

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Case #12-PRO-00051 :

Sun Ok Kim :

t/a Strand Liquors :Protest

605 Division Avenue, N.E. :Hearing

License # 9272 :

Retailer A :

ANC 7C :

Renewal Application :

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FEBRUARY 6, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009, Chairperson Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MICHAEL SILVERSTEIN, Member

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

2:02 p.m.

CHAIRPERSON MILLER: Okay. I'm  
now call Case Number 12-PRO-00051, Strand  
Liquors, 605 Division Avenue, N.E., License  
Number 9272 in ANC 7C.

Could you come to the table? Have  
a seat. When you're ready if you could  
identify yourselves for the record please.  
Why don't we start with you?

MR. STEWART: Gregory Stewart,  
Chairman of ANC 7C.

CHAIRPERSON MILLER: Stewart?

MR. STEWART: Yes.

CHAIRPERSON MILLER: Okay. ANC  
7C?

MR. STEWART: Yes.

CHAIRPERSON MILLER: Okay.

MS. SUN KIM: Sun Kim from Strand  
Liquor Store.

CHAIRPERSON MILLER: Okay. Are  
you the owner?

1 MS. SUN KIM: Yes.

2 CHAIRPERSON MILLER: Okay. And  
3 you're with?

4 MS. ELIZABETH KIM: Elizabeth Kim,  
5 daughter of the owner.

6 CHAIRPERSON MILLER: Okay.  
7 Elizabeth Kim?

8 MS. ELIZABETH KIM: Yes.

9 CHAIRPERSON MILLER: Okay. All  
10 right. So, this is scheduled for a protest  
11 hearing, but I understand that you may have a  
12 voluntary agreement instead, but it's not  
13 final or what is -- do you want to go forward  
14 with that protest hearing or what's the  
15 status?

16 MR. STEWART: I guess you need the  
17 status.

18 CHAIRPERSON MILLER: Okay.

19 MR. STEWART: Unfortunately, the  
20 voluntary agreement, we made some corrections  
21 to it. It didn't get out to them in enough  
22 time. They're willing to sit down -- we're

1 willing to sit down and continue dialogue on  
2 the voluntary agreement and they were going to  
3 apply for Sunday sales. So, we may -- this  
4 will be part of them -- their application for  
5 Sunday sales.

6 CHAIRPERSON MILLER: Okay. But,  
7 with respect to the renewal here, are you  
8 optimistic that you're going to work this out  
9 -- this voluntary agreement so there won't be  
10 a hearing today or do you want to proceed with  
11 a hearing today?

12 MR. STEWART: Yes, we're feeling  
13 optimistic that we'll be able to come to some  
14 agreement on the voluntary agreement.

15 CHAIRPERSON MILLER: Okay.

16 MR. STEWART: Sorry. Yes.

17 CHAIRPERSON MILLER: That's all  
18 right. I don't know if you've done this  
19 before, but I mean --

20 MR. STEWART: Yes, I guess I'm  
21 their new. I --

22 CHAIRPERSON MILLER: Right.

1 MR. STEWART: Just new  
2 commissioner, new chair and a lot of this  
3 happened on the previous watch. So --

4 CHAIRPERSON MILLER: Okay.

5 MR. STEWART: -- there is some  
6 history there. So, we've been able to make I  
7 believe quite a bit of ground.

8 CHAIRPERSON MILLER: Okay.

9 MR. STEWART: So, yes, this is --  
10 basically, we've been only able to go over  
11 this myself and them directly for about a week  
12 and, you know, with a little bit more time, I  
13 feel confident that we would have been able to  
14 come to an agreement, but unfortunately, we  
15 weren't able to move this hearing back. So,  
16 but we do feel confident that we will be able  
17 to come to an agreement on the voluntary  
18 agreement. So, that being the case, you know,  
19 I don't believe we need to proceed with the  
20 protest at this time.

21 CHAIRPERSON MILLER: Okay. I hear  
22 you. Okay. So, you don't want to go forward

1       today and I don't know whether, and I may  
2       check with counsel though, you know, legally  
3       whether you're waiving your right to a hearing  
4       or whether you're asking for a postponement or  
5       you don't know what to do. Okay.

