

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF:	:
R & J 24 Liquors, Inc.	:
t/a Town Square Gourmet	: Show Cause
4418 MacArthur Blvd, NW	: Hearing
License #ABRA-078664	: Case No.
Retailer A	: 12-PRO-00022
Renewal Application	:

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April 30, 2012

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

PRESENT

LaVERNE FLETCHER, Agent

ALSO PRESENT:

JAMES SHIN, Translator

RICHARD KIM

PHILIP ROSS

ANN HAAS

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

2 10:02 a.m.

3 AGENT FLETCHER: Would the parties
4 in the matter of Town Square Gourmet please
5 come forward?

6 This is the matter of Case No. 12-
7 PRO-00022, R&J, 24 Liquors, Inc., t/a Town
8 Square Gourmet, 4418 MacArthur Boulevard,
9 N.W., License No. ABRA 078664. This is a
10 Retailer A renewal application.

11 If there are any parties present
12 in the matter of Town Square Gourmet please
13 come forward, with the applicant sitting on
14 this side, and the protestants on this side.

15 Are there any parties present in
16 the matter of Town Square Gourmet?

17 MR. SHIN: Yes.

18 AGENT FLETCHER: Okay. Would you
19 please come forward and just have a seat?

20 Are you the protestants? Any
21 protestants present in the matter of Town
22 Square Gourmet?

1 Yes, if you could just have a
2 chair right there at that table. Thank you.

3 MR. SHIN: I'm the personal
4 translator.

5 AGENT FLETCHER: Oh, yes, thank
6 you.

7 And, let me begin with you. So,
8 you are the translator for the applicant?

9 MR. SHIN: Yes.

10 AGENT FLETCHER: And, can you
11 state your name and spell it for the court
12 reporter?

13 MR. SHIN: My name is James, last
14 name Shin, S-H-I-N.

15 AGENT FLETCHER: Could you spell
16 the last name again?

17 MR. SHIN: S-H-I-N.

18 AGENT FLETCHER: And, what's the
19 first name?

20 MR. SHIN: James.

21 AGENT FLETCHER: And, Mr. Shin,
22 there was a second part to your last name?

1 What's your last name again?

2 MR. SHIN: Shin, S-H-I-N.

3 AGENT FLETCHER: Okay. I thought
4 you said it was a two part. Okay, thank you.

5 And, which language are you
6 translating?

7 MR. SHIN: Korean.

8 AGENT FLETCHER: Okay. And, your
9 name, sir?

10 MR. KIM: Richard Kim.

11 AGENT FLETCHER: And, what's the
12 first name?

13 MR. KIM: Richard.

14 AGENT FLETCHER: Could you spell
15 it, please?

16 MR. KIM: Richard.

17 AGENT FLETCHER: Richard.

18 MR. KIM: Yes.

19 AGENT FLETCHER: R-I-C-H-A-R-D?

20 MR. KIM: R-I-C-H-A-R-D.

21 AGENT FLETCHER: Okay. What's the
22 last name?

1 MR. KIM: Kim, K-I-M.

2 AGENT FLETCHER: Thank you very
3 much. You can be seated. Thank you.

4 And, for the protestants?

5 MR. ROSS: My name is Stuart Ross,
6 and I'm the Chairman, ANC 3D. With me is my
7 colleague Ann Haas, H-A-A-S, and my colleague
8 Philip Thomas is sitting -- or he was there,
9 right behind me there, he's also the Vice
10 Chairman of ANC 3D.

11 AGENT FLETCHER: And, Mr. Ross,
12 would you spell the name of Philip, please?
13 If you could come forward and speak into the
14 microphone for the court reporter.

