DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD
MEETING

IN THE MATTER OF:

Hwan Eun, LLC,
t/a West End Market
2424 Pennsylvania Ave NW
License #90448
Retailer A - ANC 2A
Case# 20-CC-00070

(Sale to Minor Violation,
Failed to Take Steps
Necessary to Ascertain
Legal Drinking Age,
Interfered with an
Investigation)

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Wednesday
May 19, 2021

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:
DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member

ALSO PRESENT:
SIMONE ANDREWS, DC ABRA Staff
HWAN EUN, Licensee
CORUS LEE (phonetic), Interpreter for Licensee
JOHN LUI, DC OAG

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Washington DC  www.nealrgross.com
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CHAIRPERSON ANDERSON: Good morning everyone. As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia, in accordance with DC Code Section 2576 of the Open Meetings Act, I am welcoming you to the regular scheduled meeting of the Alcoholic Beverage Control Board.

This meeting is being conducted pursuant to guidance made available by the District of Columbia's Office of Open Government regarding electronic meetings held by public bodies during the public health emergency.

Pursuant to this guidance, notice of today's meetings was provided 48 hours in advance of the meeting on ABRA's website and on the District's Central Meeting Calendar. The notice included a time, date, agenda, and call in or log in information for public participation.

This electronic meeting is being hosted by a Webex account provided by the District of Columbia government. Please address any questions or complaints to the OOG at opengovoffice@dc.gov.
My name is Donovan Anderson, and I'm Chairman of the Board. I would like to introduce the other members of the ABC Board who are also participating electronically pursuant to the Mayor's Order 2020.054.

Please respond when I announce your name. Mr. Bobby Cato?

MEMBER CATO: Bobby Cato, present.

CHAIRPERSON ANDERSON: Ms. Rafi Crockett?

MEMBER CROCKETT: Rafi Crockett, present.

CHAIRPERSON ANDERSON: Ms. Jeni Hansen?

MEMBER HANSEN: Jeni Hansen, present.

CHAIRPERSON ANDERSON: Mr. Edward Grandis?

MEMBER GRANDIS: Edward Grandis, present.

CHAIRPERSON ANDERSON: The Board has five members in attendance for the conduct of business today. And that constitutes a quorum.

Before we get underway with today's hearing calendar, I need to make a few instructions very clear so that the conduct of
These hearings is understood by everyone.

There are approximately seven cases scheduled for today. Once your case is called, I will take a moment for IT specialists to elevate your rights for each party to enable their camera and microphone.

Then and only then will you have the ability to enable your equipment. If your case has not been heard, you will remain mute and your camera will be disabled.

At the conclusion of each case, the parties will have the option to leave. If a party chooses to stay, all cameras and microphones for the concluded case will be disabled.

Should you have any questions or require technical assistance during the hearing, please submit them using the question and answer feature, or email Simone.Andrews@dc.gov.

Our first order of business today is Case Number 20-CC-00070, West End Market, License Number 90448. Ms. Andrews, can you please elevate the rights of the parties, please?

Ms. Andrews: Sure. Standby. Mr. Lui, your rights have been elevated. Mr. Eun,
your rights have been elevated.

That's all, Mr. Chair.

CHAIRPERSON ANDERSON: I was told that there is a — that there's an interpreter for, I think, Mr. Eun. So, is the interpreter on the line?

MS. ANDREWS: Yes.

CHAIRPERSON ANDERSON: And who is the interpreter?

INTERPRETER: My name is Corus Lee.

CHAIRPERSON ANDERSON: All right. Are you with, are you with the Licensee?

INTERPRETER: Yes.

CHAIRPERSON ANDERSON: All right. Hold on, please. Hold on. All right. What language is this, Ms. Lee?

INTERPRETER: Korean.

CHAIRPERSON ANDERSON: Can you raise your right hand, please?

INTERPRETER: What?

CHAIRPERSON ANDERSON: Can you raise your right hand, please, ma'am?

Do you swear or affirm to faithfully translate these proceedings from English into Korean and from Korean to English to the best of
your abilities?

INTERPRETER: Yes.

CHAIRPERSON ANDERSON: All right.

Thank you. Let me have the parties introduce themselves. I'll start with the Government.

MR. LUI: Good morning Board Members.

My name is John Lui on behalf of the Government. That's J-O-H-N L-U-I.

CHAIRPERSON ANDERSON: Good morning Mr. Lui. Let's have the Licensee introduce himself for the record.

(Translating)


CHAIRPERSON ANDERSON: Can you pronounce it -- ask him to pronounce it one more time for me, please?


INTERPRETER: Okay. Now pronounce it.

MR. EUN: Generally only two years.

INTERPRETER: No, no.


CHAIRPERSON ANDERSON: Thank you very
much, sir.

MR. EUN: Yes.

CHAIRPERSON ANDERSON: All right.

This is a show cause hearing status. Are there any preliminary matters in this case?

MR. LUI: Yes, there is, Mr. Chairperson.

CHAIRPERSON ANDERSON: And what's the preliminary matter?

MR. LUI: There is an offer in compromise to present to the Board.

