

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Good Fortune, Inc.	
t/a Plum Blossom	Show Cause
1915 18th Street, NW	Hearing
Retailer CR	(Status)
License No. 76620	
Case No. 13-PRO-00165	
Failure to file	

October 29, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairman Ruthanne Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
MICHAEL SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

WALTER ADAMS, Assistant Attorney General, OAG
BRIAN AMY, OAG

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

(10:51 a.m.)

CHAIR MILLER: Okay, the next case is Case Number 14-CMP-00176, Plum Blossom located at 1915 18th Street, Northwest. License Number 76620.

MR. AMY: Members of the Board, again, Brian Amy for the Office of Attorney General. Prior to --

CHAIR MILLER: Wait, wait.

MR. AMY: -- the Churreria Madrid

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CHAIR MILLER: Wait, I need to get their introductions.

MR. AMY: Oh, I'm sorry.

CHAIR MILLER: That's okay.

MS. BERNSTEIN: Hi, I'm an accountant --

CHAIR MILLER: Good morning.

MS. BERNSTEIN: -- for Plum Blossom.

CHAIR MILLER: Okay, and what's

1 your name?

2 MS. BERNSTEIN: Sheila Bernstein.

3 CHAIR MILLER: Okay. And? Could
4 you introduce yourself for the record?

5 MR. HA: My name is William, H-A,
6 Ha.

7 CHAIR MILLER: So the microphones
8 aren't working so we all have to speak a
9 little louder. But I didn't catch your last
10 name?

11 MR. HA: H-A.

12 MEMBER ALBERTI: Mr. Ha.

13 CHAIR MILLER: Okay, got it.
14 Thank you. And you are the owner?

15 MR. HA: Say again?

16 CHAIR MILLER: The owner?

17 MS. BERNSTEIN: He was the owner.
18 The business was sold in June, middle of June
19 of this year.

20 CHAIR MILLER: Okay.

21 MR. AMY: Members of the Board,
22 prior to you all calling the last case I was

1 actually speaking with Mr. Ha and I would ask
2 for the Board's indulgence, maybe five or ten
3 minutes, to continue that conversation prior
4 this hearing?

5 CHAIR MILLER: I think that will
6 be a good idea. Okay.

7 MR. AMY: Thank you.

8 MEMBER ALBERTI: Mr. Amy, before
9 you enter into those conversations, just be
10 mindful I'm going to have a question about the
11 ownership --

12 MR. AMY: Yes, sir.

13 MEMBER ALBERTI: -- at this
14 present time and where we stand with that.

15 MR. AMY: Yes, sir.

16 MEMBER ALBERTI: And I think Mr.
17 Adams will clue you in as to why I'm
18 concerned.

19 MR. AMY: Okay. All right, thank
20 you.

21 (Whereupon, the above-entitled
22 matter went off the record at 10:54 a.m. and

1 resumed at 11:09 a.m.)

2 CHAIR MILLER: Oh, all right. We
3 had one other case actually that had to
4 discuss a little bit before they could go
5 forward, and I think you're back, Plum
6 Blossom?

7 If we can maybe resolve that one
8 and then we'll deal with the Midtown case.
9 Let's see. Yes.

10 MR. AMY: Members of the Board,
11 I'm Brian Amy with the Office of Attorney
12 General.

13 CHAIR MILLER: Okay. So we're
14 back on the record with the Plum Blossom case.
15 Yes?

16 MS. BERNSTEIN: This is Sheila
17 Bernstein, I'm Sheila Bernstein, and I'm the
18 accountant for Plum Blossom.

19 CHAIR MILLER: All right, is there
20 a preliminary issue?

21 MR. AMY: Yes. Thank you for you
22 indulgence. We've completed speaking and

1 we've also reached an Offer-In-Compromise that
2 the Government would present to the Board.

3 In this case Plum Blossom failed
4 to timely file a quarterly statement,
5 therefore the Government presents an Offer-In-
6 Compromise of a fine of \$350 to be paid within
7 30 days.

