

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

p-----»

IN THE MATTER OF: :

:

SJA Foods, Inc. :

t/a 7 Food Store : Show Cause

1830 Benning Road, NE : Hearing

Retailer B - ANC-5D : (Status)

License No. 60663 :

Case #12-CC-00087 :

:

(Sale to Minor) :

p-----¼

February 20, 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

NICK ALBERTI, Member

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT:

LOUISE PHILLIPS, OAG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

(9:49 a.m.)

CHAIRPERSON MILLER: The next case on our calendar is Case No. 12-CC-00087, 7 Food Store located at 1830 Benning Road, N.E., License No. 60663 in ANC-5D. Good morning.

MS. PHILLIPS: Good morning.

CHAIRPERSON MILLER: Would you like to introduce yourself for the record, please?

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

CHAIRPERSON MILLER: Thank you. And?

MR. LEE: Good morning, ma'am. My name is Kevin Lee representing SJA Foods, Inc. t/a 7 Food Store. I am the owner of the establishment.

MS. JIN AN: The last name A-N first name S-E-U-N-G middle name J-I-N.

CHAIRPERSON MILLER: I'm sorry,

1 sir, I missed your last name.

2 MR. LEE: A-N.

3 MS. JIN AN: A-N.

4 CHAIRPERSON MILLER: And the
5 gentleman though?

6 MS. JIN AN: First name S-E-U-N-G.
7 Middle name J-I-N.

8 CHAIRPERSON MILLER: Okay. And
9 but your name, sir? I missed your last name.

10 MR. LEE: L-E.

11 CHAIRPERSON MILLER: What? Lee?

12 MR. LEE: L-E-E.

13 CHAIRPERSON MILLER: Okay. Got
14 it. And one of you is the owner?

15 MR. LEE: Yes.

16 MEMBER ALBERTI: Mr. Lee is the
17 representative. She is the owner.

18 CHAIRPERSON MILLER: Oh, she is
19 the representative?

20 MEMBER ALBERTI: He is.

21 CHAIRPERSON MILLER: You're the
22 representative. I see. Thank you very much.

1 MEMBER ALBERTI: Yes, she is the
2 owner.

3 CHAIRPERSON MILLER: Got it.

4 MS. PHILLIPS: He's an attorney.

5 CHAIRPERSON MILLER: Okay. Thank
6 you. Okay. I understand you are the
7 attorney.

8 MR. LEE: I wasn't sure whether
9 you asked me the same thing she said.

10 CHAIRPERSON MILLER: Okay. Got
11 it. Got it. Okay. So, Mr. Lee, did your
12 client receive notice of this hearing?

13 MR. LEE: Yes.

14 CHAIRPERSON MILLER: And did she
15 understand it?

16 MR. LEE: Yes.

17 CHAIRPERSON MILLER: And did she--

18 MR. LEE: We read it.

19 CHAIRPERSON MILLER: -- read it?
20 Yes.

21 MR. LEE: And waive reading.

22 CHAIRPERSON MILLER: All right.

1 Are there any preliminary matters in this
2 case, Ms. Phillips?

3 MS. PHILLIPS: We would like to
4 pass this matter. We would like to settle it
5 today, but we need more time to negotiate,
6 because I was on holiday, you know, a three
7 day weekend and --

8 CHAIRPERSON MILLER: Okay.

9 MS. PHILLIPS: -- the Agency was
10 unavailable. So if we could pass it until
11 later?

12 CHAIRPERSON MILLER: All right.

13 MS. PHILLIPS: If that's okay?

14 CHAIRPERSON MILLER: All right.

15 So you will come back this morning?

16 MS. PHILLIPS: Yes.

17 CHAIRPERSON MILLER: All right.

18 MR. LEE: Okay. We come in.

19 MS. PHILLIPS: All right.

20 CHAIRPERSON MILLER: Okay.

21 MR. LEE: Thank you.

22 CHAIRPERSON MILLER: All right.

1 (Whereupon, at 9:51 a.m. a recess
2 until 10:23 a.m.)

3 MS. PHILLIPS: Madam Chair, you
4 were going to recall two cases from this
5 morning. One was 7 Food Store and the other
6 one was Ruby Tuesday.

