

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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PUBLIC MEETING

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IN THE MATTER OF: :

KHAN'S BBQ, INC., T/A KHAN'S :
 1125 H Street :

License No. 84082 :Show Cause
 Retailer CR, ANC 6A :Hearing
 Viol of VA, Failed to Obtain :(Status)
 Proper Endorsement :

Case No. 11-CMP-00301 :

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December 5, 2012

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

PRESENT

RUTHANNE MILLER, CHAIRPERSON

NICK ALBERTI, Member

DONALD BROOKS, Member

ALSO PRESENT

Louise Phillips, OAG

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

9:56 a.m.

CHAIRPERSON MILLER: The next case on our calendar is Case No. 11-CMP-00301. Khan's located at 1125 H Street, NE. License No. 84082 in ANC 6A.

Good morning.

MR. LEE: Good morning.

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

MR. LEE: My name is James Lee. I'm the owner of Khan's Restaurant.

CHAIRPERSON MILLER: Okay. This is a Show Cause Status Hearing.

Mr. Lee, did you receive notice of this hearing?

MR. LEE: No.

CHAIRPERSON MILLER: Okay.

MS. PHILLIPS: Excuse me. Did you receive these? These? Did you receive these?

MR. LEE: Yes. Of course, I

1 receive.

2 CHAIRPERSON MILLER: You did
3 receive it?

4 MR. LEE: Yes.

5 CHAIRPERSON MILLER: Okay. Did
6 you read it?

7 MR. LEE: No.

8 CHAIRPERSON MILLER: You didn't
9 read it.

10 MS. PHILLIPS: Did you read it?

11 MR. LEE: Of course.

12 CHAIRPERSON MILLER: You did read
13 it?

14 MR. LEE: Yes. I read it. I
15 didn't hear you very well.

16 CHAIRPERSON MILLER: Okay. Did
17 you understand it?

18 MR. LEE: Yes.

19 CHAIRPERSON MILLER: Okay. And my
20 last question is, do you waive the Board's
21 reading of that notice into the record?

22 MR. LEE: No.

1 CHAIRPERSON MILLER: You don't
2 waive it? Did you understand the question?

3 MR. LEE: I'm sorry?

4 MS. PHILLIPS: Do you want them to
5 read it into the record?

6 MR. LEE: No. No. I already read
7 it. I know what it says.

8 CHAIRPERSON MILLER: Okay. The
9 notice is a part of the record. So, you're
10 all right with our not reading that aloud into
11 the record right now? Is that correct?

12 The question is, there's a notice
13 there.

14 MR. LEE: Yes.

15 CHAIRPERSON MILLER: And I'm
16 asking you if you will waive our reading that
17 notice right now into the record?

18 MR. LEE: No, I read notice.
19 Okay.

20 CHAIRPERSON MILLER: Okay.
21 There's a rule that will require us right now
22 into the record unless you say it's okay that

1 we don't read it now into the record that the
2 written document is in the record.

3 MR. LEE: I think you don't need
4 to read it.

5 CHAIRPERSON MILLER: We don't need
6 to read it?

7 MR. LEE: No.

8 CHAIRPERSON MILLER: Okay. All
9 right.

10 Those are my preliminary
11 questions. Ms. Phillips, do you have any
12 preliminary matters?

13 MS. PHILLIPS: I have I think
14 three.

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: We have no offer in
17 compromise. There was a request for an
18 interpreter but we were able to manage getting
19 through the requirements of a status without
20 an interpreter. But we won't request both --
21 the District and the Respondent will request
22 for the Show Cause Hearings to have an

1 interpreter because that will be a little more
2 complex.

3 The third matter is that it is my
4 understanding from Mr. Lee that he was due
5 here last Wednesday on another matter but he
6 read the notice to read December 28th, not
7 November 28th and that's why he did not come
8 to the Status Hearing last week. So, what I
9 would like to do and the third point is is
10 that when we go to Show Cause if we could
11 consolidate the two cases into one Show Cause
12 Hearing so he would only have to come back one
13 time.

14 So, the Show Cause for 11-CMP-415
15 is for February 20th of next year and the Show
16 Cause of the case we are here today for is, I
17 believe, on the 27th. So, either day that the
18 Board's schedule is --

19 CHAIRPERSON MILLER: Okay.

20 MS. PHILLIPS: -- clearer then we
21 will --

22 CHAIRPERSON MILLER: Okay.

1 MS. PHILLIPS: -- consolidate.
2 That way we'll only need an interpreter one
3 time and we'll consolidate both cases for
4 hearing.

