLIPS: Madam Chair, if the  
10 Government may be heard.

11 CHAIRPERSON MILLER: Yes.

12 MS. PHILLIPS: If there was a voluntary  
13 agreement at the time, it certainly wasn't part  
14 of this record and therefore is not a concern of  
15 this particular case.

16 MR. SHORT: Right.

17 CHAIRPERSON MILLER: So I agree with Mr.  
18 Brooks -- Mr. Short. I'm sorry.

19 MR. SHORT: I just don't see ANC doing  
20 that kind of an agreement and not knowing the  
21 law. I mean, that's just not -- what does that  
22 have to do with this case?

1           CHAIRPERSON MILLER: So, in any event, he  
2 said the last case that he learned when he got  
3 the violation that that was wrong.

4           I guess my only question is you already  
5 knew it was wrong to sell a cup, so why did you  
6 think it was okay to sell a cup with ice in it?

7           MR. YOO: [via interpreter] Yes. I think  
8 I am repeating myself, but I considered it as  
9 food and not as alcoholic beverage because other  
10 convenience stores and carry-out stores across  
11 the street, they sell a cup of ice as food. And  
12 I have the same license with them as they do, and  
13 so selling ice, I considered it as food and --  
14 because they are selling those things across the  
15 street, and I having the same license with them  
16 as they do, I considered it not a violation.

17           CHAIRPERSON MILLER: What's across the  
18 street? What kind of establishment is across the  
19 street?

20           MR. YOO: [via interpreter] There is  
21 liquor store, grocery store, convenience store,  
22 bakery, and clothing store across the street.

1           CHAIRPERSON MILLER: What is he referring  
2 to, those who sell ice across the street?

3           MR. YOO: [via interpreter] The carry-out  
4 and convenience store.

5           CHAIRPERSON MILLER: Okay. Anybody else?  
6 Mr. Silverstein.

7           MR. SILVERSTEIN: Sir, do you know why  
8 this law is there, why we ban? I mean, this is  
9 not about your guilt or innocence, because you  
10 already stipulated to the facts, but do you know  
11 why we ban a single sale of a cup or a cup with  
12 ice from stores that are licensed to sell liquor?

13          MR. YOO: [via interpreter] I don't know  
14 all the details of it, but my understanding is to  
15 prevent drinking alcoholic beverages on the  
16 street.

17          MR. SILVERSTEIN: That is absolutely on  
18 point. The reason this law is there is to  
19 prevent public intoxication, and a liquor license  
20 is different from any other license, that it is  
21 not your right but a privilege, and that  
22 privilege is granted by the Government with the

1 stipulation that you not do anything to encourage  
2 public consumption, drinking in the street.

3 Nothing further.

4 CHAIRPERSON MILLER: Thank you.

5 Okay. Any other Board questions?

6 [No audible response.]

7 CHAIRPERSON MILLER: Okay. Any questions  
8 on Board questions?

9 MS. PHILLIPS: No, Madam Chair. Thank  
10 you.

11 CHAIRPERSON MILLER: Okay. I think then  
12 we're probably ready for a closing. All right.

13 MS. PHILLIPS: Madam Chair?

14 CHAIRPERSON MILLER: The Government is  
15 going to give a closing argument, and then you  
16 can as well.

17 MS. PHILLIPS: Board members, the  
18 stipulation covers the facts and the probable  
19 cause of this case, so the Government by agreeing  
20 to a stipulation has proven probable cause to  
21 carry this offense of selling Go-Cups. That is a  
22 cup with ice in combination with an alcoholic

1 beverage.

2           The agency calculates that this is this  
3 establishment's seventh secondary tier violation,  
4 so the fine should be in the neighborhood of  
5 \$2,000, having 30 days to pay, or the license  
6 will be suspended until it is paid.

7           As for the mitigating circumstances, the  
8 Board can certainly consider those. They  
9 certainly sound dire enough that they could  
10 warrant the Board's consideration, but that's  
11 something that the Board has to utilize in  
12 determining what it sees fit for the fine in this  
13 matter.

14           I have nothing further, Madam Chair.

15           CHAIRPERSON MILLER: Thank you.

16           MR. YOO: [via interpreter] My turn to  
17 speak?

18           CHAIRPERSON MILLER: Yeah. This is the  
19 time where you make what's called your closing  
20 argument, and you can ask for what you want and  
21 why, but not new evidence.

22           MR. YOO: [via interpreter] Do I have to

1 say something or --

2 CHAIRPERSON MILLER: It's not required.  
3 So if there's anything else you didn't say that  
4 you want to say for the Board to consider about  
5 the case or not, that's fine.

