

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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SJA Foods, Inc. :
t/a 7 Food Store :
1830 Benning Road, NE : Show Cause
Retailer B : Hearing
License No. 60663 :
Case No. 12-CC-00087 :
ANC 5D :
Sale to Minor :
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APRIL 24, 2013

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

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member

ALSO PRESENT
AMY SCHMIDT, OAG

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

10:47 a.m.

CHAIRPERSON MILLER: All right.

I'm going to call again Case No. 12-CC-00087,
7 Food Store, if they're here. The hearing is
scheduled for 11:00. It's 10:47, but if
they're here? Okay.

MS. SCHMIDT: Good morning. Amy
Schmidt, Assistant Attorney General on behalf
of the District of Columbia.

MR. LEE: Good morning, Members.
I name is Kyung Lee, representing 7 Food Store
and SJA Foods, Inc. And next to me is the
owner of the establishment.

MS. AN: My last name A-N. First
name S-E-U-N-G. Middle name, J-I-N.

CHAIRPERSON MILLER: Again, also I
didn't read the full heading on this case, so
I'll note that it's located at 1830 Benning
Road, N.E., License No. 60663 in ANC 5D.

Okay. This is scheduled for a
show cause hearing. Are there any preliminary

1 matters?

2 MS. SCHMIDT: Yes, there is in
3 this matter.

4 CHAIRPERSON MILLER: Okay.

5 MS. SCHMIDT: There's an OIC of a
6 \$3,000 fine and five days to be served from
7 May 17th, 2013 through May 21st, 2013, which
8 is a Friday through a Tuesday. And also there
9 is a request. I don't know if the Board does
10 this. They wish to pay \$1,500 today and
11 \$1,500 within 30 days. If not, then
12 everything will be paid at 30 days.

13 MR. LEE: Yes. Okay.

14 CHAIRPERSON MILLER: My
15 understanding is that believe it or not -- not
16 believe it or not, but that the Agency prefers
17 one lump sum payment. That's 3,000. And
18 so --

19 MR. LEE: That's what I informed
20 them, but I just wanted to make --

21 CHAIRPERSON MILLER: I know.

22 MS. SCHMIDT: I wanted to confirm

1 that it was still that way.

2 CHAIRPERSON MILLER: Right.

3 Right. Yes. So what would that be, by when?

4 MS. SCHMIDT: Within 30 days,

5 which is --

6 CHAIRPERSON MILLER: Oh, 30 days?

7 Okay. Mr. Lee?

8 MR. LEE: Yes?

9 CHAIRPERSON MILLER: Okay. I want
10 to make sure that your client agrees to the
11 Offer in Compromise as I understand it. It's
12 a \$3,000 penalty fine paid within 30 days.

13 MR. LEE: That's right.

14 CHAIRPERSON MILLER: And five days
15 served, those days being May 17 through 21,
16 2013.

17 MR. LEE: That's correct.

18 CHAIRPERSON MILLER: Okay. And
19 your client understands that by accepting an
20 Offer in Compromise she waives her right to a
21 hearing?

22 MS. AN: Yes.

1 CHAIRPERSON MILLER: Okay. Thank
2 you. All right. Any questions?

3 (No audible response.)

4 CHAIRPERSON MILLER: Mr. Jones,
5 you want us to recess and consider this in
6 executive session?

7 MEMBER JONES: That's what this
8 means, right? That's the sign that we use for
9 that?

10 CHAIRPERSON MILLER: Okay. You
11 weren't here earlier. So, all right.

12 MEMBER JONES: Well, then we
13 changed that sign?

14 CHAIRPERSON MILLER: No. Okay. A
15 Board Member would like us to recess.

16 MEMBER JONES: Educate me. I
17 missed something. What am I supposed to do?

18 CHAIRPERSON MILLER: Nothing. I
19 mean ask for a recess to discuss. That's all.

20 MEMBER JONES: Okay. I'd like to
21 have a recess to discuss.

22 CHAIRPERSON MILLER: Okay.

1 Therefore, I'm going to just read our
2 instructions and take a vote of discussing
3 this matter in executive session, and then
4 we'll return and let you know. Okay?

