

Capital Reporting Company
In the Matter of: DJ Sun Market, Inc. 09-12-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
DJ Sun Market, Inc. :
t/a Sun Market :
415 Rhode Island Avenue, NE :
Retailer B : Show Cause
License No. 83937 : Hearing
ANC 5C : (Status)
Case No. 11-CMP-00330 :
Sold Go-Cups, Violation of :
Voluntary Agreement :
----- :

September 12, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

MICHAEL STERN, OAG

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

2 10:19 a.m.

3 CHAIRPERSON MILLER: All right. I'll call
4 the case for Sun Market. That is Case No. 11-CMP-
5 00330, Sun Market, 415 Rhode Island Avenue, N.E.,
6 License No. 83937, in ANC 5C.

7 MR. STERN: Michael Stern representing the
8 District of Columbia.

9 MR. LEE: Good morning, members. My name is
10 Kevin Lee. I represent DJ Sun Market, Inc., trading as
11 Sun Market. Next to me is the owner of the Sun Market
12 and a Korean translator.

13 CHAIRPERSON MILLER: And are there any
14 preliminary matters in this case? Oh, I need to swear
15 the translator in again. Wait a second. And it's a
16 different case. Let me just do that. Okay? Ms. Oh?

17 MS. OH: Yeah.

18 CHAIRPERSON MILLER: I want to swear you in
19 again because it's a separate case --

20 MR. LEE: Yeah.

21 CHAIRPERSON MILLER: -- for the record. All
22 right. Do you solemnly affirm that you will faithfully

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1 and accurately interpreter the proceedings in this
2 matter from Korean into English and from English into
3 Korean to the best of your ability?

4 (No audible response.)

5 CHAIRPERSON MILLER: Okay. Let's introduce
6 the parties for the record again.

7 MR. STERN: Michael Stern representing the
8 District of Columbia.

9 CHAIRPERSON MILLER: Okay. And the Licensee
10 is -- the Licensee on the table?

11 MR. LEE: Thank you.

12 MR. JEON: D-U-K, B -- middle name, "B," last
13 name's J-E-O-N, Duk B. Jeon.

14 CHAIRPERSON MILLER: Okay. Are you the
15 president or the owner or

16 MR. JEON: Yes, ma'am.

17 CHAIRPERSON MILLER: Okay. Are there any
18 preliminary matters in this case?

19 MR. STERN: There are. I'm sure the Licensee
20 would recognize that they have received the notice and
21 waive its formal reading.

22 CHAIRPERSON MILLER: I'll let you do that.

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1 MR. LEE: Yes, I do.

2 CHAIRPERSON MILLER: You did receive notice?

3 MR. LEE: Yes.

4 CHAIRPERSON MILLER: Okay. Read it,
5 understood it, waive the -- its reading --

6 MR. LEE: Yes, I waive its reading.

7 CHAIRPERSON MILLER: -- into the record?

8 Okay. Thank you, sir.

9 MR. STERN: The parties have -- let's -- the
10 parties have reached agreement to resolve this case,
11 which we have hope the Board will adopt, this offer in
12 compromise. The Respondent would pay a fine of \$500
13 today for Charge 1. Charge 2 would be dismissed.

14 CHAIRPERSON MILLER: Okay. And I'm going to
15 repeat it too and ask the applicant -- I mean, the
16 Licensee if you agree to the offer in compromise, which
17 is to pay a fine today of \$500 for Charge 1 and Charge
18 2 will be dropped?

19 MR. JEON: Yes.

20 MR. LEE: Yes.

21 MR. STERN: Yes.

22 MS. OH: Yes.

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1 CHAIRPERSON MILLER: You agree to that?

2 Okay. And do you -- does the Licensee understand that
3 by accepting the offer in compromise, he waives his
4 right to a hearing?

5 MR. LEE: Yes.

6 CHAIRPERSON MILLER: Okay. Then at this
7 point then I would move that the Board accept the offer
8 in compromise, that being a fine of \$500 to be paid
9 today for Charge 1, and Charge 2 will be dropped.

10 Do I have a second?

11 MR. NOPHLIN: Second.

12 CHAIRPERSON MILLER: Any comment?

13 BOARD MEMBER: Yes.

14 MR. ALBERTI: Ms. Miller, I have a question.

15 CHAIRPERSON MILLER: Yeah, yes.

16 MR. ALBERTI: Mr. Stern, just for my
17 information, Charge 1 and Charge 2 are -- what's the
18 nature of those charges so that I understand?

19 MR. STERN: Charge 1 is the sale -- or
20 providing a go cup and Charge 2 was the voluntary
21 agreement. They're both secondary --

22 MR. ALBERTI: Okay.

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1 MR. STERN: -- charges occurred at the same
2 time.

3 MR. ALBERTI: Okay. I don't have the charge
4 in depth and I just wanted to make sure I understood.
5 Thank you.

6 CHAIRPERSON MILLER: Okay. Any other
7 questions?

8 (No audible response.)

9 CHAIRPERSON MILLER: All right. Then there's
10 a motion before the Board to accept this offer in
11 compromise. That's been seconded by Mr. Nophlin. All
12 those in favor, say aye?

13 (Chorus of ayes.)

14 CHAIRPERSON MILLER: All those opposed?

15 (No audible response.)

