

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :
 :
Case# 11-PRO-00057 :
Ng Shu Kwan :
t/a Chinatown Market : Protest
521 H Street NW : Hearing
License #19616 : (Status)
Retailer B :
ANC-6C :
Renewal Application :
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January 18, 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
- CALVIN NOPHLIN, Member
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- MIKE SILVERSTEIN, Member
- HERMAN JONES, Member
- JEANNETTE MOBLEY, Member

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

11:35 a.m.

CHAIRPERSON MILLER: The next case on the calendar is case #11-PRO-00057, Ng Shu Kwan trading as Chinatown Market, 521 H Street NW, License #19616. This is in ANC-6C. It's a renewal application.

Would you introduce yourself for the record?

MR. PASCAL: Yes. Good morning. My name is Paul L. Pascal of Pascal & Weiss representing the licensee. First I would like to welcome you, Ms. Miller, and Ms. Mobley. This is the first time I have appeared before you. I look forward to future appearances. I want to thank Mr. Alberti for his service as interim chair. He did an admirable job. This is my client.

MR. LEE: My name is Edward Lee and I'm an interpreter for the Board.

CHAIRPERSON MILLER: Okay.

MR. NG: My name is Shu Kwan Ng

1 from Chinatown Market.

2 CHAIRPERSON MILLER: I'm sorry.
3 Could you repeat your name?

4 MR. NG: Shu Kwan Ng.

5 CHAIRPERSON MILLER: Okay. Mr.
6 Lee, we are just discussing swearing you in at
7 this point because you are going to be
8 testifying on behalf of --

9 MR. LEE: Do I have to stand up?

10 CHAIRPERSON MILLER: Could you
11 raise your right hand?

12 MR. LEE: Yes.

13 CHAIRPERSON MILLER: Do you
14 solemnly affirm that you will faithfully and
15 accurately interpret the proceedings in this
16 matter from -- what is his language, Chinese?

17 MR. LEE: Cantonese Chinese.

18 CHAIRPERSON MILLER: -- Cantonese
19 Chinese into English and from English into
20 Cantonese to the best of your ability?

21 MR. LEE: Yes, I do.

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 MR. LEE: Thank you.

3 CHAIRPERSON MILLER: Good morning.

4 MR. ANDERSON: Good morning,
5 ma'am. I'm Michael S. Anderson. I represent
6 the residents of 809 6th Street NW. All of
7 them appeared in person at the roll call
8 hearing on 28 November 2011 and designated me
9 in writing as their representative. I'm one
10 of those residents. That letter was submitted
11 to Ms. Fletcher at the roll call hearing.

12 CHAIRPERSON MILLER: Okay.

13 MR. PASCAL: Madam Chair, I have a
14 preliminary matter.

15 CHAIRPERSON MILLER: Yes.

16 MR. PASCAL: We called the motion
17 seven days ago to dismiss another protest in
18 this case, the Downtown Neighborhood
19 Association, raising questions of their true
20 standing. I see that they are not here today
21 so I ask that they be dismissed as a
22 protestant.

1 CHAIRPERSON MILLER: Okay. Yep,
2 you filed a very thorough motion citing the
3 law on that. They are not -- they haven't
4 shown up and we haven't received any
5 authorization or any resolution of their
6 minutes or anything like that.

7 Board members, any comments?

8 Then, at this point, I would move
9 to grant the motion to strike Downtown
10 Neighborhood Association as protestants.
11 They've done Mr. Pascal's motion that they
12 didn't pass a resolution as required by 25-
13 601(3)(b). At least, none has been filed in
14 the record in this case and they are not here.

15 MEMBER SILVERSTEIN: I'll second
16 the motion.

17 CHAIRPERSON MILLER: Okay. All
18 those in favor say aye.

19 BOARD MEMBERS: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining?

22 The vote is seven zero zero to

1 grant the motion to strike Downtown
2 Neighborhood Association as a protestant.

3 Okay. Are there other preliminary
4 matters?

5 MR. PASCAL: No other preliminary
6 matters other than we met at mediation. We
7 have not come to a resolution. Mr. Anderson
8 and I are discussing maybe some site visits to
9 work towards the resolution so I presume at
10 this point the protest will still be scheduled
11 on the 29th at 1:30.

12 CHAIRPERSON MILLER: That's
13 correct. Okay. So protest hearing scheduled
14 February 29th at 1:30 p.m. If there is
15 nothing else, then you can be excused.