5 CHAIRPERSON MILLER: Okay. So,
6 Mr. Lee, you're okay today without an
7 interpreter? That's okay with you today?

8 MR. LEE: Yes.

9 CHAIRPERSON MILLER: Okay. And
10 did you understand what Ms. Phillips is
11 asking?

12 MR. LEE: Yes, I understand.

13 CHAIRPERSON MILLER: Okay. So, do
14 you agree that you would like the two cases to
15 be heard at the same time?

16 MR. LEE: Yes.

17 CHAIRPERSON MILLER: In the same
18 hearing time?

19 MR. LEE: Yes.

20 CHAIRPERSON MILLER: Okay. Let me
21 just consult with counsel with respect if
22 we're able to project which date is better at

1 this point or not and if the Board Members are
2 agreeable to that.

3 Just while we're waiting for our
4 staff to check the dates do you have any idea,
5 Ms. Phillips, as to the time it would take for
6 each of these hearings?

7 MS. PHILLIPS: Well, one is a
8 quarterly statement case and one is two other
9 counts which are fairly straightforward.
10 They're sort of a binary thing.

11 CHAIRPERSON MILLER: Okay.

12 MS. PHILLIPS: It's either he did
13 or he didn't so I don't think it will take all
14 that long. Once I have the interpreter if we
15 come a little earlier, maybe we can figure it
16 all out and --

17 CHAIRPERSON MILLER: Okay.

18 MS. PHILLIPS: -- make it even
19 more consolidated.

20 CHAIRPERSON MILLER: Okay. So,
21 we're not necessarily looking for a much
22 larger block of time?

1 MS. PHILLIPS: No, I'm not
2 predicting a huge block of time.

3 CHAIRPERSON MILLER: Okay. Then
4 I've been advised that we can schedule the two
5 cases for February 20th.

6 MS. PHILLIPS: The 20th?

7 CHAIRPERSON MILLER: Yes. The
8 time? What's the time?

9 MS. PHILLIPS: Still at --

10 CHAIRPERSON MILLER: The time it
11 was set for --

12 MS. PHILLIPS: 1:30.

13 CHAIRPERSON MILLER: Okay. Board
14 Members, all right with that?

15 MEMBER BROOKS: Yes.

16 CHAIRPERSON MILLER: All right.
17 So, it's February 20th, 1:00.

18 MS. PHILLIPS: 1:30.

19 CHAIRPERSON MILLER: 1:30. I
20 don't have that --

21 MS. PHILLIPS: 1:30 is what the
22 notice says.

1 CHAIRPERSON MILLER: All right.

2 MS. PHILLIPS: And we'll get
3 additional written notices mailed to us?

4 MS. JENKINS: Yes.

5 CHAIRPERSON MILLER: Yes.

6 MS. PHILLIPS: All right.

7 CHAIRPERSON MILLER: Okay.

8 MS. PHILLIPS: Thank you, Board
9 Members.

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

12 MR. LEE: Thank you.

13 (Whereupon, the above matter was
14 concluded at 10:02 a.m.)

