

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Mac's Liquors, Inc. t/a :
Mac's Wine & Liquors : Show Cause
401 Rhode Island Ave., NW : Hearing
Retailer A - ANC-5E :
License No. 60758 :
Case #13-CC-00022 :
: :
(No ABC Manager on Duty) :
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October 30, 2013
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

ALSO PRESENT:

LOUISE PHILLIPS, OAG

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

(10:09 a.m.)

CHAIRPERSON MILLER: Okay. And our next case is a Show Cause Hearing called for 10:00. It is Case No. 13-CC-00022, Mac's Wine & Liquors located at 401 Rhode Island Avenue, N.E., License No. 60758, in ANC-5E.

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia.

CHAIRPERSON MILLER: Okay. Is anybody here from Mac's Wine & Liquors? Ms. Phillips, do you have any word whether the licensee is on his way?

MS. PHILLIPS: I have no word that the licensee was able to be contacted or called in to Ms. Zaniel.

CHAIRPERSON MILLER: So why don't you come forward because we have called a lot of cases and people haven't been here.

MR. PAK: Okay. Is this for Mac'?

CHAIRPERSON MILLER: You're for

1 Mac's?

2 MR. PAK: Yes.

3 CHAIRPERSON MILLER: Perfect. We
4 are right on Mac's. Perfect.

5 MEMBER SILVERSTEIN: Perfect
6 timing.

7 MR. PAK: Thanks.

8 CHAIRPERSON MILLER: You can take
9 a moment to get settled and sign-in.

10 MR. PAK: Is there a pen I can
11 use?

12 CHAIRPERSON MILLER: A pen?

13 MS. PHILLIPS: I guess somebody
14 took the pen.

15 CHAIRPERSON MILLER: Okay. If you
16 are ready, if you could identify yourselves
17 for the record?

18 MR. PAK: I'm Paul Pak.

19 MS. PAK: I'm Hye Pak.

20 CHAIRPERSON MILLER: Okay. And
21 you are the owner?

22 MR. PAK: My mom is the owner.

1 CHAIRPERSON MILLER: You're the
2 owner. Okay. So this is a Show Cause
3 Hearing. Ms. Phillips, do you have any
4 preliminary matters?

5 MS. PHILLIPS: I show no evidence
6 that the owners have contacted Ms. Zaniel. So
7 I don't have anything, but if I could have a
8 moment to speak with them, maybe we could
9 resolve this. I just don't know.

10 CHAIRPERSON MILLER: Okay.

11 MS. PHILLIPS: Otherwise Ms.
12 Mathieson is here and we can go forward.

13 CHAIRPERSON MILLER: Okay. Let me
14 ask you, would you like to take a few minutes
15 to talk to Ms. Phillips --

16 MR. PAK: Oh, that's fine, yeah.

17 CHAIRPERSON MILLER: -- about the
18 case before we proceed?

19 MR. PAK: That's fine, yeah.

20 CHAIRPERSON MILLER: Okay.

21 MS. PHILLIPS: Five.

22 CHAIRPERSON MILLER: Five, okay.

1 MS. PHILLIPS: Thank you, Madam
2 Chair.

3 CHAIRPERSON MILLER: You're
4 welcome.

5 MR. PAK: Thanks.

6 (Whereupon, at 10:13 a.m. a recess
7 until 10:16 a.m.)

8 MS. PHILLIPS: All right. Madam
9 Chair, thank you very much for your
10 indulgence. I think we have --

11 CHAIRPERSON MILLER: Okay. Ms.
12 Phillips?

13 MS. PHILLIPS: Yes. What I have
14 agreed with is not an OIC, but there is an
15 admission that there was no ABC manager on
16 board the night of the incident in question.
17 And therefore if you swear the witness here,
18 the gentleman, he will so state for the record
19 and then we can just move forward with
20 whatever the Board chooses as a fine.

21 CHAIRPERSON MILLER: Okay. Let me
22 ask you, sir, what I'm hearing is that you are

1 prepared to admit to the violation and that
2 once you do that the only subject that will be
3 at issue will be a penalty.

4 MR. PAK: Right.

5 CHAIRPERSON MILLER: What the
6 penalty should be.

7 MR. PAK: That's fine.

8 CHAIRPERSON MILLER: Okay. Well,
9 why don't I -- are you going to testify as
10 well or just --

11 MR. PAK: No, she is just here
12 because she has to, I guess.

13 CHAIRPERSON MILLER: Okay. Well,
14 let me just swear you in then.

15 MR. PAK: Okay.

16 Whereupon,

17 PAUL PAK
18 was called as a witness by for the licensee,
19 and having been first duly sworn, assumed the
20 witness stand and was examined and testified
21 as follows:

22 CHAIRPERSON MILLER: Okay. Thank

1 you. All right. Ms. Phillips?