8 CHAIR MILLER: Okay.

9 MS. BERNSTEIN: Yes, we hope to
10 appeal the \$100 because we got the original
11 fine of \$250 and supposedly that was a
12 settlement date in September, but we never
13 received that hearing date. So we hope just
14 to pay the \$250. But.

15 CHAIR MILLER: Okay, so we don't
16 have an agreement.

17 MS. BERNSTEIN: Well we will pay
18 the \$350 just to cancel the case.

19 CHAIR MILLER: Okay, so you agree
20 to the \$350 fine and you understand that
21 waives your right to a hearing an to appeal?

22 MS. BERNSTEIN: Right.

1 CHAIR MILLER: Mr. Amy?

2 MR. AMY: Yes.

3 CHAIR MILLER: Okay. All right,
4 any questions?

5 MEMBER ALBERTI: I just want to
6 clarify for the record that something was said
7 about the license, Mr. Ha not owing the
8 license. Just for the record, he still owns
9 the license but there is a transfer pending?

10 MR. HA: Yes.

11 MEMBER ALBERTI: I just want to
12 put that out there for the record.

13 MR. AMY: Yes, sir.

14 CHAIR MILLER: Okay.

15 MEMBER ALBERTI: So we're good?

16 MR. AMY: Thank you, sir.

17 MS. BERNSTEIN: We are going today
18 to get the transfer done. He doesn't know
19 that this is the procedure.

20 MEMBER ALBERTI: Yes, correct.

21 CHAIR MILLER: Okay, okay. Thank
22 you very much.

1 MR. AMY: Yes.

2 CHAIR MILLER: All right then, I'm
3 going to move that we approve this Offer-In-
4 Compromise of \$350, oh, I'm sorry, when is
5 that going to be paid? The \$350.

6 MR. HA: Today.

7 CHAIR MILLER: When is the \$350
8 going to be paid?

9 MR. AMY: Within 30 days.

10 CHAIR MILLER: Okay, okay. You
11 agreed to that?

12 MR. HA: Can I ask you a quick
13 comment?

14 MR. AMY: Yes.

15 MR. HA: I can pay today.

16 CHAIR MILLER: You can pay it
17 today?

18 MS. BERNSTEIN: He wants to pay
19 today.

20 MEMBER RODRIGUEZ: Okay.

21 CHAIR MILLER: Pay today?

22 MR. HA: I'm getting old, I don't

1 want to forget.

2 MEMBER RODRIGUEZ: Okay.

3 CHAIR MILLER: Right.

4 MR. AMY: Let's leave it for 30
5 days.

6 CHAIR MILLER: No, let's leave it
7 today. Do you agree to today or 30 days?

8 MR. HA: I pay today.

9 CHAIR MILLER: Today, okay. All
10 right, we ready --

11 MEMBER ALBERTI: You're
12 negotiating from the dais.

13 CHAIR MILLER: No, I'm trying to
14 figure out what you want to do, what the
15 agreement is. Is the agreement today or 30
16 days?

17 MS. BERNSTEIN: Yes, yes today.

18 CHAIR MILLER: Today, okay.

19 MR. HA: Pay today.

20 CHAIR MILLER: Okay, all right.

21 I'm going to move then to approve the Offer-
22 In-Compromise of \$350 penalty to be paid

1 today. Do I have a second?

2 MEMBER RODRIGUEZ: Second.

3 CHAIR MILLER: Mr. Rodriguez has
4 seconded the motion. All those in favor say
5 aye?

6 (Chorus of ayes.)

7 CHAIR MILLER: All those opposed?
8 All those abstaining? Motion passes 5-0-0.
9 Okay. Okay, thank you. You'll just have to
10 sign off and you'll be ready.

11 MS. BERNSTEIN: Okay.

12 MR. AMY: Thank you.

13 CHAIR MILLER: Thank you.

14 (Whereupon, the above-entitled
15 matter went off the record at 11:13 a.m.)

