

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF: :  
: :  
DG Holdings, Inc. :  
t/a Raku An Asian Diner : Show Cause  
1900 Q Street, NW : Hearing  
Retailer CR - ANC-2B : (Status)  
License No. 23943 :  
Case #12-CMP-00490 :  
: :  
(Failed to File Quarterly :  
Statements 2nd Quarter :  
2012) :

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February 13, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C. 20009, Chairperson

Ruthanne Miller, presiding.

PRESENT:  
RUTHANNE MILLER, Chairperson  
DONALD BROOKS, Member

HERMAN JONES, Member  
MIKE SILVERSTEIN, Member

ALSO PRESENT:  
LOUISE PHILLIPS, OAG

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

(9:47 a.m.)

CHAIRPERSON MILLER: The next case on the calendar is Case No. 12-CMP-00490, Raku An Asian Diner, located at 1900 Q Street, N.W., License No. 23943 in ANC-2B.

Good morning. Would you introduce yourselves for the record, please?

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia.

CHAIRPERSON MILLER: Okay. Good morning.

MR. THE: Good morning. My name is Marcel The.

CHAIRPERSON MILLER: Your name is Marcel. What's your last name?

MR. THE: The, T-H-E.

CHAIRPERSON MILLER: The? And are you the owner?

MR. THE: Yes, I'm one of the owners.

1 CHAIRPERSON MILLER: Okay. And  
2 you?

3 MR. RUNGROJCHAROENKIT: My name is  
4 Pornchas Rungrojcharoenkit and I'm an ABC  
5 manager.

6 CHAIRPERSON MILLER: Okay. Mr.  
7 The?

8 MR. THE: The.

9 CHAIRPERSON MILLER: The. Did you  
10 receive notice of this hearing?

11 MR. THE: Yes, we did.

12 CHAIRPERSON MILLER: Okay. Did  
13 you read it?

14 MR. THE: Yes, we did.

15 CHAIRPERSON MILLER: And did you  
16 understand it?

17 MR. THE: Yes.

18 CHAIRPERSON MILLER: And do you  
19 waive the Board's reading that notice into the  
20 record?

21 MR. THE: Yes.

22 CHAIRPERSON MILLER: Okay. Ms.

1 Phillips, are there any preliminary matters?

2 MS. PHILLIPS: Yes, there is,  
3 Madam Chair.

4 MEMBER JONES: I'm sorry, a point  
5 of clarification. I know you requested him to  
6 identify himself, but do our records reflect  
7 that fact that he is the owner?

8 CHAIRPERSON MILLER: I don't have  
9 that information before me. I believe that  
10 I'm talking his word for that he is the owner.  
11 Do you have reason to believe he is not an  
12 owner?

13 MS. PHILLIPS: I have --

14 MEMBER JONES: I don't know that  
15 he is or he isn't.

16 MS. PHILLIPS: I have something,  
17 because --

18 MEMBER JONES: I think our records  
19 should reflect that.

20 CHAIRPERSON MILLER: Ms. Phillips,  
21 do you have information?

22 MS. PHILLIPS: Yes. Because it is

1 by a holding company, I requested from Ms.  
2 Delgado a copy of whatever showed ownership  
3 and I see as of what she sent me when I was  
4 first doing this case, there are three owner-  
5 interests and he is one. And I have the  
6 document right here if you need a copy, I can  
7 bring it forward.

8 MEMBER JONES: Okay.

9 CHAIRPERSON MILLER: Here. Thank  
10 you.

11 MEMBER JONES: Thank you. Thank  
12 you, Madam Chair.

13 CHAIRPERSON MILLER: Okay. And  
14 thank you, Ms. Phillips. All right. So are  
15 there other preliminary matters?

16 MS. PHILLIPS: Yes, Madam Chair.  
17 The parties have an OIC that they wish to  
18 present to the Board. This is a quarterly  
19 statement case and the OIC consists of a fine  
20 of \$350 as long as the quarterly statement has  
21 been filed.

22 Because the records I requested

1 from ABRA do not show that it has been filed--

2 CHAIRPERSON MILLER: Yes.

3 MS. PHILLIPS: -- I spoke to Mr.  
4 The at the beginning, before we came before  
5 the Board and he has a copy of a date stamped  
6 quarterly statement for the quarterly in  
7 question, so I think we ought to make copies  
8 of that, because that's part of the OIC.

9 And he will pay the fine today?

10 MR. THE: Yes.

11 MS. PHILLIPS: Yes.

12 CHAIRPERSON MILLER: And it's date  
13 stamped what date?

14 MS. PHILLIPS: I think it is  
15 August 2012. I mean, August 24th. Yes, oh,  
16 sorry, they accepted also on the back August  
17 24, 2012.

