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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :
H&Y Chun Corporation :
t/a Michigan Liquors: Case #15-CC-00007
3934 12 Street Northeast :
License #23640 :
Retailer A :
Wednesday, January 27, 2016 :

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Wednesday, January 27, 2016

Whereupon, the above-referenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 DONOVAN ANDERSON

3

4 OTHER PERSONS PRESENT

5 RUTHANNE MILLER

6 NICK ALBERTI

7 JAMES SHORT

8 MICHAEL SILVERSTEIN

9 SUNG YANG

10 FERNANDO RIVERO

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

2 CHAIRPERSON ANDERSON: The next case on
3 our agenda is Case #15-CC-00007, Michigan
4 Liquors, License #23640. Will the parties please
5 approach?

6 MR. RIVERO: Fernando Rivero for the
7 District of Columbia.

8 MR. CHUN: My name is Heung Chun, owner
9 of Michigan Liquor Store.

10 CHAIRPERSON ANDERSON: Thank you.

11 MR. YANG: My name is Sung Yang
12 interpreter. I have an interpreter who is
13 shadowing me.

14 CHAIRPERSON ANDERSON: All right. Hold
15 on one minute.

16 MS. MILLER: I'm sorry, I missed, who is
17 the young woman over here?

18 MR. YANG: Interpreter.

19 MS. MILLER: She's an interpreter as
20 well? Oh, okay.

21 MR. YANG: She is shadowing me.

22 MS. MILLER: Oh, okay, thank you, thank

1 you. Welcome.

2 MR. ALBERTI: Sir, just so that we have
3 her name spelled correctly would you have her
4 sign in also?

5 MR. YANG: Sure.

6 MR. ALBERTI: Thank you.

7 CHAIRPERSON ANDERSON: All right give me
8 a minute please. What language are you
9 interpreting?

10 MR. YANG: Korean.

11 CHAIRPERSON ANDERSON: Korean? Can you
12 stand and raise your -- stand please, and raise
13 your right hand. Do you solemnly swear that you
14 will faithfully and accurately interpret the
15 proceedings in this matter from English to Korean
16 -- I'm sorry, from Korean -- I'm sorry, from
17 English into Korean and from Korean to English to
18 the best of your ability?

19 MR. YANG: I do.

20 CHAIRPERSON ANDERSON: All right. Are
21 there any preliminary matters?

22 MR. RIVERO: Yes, the parties have an

1 offer in compromise to present to the Board at
2 this time. I'm obviously allowing time for
3 translation.

4 CHAIRPERSON ANDERSON: Yes. What's the
5 offer in compromise?

6 MR. RIVERO: The offer is a fine of \$5350
7 payable in 60 days, and 10 days license
8 suspension, all days stayed for the period of one
9 year and being no further violations, the license
10 will be suspended if the payment is not made in
11 60 days until the payment is actually made. The
12 OIC terms break down as follows: For charge 1, a
13 \$3000 fine and five days stayed, for charge 2 a
14 \$2000 fine and five days stayed. For charge 3 a
15 \$350 fine and that concludes the offer. Do you
16 have any questions?

17 CHAIRPERSON ANDERSON: All right. It's
18 my understanding that there is an offer in
19 compromise --

20 MR. CHUN: Yes.

21 CHAIRPERSON ANDERSON: -- of a fine of
22 \$5350, and 10 days suspension stayed for one

1 year, and that the fine will be paid within 60
2 days.

3 MR. CHUN: Yes.

4 CHAIRPERSON ANDERSON: And if the fine is
5 not paid within 60 days the license will be
6 suspended indefinitely.

7 MR. CHUN: Yes, I understand.

8 CHAIRPERSON ANDERSON: And basically for
9 the first charge the fine is \$3000 and five days'
10 stayed.

11 MR. CHUN: Yes, I understand.

12 CHAIRPERSON ANDERSON: And the second
13 charge is \$2000 with five days stayed.

14 MR. CHUN: Yes, I understand.

15 CHAIRPERSON ANDERSON: And that the third
16 charge is \$350.

17 MR. CHUN: Yes, I understand.

18 CHAIRPERSON ANDERSON: Now, do you also
19 understand that by accepting this offer in
20 compromise that you waive your right to a
21 hearing?