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<p style="text-align: center;">A</p> <p>\$100 6:10 \$250 6:11,14 \$350 6:6,18,20 8:4 8:5,7 9:22 a.m 2:2 4:22 5:1 10:15 above-entitled 4:21 10:14 abstaining 10:8 accountant 2:18 5:18 Adams 1:18 4:17 agree 6:19 9:7 agreed 8:11 agreement 6:16 9:15,15 ALBERTI 1:15 3:12 4:8,13,16 7:5 7:11,15,20 9:11 Alcoholic 1:2,11,12 Amy 1:19 2:7,8,11 2:15 3:21 4:7,8,12 4:15,19 5:10,11 5:21 7:1,2,13,16 8:1,9,14 9:4 10:12 appeal 6:10,21 approve 8:3 9:21 Assistant 1:18 Attorney 1:18 2:8 5:11 aye 10:5 eyes 10:6</p>	<p>Board's 4:2 Brian 1:19 2:8 5:11 Building 1:12 business 3:18</p> <p style="text-align: center;">C</p> <p>calling 3:22 cancel 6:18 case 1:8 2:3,4 3:22 5:3,8,14 6:3,18 catch 3:9 Cause 1:6 CHAIR 2:3,10,13 2:16,19,22 3:3,7 3:13,16,20 4:5 5:2 5:13,19 6:8,15,19 7:1,3,14,21 8:2,7 8:10,16,21 9:3,6,9 9:13,18,20 10:3,7 10:13 Chairman 1:13 Chairperson 1:15 Chorus 10:6 Churreria 2:11 clarify 7:6 clue 4:17 COLUMBIA 1:1 comment 8:13 completed 5:22 Compromise 6:6 8:4 concerned 4:18 continue 4:3 Control 1:2,11,12 conversation 4:3 conversations 4:9 correct 7:20 CR 1:7</p>	<p>DISTRICT 1:1</p> <p style="text-align: center;">E</p> <p>enter 4:9</p> <p style="text-align: center;">F</p> <p>failed 6:3 Failure 1:9 favor 10:4 figure 9:14 file 1:9 6:4 fine 6:6,11,20 five 4:2 forget 9:1 Fortune 1:6 forward 5:5</p> <p style="text-align: center;">G</p> <p>General 1:18 2:9 5:12 getting 8:22 go 5:4 going 4:10 7:17 8:3 8:5,8 9:21 good 1:6 2:19 4:6 7:15 Government 6:2,5</p> <p style="text-align: center;">H</p> <p>H-A 3:5,11 Ha 3:5,6,11,12,15 4:1 7:7,10 8:6,12 8:15,22 9:8,19 hearing 1:7,12 4:4 6:13,21 HECTOR 1:16 Hi 2:17 hope 6:9,13</p>	<p style="text-align: center;">J</p> <p>JAMES 1:17 June 3:18,18</p> <p style="text-align: center;">K</p> <p>know 7:18</p> <p style="text-align: center;">L</p> <p>leave 9:4,6 let's 5:9 9:4,6 license 1:8 2:6 7:7,8 7:9 little 3:9 5:4 located 2:5 louder 3:9</p> <p style="text-align: center;">M</p> <p>Madrid 2:11 matter 1:5 4:22 10:15 MEETING 1:3 Member 1:15,16,16 1:17 3:12 4:8,13 4:16 7:5,11,15,20 8:20 9:2,11 10:2 Members 2:7 3:21 5:10 met 1:12 MICHAEL 1:16 microphones 3:7 middle 3:18 Midtown 5:8 Miller 1:13,15 2:3 2:10,13,16,19,22 3:3,7,13,16,20 4:5 5:2,13,19 6:8,15 6:19 7:1,3,14,21 8:2,7,10,16,21 9:3 9:6,9,13,18,20 10:3,7,13 mindful 4:10 minutes 4:3 morning 2:19 motion 10:4,8 move 8:3 9:21</p> <p style="text-align: center;">N</p>	<p>N.W 1:13 name 3:1,5,10 need 2:13 negotiating 9:12 never 6:12 NICK 1:15 Northwest 2:5 Number 2:4,6 NW 1:7</p> <p style="text-align: center;">O</p> <p>OAG 1:18,19 October 1:10 Offer 9:21 Offer-In 6:5 8:3 Offer-In-Compr... 6:1 Office 2:8 5:11 oh 2:15 5:2 8:4 okay 2:3,16,22 3:3 3:13,20 4:6,19 5:13 6:8,15,19 7:3 7:14,21,21 8:10 8:10,20 9:2,9,18 9:20 10:9,9,11 old 8:22 opposed 10:7 original 6:10 owing 7:7 owner 3:14,16,17 ownership 4:11 owns 7:8</p> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1 paid 6:6 8:5,8 9:22 passes 10:8 pay 6:14,17 8:15,16 8:18,21 9:8,19 penalty 9:22 pending 7:9 Plum 1:6 2:4,20 5:5 5:14,18 6:3 preliminary 5:20 present 1:14,18 4:14 6:2</p>
<p style="text-align: center;">B</p> <p>back 5:5,14 Bernstein 2:17,20 3:2,2,17 5:16,17 5:17 6:9,17,22 7:17 8:18 9:17 10:11 Beverage 1:2,11,12 bit 5:4 Blossom 1:6 2:4,21 5:6,14,18 6:3 Board 1:2,12 2:7 3:21 5:10 6:2</p>	<p style="text-align: center;">D</p> <p>D.C 1:13 dais 9:12 date 6:12,13 days 6:7 8:9 9:5,7 9:16 deal 5:8 discuss 5:4</p>	<p style="text-align: center;">I</p> <p>idea 4:6 In-Compromise 9:22 indulgence 4:2 5:22 introduce 3:4 introductions 2:14 issue 5:20</p>	<p style="text-align: center;">N</p>	