16 CHAIRPERSON MILLER: All those abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: Then the vote is 5-0-0
19 to accept the offer in compromise. Okay. Thank you
20 very much.

21 (WHEREUPON, at 10:24 a.m., the hearing was
22 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, ERICK McNAIR, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing transcript was
6 recorded by me and thereafter reduced to typewriting
7 under my direction; that said transcription is a true
8 record of the testimony given by said parties; that I
9 am neither counsel for, related to, nor employed by any
10 of the parties to the action in which this was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.

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ERICK McNAIR

20

Notary Public in and for the

21

District of Columbia

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My Commission Expires: July 14, 2016

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

Date
MIRANDA PENNACHI
Transcriptionist

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<p>_____</p> <p style="text-align: center;">\$</p> <p>\$500 4:12,17 5:8</p> <p>_____</p> <p style="text-align: center;">0</p> <p>00330 2:5</p> <p>_____</p> <p style="text-align: center;">1</p> <p>1 4:13,17 5:9,17,19</p> <p>10:19 2:2</p> <p>10:24 6:21</p> <p>11-CMP 2:4</p> <p>11-CMP-00330 1:8</p> <p>12 1:11</p> <p>14 7:22</p> <p>14th 1:13</p> <p>_____</p> <p style="text-align: center;">2</p> <p>2 4:13,18 5:9,17,20</p> <p>2000 1:13</p> <p>2012 1:11</p> <p>2016 7:22</p> <p>_____</p> <p style="text-align: center;">4</p> <p>415 1:6 2:5</p> <p>_____</p> <p style="text-align: center;">5</p> <p>5-0-0 6:18</p> <p>5C 1:8 2:6</p> <p>_____</p> <p style="text-align: center;">8</p> <p>83937 1:7 2:6</p> <p>_____</p> <p style="text-align: center;">A</p> <p>a.m 2:2 6:21</p> <p>ability 3:3</p> <p>abstaining 6:16</p>	<p>accept 5:7 6:10,19</p> <p>accepting 5:3</p> <p>accurately 3:1</p> <p>action 7:10,14</p> <p>adopt 4:11</p> <p>affirm 2:22</p> <p>agreement 1:9 4:10 5:21</p> <p>ALBERTI 1:17 5:14,16,22 6:3</p> <p>Alcoholic 1:2,12,13</p> <p>am 7:9,11 8:3</p> <p>ANC 1:8 2:6</p> <p>appearing 7:5</p> <p>applicant 4:15</p> <p>attorney 7:12</p> <p>audible 3:4 6:8,15,17</p> <p>Avenue 1:6 2:5</p> <p>aye 6:12</p> <p>ayes 6:13</p> <p>_____</p> <p style="text-align: center;">B</p> <p>best 3:3</p> <p>Beverage 1:2,12,13</p> <p>Board 1:2,13 4:11 5:7,13 6:10</p> <p>BROOKS 1:17</p> <p>Building 1:13</p> <p>_____</p> <p style="text-align: center;">C</p> <p>CALVIN 1:18</p> <p>case 1:8 2:4,14,16,19</p>	<p>3:18 4:10</p> <p>Cause 1:7</p> <p>CERTIFICATE 7:1 8:1</p> <p>certify 7:4 8:3</p> <p>Chairperson 1:14,16 2:3,13,18,21 3:5,9,14,17,22 4:2,4,7,14 5:1,6,12,15 6:6,9,14,16,18</p> <p>charge 4:13,17 5:9,17,19,20 6:3</p> <p>charges 5:18 6:1</p> <p>Chorus 6:13</p> <p>Columbia 1:1 2:8 3:8 7:21</p> <p>comment 5:12</p> <p>Commission 7:22</p> <p>complete 8:8</p> <p>compromise 4:12,16 5:3,8 6:11,19</p> <p>concluded 6:22</p> <p>Control 1:2,12,13</p> <p>correct 8:8</p> <p>counsel 7:9,12</p> <p>Court 8:4,6</p> <p>cup 5:20</p> <p>_____</p> <p style="text-align: center;">D</p> <p>D.C 1:14</p> <p>Date 8:13</p> <p>depth 6:4</p> <p>different 2:16</p>	<p>direction 7:7</p> <p>dismissed 4:13</p> <p>District 1:1 2:8 3:8 7:21</p> <p>DJ 1:5 2:10</p> <p>DONALD 1:17</p> <p>dropped 4:18 5:9</p> <p>Duk 3:13</p> <p>D-U-K 3:12</p> <p>_____</p> <p style="text-align: center;">E</p> <p>employed 7:9,12</p> <p>employee 7:11</p> <p>English 3:2</p> <p>ERICK 7:3,19</p> <p>Expires 7:22</p> <p>_____</p> <p style="text-align: center;">F</p> <p>faithfully 2:22</p> <p>favor 6:12</p> <p>financially 7:13</p> <p>fine 4:12,17 5:8</p> <p>foregoing 7:4,5</p> <p>foregoing/ attached 8:7</p> <p>formal 3:21</p> <p>_____</p> <p style="text-align: center;">G</p> <p>given 7:8</p> <p>Go-Cups 1:9</p> <p>_____</p> <p style="text-align: center;">H</p> <p>hearing 1:7,13 5:4 6:21 7:4</p> <p>hereby 7:4 8:3</p> <p>hereto 7:12</p>
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