15 MR. THOMAS: Yes, ma'am. P-H-I-L-
16 I-P, Thomas, T-H-O-M-A-S.

17 AGENT FLETCHER: And, Mr. Thomas,
18 you are also a part of ANC 3D?

19 MR. THOMAS: Yes, ma'am, I'm the
20 Vice Chair.

21 AGENT FLETCHER: Vice Chair.
22 Thank you.

1 And, Mr. Haas, is there an E on
2 the end of Ann?

3 MS. HAAS: No.

4 AGENT FLETCHER: Okay. And,
5 Stuart is S-T-U-A-R-T?

6 MR. ROSS: That's correct.

7 AGENT FLETCHER: R-O-S-S, thank
8 you.

9 MR. ROSS: Thank you.

10 AGENT FLETCHER: Okay, thank you
11 very much.

12 The protest issues are adverse
13 impact on peace, order and quiet.

14 My name is LaVerne Fletcher. I'll
15 be conducting the roll call hearing as the
16 Board's agent, pursuant to D.C. Official Code
17 1601.2.

18 ANC 3D is the only protestant in
19 this matter and does have standing as a
20 protestant, and is granted standing as a
21 protestant.

22 We need to set a date for

1 mediation, a status hearing and the protest
2 hearing. I'll start with the status hearing.

3 A status hearing is scheduled for
4 June the 6th, 2012, at 9:30 a.m., before the
5 Alcoholic Beverage Control Board.

6 A protest hearing is scheduled for
7 July the 25th, 2012, at 1:30 p.m., before the
8 ABC Board.

9 We need to set a date for
10 mediation to occur prior to the status hearing
11 on June 6th, and I'll give you some dates
12 available for mediation.

13 The next available date for
14 mediation is Wednesday, May the 9th, Thursday,
15 May 10, and Friday, May 11 are also available.
16 So, is anyone available on -- let's make that
17 May 10th or 11th.

18 MS. HAAS: I can't do that.

19 MR. ROSS: My colleague cannot do
20 that, and I wondered, excuse me --

21 AGENT FLETCHER: Yes.

22 MR. ROSS: -- there is a related

1 proceeding that takes place on the 21st of
2 May, which I believe is the period of time
3 when the charges that have been made against
4 the renewing entity are going to be heard in
5 Superior Court.

6 He has been charged, it is my
7 understanding, and I wonder if it wouldn't be
8 more appropriate to have the hearing -- to
9 have the mediation hearing after the period of
10 time when the trial is concluded.

11 AGENT FLETCHER: Mr. Shin is
12 translating.

13 Is that trial related to --

14 MR. ROSS: I think it could be
15 very importantly related, in that I believe he
16 has been charged with a criminal violation
17 with the sale of alcohol to minors. That is
18 the way it has been portrayed. I have not
19 seen the information or indictment.

20 But, it relates to the operation
21 of the store, and as I understand it the sale
22 of alcoholic beverages to minors.

1 AGENT FLETCHER: Well, Mr. Ross,
2 the only comment that I would make about that
3 is that normally we don't hold our hearings in
4 abeyance pending a court decision.

5 The hearing is on the 21st, but
6 there's no way to know when the entire
7 proceeding will be concluded. I don't know if
8 they are going to render a decision on that
9 day. I don't know what's going to happen
10 beyond that point.

11 So, we will go ahead and schedule
12 our hearings, and then if the Board determines
13 that the outcome of that case has some bearing
14 on ours, then that adjustment will be made,
15 Mr. Ross. And, I'll give the dates today for
16 the hearing that you want to petition the
17 Board to make some adjustment, based on that
18 case you can do that.

19 MR. ROSS: We look forward to the
20 efforts to mediate the dispute, but I just
21 thought that I had an obligation to raise that
22 issue with you, insofar as it directly relates

1 to the operation of the store.

2 AGENT FLETCHER: Okay, thank you.

3 And, Mr. Ross, who is going to be
4 the designated representative for ANC 3D?

5 MR. ROSS: I believe I will be,
6 and Ms. Haas as well.

7 AGENT FLETCHER: Okay.

8 MR. ROSS: Thank you.

9 AGENT FLETCHER: So, Ms. Haas,
10 would you also write your name, phone number
11 and email address on there? Okay, thank you.