6                   MR. STEWART:     Just a fast week.

7                   CHAIRPERSON MILLER:   Okay. You're  
8       all negotiating in good faith? I'm just going  
9       to just check with my legal counsel for a  
10      minute.

11                   Do you have a question?

12                   Oh, she's not here. This is  
13      unusual. Yes.

14                   MS. ELIZABETH KIM:   Can we sort of  
15      fill you in on the situation because --

16                   CHAIRPERSON MILLER:   Yes.

17                   MS. ELIZABETH KIM:   ANC 7C has  
18      gone through a change. They elected new  
19      members. The previous members that we were  
20      working with specifically Sylvia Brown, the  
21      past experience that we've had with her  
22      throughout this entire process has been a big

1 issue because this is what she wanted for  
2 there to be a voluntary agreement, but the  
3 voluntary agreement that she presented to  
4 Strand Liquor identified so many restrictions.

5 But, you know, when we came here  
6 to the mediation hearing or meeting which  
7 involved another ABRA member -- employee, you  
8 know, we were working on the draft to reflect  
9 what we wanted out of the draft -- out of the  
10 voluntary agreement. After the mediation  
11 hearing, we thought maybe, you know, why not  
12 just go ahead and sign off if they've made the  
13 changes that we wanted.

14 Through that communication, Sylvia  
15 Brown failed to mention to the rest of their  
16 neighborhood members what exactly she was  
17 doing. It almost seemed like she was trying  
18 to throw businesses, you know, just out of  
19 business.

20 So, they recently went through a  
21 change electing new members and Mr. Stewart  
22 and I had made communication last week and I

1 just received the -- what is now named the  
2 settlement agreement yesterday and that's why  
3 I'm kind of having a rough time with it  
4 because I spent hours trying to clarify with  
5 exhibits to identify the allegations made  
6 against my parents and the store according to  
7 Commission Khaliq who is no longer a member of  
8 the ANC 7C.

9 I just wanted to clarify my  
10 parents were doing everything they could and  
11 they're abiding by the law.

12 But, we're just confused as far as  
13 what this process -- what we're suppose to do  
14 now since we somewhat spoke about the  
15 settlement agreement.

16 My take on it is I don't want  
17 there to be an agreement in place for my  
18 parents when they're already doing everything  
19 they could and abiding by the law and my mom  
20 had mentioned earlier regarding another  
21 business no way associated with ABRA because  
22 they don't sell any alcoholic beverages and

1 I'm just not sure if a settlement agreement  
2 should be in place until the majority of the  
3 businesses in the area have come to a  
4 settlement agreement. But, I mean that's just  
5 my take on it.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER BROOKS: Yes, I just want  
8 to make sure I understand what you said. You  
9 said your mother does not sell alcoholic  
10 beverages?

11 MS. ELIZABETH KIM: No, they do.

12 MEMBER BROOKS: Oh, they do. Oh,  
13 I'm sorry.

14 MS. ELIZABETH KIM: They do. It's  
15 just I'm not exactly sure that I want there to  
16 be a settlement agreement.

17 MEMBER BROOKS: Oh, I see. Okay.  
18 Okay.

19 MS. ELIZABETH KIM: And I wanted  
20 to talk to my parents about the settlement  
21 agreement a little more --

22 MEMBER BROOKS: Sure.

1 MS. ELIZABETH KIM: -- considering  
2 we just got it yesterday and I wasn't able to  
3 talk to my parents about it. Regarding the  
4 settlement agreement.

5 MEMBER BROOKS: Okay.

6 MS. ELIZABETH KIM: But, seeing  
7 the information provided by my mother  
8 identifying other businesses that currently do  
9 not sell alcohol don't have what's called a  
10 settlement agreement in this case with the  
11 neighborhood board. So, I just don't want my  
12 parents to be restricted, you know, with their  
13 business when other possible businesses are  
14 causing issues in the area.

15 CHAIRPERSON MILLER: Okay. Let's  
16 talk about this a little bit and then we'll  
17 decide what we should do today.

18 You don't have to sign a  
19 settlement agreement. If you don't, you can  
20 have the hearing here today and we can see  
21 whether there are any conditions that should  
22 be imposed for peace, quiet or, you know,

1 those kind of things. You know, that's one  
2 option.