7 CHAIRPERSON MILLER: Oh, okay,
8 right.

9 MS. PHILLIPS: Yes.

10 CHAIRPERSON MILLER: If they both
11 were here. Okay. So are they both ready?

12 MS. PHILLIPS: Well, I have not
13 seen Ruby Tuesday, but you ought to recall it
14 just to give them extra time, but nobody has
15 come up to me and say they are here.

16 And we are ready to be heard on 7
17 Food Store.

18 CHAIRPERSON MILLER: All right.
19 Why don't we go to 7 Food Store right now
20 then?

21 Okay. It's No. 12-CC-00087. We
22 are recalling 7 Food Store located at 1830

1 Benning Road, N.E., License No. 60663 in ANC-
2 5D.

3 Would you introduce yourselves for
4 the record again?

5 MS. PHILLIPS: Louise Phillips,
6 Assistant Attorney General for the Government.
7 Thank you for recalling the case, so that we
8 had a moment to discuss it.

9 CHAIRPERSON MILLER: Okay.

10 MR. LEE: Good morning, Board
11 Members. Kevin Lee again representing for SJA
12 Foods, Inc. t/a 7 Food Store. Next to me is
13 the owner of the establishment. Her name is--

14 MS. JIN AN: Last name A-N, first
15 name S-E-U-N-G, middle name J-I-N.

16 CHAIRPERSON MILLER: Okay. Thank
17 you. And it's my understanding we already
18 went through the preliminary questions.

19 MS. PHILLIPS: Yes, Madam Chair,
20 we did.

21 CHAIRPERSON MILLER: Okay. Then
22 are there any preliminary issues?

1 MS. PHILLIPS: There are, indeed,
2 Madam Chair.

3 CHAIRPERSON MILLER: Okay.

4 MS. PHILLIPS: The parties have
5 agreed upon an offer in compromise which they
6 would like to present to the Board. It is a
7 fine of \$3,000, which I understand is the
8 statutory maximum, and a five day suspension,
9 four served, one stayed.

10 CHAIRPERSON MILLER: Okay. Mr.
11 Lee?

12 MR. LEE: Yes.

13 CHAIRPERSON MILLER: I want to
14 confirm with you that your client is agreeable
15 to this offer in compromise, which is a fine
16 of \$3,000, five day suspension of the license,
17 four days served of that suspension and one
18 day stayed. But let me ask one other
19 question. When will the fine be paid?

20 MS. PHILLIPS: And the days to be
21 served.

22 MR. LEE: The days to be served,

1 we prepare the March 25th, that's a Monday.

2 MS. PHILLIPS: So Monday through
3 Thursday? March 25th, 26th, 27th and 28th?

4 MR. LEE: Yes.

5 MS. PHILLIPS: And the money to be
6 paid within 30 or 60?

7 MR. LEE: Actually half now and
8 immediately half within 60 days.

9 CHAIRPERSON MILLER: So \$1,500 to
10 be paid today?

11 MR. LEE: Today, yes.

12 CHAIRPERSON MILLER: And \$1,500 to
13 be paid?

14 MR. LEE: Within 60 days.

15 CHAIRPERSON MILLER: 60 days. Ms.
16 Phillips is that what you agreed to?

17 MS. PHILLIPS: I do not know
18 whether the Board takes money that way. We
19 have always said we don't, so I think she
20 should just put the money in the bank and then
21 pay it all within 60 days.

22 MR. LEE: Maybe if not available,

1 sir, she can pay it, all of it.

2 MS. PHILLIPS: She can pay it all
3 today?

4 MR. LEE: Right.

5 MS. PHILLIPS: Okay. All today.

6 CHAIRPERSON MILLER: All today,
7 okay. Yes, all today?

8 MR. LEE: Yes.

9 CHAIRPERSON MILLER: Okay. Do
10 Board Members have any questions?

11 MEMBER BROOKS: I just have a --

12 CHAIRPERSON MILLER: Yes, Mr.
13 Brooks?

14 MEMBER BROOKS: -- clarification.
15 Now, the days to be closed are which days?

16 MR. LEE: Yes, sir, March 25th,
17 Monday.

18 MEMBER BROOKS: Monday through?

19 MR. LEE: Through Thursday.

20 MEMBER BROOKS: Thursday?

21 MR. LEE: Yes.

22 MEMBER BROOKS: Okay.

1 CHAIRPERSON MILLER: Okay. Not
2 hearing any other questions then, I would move
3 that we approve this offer in compromise of a
4 \$3,000 penalty to be paid today, five day
5 suspension of the license, four days served,
6 that being March 25th, 26th, 27th and 28th and
7 one day stayed.