CHAIRPERSON ANDERSON: Ma'am, can you -- I need you to, if you're translating, I need you to translate everything that's been said, ma'am.

INTERPRETER: Okay.

(Translating)

CHAIRPERSON ANDERSON: All right. So, what's the -- what's the preliminary matter?

MR. LUI: There is an offer in compromise to present to the Board.

CHAIRPERSON ANDERSON: Okay. And what is that?

MR. LUI: Mr. Chairperson, there are three terms, three charges and for the first
charge, it is a sale minor violation.

(Translation)

MR. EUN: Yes.

MR. LUI: The offer in compromise for

this charge is a $3,000 fine, made payable within

60 days, or its license shall be suspended

indefinitely until the fine is paid.

(Translation)

MR. EUN: Okay. Yeah.

INTERPRETER: He understands.

MR. LUI: And also, the license shall be suspended for ten days with four days to be served, and six days stayed for one year.

INTERPRETER: I don't understand.

MR. LUI: I'll explain again.

INTERPRETER: Yes.

MR. LUI: This second term, it's a -- it's a suspension for ten days.

INTERPRETER: Um-hum.

MR. LUI: I mean, it's a ten day period. Four days will be served as in he'll need -- he's license will be suspended for four days.

The other six days are stayed.

Meaning they're on hold for one year.
MR. LUI: Oh, okay. Did the Licensee understand that term? Did --

MR. EUN: Yes.

INTERPRETER: Yes, he's -- yes.

MR. LUI: Okay. And the next term is, all employees who serve alcoholic beverages in the licensed establishment, complete an alcohol training program within three months from the OIC's date.

(Translating)

INTERPRETER: Okay.

MR. EUN: Yes.

MR. LUI: So, in other words, if the Board accepts today's OIC, your employees must complete an alcohol training program within three months from today's day.

(Translating)

MR. EUN: Yes.

MR. LUI: Okay. And now, for Charge Two, failed to take reasonable steps. The charge is, failed to take reasonable steps necessary to
ascertain the legal drinking age.

(Translating)

MR. EUN: Okay.

MR. LUI: Okay. The offer in compromise is a warning for this charge.

MR. EUN: Yes.

(Translating)

MR. EUN: Okay.

MR. LUI: Okay. And for the third and final charge, interfered with an investigation. The offer in compromise is a $2,000 fine made payable within 60 days, or its license shall be suspended indefinitely until the fine is paid.

(Translating)

MR. EUN: Okay.

INTERPRETER: He understands.

MR. LUI: Those are the terms -- okay.

Mr. Chairperson, those are the terms of the OIC. Thank you.

MR. EUN: Thank you.

INTERPRETER: And then -- and then he can keep the, his license? This is what he wants.

CHAIRPERSON ANDERSON: Hold on. Hold on one minute, please.
(Translating)

MR. EUN: Okay.

CHAIRPERSON ANDERSON: Mr. Lui, you didn't tell us what the date is. You said that there was a ten day suspension, four days served, six days stayed.

You didn't tell us what the four days were that would be served.

INTERPRETER: Four days is -- four days served, what is four days served, because you said the six days closed.

Can you tell when make that time? He said, the four days that are closed, and the six days, what is it? He is saying, so.

MR. EUN: Okay, yeah.

CHAIRPERSON ANDERSON: Okay. So, what are the four days? I wasn't aware -- you didn't tell us what the four days were, sir.

INTERPRETER: Four days is far too

--

CHAIRPERSON ANDERSON: Ma'am, hold on, please. I'm talking to the Government, now.

(Translating)

CHAIRPERSON ANDERSON: You know what?

I need to go off -- I need to, I need to go
offline. So, I'm going to -- I'm going to -- I'm going to do something. And then I need you while -- because, yeah.

So, what I'm going to do is that I'm going to discuss this case with the Board. So, I need to go offline.

While I go offline, then you can discuss with the Licensee what the four days are. Okay?

MR. EUN: Thank you. Thank you.

CHAIRPERSON ANDERSON: So, before we go off -- hold on a minute, please. As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia, in accordance with DC Official Code Section 2574(b) of the Open Meetings Act, I move that the ABC Board hold a closed meeting for the purpose of seeking legal advice from our counsel on Case Number 20-CC-00070, West End Market, pursuant to DC Office Code Section 2574(b)(4) of the Open Meetings Act, and deliberate upon Case Number 20-CC-00070 West End Market for the reasons cited in DC Official Code Section 2574(b)(13) of the Open Meetings Act.

Is there a second?
MEMBER CROCKETT: Ms. Crockett

seconds.

CHAIRPERSON ANDERSON: Ms. Crockett

has seconded the motion. I will now take a roll
call vote on the motion that's now been seconded
by Ms. Crockett.

Mr. Cato?

MEMBER CATO: Bobby Cato, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett, I

agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Edward Grandis, I

agree.

CHAIRPERSON ANDERSON: And Mr.

Anderson, I agree. The matter passes five, zero,

zero.

We're going to be -- we're going to re

-- we're going to be in recess. So, I'm

therefore asking the parties, I'm asking the

Board to go back into executive session.

