

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
I and J Baik Corporation :
Stipulation :
t/a Alabama Express :
Pub :
2847 Alabama Avenue, SE :
Retailer A : Protest
License No. 24971 : Hearing
ANC 7B :
Case No. 12-PRO-00036 :
Renewal Application :
----- :

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

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

2 3:40 p.m.

3 CHAIRPERSON MILLER: Okay. Next and last on
4 our hearing schedule is a protest hearing, Case No. 12-
5 PRO- 00036, Alabama Express, located at 2846 Alabama
6 Avenue, S.E., License No. 24971. Yeah, go ahead. All
7 right.

8 Would you introduce yourselves? Wait a
9 minute. Are we ready now? Introduce yourself for the
10 record.

11 MR. CHRIS BAIK: My name is Chris Baik with
12 Alabama Express.

13 CHAIRPERSON MILLER: Chris --

14 PARTICIPANT: Excuse us, please.

15 CHAIRPERSON MILLER: You guys, I can't hear.
16 Chris, I'm sorry, what's your last name?

17 MR. CHRIS BAIK: Baik, B-A-I-K.

18 CHAIRPERSON MILLER: B-A-I-K. Okay.

19 MR. CHRIS BAIK: B-A-I-K.

20 MR. IN SUH BAIK: My name is In Suh Baik.
21 That's B-A-I-K.

22 CHAIRPERSON MILLER: Okay. And are you the

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1 owners?

2 MR. IN SUH BAIK: Yeah, I'm the owner.

3 CHAIRPERSON MILLER: Both of you?

4 MR. IN SUH BAIK: No.

5 CHAIRPERSON MILLER: No. You're the owner?

6 MR. IN SUH BAIK: Yeah, I'm --

7 CHAIRPERSON MILLER: And you're a relation?

8 MR. CHRIS BAIK: His son and --

9 CHAIRPERSON MILLER: Son.

10 MR. CHRIS BAIK: -- worker at the store.

11 CHAIRPERSON MILLER: Okay. Now, we -- the
12 protest was filed by ANC 7B, as I understand. Are they
13 here? Okay. Has anybody heard from ANC 7B? All
14 right. There was a mix -- there was -- this hearing was
15 delayed. So we're just making sure that, you know,
16 there's not a mix-up there. What time did -- what time
17 did you all come here?

18 MR. CHRIS BAIK: I was here by 12:45
19 (inaudible).

20 CHAIRPERSON MILLER: Oh, you stayed? You
21 didn't -- okay. Okay. Okay. Staff is going to call
22 the ANC commissioner one more time to make sure there's

1 not a mix-up. And so we're going to take a five-minute
2 break.

3 (WHEREUPON, at 3:44 p.m., the hearing went
4 off record until 4:14 p.m.)

5 CHAIRPERSON MILLER: Okay. We are ready to
6 go. I can't remember. Did you introduce yourselves for
7 the record? Okay. So it's now 4:14 in the afternoon.
8 And this case was delayed from 1:00 to 2:30. And our
9 staff did contact the ANC 7B, who was a protestant in
10 this case. Our staff spoke with a Mr. Jordan and Ms.
11 Williams to tell them that this was going to be on the
12 schedule for 2:30. And at 4:15 they haven't showed up.

13 And our staff called again and left messages.
14 So at this point they have notice for sure that the
15 hearing was going to be taking place this afternoon.
16 And no one has appeared to prosecute the case. And
17 they are the only party in this case.

18 Therefore, I am going to move to dismiss the
19 protest for two reasons, (1) failure to prosecute here
20 today to make their case, and second, they did not file
21 their PIF form as well. And the parties have been
22 instructed -- I instruct the parties -- I think Ms.

1 Williams was at the -- at the status hearing -- that
2 failure to file a PIF within seven days could result in
3 dismissal. So the combination of those two reasons, I
4 would move that we dismiss the protest. Do I have a
5 second?

6 MR. NOPHLIN: Second.

7 CHAIRPERSON MILLER: Do -- would others like
8 to make comments on the -- Okay.

9 MR. SILVERSTEIN: Very, very briefly.

10 CHAIRPERSON MILLER: Okay.

11 MR. SILVERSTEIN: Madam Chair, this is an
12 outrage, pure and simple. Our staff, Ms. Martin --
13 Investigator Martin spent many hours and many days
14 putting together a protest report. We have sat here
15 and waited for these people. They did not file a PIF.
16 They did not show up. They did not have the decency to
17 call us and tell us that they were not going to show
18 up. They have ten days to file a request that their
19 protest be reinstated.

20 If it can somehow be shown that an asteroid
21 hit their ANC or a tsunami, I might consider yes.
22 Otherwise, it will be a cold day in hell before I

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1 support any reinstatement from this ANC or any
2 organization that treats DC government employees the
3 way they have.

4 CHAIRPERSON MILLER: Okay. Other comments?

5 MR. ALBERTI: Amen.

6 CHAIRPERSON MILLER: Okay. Okay. Well,
7 what's before us now is the dismissal. All right,
8 then. We have the motion. The Board -- I believe Mr.
9 Nophlin seconded it.

10 All those in favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: Then the motion to
17 dismiss passes by a vote of 5-0-0 and the protest is
18 dismissed.