18 CHAIRPERSON MILLER: This is the  
19 date of the filing of the quarterly statement  
20 at issue?

21 MS. PHILLIPS: Yes.

22 CHAIRPERSON MILLER: Yes. And our

1 Agency didn't have a record of that?

2 MS. PHILLIPS: Well, I'm just  
3 telling you what I -- I mean, I don't know  
4 whether you did. I asked the appropriate  
5 person and I was told --

6 CHAIRPERSON MILLER: Okay.

7 MS. PHILLIPS: -- that it had not  
8 -- did not file and there is a blank on my  
9 little cheat sheet. So I requested -- I asked  
10 Mr. The before the hearing if he had filed it.  
11 He said yes. He brought a copy of his  
12 quarterly statements. It is date stamped,  
13 District of Columbia Alcohol Beverage  
14 Regulation Administration, August 24, 2012.

15 Though I understand there was an  
16 issue with mailing it in a timely fashion. He  
17 refiled it because the mail was not received  
18 is my understanding, but --

19 CHAIRPERSON MILLER: Okay.

20 MS. PHILLIPS: -- so we have  
21 something that we can copy and put in the  
22 record to prove that if it's not there, it was

1 overlooked. It has been done as part of the  
2 OIC.

3 CHAIRPERSON MILLER: Okay. And  
4 when was it due?

5 MS. PHILLIPS: It was a second  
6 quarter, I believe, so excuse me I'll find  
7 that paper. So it would be due -- that is  
8 April, June, so what is it due 30 days later?  
9 July.

10 CHAIRPERSON MILLER: Okay. I  
11 thought it was July something.

12 MS. PHILLIPS: Yes.

13 CHAIRPERSON MILLER: All right.

14 MS. PHILLIPS: That's my  
15 recollection. I don't have it in the notice.

16 CHAIRPERSON MILLER: Okay. Mr.  
17 The?

18 MR. THE: Yes.

19 CHAIRPERSON MILLER: Okay. The  
20 Office of Attorney General has represented  
21 that you agreed to enter into an offer in  
22 compromise of \$350 penalty and to be paid

1 today.

2 MR. THE: Yes, ma'am.

3 CHAIRPERSON MILLER: And I want to  
4 make sure that that's what you agreed to?

5 MR. THE: Yes, ma'am.

6 CHAIRPERSON MILLER: All right.  
7 And do you understand you waive your right to  
8 a hearing by entering into this offer in  
9 compromise?

10 MR. THE: Yes, I do.

11 CHAIRPERSON MILLER: Okay. Are  
12 there Board questions on this offer in  
13 compromise? Okay.

14 Then I would, at this point, move  
15 that the Board accept this offer in compromise  
16 of \$350 payable today.

17 Do I have a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks  
20 has seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1                   CHAIRPERSON MILLER: All those  
2                   opposed? All those abstaining? Then the  
3                   motion passes to accept this offer in  
4                   compromise. Thank you.

5                   And that concludes this hearing.  
6                   All right. Thank you very much.

7                   MS. PHILLIPS: Just for the  
8                   record, Ms. --

9                   CHAIRPERSON MILLER: Walker?

10                  MS. PHILLIPS: -- Walker has taken  
11                  the quarterly statement in question to copy  
12                  and put it in the ABRA file and will return it  
13                  to him when it --

14                  CHAIRPERSON MILLER: Right.

15                  MS. PHILLIPS: -- is copied.

16                  CHAIRPERSON MILLER: Right. Thank  
17                  you very much. Okay.

18                  (Whereupon, the Show Cause  
19                  (Status) Hearing in the above-entitled matter  
20                  was concluded at 9:54 a.m.)

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22

<b>A</b>	<b>Chairperson</b> 1:15 1:19 2:3,12,16,19 3:1,6,9,12,15,18 3:22 4:8,20 5:9,13 6:2,12,18,22 7:6 7:19 8:3,10,13,16 8:19 9:3,6,11,19 10:1,9,14,16	<b>fashion</b> 7:16 <b>favor</b> 9:21 <b>February</b> 1:13 <b>file</b> 1:10 7:8 10:12 <b>filed</b> 5:21 6:1 7:10 <b>filing</b> 6:19 <b>find</b> 8:6 <b>fine</b> 5:19 6:9 <b>first</b> 5:4 <b>forward</b> 5:7	<b>mailing</b> 7:16 <b>manager</b> 3:5 <b>Marcel</b> 2:15,17 <b>matter</b> 1:5 10:19 <b>matters</b> 4:1 5:15 <b>ma'am</b> 9:2,5 <b>mean</b> 6:15 7:3 <b>MEETING</b> 1:3 <b>Member</b> 1:19,20 1:21 4:4,14,18 5:8 5:11 9:18 <b>met</b> 1:14 <b>MIKE</b> 1:21 <b>Miller</b> 1:16,19 2:3 2:12,16,19 3:1,6,9 3:12,15,18,22 4:8 4:20 5:9,13 6:2,12 6:18,22 7:6,19 8:3 8:10,13,16,19 9:3 9:6,11,19 10:1,9 10:14,16 <b>morning</b> 2:7,13,14 <b>motion</b> 9:20 10:3 <b>move</b> 9:14	<b>owner</b> 2:20 4:7,10 4:12 5:4 <b>owners</b> 2:22 <b>ownership</b> 5:2
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