16 MR. PASCAL: Thank you very much.

17 CHAIRPERSON MILLER: I'm sorry.
18 Mr. Alberti has something.

19 MEMBER ALBERTI: Just one other
20 matter.

21 CHAIRPERSON MILLER: Bear with me.

22 MEMBER ALBERTI: Just one other

1 administrative matter that needs to be take
2 care of. I'm sorry.

3 CHAIRPERSON MILLER: I just want
4 to read you the protest hearing instructions
5 so you'll have that before you go. Since we
6 scheduled this matter for protest hearing, we
7 just want to let the applicant and protestant
8 know some of these things so that the hearing
9 is focused and addresses only those issues
10 that are being protested.

11 The Board doesn't intend to hear
12 testimony in matters that aren't relevant to
13 the case. You should have received a mailing
14 from Adjudication Assistant Sarah Fashbaugh,
15 a letter explaining the protest process, and
16 a copy of the protest information form.

17 If you do not have these
18 documents, please see Ms. Fashbaugh at the
19 conclusion of this hearing. It is imperative
20 that you review the rules closely and adhere
21 to them before and during the protest hearing.

22 You are also required to complete

1 and submit the protest information form seven
2 days before the date of the hearing. This
3 document needs to be submitted to ABRA and to
4 the opposing parties in this matter. If we do
5 not receive a copy of your protest information
6 form, your application or your protest,
7 whichever side you're representing, may be
8 subject to dismissal. This is not a frivolous
9 exercise on your part. This form greatly
10 assist the Board in narrowing the protest
11 issue, facilitating the process, and keeping
12 the parties on point during the hearing.

13 Thank you for your cooperation.

14 If you have any questions today or at anytime
15 leading up to the hearing, please do not
16 hesitate to call Ms. Fashbaugh at 202-397-
17 3971.

18 Did you get the notice in the mail
19 that I referred to?

20 MR. ANDERSON: Not that I'm aware
21 of.

22 MEMBER ALBERTI: The Protest

1 Information Form. You did not receive that in
2 the mail, Mr. Pascal?

3 MR. PASCAL: I seem to recall
4 receiving it. I'm familiar with it.

5 MR. ANDERSON: The last letter I
6 believe I have is one about the date of this
7 hearing which you had 9:30 and then I think it
8 was later scheduled. If it's in the mail, I
9 haven't checked yet. I will double check and
10 get back to Ms. Fashbaugh about it.

11 MEMBER ALBERTI: Well, actually
12 we'll provide you with another copy.

13 MR. ANDERSON: Okay. That would
14 be great. Thank you.

15 MEMBER ALBERTI: Ms. Fashbaugh can
16 help you --

17 MR. ANDERSON: That would be
18 great. Thank you.

19 MEMBER ALBERTI: -- and get you
20 another copy. I think she can get you a
21 duplicate copy of that package.

22 MR. PASCAL: The copy I have is

1 dated November 30, 2011 which was received by
2 me on December 5th and it has that form.

3 MEMBER ALBERTI: Mr. Anderson, I
4 suggest you get that before you leave.

5 MR. ANDERSON: Thank you, sir.

6 CHAIRPERSON MILLER: Okay.

7 MR. PASCAL: Thank you very much.

8 CHAIRPERSON MILLER: Thank you.

9 (Whereupon, at 11:43 a.m. the
10 hearing was adjourned.)