8 Do I have a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr.
11 Silverstein has seconded the motion.

12 All those in favor say aye.

13 MEMBER ALBERTI: I have a comment,
14 if I may?

15 CHAIRPERSON MILLER: Does it go to
16 -- for the Board to consider?

17 MEMBER BROOKS: Yes.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: I cannot accept
20 this. When I look at the history, I cannot
21 accept this. When I look at the history of
22 this establishment and the number of sale to

1 minor violations that we have seen in this,
2 the fact that they are not serving any stayed
3 days on their busiest days, they are serving
4 them on their least busy days, Monday through
5 Thursday, is not a sufficient penalty for me
6 and I will not be accepting this given the
7 history of this establishment.

8 CHAIRPERSON MILLER: Okay. I
9 would like to just respond. According to my
10 understanding that the fine range is \$2,000 to
11 \$3,000, so it's the maximum fine that is being
12 paid today. The statute provides for
13 suspension up to five days.

14 So for me, I think it is a very
15 fair offer in compromise. Others?

16 MEMBER SILVERSTEIN: Madam Chair?

17 CHAIRPERSON MILLER: Yes, Mr.
18 Silverstein?

19 MEMBER SILVERSTEIN: I have been--
20 does the licensee understand me?

21 MR. LEE: Yes.

22 MEMBER SILVERSTEIN: You do?

1 MS. JIN AN: Yes.

2 MEMBER SILVERSTEIN: This
3 particular pattern of behavior is disgusting
4 and is absolutely not acceptable. This is a
5 law that we have and that we enforce for the
6 safety of our young people and the safety of
7 those who encounter them on the road and in
8 other places.

9 This repetition will cause you to
10 lose your privilege to serve alcohol to anyone
11 and it looks badly upon your reputation. I
12 will support this because it is the maximum
13 fine. I'm not happy with the days and I agree
14 with my colleague and friend, Mr. Alberti, but
15 this is the last time.

16 I don't want to see you here
17 again. Madam Chair.

18 CHAIRPERSON MILLER: Okay. Any
19 other comments? Okay. Then we have a motion,
20 I believe it has been seconded to approve this
21 offer in compromise.

22 All those in favor say aye.

1 MEMBER SILVERSTEIN: Aye.

2 CHAIRPERSON MILLER: Aye. All

3 those opposed?

4 MEMBER ALBERTI: Oppose.

5 MEMBER BROOKS: Opposed.

6 CHAIRPERSON MILLER: So the motion
7 fails for a lack of majority. Therefore, this
8 matter will be set for a hearing on April 24th
9 at 11:00 p.m. -- a.m.

10 MS. PHILLIPS: I'm not coming if
11 it's p.m.

12 CHAIRPERSON MILLER: Okay. We
13 might still be here, you know.

14 MEMBER SILVERSTEIN: Given our
15 record, Ms. Phillips, you may very well be
16 here.

17 MS. PHILLIPS: All right. So you
18 will come back with her?

19 MR. LEE: Yes. Thank you very
20 much.

21 (Whereupon, the Show Cause
22 (Status) Hearing in the above-entitled matter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

was concluded at 10:31 a.m.)