2 MS. PHILLIPS: Good morning, Madam
3 Chair. This is a case that is one charge
4 only, that the establishment failed to have an
5 ABC manager on the date in question, which
6 appears to be March 30, 2013 at,
7 approximately, 12:30 p.m. And that's the
8 violation.

9 My understanding is that the
10 general manager or the person who was there
11 for the establishment was not a general
12 manager or licensed by the Board in a capacity
13 and is willing to admit, so admit and either
14 I can ask him the question or you can solicit
15 it from the dias.

16 CHAIRPERSON MILLER: Okay. I'll
17 ask you and then if you have more to add.
18 But, sir, do you admit that you failed to have
19 an ABC manager on duty, I believe it was, on
20 March 30, 2013?

21 MR. PAK: Yes, I do.

22 CHAIRPERSON MILLER: Okay. Is

1 there anything else you want to add, Ms.

2 Phillips to ask?

3 MS. PHILLIPS: My understanding is
4 that he is now an ABC manager, which is always
5 good for the record to know. But other than
6 that, the fine is as the Board deems
7 appropriate is all I have to say.

8 CHAIRPERSON MILLER: Okay. You
9 were there on March 30th, but you were not --

10 MR. PAK: Yes, I was the one
11 present there, but I didn't have the manager's
12 license.

13 CHAIRPERSON MILLER: You didn't
14 have a manager's license. Okay. And you have
15 one now?

16 MR. PAK: Yes, I do.

17 CHAIRPERSON MILLER: Okay. Is
18 there anything else you want to say with
19 respect to the penalty?

20 MR. PAK: No, I'm okay.

21 CHAIRPERSON MILLER: Okay.

22 MS. PHILLIPS: Just one further

1 question, Madam Chair.

2 CHAIRPERSON MILLER: Okay.

3 MS. PHILLIPS: For the witness,
4 was there an ABC manager anywhere on the
5 premises during the time that the investigator
6 from ABRA came in?

7 MR. PAK: No, my mother was not
8 there.

9 MS. PHILLIPS: Okay. Thank you.

10 CHAIRPERSON MILLER: Any questions
11 by Board Members? Okay. All right then, I
12 think that concludes this case. What we are
13 going to do is take it under advisement and
14 consider the penalty in your case and we will
15 issue a written order within 90 days that will
16 set forth the penalty in the case.

17 MR. PAK: Okay. That will come
18 through the mail?

19 CHAIRPERSON MILLER: Yes. Mail?
20 Okay. So what I'm going to do then, at this
21 point, is read the instructions and take a
22 vote on having a closed meeting deliberating

1 the penalty in this case.

2 As Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia and in accordance with Section 405 of
5 the Open Meetings Amendment Act of 2010, I
6 move that the ABC Board hold a closed meeting
7 for the purpose of seeking legal advice from
8 our counsel with respect to the case of Mac's
9 Wine & Liquors, Case No. 13-CC-00022, and for
10 purposes of deliberating on that case.

11 Do I have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks
14 has seconded the motion. I'll now take a roll
15 call vote on the motion that's before us now
16 that it has been seconded.

17 Mr. Brooks?

18 MEMBER BROOKS: I agree.

19 CHAIRPERSON MILLER: Ms. Miller
20 agrees.

21 Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: It appears
2 that the motion has passed by a vote of 3-0-0.

3 I hereby give notice that the ABC
4 Board will hold a closed meeting within a week
5 to consider this case in the ABC Board
6 conference room pursuant to the Open Meetings
7 Amendment Act of 2010.

8 Okay. Thank you very much.

9 MS. PHILLIPS: Thank you, Madam
10 Chair.

11 CHAIRPERSON MILLER: Okay.

12 MR. PAK: Thank you.

13 MS. PAK: Okay. Thank you.

14 MS. PHILLIPS: I'll see you in the
15 afternoon.

16 CHAIRPERSON MILLER: All right.
17 Our next case is scheduled for 11:00. It is
18 now 10:22, so the Board will recess and return
19 at 11:00.

20 (Whereupon, the Show Cause Hearing
21 in the above-entitled matter was concluded at
22 10:22 a.m.)

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