6 MR. YOO: [via interpreter] There is  
7 nothing more to say except that I would like the  
8 Board to consider my situation.

9 CHAIRPERSON MILLER: I just want to make  
10 clear about the dire situation. Could you just  
11 articulate what that is again?

12 MR. YOO: [via interpreter] Business is  
13 slow and monthly rent payment is difficult for me  
14 at this point, and I have to move within a few  
15 months. I'd like to have another business, but I  
16 have no lead to where to move to, and I'm still  
17 looking for a place. I have to purchase all the  
18 stuff that is needed for business running, all  
19 over again, and, you know, right now I'm 57 years  
20 old, and I don't know what's going to happen to  
21 me in the near future. And so losing this store  
22 is just very difficult for me.

1 CHAIRPERSON MILLER: Okay, thank you.

2 MR. SILVERSTEIN: I'm sorry. I didn't  
3 hear all of what you said. I apologize. I have  
4 a hearing impairment.

5 Did you say you have lost the store or  
6 that you are no longer operating?

7 MR. YOO: [via interpreter] Yes. Because  
8 of the redevelopment of that area, that I have to  
9 leave the place, and when I bought it, I spent  
10 hundreds of thousands of dollars purchasing it,  
11 but because of the lease agreement, I don't get a  
12 single penny. I have to leave without anything,  
13 and when the landlord tells me to go, I have to  
14 go. And it is -- the time is the end of January,  
15 and I need to purchase a different store for me  
16 to do business, and there is no lead whatsoever.  
17 I don't have money to purchase another business,  
18 so that's the situation.

19 CHAIRPERSON MILLER: Okay. All right.  
20 Does that complete his closing?

21 MR. YOO: [via interpreter] Yes.

22 CHAIRPERSON MILLER: All right. Then I'm

1 going to close the record in this case. No more  
2 evidence will be submitted or considered, and  
3 this is somewhat of a formality, but I'm going to  
4 ask if the parties want to file proposed findings  
5 of fact and conclusions of law or waive their  
6 right to do so.

7 MS. PHILLIPS: The Government waives  
8 their right to file findings of fact in writing  
9 to the Board.

10 MR. YOO: [via interpreter] I waive it.

11 CHAIRPERSON MILLER: Okay, okay. Most  
12 people do. Okay.

13 All right. Then the Board is going to  
14 issue a decision in writing within 90 days.

15 Okay. That completes this case, except  
16 the Board is going to take a vote on deliberating  
17 on this case in closed session.

18 As Chairperson of the Alcoholic Beverage  
19 Control Board for the District of Columbia in  
20 accordance with Section 405 of the Open Meetings  
21 Amendment Act of 2010, I move that the Board hold  
22 a closed meeting for the purpose of seeking legal

1 advice from our counsel on Case No. 15-CMP-00217,  
2 Brentwood Liquors per Section 405(b) for the Open  
3 Meetings Amendment Act of 2010 and deliberating  
4 upon the case for the reasons cited in Section  
5 405(b)13 of the Open Meetings Amendment Act of  
6 2010.

7 Is there a second?

8 MR. SHORT: Second.

9 CHAIRPERSON MILLER: Mr. Short seconded  
10 the motion. I'll now take a roll call vote on  
11 the motion before us now that it's been seconded.

12 Mr. Brooks?

13 MR. BROOKS: I agree.

14 CHAIRPERSON MILLER: Mr. Rodriguez?

15 MR. RODRIGUEZ: I agree.

16 CHAIRPERSON MILLER: Ms. Miller agrees.

17 Mr. Silverstein?

18 MR. SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: Mr. Short?

20 MR. SHORT: I agree.

21 CHAIRPERSON MILLER: It appears that the  
22 motion has passed by a 5-zero-zero vote, so I

1 hereby give notice that the ABC Board will hold a  
2 closed meeting in the ABC Board Conference Room  
3 pursuant to the Open Meetings Amendment Act of  
4 2010 and issue a written decision within 90 days.

5 MS. PHILLIPS: Thank you, Madam Chair,  
6 Board members.

7 CHAIRPERSON MILLER: Thank you.

8 MR. YOO: Thank you.

9 CHAIRPERSON MILLER: Thank you very much.  
10 Okay. So I think that completes our  
11 cases for the morning, and according to my  
12 calendar, we'll return at two for a fact-finding  
13 hearing. Thank you.

14 [Whereupon, 11:52 a.m., the  
15 above-entitled matter concluded.]

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