3 You know, another option is -- you  
4 know, you may need more time to look at this  
5 agreement or you might be able to go look at  
6 it here and see that it only contains what  
7 you're comfortable with, you know, and if it  
8 would be of value to take some time now.  
9 That's just one option we might consider. I  
10 have to discuss with our schedule.

11 You know, if you work together for  
12 40 minutes or something like that, would that  
13 make a difference today if you knew which way  
14 you were going to go.

15 And with respect to you, whether,  
16 you know, if they're not going to do a  
17 voluntary agreement, then I assume you are  
18 going forward with the protest hearing unless  
19 you decide you don't want to, you know.

20 Yes, we can make a place available  
21 to you to talk about this for a little bit  
22 before, you know, you make that decision. I

1 think -- or if you need some advice maybe from  
2 even our own staff if you're confused about  
3 your rights or anything with respect to that,  
4 you know, we can do that.

5 MS. ELIZABETH KIM: My  
6 understanding the neighborhood could protest  
7 every year until there's a settlement  
8 agreement.

9 CHAIRPERSON MILLER: No, you get a  
10 license for three years. So, it's a three-  
11 year period. Every three years they could if  
12 they wanted to. That is not usually the case.  
13 Usually if you work something out, there's  
14 nothing to protest anymore, you know, and if  
15 you maintain some good relations, then you  
16 don't, you know -- you have a new ANC now that  
17 you're working with.

18 MR. STEWART: Could we have about  
19 15/20 minutes?

20 CHAIRPERSON MILLER: Yes, I was  
21 just going to say that, you know, you can go  
22 off the record and you all can talk because

1       you're not sure what you want to do at this  
2       point and then also our legal counsel's  
3       available if someone wants to consult with  
4       Martha Jenkins about, you know, what are your  
5       rights, what are the ramifications. So, you  
6       can make an educated decision here.

7                       So, 20 minutes then is all right  
8       with you? Okay. So, we're going to recess.

9                       (Whereupon, at 2:15 p.m., a recess  
10       was taken until 2:57 p.m.)

11                      CHAIRPERSON MILLER: Okay. We are  
12       back on the record.

13                      The parties have had a chance to  
14       talk and now, you can tell us how you would  
15       like to proceed with this protest.

16                      MR. STEWART: Community -- I'm  
17       going to withdraw this -- I'm going to  
18       withdraw the community's protest.

19                      CHAIRPERSON MILLER: Okay. Okay.  
20       So, then there will be no hearing and the  
21       Board will be issuing an order acknowledging  
22       that the protest has been withdrawn in this

1 case and the renewal will go forward in  
2 processing within the Agency.

3 Okay. Any questions? All right.  
4 Then -- yes, Mr. --

5 MEMBER SILVERSTEIN: Mr. Stewart,  
6 I want to thank you and I want to thank both  
7 parties here for being here and for attempting  
8 to work your way through this.

9 There will be ANC training for new  
10 commissioners and I hope that the new  
11 commissioners in your ANC -- I'm an ANC  
12 Commissioner as is Mr. Alberti and Ms. Miller  
13 was an ANC Chair. So, we're sympathetic to  
14 all that has fallen upon you as you try to  
15 gain your footing. We hope that you and your  
16 fellow commissioners can avail yourselves of  
17 one of the three sessions.

18 Obviously, you had this plate just  
19 dumped there and you tried to make the best of  
20 it and we appreciate that and we wish you well  
21 and we wish you well also and thank you. I  
22 hope that you get a good start and a fresh

1 start.

2 Thank you for your help,  
3 Commissioner and thank you for your service to  
4 the City.

5 MR. STEWART: Thank you.

6 CHAIRPERSON MILLER: That was very  
7 nice. Thank you and I also want to say that  
8 sometimes -- I mean the ideal situation is  
9 when you -- you may not have an order or a  
10 voluntary agreement, but you actually just  
11 work together as members of a community and,  
12 you know, without any of the adversarialness  
13 that can come with other kinds of legal  
14 proceedings.

15 So, you've had this chance to talk  
16 and work things out. I hope that you carry it  
17 forward to a good relationship.