A	busy 12:4	District 1:1 2:12 DONALD 1:18 D.C 1:14	I	12:11 13:12 ma'am 2:16 MEETING 1:3 Member 1:18,18 1:19 3:16,20 4:1 10:11,14,18,20,22 11:9,13,17,19 12:16,19,22 13:2 14:1,4,5,14 Members 7:11 10:10 met 1:13 middle 2:21 3:7 7:15 MIKE 1:19 Miller 1:15,17 2:3 2:8,14,22 3:4,8,11 3:13,18,21 4:3,5 4:10,14,17,19,22 5:8,12,14,17,20 5:22 6:7,10,18 7:9 7:16,21 8:3,10,13 9:9,12,15 10:6,9 10:12 11:1,10,15 11:18 12:8,17 13:18 14:2,6,12 minor 1:10 12:1 missed 3:1,9 moment 7:8 Monday 9:1,2 10:17,18 12:4 money 9:5,18,20 morning 2:6,7,13 2:16 5:15 6:5 7:10 motion 11:11 13:19 14:6 move 11:2
above-entitled 14:22 absolutely 13:4 accept 11:19,21 acceptable 13:4 accepting 12:6 Agency 5:9 agree 13:13 agreeable 8:14 agreed 8:5 9:16 Alberti 1:18 3:16 3:20 4:1 11:13,19 13:14 14:4 alcohol 13:10 Alcoholic 1:2,13,13 ANC 7:1 ANC-5D 1:8 2:6 approve 11:3 13:20 April 14:8 asked 4:9 Assistant 2:12 7:6 attorney 2:12 4:4,7 7:6 available 9:22 aye 11:12 13:22 14:1,2 A-N 2:20 3:2,3 7:14 a.m 2:2 6:1,2 14:9 15:1	C	E	immediately 9:8 introduce 2:9 7:3 issues 7:22	
B	calendar 2:4 case 1:9 2:3,4 5:2 7:7 cases 6:4 cause 1:6 13:9 14:21 Chair 6:3 7:19 8:2 12:16 13:17 Chairperson 1:14 1:17 2:3,8,14,22 3:4,8,11,13,18,21 4:3,5,10,14,17,19 4:22 5:8,12,14,17 5:20,22 6:7,10,18 7:9,16,21 8:3,10 8:13 9:9,12,15 10:6,9,12 11:1,10 11:15,18 12:8,17 13:18 14:2,6,12 clarification 10:14 client 4:12 8:14 closed 10:15 colleague 13:14 Columbia 1:1 2:13 come 5:15,18 6:15 14:18 coming 14:10 comment 11:13 comments 13:19 compromise 8:5,15 11:3 12:15 13:21 concluded 15:1 confirm 8:14 consider 11:16 Control 1:2,13,13	F	J	JIN 2:20 3:3,6 7:14 13:1 J-I-N 2:21 3:7 7:15
B 1:8 back 5:15 14:18 badly 13:11 bank 9:20 behavior 13:3 believe 13:20 Benning 1:7 2:5 7:1 Beverage 1:2,13,13 Board 1:2,13 7:10 8:6 9:18 10:10 11:16 Brooks 1:18 10:11 10:13,14,18,20,22 11:17 14:5 busiest 12:3	D	encounter 13:7 enforce 13:5 establishment 2:19 7:13 11:22 12:7 extra 6:14	K	Kevin 2:17 7:11 know 5:6 9:17 14:13
B	day 5:7 8:8,16,18 11:4,7 days 8:17,20,22 9:8 9:14,15,21 10:15 10:15 11:5 12:3,3 12:4,13 13:13 discuss 7:8 disgusting 13:3	G	L	lack 14:7 law 13:5 Lee 2:16,17 3:2,10 3:11,12,15,16 4:8 4:11,13,16,18,21 5:18,21 7:10,11 8:11,12,22 9:4,7 9:11,14,22 10:4,8 10:16,19,21 12:21 14:19 license 1:8 2:6 7:1 8:16 11:5 licensee 12:20 located 2:5 6:22 look 11:20,21 looks 13:11 lose 13:10 Louise 1:22 2:11 7:5 L-E 3:10 L-E-E 3:12
B	H	fact 12:2 fails 14:7 fair 12:15 favor 11:12 13:22 February 1:12 fine 8:7,15,19 12:10,11 13:13 first 2:21 3:6 7:14 five 8:8,16 11:4 12:13 Food 1:6 2:5,18 6:5 6:17,19,22 7:12 Foods 1:6 2:17 7:12 four 8:9,17 11:5 friend 13:14	M	Madam 6:3 7:19 8:2 12:16 13:17 majority 14:7 March 9:1,3 10:16 11:6 matter 1:5 5:4 14:8 14:22 matters 5:1 maximum 8:8
B	H	General 2:12 7:6 gentleman 3:5 give 6:14 given 12:6 14:14 go 6:19 11:15 going 6:4 Good 2:6,7,13,16 7:10 Government 7:6	N	name 2:17,20,21,21 3:1,6,7,9,9 7:13 7:14,15,15 NE 1:7 need 5:5 negotiate 5:5 NICK 1:18