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<p style="text-align: center;">A</p> <p>able 5:18 7:22 additional 10:3 advised 9:4 agree 7:14 agreeable 8:2 ALBERTI 1:17 Alcoholic 1:2,12,13 aloud 4:10 ANC 1:8 2:6 asking 4:16 7:11 Assistant 2:10 Attorney 2:10 a.m 2:2 10:14</p> <hr/> <p style="text-align: center;">B</p> <p>back 6:12 BBQ 1:6 believe 6:17 better 7:22 Beverage 1:2,12,13 binary 8:10 block 8:22 9:2 Board 1:2,13 8:1 9:13 10:8 Board's 3:20 6:18 BROOKS 1:18 9:15 Building 1:13</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 case 1:9 2:3,4 6:16 8:8 cases 6:11 7:3,14 9:5 Cause 1:7 2:15 5:22 6:10,11,14 6:16 Chair 1:14 CHAIRPERSON 1:17 2:3,14,19 3:2 3:5,8,12,16,19 4:1 4:8,15,20 5:5,8,15 6:19,22 7:5,9,13 7:17,20 8:11,17 8:20 9:3,7,10,13</p>	<p>9:16,19 10:1,5,7 10:10 check 8:4 clearer 6:20 Columbia 1:1 2:11 come 6:7,12 8:15 complex 6:2 compromise 5:17 concluded 10:14 consolidate 6:11 7:1,3 consolidated 8:19 consult 7:21 Control 1:2,12,13 correct 4:11 counsel 7:21 counts 8:9 course 2:22 3:11 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>date 7:22 dates 8:4 day 6:17 December 1:11 6:6 District 1:1 2:11 5:21 document 5:2 DONALD 1:18 due 6:4 D.C 1:14</p> <hr/> <p style="text-align: center;">E</p> <p>earlier 8:15 either 6:17 8:12 Endorsement 1:9 Excuse 2:20</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:8 fairly 8:9 February 6:15 9:5 9:17 figure 8:15</p> <hr/> <p style="text-align: center;">G</p> <p>General 2:10 getting 5:18</p>	<p>go 6:10 Good 2:7,8,9</p> <hr/> <p style="text-align: center;">H</p> <p>H 1:6 2:5 hear 3:15 heard 7:15 hearing 1:8,13 2:15 2:17 6:8,12 7:4,18 hearings 5:22 8:6 huge 9:2</p> <hr/> <p style="text-align: center;">I</p> <p>idea 8:4 interpreter 5:18,20 6:1 7:2,7 8:14</p> <hr/> <p style="text-align: center;">J</p> <p>James 2:12 JENKINS 10:4</p> <hr/> <p style="text-align: center;">K</p> <p>Khan's 1:6,6 2:5,13 know 4:7</p> <hr/> <p style="text-align: center;">L</p> <p>larger 8:22 Lee 2:8,12,12,16,18 2:22 3:4,7,11,14 3:18,22 4:3,6,14 4:18 5:3,7 6:4 7:6 7:8,12,16,19 10:12 License 1:7 2:5 little 6:1 8:15 located 2:5 long 8:14 looking 8:21 Louise 1:22 2:10</p> <hr/> <p style="text-align: center;">M</p> <p>mailed 10:3 manage 5:18 matter 1:5 6:3,5 10:13 matters 5:12 MEETING 1:3 Member 1:17,18</p>	<p>9:15 Members 8:1 9:14 10:9 met 1:13 Miller 1:14,17 2:3 2:14,19 3:2,5,8,12 3:16,19 4:1,8,15 4:20 5:5,8,15 6:19 6:22 7:5,9,13,17 7:20 8:11,17,20 9:3,7,10,13,16,19 10:1,5,7,10 morning 2:7,8,9</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:12 NE 2:5 necessarily 8:21 need 5:3,5 7:2 NICK 1:17 notice 2:16 3:21 4:9 4:12,17,18 6:6 9:22 notices 10:3 November 6:7 N.W 1:14</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:22 Obtain 1:8 offer 5:16 okay 2:14,19 3:5,16 3:19 4:8,19,20,22 5:8,15 6:19,22 7:5 7:6,7,9,13,20 8:11 8:17,20 9:3,13 10:7,10 Once 8:14 owner 2:13</p> <hr/> <p style="text-align: center;">P</p> <p>part 4:9 Phillips 1:22 2:9,10 2:20 3:10 4:4 5:11,13,16 6:20 7:1,10 8:5,7,12,18 9:1,6,9,12,18,21 10:2,6,8</p>	<p>point 6:9 8:1 predicting 9:2 preliminary 5:10 5:12 PRESENT 1:15,19 presiding 1:14 project 7:22 Proper 1:9 PUBLIC 1:3 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>quarterly 8:8 question 3:20 4:2 4:12 questions 5:11</p> <hr/> <p style="text-align: center;">R</p> <p>read 3:6,9,10,12,14 4:5,6,18 5:1,4,6 6:6,6 reading 3:21 4:10 4:16 receive 2:16,21,21 3:1,3 record 3:21 4:5,9 4:11,17,22 5:1,2 Reeves 1:13 request 5:17,20,21 require 4:21 requirements 5:19 respect 7:21 Respondent 5:21 Restaurant 2:13 Retailer 1:8 right 4:10,11,17,21 5:9 9:14,16 10:1,6 Room 1:13 rule 4:21 RUTHANNE 1:17</p> <hr/> <p style="text-align: center;">S</p> <p>says 4:7 9:22 schedule 6:18 9:4 set 9:11 Show 1:7 2:15 5:22 6:10,11,14,15</p>
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