5 As Chairperson of the Alcoholic
6 Beverage Control Board for the District of
7 Columbia and in accordance with Section 405 of
8 the Open Meetings Amendment Act of 2010, I
9 move that the ABC Board hold a closed meeting
10 for the purpose of seeking legal advice from
11 our counsel on Case No. 12-CC-00087, 7 Food
12 Store, per section 405(b)(4) of the Open
13 Meetings Amendment Act of 2010 and
14 deliberating upon that for the reasons cited
15 in Section 405(b)(13) of the Open Meetings
16 Amendment Act of 2010. Is there a second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks
19 has seconded the motion. Now that the motion
20 has been seconded, I'll take a roll call vote?
21 Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr. Alberti?

2 MEMBER ALBERTI: I agree.

3 CHAIRPERSON MILLER: Ms. Miller
4 agrees. Mr. Jones?

5 MEMBER JONES: I agree.

6 CHAIRPERSON MILLER: Okay. Motion
7 has passed 4-0-0. I hereby give notice that
8 the ABC Board will hold a closed meeting in
9 the ABC Board conference room now to address
10 this issue, and we'll return very shortly.

11 (Whereupon, at 10:52 a.m. off the
12 record until 10:55 a.m.)

13 CHAIRPERSON MILLER: Okay. The
14 Board is back on the record. Are there any
15 other questions by Board Members?

16 MEMBER JONES: No, ma'am.

17 CHAIRPERSON MILLER: Okay. Then
18 at this point I'd like to make a motion that
19 we approve this Offer in Compromise of a
20 \$3,000 fine payable within 30 days, plus 5
21 days suspension of the license served May 17
22 through May 21, 2013. Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks
3 has seconded the motion. All those in favor,
4 say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Then the
13 motion passes by a vote of 4-0-0 to approve
14 the Offer in Compromise. Thank you.

15 MR. LEE: Thank you very much.

16 CHAIRPERSON MILLER: Okay. Thank
17 you very much. And that concludes the Board's
18 morning calendar and we will return later for
19 the afternoon calendar. So we are now in
20 recess.

21 (Whereupon, the hearing was
22 concluded at 10:56 a.m.)

A	<p>call 2:4 6:20 case 1:9 2:4,18 6:11 cause 1:8 2:22 Chairperson 1:15 1:17 2:3,17 3:4,14 3:21 4:2,6,9,14,18 5:1,4,10,14,18,22 6:5,18 7:1,3,6,13 7:17 8:2,6,9,12,16 changed 5:13 Chorus 8:5 cited 6:14 client 4:10,19 closed 6:9 7:8 Columbia 1:1 2:10 6:7 Compromise 4:11 4:20 7:19 8:14 concluded 8:22 concludes 8:17 conference 7:9 confirm 3:22 consider 5:5 Control 1:2,13,14 6:6 correct 4:17 counsel 6:11</p>	<p>fine 3:6 4:12 7:20 First 2:15 five 3:6 4:14 Food 1:7 2:5,12 6:11 Foods 1:6 2:13 Friday 3:8 full 2:18</p>	<p>ma'am 7:16 mean 5:19 means 5:8 meeting 1:3 6:9 7:8 Meetings 6:8,13,15 Member 1:18,18 1:19 5:7,12,15,16 5:20 6:17,22 7:2,5 7:16 8:1 Members 2:11 7:15 met 1:14 Middle 2:16 Miller 1:15,17 2:3 2:17 3:4,14,21 4:2 4:6,9,14,18 5:1,4 5:10,14,18,22 6:18 7:1,3,3,6,13 7:17 8:2,6,9,12,16 Minor 1:10 missed 5:17 morning 2:8,11 8:18 motion 6:19,19 7:6 7:18 8:3,13 move 6:9</p>	P
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