DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF:               :
                                :
Eun & Peter, Inc.               :
t/a Uncle Lee's Seafood         :
1102 Eastern Avenue, NE         :
Retailer A                      :  Protest
License No. 85918               :  Hearing
ANC 7C                          :  (Status)
Case No. 12-PRO-00038           :
Renewal Application             :
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September 19, 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

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

2 9:39 a.m.

3 CHAIRPERSON MILLER: Our next case on the

4 calendar is Case No. 12-PRO-00038, Uncle Lee's Seafood.

5 Are the parties here?

6 MS. BROWN: Good morning.

7 CHAIRPERSON MILLER: Okay. I heard you all

8 might be running late but you're here. All right.

9 MS. BROWN: Yes, yes.

10 CHAIRPERSON MILLER: Uncle Lee's Seafood. The

11 License No. is 85918. It's located in ANC 7C. And its

12 address is 1102 Eastern Avenue, N.E. Okay. This is a --

13 MR. JUNG: Good morning, Your Honor.

14 CHAIRPERSON MILLER: -- status hearing. Good

15 morning. If you would identify yourself for the

16 record? I'm sorry?

17 MS. KIM: I am Eun Sun Kim.

18 CHAIRPERSON MILLER: What is your name? And

19 there's a microphone if you could just speak up and

20 work with that.

21 MS. KIM: Eun Sun Kim.

22 CHAIRPERSON MILLER: Okay. Good morning.

1 MR. JUNG: My name's Peter Jung, her son, as
2 a translator.
3 CHAIRPERSON MILLER: Oh, you're the
4 translator? Okay.
5 MR. JUNG: Yes, ma'am.
6 CHAIRPERSON MILLER: Okay. And you are?
7 MS. BROWN: Sylvia Brown, Advisory
8 Neighborhood Commissioner 7C04, representing Advisory
9 Neighborhood Commission 7C.
10 CHAIRPERSON MILLER: Okay. Good morning,
11 everyone. This is just a status hearing. And I just
12 want to know if there are any issues we need to address
13 before I set your case for a protest hearing date?
14 MS. BROWN: At this point unfortunately, the
15 ANC Commission had established a working group to
16 discuss and negotiate with the Licensees the voluntary
17 agreement. Unfortunately, the applicant missed that
18 particular negotiation date.
19 However, the commission would like to request
20 a motion to stay the protest and offer a -- and try to
21 get a schedule for a continuance so that the
22 commission, the Licensee and the community members can

1 really discuss and negotiate the voluntary agreement
2 and they can get a better understanding of working
3 together cooperatively.
4 CHAIRPERSON MILLER: Okay.
5 MR. JUNG: And we have our --
6 CHAIRPERSON MILLER: Now, can you -- do you
7 need to translate all of that for Ms. Kim?
8 MR. ALBERTI: Madam Chair, I'm a little --
9 CHAIRPERSON MILLER: This isn't testimony.
10 MR. ALBERTI: I'm -- yes. I believe --
11 CHAIRPERSON MILLER: Do I need to swear --
12 MR. ALBERTI: -- we need to swear in the -- I
13 believe you need to swear in the translator.
14 CHAIRPERSON MILLER: Okay, okay.
15 MR. ALBERTI: If it's a District -- if it's
16 the District's (inaudible) translator, we need to swear
17 it in. If it's a friend of the family or something
18 like that, we might --
19 CHAIRPERSON MILLER: Are you -- are you a
20 relative or a friend or are you officially --
21 MR. JUNG: Yeah, her son. Yes.
22 CHAIRPERSON MILLER: Her son. Okay. Okay.

1 No. We don't need to -- okay. But I want to make sure
2 she understood.
3 MR. JUNG: Yes.
4 CHAIRPERSON MILLER: Okay.
5 MR. JUNG: I told her that she put on
6 appointment and we missed it. We never got a call
7 from --
8 CHAIRPERSON MILLER: Okay.
9 MR. JUNG: -- the ANC to come to the meeting
10 or we have not seen a voluntary agreement yet.
11 CHAIRPERSON MILLER: What -- how do you feel
12 about the request? We don't have -- I don't know for
13 how long the stay you're asking for but postponing --
14 MR. JUNG: We --
15 CHAIRPERSON MILLER: As of now, I have in my
16 notes that your protest hearing would be scheduled --
17 is scheduled currently for October 17. And Ms. Brown,
18 are you saying that's not enough time for you to --
19 MR. BROWN: Yeah.
20 CHAIRPERSON MILLER: You want more time to
21 negotiate?
22 MR. BROWN: That's right.