notice 4:12	provides 12:12	served 8:9,17,21,22	U	24th 14:8
number 11:22	put 9:20	11:5	unavailable 5:10	25th 9:1,3 10:16
N.E 2:5 7:1	P-R-O-C-E-E-D...	servicing 12:2,3	understand 4:6,15	11:6
N.W 1:14	2:1	set 14:8	8:7 12:20	26th 9:3 11:6
O	p.m 14:9,11	settle 5:4	understanding	27th 9:3 11:6
OAG 1:22	Q	Show 1:6 14:21	7:17 12:10	28th 9:3 11:6
offer 8:5,15 11:3	question 8:19	Silverstein 1:19	V	3
12:15 13:21	questions 7:18	11:9,11 12:16,18	violations 12:1	30 9:6
Oh 3:18 6:7	10:10 11:2	12:19,22 13:2	W	4
okay 3:8,13 4:5,6	R	14:1,14	waive 4:21	400S 1:14
4:10,11 5:8,13,18	range 12:10	sir 3:1,9 10:1,16	want 8:13 13:16	5
5:20 6:7,11,21 7:9	read 4:18,19	SJA 1:6 2:17 7:11	Washington 1:14	5D 7:2
7:16,21 8:3,10	reading 4:21	sorry 2:22	wasn't 4:8	6
10:5,7,9,22 11:1	ready 6:11,16	Status 1:8 14:22	way 9:18	60 9:6,8,14,15,21
11:18 12:8 13:18	recall 6:4,13	statute 12:12	weekend 5:7	60663 1:8 2:6 7:1
13:19 14:12	recalling 6:22 7:7	statutory 8:8	went 7:18	7
Oppose 14:4	receive 4:12	stayed 8:9,18 11:7	Y	7 1:6 2:4,18 6:5,16
opposed 14:3,5	recess 6:1	12:2	young 13:6	6:19,22 7:12
ought 6:13	record 2:9 7:4	Store 1:6 2:5,18 6:5	P	9
owner 2:18 3:14,17	14:15	6:17,19,22 7:12	p 1:4,10	9:49 2:2
4:2 7:13	repetition 13:9	Street 1:14	\$	9:51 6:1
P	representative 3:17	sufficient 12:5	\$1,500 9:9,12	
paid 8:19 9:6,10,13	3:19,22	Suite 1:14	\$2,000 12:10	
11:4 12:12	representing 2:17	support 13:12	\$3,000 8:7,16 11:4	
particular 13:3	7:11	sure 4:8	12:11	
parties 8:4	reputation 13:11	suspension 8:8,16	#	
pass 5:4,10	respond 12:9	8:17 11:5 12:13	#12-CC-00087 1:9	
pattern 13:3	Retailer 1:8	S-E-U-N-G 2:21	1	
pay 9:21 10:1,2	right 4:22 5:12,14	3:6 7:15	10:23 6:2	
penalty 11:4 12:5	5:17,19,22 6:8,18	T	10:31 15:1	
people 13:6	6:19 10:4 14:17	takes 9:18	11:00 14:9	
Phillips 1:22 2:7,11	road 1:7 2:5 7:1	Thank 2:14 3:22	12-CC-00087 2:4	
2:11 4:4 5:2,3,9	13:7	4:5 5:21 7:7,16	6:21	
5:13,16,19 6:3,9	Room 1:14	14:19	14th 1:14	
6:12 7:5,5,19 8:1	Ruby 6:6,13	thing 4:9	1830 1:7 2:5 6:22	
8:4,20 9:2,5,16,17	Ruthanne 1:15,17	think 9:19 12:14	2	
10:2,5 14:10,15	S	three 5:6	20 1:12	
14:17	safety 13:6,6	Thursday 9:3	2000 1:14	
places 13:8	sale 1:10 11:22	10:19,20 12:5	20009 1:14	
please 2:10	second 11:8,9	time 5:5 6:14 13:15	2013 1:12	
preliminary 5:1	seconded 11:11	today 5:5 9:10,11		
7:18,22	13:20	10:3,5,6,7 11:4		
prepare 9:1	see 3:22 13:16	12:12		
present 1:16,20 8:6	seen 6:13 12:1	Tuesday 6:6,13		
presiding 1:15	serve 13:10	two 6:4		
privilege 13:10		t/a 1:6 2:18 7:12		