19 I want to just say a couple of words too
20 though before you go.

21 MR. CHRIS BAIK: Okay.

22 CHAIRPERSON MILLER: As Mr. Silverstein said,

1 the rules provide that they can file a motion for
2 reconsideration and they have ten days to do that. And
3 we don't know if they'll do that or not. But if they
4 do, you'll have an opportunity to respond to that. And
5 I also wanted to tell you, if this -- in the event that
6 the Board were to grant the motion for reconsideration,
7 there would be another scheduled date. But I would
8 suggest that if that happens that you improve your PIF.

9 Because you filed a PIF but it didn't have
10 any information in it except, you know, your names.

11 MR. CHRIS BAIK: Well, I didn't understand
12 how to fill it out. We didn't have a -- were we
13 supposed to fill it out in protest against the protest?
14 From my understanding, it --

15 CHAIRPERSON MILLER: You -- if this happens,
16 what the PIF would be for you, if you were -- you would
17 fill it out to show what your side's going to be, like,
18 what witness you'll have. It asks -- I believe it asks
19 for, like, witnesses or what your -- what your case
20 would be, what your -- what your argument would be,
21 what your -- who your witness would be.

22 MR. CHRIS BAIK: I mean, we have a pretty

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1 good rapport with Ms. Williams.

2 CHAIRPERSON MILLER: Uh-huh.

3 MR. CHRIS BAIK: She comes in often.

4 CHAIRPERSON MILLER: Uh-huh.

5 MR. CHRIS BAIK: And we talk with her. We
6 were totally down with mediation or taking this out and
7 having meetings on our own but there was just no
8 communications. So --

9 CHAIRPERSON MILLER: Okay.

10 MR. CHRIS BAIK: -- (inaudible).

11 CHAIRPERSON MILLER: Well, yeah.

12 MR. CHRIS BAIK: As cooperative as could be.

13 CHAIRPERSON MILLER: Yes. Well, that's good.

14 MR. CHRIS BAIK: And --

15 CHAIRPERSON MILLER: That's a good way to be.
16 So do you have any questions?

17 MR. CHRIS BAIK: No.

18 CHAIRPERSON MILLER: Okay. Well, thank you.

19 MR. IN SUH BAIK: Thank you.

20 MR. CHRIS BAIK: Thank you.

21 PARTICIPANT: Thank you.

22 CHAIRPERSON MILLER: Thank you.

1 PARTICIPANT: Nice work.

2 CHAIRPERSON MILLER: All right. We're going
3 to recess. Then we're going to come back and do our
4 agenda.

5 (WHEREUPON, at 4:19 p.m., the hearing was
6 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

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Notary Public in and for the

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District of Columbia

22 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

<hr/> <p style="text-align: center;">0</p> <hr/> <p>00036 2:5</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 4:19 1:00 4:8 12 1:12 2:4 12:45 3:18 12-PRO-00036 1:9 14 10:22 14th 1:14</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2:30 4:8,12 2000 1:14 2012 1:12 2016 10:22 24971 1:8 2:6 2846 2:5 2847 1:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3:40 2:2 3:44 4:3</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4:14 4:4,7 4:15 4:12 4:19 9:5</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5-0-0 6:17</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7B 1:9 3:12,13 4:9</p> <hr/> <p style="text-align: center;">A</p> <hr/>	<p>abstaining 6:14 action 10:10,14 afternoon 4:7,15 against 7:13 agenda 9:4 ahead 2:6 Alabama 1:6,7 2:5,12 ALBERTI 1:18 6:5 Alcoholic 1:2,13,14 am 4:18 10:9,11 11:3 Amen 6:5 ANC 1:9 3:12,13,22 4:9 5:21 6:1 anybody 3:13 appeared 4:16 appearing 10:5 Application 1:10 argument 7:20 asteroid 5:20 attorney 10:12 audible 6:13,15 Avenue 1:7 2:6 aye 6:10 ayes 6:11</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>Baik 1:5 2:11,17,19,20 3:2,4,6,8,10,18 6:21 7:11,22 8:3,5,10,12,14,1 7,19,20</p>	<p>B-A-I-K 2:17,18,19,21 believe 6:8 7:18 Beverage 1:2,13,14 Board 1:2,14 6:8 7:6 break 4:2 briefly 5:9 BROOKS 1:18 Building 1:14</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>CALVIN 1:19 case 1:9 2:4 4:8,10,16,17,20 7:19 CERTIFICATE 10:1 11:1 certify 10:4 11:3 Chair 5:11 Chairperson 1:15,17 2:3,13,15,18,22 3:3,5,7,9,11,20 4:5 5:7,10 6:4,6,12,14,16,2 2 7:15 8:2,4,9,11,13,15, 18,22 9:2 Chorus 6:11 Chris 2:11,13,16,17,19 3:8,10,18 6:21 7:11,22 8:3,5,10,12,14,1 7,20 cold 5:22 Columbia 1:1</p>	<p>10:21 combination 5:3 comes 8:3 comments 5:8 6:4 Commission 10:22 commissioner 3:22 communications 8:8 complete 11:8 concluded 9:6 consider 5:21 contact 4:9 Control 1:2,13,14 cooperative 8:12 Corporation 1:5 correct 11:8 counsel 10:9,12 couple 6:19 Court 11:4,6</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:15 date 7:7 11:13 day 5:22 days 5:2,13,18 7:2 DC 6:2 decency 5:16 delayed 3:15 4:8 direction 10:7 dismiss 4:18 5:4 6:17 dismissal 5:3 6:7 dismissed 6:18 District 1:1 10:21</p>
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