22 MR. CHUN: Yes.

1 CHAIRPERSON ANDERSON: And you also
2 understand that you are also waiving your right
3 to appeal this matter?

4 MR. CHUN: Yes.

5 CHAIRPERSON ANDERSON: Okay. All right.

6 MS. MILLER: I have a question. Mr.
7 Rivero, oh I'm sorry is it too soon for a
8 question?

9 MR. ALBERTI: No, I have no questions.

10 CHAIRPERSON ANDERSON: Ask your question.

11 MS. MILLER: Is that OIC within the
12 statutory limits?

13 MR. RIVERO: It is.

14 MS. MILLER: It is? What -- what number
15 violation is this of sale to a minor?

16 MR. RIVERO: I believe it should be the
17 first actionable one. There might have been a
18 little confusion because there's another case in
19 the history --

20 MS. MILLER: Okay.

21 MR. RIVERO: That case -- that show cause
22 matter -- was dismissed by the government

1 recently.

2 MS. MILLER: Okay.

3 MR. RIVERO: This is the only case
4 remaining for this establishment. I think that
5 was what the question concerns? Or perhaps I
6 don't understand.

7 MR. ALBERTI: I think our history -- can
8 we --

9 CHAIRPERSON ANDERSON: Go ahead, Mr.
10 Alberti.

11 MR. ALBERTI: Can we compare histories
12 with Mr. Rivero?

13 MS. MILLER: Okay, yeah, that's where the
14 confusion is.

15 MR. ALBERTI: Ms. Miller and I share the
16 same confusion.

17 MR. RIVERO: You know what might be
18 helpful? If I could have whatever the Board is
19 looking at because sometimes the government has
20 not given an accurate or current document
21 reflecting that information.

22 MR. ALBERTI: Would you show him?

1 [off record]

2 MR. ALBERTI: So, Mr. Rivero, I think we
3 have cleared up our own confusion, and I
4 appreciate your patience.

5 MR. RIVERO: No problem.

6 MR. ALBERTI: Thank you.

7 MR. RIVERO: So, the government obviously
8 going into the offer in compromise were satisfied
9 that it was statutory, appropriate case. This
10 number of times, this is the same table such case
11 and licensee did have a prior case where there
12 was a fine paid, the adjudication dates are a
13 little --

14 MR. ALBERTI: Right, statutorily this is
15 --

16 MR. RIVERO: Right, statutorily it's
17 appropriate and also just by way of adding, I
18 have been taking an interest in this case
19 obviously and the licensee is now using the most
20 current version. There's a book of IDs, that the
21 case obviously concerns as well, and I reach out
22 to the Agency and I have requested assistance

1 with respect to information about the classes
2 that are offered. It looks like the Agency's
3 next offered class is too long in the future for
4 me to be comfortable with it. I think there's
5 going to be a date scheduled in June and I think
6 the licensee should be participating in the class
7 before June, so I am currently working with the
8 Agency to see what other information can be
9 provided to the licensee so that a class can be
10 offered for the licensee and the manager, because
11 there's also a manager of the facts of the case,
12 prior to the date that the Agency is saying this
13 class is available. So, those are the other
14 matters related to this case that are being taken
15 care of in the background.

16 MS. MILLER: So --

17 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

18 MS. MILLER: Oh, I'm sorry. So, the
19 applicant has committed to training, even though
20 that's not part of this OIC.

21 MR. RIVERO: Correct.

22 MS. MILLER: Okay.

1 MR. RIVERO: The [inaudible 11:48] party
2 is just offering, I would have actually had no
3 problems making that a condition, but the
4 government itself wasn't able to provide that
5 information and I'd rather have some form of
6 comfort about available resources before I
7 require them as a condition for my licensee.

8 MS. MILLER: Right. Can I just ask Mr.
9 Chun then if he is committing on the record to
10 training in detecting fake IDs?

11 MR. CHUN: I will do that. Every day I
12 will go there and take class.

13 MS. MILLER: Okay -- okay, good. All
14 right. Thank you, Mr. Chairman.

15 CHAIRPERSON ANDERSON: Do we have any
16 other questions by any other Board member?
17 Hearing no other questions the offer in
18 compromise is for a fine of \$5350 with 10 days
19 stayed. I make a motion that we approve this
20 offer in compromise. Is there a second?

21 MR. SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short has

1 seconded the motion. Those in favor say Aye.

2 [Chorus of Ayes.]

3 Those opposed? [No audible response.]

4 The matter passes 5-0-0. The Board has
5 accepted the offer in compromise and Ms. Walker
6 will bring you some documents to sign. Thank you
7 very much. The Board will issue an order. I
8 think the forms are not available, so the Board
9 will issue an order memorializing this offer in
10 compromise. All right, well thank you very much,
11 sir. All right.

12 MR. CHUN: Thanks for listening. Thank
13 you.

14 [Whereupon, the above-entitled matter was
15 concluded.]