presents 6:5	speaking 4:1 5:22	0	
presiding 1:13	stand 4:14	1	
prior 2:9 3:22 4:3	statement 6:4	10:51 2:2	
procedure 7:19	Status 1:7	10:54 4:22	
put 7:12	Street 1:7,13 2:5	11:09 5:1	
Q	supposedly 6:11	11:13 10:15	
quarterly 6:4	T	13-PRO-00165 1:8	
question 4:10	t/a 1:6	14-CMP-00176 2:4	
questions 7:4	ten 4:2	14th 1:12	
quick 8:12	thank 3:14 4:7,19	18th 1:7 2:5	
R	5:21 7:16,21 10:9	1915 1:7 2:5	
reached 6:1	10:12,13	2	
ready 9:10 10:10	think 4:5,16 5:5	2000 1:12	
received 6:13	time 4:14	2014 1:10	
record 3:4 4:22	timely 6:4	29 1:10	
5:14 7:6,8,12	today 7:17 8:6,15	3	
10:15	8:17,19,21 9:7,7,8	30 6:7 8:9 9:4,7,15	
Reeves 1:12	9:9,15,17,18,19	4	
resolve 5:7	10:1	5	
resumed 5:1	transfer 7:9,18	5-0-0 10:8	
Retailer 1:7	trying 9:13	6	
right 4:19 5:2,19	U	7	
6:21,22 7:3 8:2	understand 6:20	76620 1:8 2:6	
9:3,10,20	V		
Rodriguez 1:16	W		
8:20 9:2 10:2,3	wait 2:10,10,13		
Room 1:12	waives 6:21		
Ruthanne 1:13,15	WALTER 1:18		
S	want 7:5,11 9:1,14		
second 10:1,2	wants 8:18		
seconded 10:4	Washington 1:13		
see 5:9	we'll 5:8		
September 6:12	we're 5:13 7:15		
settlement 6:12	we've 5:22 6:1		
Sheila 3:2 5:16,17	went 4:22 10:15		
SHORT 1:17	William 3:5		
Show 1:6	working 3:8		
sign 10:10	X		
SILVERSTEIN	Y		
1:16	year 3:19		
sir 4:12,15 7:13,16	Z		
sold 3:18			
sorry 2:15 8:4			
speak 3:8			