1 CHAIRPERSON MILLER: How much more time?
2 MR. BROWN: Well, that would be at discussion
3 or open to what's available for the Board. However, if
4 we're trying to negotiate, discuss -- because there's a
5 lot of -- unfortunately, a lot of back story and -- I
6 don't know.
7 CHAIRPERSON MILLER: Okay. And what's your
8 position on it, if any?
9 MR. JUNG: We refused the continuance due to
10 we had -- we had enough time to negotiate already.
11 CHAIRPERSON MILLER: Okay.
12 MR. JUNG: And we refused the continuance.
13 And we have community members holding a protest. And
14 we would like to go ahead with the October 17th
15 protest, please.
16 CHAIRPERSON MILLER: Okay. So what I'm going
17 to do at this point then is -- the date's going to stay
18 in the calendar for the protest, October 17th. You
19 know, you always have the opportunity to submit
20 anything in writing if you would like but at this point
21 we'll go forward with the instructions for the protest.
22 MS. BROWN: Okay. Well, I would like to make

1 a point. Ms. Kim's representative or translator
2 indicated that he did not receive a voluntary
3 agreement. That is incorrect. The ANC has sent by
4 email -- or rather by mail the information for a
5 request to negotiate. So I wanted to at least get that
6 on the record, that we have attempted to establish
7 negotiations. But they have been not -- the applicant
8 has not responded.
9 MR. JUNG: She's correct. She sent us one
10 voluntary agreement we totally rejected. And she was
11 going to revise it and send us one that's not on --
12 CHAIRPERSON MILLER: Well, let me say this.
13 We -- this is just a status and so --
14 MR. JUNG: Okay.
15 CHAIRPERSON MILLER: -- we don't need to hear
16 too much.
17 MS. BROWN: That's right.
18 CHAIRPERSON MILLER: However, it's set for
19 October 17th. There's -- if you all want to continue
20 to negotiate or if there's something not right --
21 MR. JUNG: No. We want to go --
22 CHAIRPERSON MILLER: -- you know, whatever.

1 As of now, the 17th and then if there's anything else
2 you need to bring to our attention, you know, or want
3 to request, you can do that in writing at that point.
4 Okay.
5 So what I want to do is just read you some
6 basic --
7 MR. JUNG: Okay.
8 CHAIRPERSON MILLER: -- instructions about
9 the protest and -- hearing. And then you can also
10 follow up with the agency if you have questions. What
11 I want to bring to your attention is that you should
12 have received a mailing from Adjudication Assistant
13 Sara Fashbaugh. It's a letter explaining the protest
14 process and a copy of the protest information form.
15 If you don't have these documents, please see
16 Ms. Fashbaugh at the conclusion of this hearing. It's
17 important that you review the rules closely and adhere
18 to them before and during the protest hearing. You're
19 required to complete and submit the protest information
20 form, sometimes referred to as a PIF, seven days before
21 the date of the hearing.
22 This document needs to be submitted to ABRA

1 and to the opposing parties in this matter. If we do
2 not receive a copy of your PIF, your application or
3 your protest, whichever side you're representing, may
4 be subject to dismissal. The form is important because
5 it helps the Board in narrowing the protest issues,
6 facilitating the process and keeping parties focused
7 during the hearing.
8 So pay attention to that PIF. It's really
9 important. Get that in within the seven-day period.
10 You don't want to be dismissed for something like that.
11 Thank you for your cooperation. If you have any
12 questions after this hearing, please contact Ms.
13 Fashbaugh at 202-397-3971.
14 MR. JUNG: Thank you.
15 CHAIRPERSON MILLER: Thank you very much.
16 MS. BROWN: Thank you.
17 (WHEREUPON, at 9:47 a.m., the hearing was
18 concluded.)
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22

1 CERTIFICATE OF NOTARY PUBLIC

2

3 I, BRADLEY ANGLIN, 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.

15

16

17

18 _____

19 BRADLEY ANGLIN

20 Notary Public in and for the

21 District of Columbia

22

1 CERTIFICATE OF TRANSCRIPTION

2

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

10

11

12

13 _____ _____
14 Date MIRANDA PENNACHI
15 Transcriptionist

16

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