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<p style="text-align: center;">A</p> <p>ability 3:20 ABRA 8:3 abstaining 5:21 accurately 3:15 addresses 7:9 adhere 7:20 adjourned 10:10 Adjudication 7:14 administrative 7:1 admirable 2:17 affirm 3:14 ago 4:17 Alberti 1:21 2:16 6:18,19,22 8:22 9:11,15,19 10:3 Alcoholic 1:3,15,16 ANC-6C 1:12 2:6 Anderson 4:4,5 6:7 8:20 9:5,13,17 10:3,5 anytime 8:14 appearances 2:15 appeared 2:14 4:7 applicant 7:7 application 1:13 2:7 8:6 assist 8:10 Assistant 7:14 Association 4:19 5:10 6:2 authorization 5:5 aware 8:20 aye 5:18,19 a.m 2:2 10:9</p> <hr/> <p style="text-align: center;">B</p> <p>B 1:12 back 9:10 Bear 6:21 behalf 3:8 believe 9:6 best 3:20 Beverage 1:3,15,16 Board 1:3,16 2:20 5:7,19 7:11 8:10 BROOKS 1:22</p>	<p>Building 1:17</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 call 4:7,11 8:16 called 4:16 CALVIN 1:21 Cantonese 3:17,18 3:20 care 7:2 case 1:9 2:3,4 4:18 5:14 7:13 chair 2:17 4:13 Chairperson 1:18 1:20 2:3,21 3:2,5 3:10,13,18,22 4:3 4:12,15 5:1,17,20 6:12,17,21 7:3 10:6,8 check 9:9 checked 9:9 Chinatown 1:10 2:5 3:1 Chinese 3:16,17,19 citing 5:2 client 2:18 closely 7:20 COLUMBIA 1:1 come 6:7 comments 5:7 complete 7:22 conclusion 7:19 Control 1:3,15,16 cooperation 8:13 copy 7:16 8:5 9:12 9:20,21,22 correct 6:13</p> <hr/> <p style="text-align: center;">D</p> <p>date 8:2 9:6 dated 10:1 days 4:17 8:2 December 10:2 designated 4:8 discussing 3:6 6:8 dismiss 4:17 dismissal 8:8 dismissed 4:21</p>	<p>DISTRICT 1:1 document 8:3 documents 7:18 DONALD 1:22 double 9:9 Downtown 4:18 5:9 6:1 duplicate 9:21 D.C 1:17</p> <hr/> <p style="text-align: center;">E</p> <p>Edward 2:19 English 3:19,19 excused 6:15 exercise 8:9 explaining 7:15</p> <hr/> <p style="text-align: center;">F</p> <p>facilitating 8:11 faithfully 3:14 familiar 9:4 Fashbaugh 7:14,18 8:16 9:10,15 favor 5:18 February 6:14 filed 5:2,13 first 2:12,14 Fletcher 4:11 focused 7:9 form 7:16 8:1,6,9 9:1 10:2 forward 2:15 frivolous 8:8 future 2:15</p> <hr/> <p style="text-align: center;">G</p> <p>go 7:5 going 3:7 Good 2:10 4:3,4 grant 5:9 6:1 great 9:14,18 greatly 8:9</p> <hr/> <p style="text-align: center;">H</p> <p>H 1:10 2:5 hand 3:11 hear 7:11 hearing 1:10,17 4:8</p>	<p>4:11 6:13 7:4,6,8 7:19,21 8:2,12,15 9:7 10:10 help 9:16 HERMAN 1:23 hesitate 8:16</p> <hr/> <p style="text-align: center;">I</p> <p>imperative 7:19 information 7:16 8:1,5 9:1 instructions 7:4 intend 7:11 interim 2:17 interpret 3:15 interpreter 2:20 introduce 2:8 issue 8:11 issues 7:9</p> <hr/> <p style="text-align: center;">J</p> <p>January 1:14 JEANNETTE 1:23 job 2:17 JONES 1:23</p> <hr/> <p style="text-align: center;">K</p> <p>keeping 8:11 know 7:8 Kwan 1:9 2:5,22 3:4</p> <hr/> <p style="text-align: center;">L</p> <p>L 2:11 language 3:16 law 5:3 leading 8:15 leave 10:4 Lee 2:19,19 3:6,9 3:12,17,21 4:2 letter 4:10 7:15 9:5 License 1:11 2:6 licensee 2:12 look 2:15</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 4:13 mail 8:18 9:2,8</p>	<p>mailing 7:13 Market 1:10 2:5 3:1 matter 1:8 3:16 4:14 6:20 7:1,6 8:4 matters 6:4,6 7:12 ma'am 4:5 mediation 6:6 MEETING 1:5 Member 1:21,21 1:22,22,23,23 5:15 6:19,22 8:22 9:11,15,19 10:3 members 5:7,19 met 1:16 6:6 Michael 4:5 MIKE 1:22 Miller 1:18,20 2:3 2:13,21 3:2,5,10 3:13,18,22 4:3,12 4:15 5:1,17,20 6:12,17,21 7:3 10:6,8 minutes 5:6 Mobley 1:23 2:13 morning 2:10 4:3,4 motion 4:16 5:2,9 5:11,16 6:1 move 5:8</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:11,19,22 3:3 narrowing 8:10 needs 7:1 8:3 Neighborhood 4:18 5:10 6:2 Ng 1:9 2:4,22,22 3:4,4 NICK 1:21 NOPHLIN 1:21 notice 8:18 November 4:8 10:1 NW 1:10 2:6 4:6 N.W 1:17</p> <hr/> <p style="text-align: center;">O</p>
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