12 MR. SHIN: Should I put my name
13 down there, too?

14 AGENT FLETCHER: Yes.

15 MR. SHIN: Okay. Thank you. Your
16 phone number and your email address.

17 Mr. Kim, is your name, telephone
18 number and email address on that sheet as
19 well?

20 MR. SHIN: Yes, he did.

21 AGENT FLETCHER: Okay, thank you.

22 Mr. Ross, it is okay with me if

1 all parties would prefer to wait until after
2 May 21st. It's fine with me. We have until
3 June 6th to schedule the mediation. So, I
4 don't -- if Mr. Kim would like to wait until
5 after the 21st, that's fine with me.

6 So, what would you prefer, Mr.
7 Kim, do you want to go ahead and have the
8 mediation as soon as possible, or would you
9 prefer to wait until after May 21st?

10 MR. SHIN: He wants to do it as
11 fast as possible.

12 AGENT FLETCHER: Okay. Well, the
13 first available date is May the 10th. That's
14 a Thursday. May 11th?

15 Yes, Ms. Haas?

16 MS. HAAS: I have a schedule
17 conflict. I'm scheduled to participate in
18 jury duty from Friday, May 4th, until Friday,
19 May 18th.

20 AGENT FLETCHER: Okay. Let's see
21 what's available after the 18th.

22 We go to the week of May 21st, we

1 have Tuesday, May the 22nd, Thursday, May 24,
2 and also Friday, May 25.

3 On Tuesday, May 22nd, the
4 mediation could be at 9:00 or 10:00.

5 Is the 22nd good for you, Ms.
6 Haas?

7 MS. HAAS: Yes.

8 AGENT FLETCHER: Is that good for
9 you, Mr. Kim?

10 MR. SHIN: He's -- after the trial
11 he needs some time, he might be available the
12 24th.

13 AGENT FLETCHER: Is that good for
14 you, Ms. Haas, the 24th?

15 MS. HAAS: Yes.

16 AGENT FLETCHER: On the 24th, the
17 mediation can be at 9:00, 10:00 or 11:00.

18 MR. SHIN: 11:00.

19 AGENT FLETCHER: Is 11:00 good for
20 you, Ms. Haas and Mr. Ross?

21 MR. ROSS: Sure, whatever time
22 Your Honor wants.

1 MR. SHIN: Can we make it 10:00?

2 AGENT FLETCHER: Yes, 10:00 is
3 good for me.

4 MR. SHIN: So, forget about the
5 May 9 and 10.

6 AGENT FLETCHER: Yes. It will be
7 on Thursday, May 24 at 10:00.

8 MR. SHIN: Okay.

9 AGENT FLETCHER: I also serve as
10 the Board's Mediator. My card is on the
11 table.

12 So, Mr. Ross, are you going --

13 MR. ROSS: We have mediation on
14 the 24th at 11:00, and then we have a status
15 on --

16 AGENT FLETCHER: We changed it to
17 10:00.

18 MR. ROSS: -- 10:00, and then we
19 have a status at June 6th at 9:30 a.m., and
20 the protest is July 25th at 1:30 p.m.

21 AGENT FLETCHER: Yes.

22 MR. ROSS: Okay.

1 AGENT FLETCHER: And so, when you
2 come on the 24th, you can just check in with
3 the receptionist. We may be in this room. If
4 not, we'll be someplace else. We'll see what
5 happens during mediation.

6 Any questions at all, Mr. Kim?

7 MR. SHIN: No.

8 AGENT FLETCHER: Okay. Anything
9 form the ANC?

10 MR. ROSS: No.

11 AGENT FLETCHER: Okay. Well,
12 thank you very much. I'll see you on the 24th
13 of May.

14 MR. ROSS: Thanks very much.

15 AGENT FLETCHER: Thank you for
16 coming.

17 (Whereupon, the above-entitled
18 matter was concluded at 10:16 a.m.)

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