

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:

Yang Fire, LLC
t/a Chao Ku
1414 9th Street, NW
Retailer CR - ANC-2F
License No. ABRA-097857
Case #15-PRO-00017

(New Application)

April 6, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Ms. LaVerne
Fletcher, Agent, presiding.

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

2 10:11 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Chao Ku, please, come forward? The
5 parties in the matter of Chao Ku.

6 This is Case No. 15-PRO-00017, Yang
7 Fire, LLC t/a Chao Ku, 1414 9th Street, N.W.,
8 License No. ABRA-097857.

9 This is a Retailer Class CR, a new
10 application.

11 The protest issues are adverse impact
12 on peace, order and quiet, residential parking
13 and vehicular and pedestrian safety and property
14 values.

15 My name is LaVerne Fletcher and I'm
16 conducting the Roll Call Hearing as the Board's
17 Agent pursuant to D.C. Official Code 1601.2.

18 Introductions beginning with the
19 applicant, please.

20 MR. FIELDING: I'm sorry?

21 AGENT FLETCHER: You are the
22 applicant?

1 MR. FIELDING: John Fielding, yes.

2 AGENT FLETCHER: I'm sorry, what is it
3 again?

4 MR. FIELDING: John Fielding.

5 AGENT FLETCHER: And, Mr. Fielding,
6 could you spell your name for the record, please?

7 MR. FIELDING: J-O-H-N last name
8 Fielding, F, as in Frank, I-E-L-D-I-N-G.

9 AGENT FLETCHER: Thank you very much.
10 And your name, sir?

11 MR. MERCHANT: Steve Merchant. S-T-E-
12 V-E M-E-R-C-H-A-N-T.

13 AGENT FLETCHER: Is anyone present on
14 behalf of ANC-2F?

15 Mr. Fielding, have you had any
16 communication with the ANC-2F?

17 MR. FIELDING: Yes. So they drafted
18 a --

19 AGENT FLETCHER: A settlement?

20 MR. FIELDING: -- settlement agreement
21 and I have signed it and returned it back to them
22 via email and confirmed that that was received.

1 AGENT FLETCHER: Okay. So that's why
2 they are not here today? They -- I assume they
3 signed the settlement agreement as well?

4 MR. FIELDING: Yes.

5 AGENT FLETCHER: Okay. So for the
6 purpose of the Roll Call Hearing, I'm going to
7 dismiss the protest filed by ANC-2F.

8 MR. FIELDING: Okay.

9 AGENT FLETCHER: Because they are not
10 present, but we know that you are going to be
11 submitting a settlement agreement.

12 MR. FIELDING: Yes.

13 AGENT FLETCHER: So that's fine.

14 MR. FIELDING: Right.

15 AGENT FLETCHER: So that means that
16 they most likely will not seek reinstatement of
17 the protest because the matter has already been
18 settled.

19 MR. FIELDING: Right.

20 AGENT FLETCHER: So they pretty much
21 know how this goes.

22 MR. FIELDING: Okay.

1 AGENT FLETCHER: Okay. So but thank
2 you for coming though.

3 MR. FIELDING: Sure.

4 AGENT FLETCHER: And when we get the
5 settlement agreement, it will go on the Board's
6 docket for approval.

7 MR. FIELDING: Okay.

8 AGENT FLETCHER: And so you will
9 receive an order from us approving the settlement
10 agreement or if the Board wants to make any
11 amendments to it, they will let you know.

12 MR. FIELDING: Okay. And so I'll just
13 wait for -- to receive something by mail?

14 AGENT FLETCHER: That's exactly right.
15 There is nothing else you need to do. Depending
16 on when we get the settlement agreement, they go
17 on the Board's Agenda for review the next coming
18 Wednesday.

19 MR. FIELDING: Right. Okay.

20 AGENT FLETCHER: So I haven't seen the
21 settlement agreement, but they don't always come
22 directly to me, but it goes on the next

1 Wednesday --

2 MR. FIELDING: Okay.

3 AGENT FLETCHER: -- after we receive
4 it.

5 MR. FIELDING: Great.

6 AGENT FLETCHER: And so, Mr. Fielding,
7 would you, please, put your contact information
8 on that sheet anyway?

9 MR. FIELDING: Yes, I did.

10 AGENT FLETCHER: Okay. Because once
11 the Board issues an order approving the
12 settlement agreement, you will be notified --

13 MR. FIELDING: Okay.

14 AGENT FLETCHER: -- by email, but you
15 will also receive a copy of the order.

16 MR. FIELDING: Okay. Great.

17 AGENT FLETCHER: So but thanks for
18 coming anyway. And there is my card if you have
19 any questions beyond today.

20 MR. FIELDING: I have one quick
21 question.

22 AGENT FLETCHER: Yes.

1 MR. FIELDING: With the build-out, we
2 are changing our C of O, how many people we can--
3 our load is.

4 AGENT FLETCHER: Yes.

5 MR. FIELDING: They just had never
6 gone through and done it in the past.

7 AGENT FLETCHER: Okay.

8 MR. FIELDING: In that space.

9 AGENT FLETCHER: Okay.

10 MR. FIELDING: So we are increasing
11 that number.

12 AGENT FLETCHER: Yes.

13 MR. FIELDING: Is there a process that
14 changes because of that?

15 AGENT FLETCHER: Not for us.

16 MR. FIELDING: Okay.

17 AGENT FLETCHER: If you have a
18 settlement agreement with the ANC --

19 MR. FIELDING: Right.

20 AGENT FLETCHER: -- I would assume
21 that is done.

22 MR. FIELDING: Right. And they

1 already have my floor plans and all that stuff
2 anyway.

3 AGENT FLETCHER: And so they felt that
4 they had enough information --

5 MR. FIELDING: Right.

6 AGENT FLETCHER: -- to enter into a
7 settlement agreement.

8 MR. FIELDING: Okay.

9 AGENT FLETCHER: Depending on what
10 your occupancy will be, I mean, we have a process
11 called a substantial change if you were
12 increasing, once you are open and then you
13 increase the occupancy,

14 MR. FIELDING: Right. Then it would
15 be --

16 AGENT FLETCHER: You are not even open
17 yet.

18 MR. FIELDING: Right.

19 AGENT FLETCHER: You are in the
20 process of getting your Certificate of Occupancy
21 and you just don't know what it's going to be
22 yet.

1 MR. FIELDING: Right.

2 AGENT FLETCHER: That may or may not
3 have been accounted for in the settlement
4 agreement. Sometimes the settlement agreement
5 will state that that number has not yet been
6 determined.

7 MR. FIELDING: Right.

8 AGENT FLETCHER: But if that's not in
9 your settlement agreement, then for the ANC it's
10 a non-issue.

11 MR. FIELDING: It doesn't matter.
12 Okay. Great.

13 AGENT FLETCHER: It just didn't make
14 it an issue. So it will be what it will be.

15 MR. FIELDING: Awesome. Well, thank
16 you for your help today.

17 AGENT FLETCHER: Okay. You're
18 welcome.

19 MR. FIELDING: Have a great day.

20 AGENT FLETCHER: Okay. Take care.
21 And we are off the record.

22 (Whereupon, the Roll Call Hearing in

1 the above-entitled matter was concluded at 10:16
2 a.m.)

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