18 And the first ANC training is this  
19 Thursday actually at 6:00. Just to -- but,  
20 there will be two others. One on a Saturday  
21 and one on a lunch hour.

22 MR. STEWART: I'm at that one on

1 Monday.

2 CHAIRPERSON MILLER: Okay. Good.  
3 All right. All right. And also, if you have  
4 any questions, you don't understand your  
5 rights or anything like that, feel free to  
6 call this Agency and they'll be happy to help  
7 you. Okay.

8 Thank you.

9 MR. STEWART: Thank you again.

10 MS. ELIZABETH KIM: Thank you.

11 CHAIRPERSON MILLER: So, that  
12 concludes our hearings for this afternoon and  
13 the Board will return shortly to do the  
14 agenda. Okay.

15 (Whereupon, at 3:00 p.m., the  
16 hearing was adjourned.)

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<b>A</b>	<b>abiding</b> 8:11,19 <b>able</b> 4:13 5:6,10,13 5:15,16 10:2 11:5 <b>ABRA</b> 7:7 8:21 <b>acknowledging</b> 13:21 <b>adjourned</b> 16:16 <b>adversarialness</b> 15:12 <b>advice</b> 12:1 <b>afternoon</b> 16:12 <b>Agency</b> 14:2 16:6 <b>agenda</b> 16:14 <b>agreement</b> 3:12,20 4:2,9,14,14 5:14 5:17,18 7:2,3,10 8:2,15,17 9:1,4,16 9:21 10:4,10,19 11:5,17 12:8 15:10 <b>ahead</b> 7:12 <b>Alberti</b> 1:20 14:12 <b>alcohol</b> 10:9 <b>alcoholic</b> 1:2,12,13 8:22 9:9 <b>allegations</b> 8:5 <b>ANC</b> 1:9 2:6,12,15 6:17 8:8 12:16 14:9,11,11,13 15:18 <b>anymore</b> 12:14 <b>application</b> 1:9 4:4 <b>apply</b> 4:3 <b>appreciate</b> 14:20 <b>area</b> 9:3 10:14 <b>asking</b> 6:4 <b>associated</b> 8:21 <b>assume</b> 11:17 <b>attempting</b> 14:7 <b>avail</b> 14:16 <b>available</b> 11:20 13:3 <b>Avenue</b> 1:7 2:5	<b>basically</b> 5:10 <b>believe</b> 5:7,19 <b>best</b> 14:19 <b>Beverage</b> 1:2,12,13 <b>beverages</b> 8:22 9:10 <b>big</b> 6:22 <b>bit</b> 5:7,12 10:16 11:21 <b>board</b> 1:2,13 10:11 13:21 16:13 <b>BROOKS</b> 1:21 9:7 9:12,17,22 10:5 <b>Brown</b> 6:20 7:15 <b>Building</b> 1:13 <b>business</b> 7:19 8:21 10:13 <b>businesses</b> 7:18 9:3 10:8,13	<b>Commission</b> 8:7 <b>commissioner</b> 5:2 14:12 15:3 <b>commissioners</b> 14:10,11,16 <b>communication</b> 7:14,22 <b>community</b> 13:16 15:11 <b>community's</b> 13:18 <b>concludes</b> 16:12 <b>conditions</b> 10:21 <b>confident</b> 5:13,16 <b>confused</b> 8:12 12:2 <b>consider</b> 11:9 <b>considering</b> 10:1 <b>consult</b> 13:3 <b>contains</b> 11:6 <b>continue</b> 4:1 <b>Control</b> 1:2,12,13 <b>corrections</b> 3:20 <b>counsel</b> 6:2,9 <b>counsel's</b> 13:2 <b>currently</b> 10:8	9:19 10:1,6 12:5 16:10 <b>employee</b> 7:7 <b>entire</b> 6:22 <b>exactly</b> 7:16 9:15 <b>exhibits</b> 8:5 <b>experience</b> 6:21	6:3 7:6,11 10:20 11:18 13:20 16:16 <b>hearings</b> 16:12 <b>help</b> 15:2 16:6 <b>history</b> 5:6 <b>hope</b> 14:10,15,22 15:16 <b>hour</b> 15:21 <b>hours</b> 8:4			
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