And when we come back, Mr. Lui, you

can discuss with the Licensee what the days are
that will be presented. Okay?

So, we're in recess for, I believe, that we should be -- this should not take more ten minutes.

We're in recess for ten minutes. And no one, everyone should stay on the line. The Board is now going to go into executive session. And we should come back in about ten minutes. Okay?

All right. Thank you.

(Whereupon, the above-entitled matter went off the record at 11:04 a.m. and resumed at 11:21 a.m.)

CHAIRPERSON ANDERSON: All right. We're back on the record. All right, Mr. Lui, you just need to provide us the dates that -- that you've negotiated with the Licensee.

MR. LUI: Yes, Mr. Chairperson. We have discussed outline, and the days that are to be served, June 1, June 2, June 3, and then June 4.

CHAIRPERSON ANDERSON: All right. So, --

MR. LUI: And to be clear, of this year. Of 2021.
CHAIRPERSON ANDERSON: So, Mr. Lui, just to have a clear record, what is the offer in compromise?

Let's -- let's start over. What is the offer in compromise that you have agreed with the parties?

That you have discussed with the applicant? The Licensee, I'm sorry.

MR. LUI: Certainly. For Charge One, and it's a sale to minor. It is a $3,000 fine, payable within 60 days, or its license shall be suspended indefinitely until this fine is paid.

In addition, the license shall be suspended for ten days, with four days to be served on June 1, June 2, June 3, and June 4 of 2021, and six days of the suspension to be stayed for one year.

And all employees who serve alcoholic beverages in the licensed establishment complete an alcohol training program within three months from the OIC's date.

And then as to Charge Two, fail to take reasonable steps necessary to ascertain the legal drinking age, the OIC term is a warning.

And for the third charge, interfered
with an investigation, the OIC term is a $2,000
fine payable within 60 days, or its license shall
be suspended indefinitely until the fine is paid.
(Translating)
CHAIRPERSON ANDERSON: All right. I
was waiting, because it appears the Interpreter
was writing things down.
So, that's one of the reasons why I
was waiting was to give them time to finish.
INTERPRETER: Oh, I'm sorry.
CHAIRPERSON ANDERSON: All right.
Okay, I need you, ma'am, to translate everything
that I'm going to say to him now. Okay?
INTERPRETER: Um-hum. Okay.
CHAIRPERSON ANDERSON: All right.
INTERPRETER: Okay.
CHAIRPERSON ANDERSON: It is my
understanding that there is an offer in
compromise.
(Translating)
INTERPRETER: Okay.
CHAIRPERSON ANDERSON: The offer in
compromise is for Charge One, there is a fine of
$3,000 payable in 60 days.
(Translating)
INTERPRETER: Okay.

CHAIRPERSON ANDERSON: That the license will be suspended for ten days, four days served, and six days stayed for one year.

(Translating)

INTERPRETER: Okay.

CHAIRPERSON ANDERSON: The four days that the Licensee cannot sale alcohol, is June 1, June 2, June 3, June 4, 2021.

(Translating)

INTERPRETER: Okay.

CHAIRPERSON ANDERSON: That all employees who sell alcohol will undergo training within the next 60 -- within the next -- within 90 days.

(Translating)

INTERPRETER: Yes. July 19 we will schedule.

CHAIRPERSON ANDERSON: I need you to translate to him, ma'am.

INTERPRETER: Yeah.

(Translating)

INTERPRETER: Okay.

CHAIRPERSON ANDERSON: Charge Two, you'll be issued a warning.
There is a fine of $2,000 to be paid within 60 days, or the license will be suspended if the fine has not been paid.

Chairperson Anderson: Is -- does he under -- is the offer that he agreed to with the Government?

Mr. Eun: Okay.

Chairperson Anderson: All right. Is he aware, are you aware that by accepting an offer in compromise that you're giving up your right to a hearing?

Mr. Eun: Okay.

Chairperson Anderson: And are you aware that by offer -- accepting an offer in compromise that you're giving up your right to appeal this matter?
MR. EUN: Yes.

CHAIRPERSON ANDERSON: All right. I then make a motion that the Board accept the offer in compromise.

Is there a second?

MEMBER GRANDIS: Ed Grandis second.

MEMBER CROCKETT: Ms. Crockett seconds.

CHAIRPERSON ANDERSON: Ms. Crockett has seconded the motion.

(Translating)

MR. EUN: Okay.

CHAIRPERSON ANDERSON: I will then have a -- I'm going to now have a roll call vote.

Mr. Cato?

MEMBER CATO: Bobby Cato, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett, I agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Edward Grandis, I agree.

CHAIRPERSON ANDERSON: And Mr.
Anderson, I agree. The matter passes five, zero, zero.

All right. So, the Board accepted the offer. So, there is a $5,000 fine that must be paid within 60 days. And the establishment cannot sell alcohol June 1, June 2, June 3, June 4, 2021.

Is everyone clear?

(Translating)

MR. EUN: Okay.

CHAIRPERSON ANDERSON: All right.

Thank you very much. Have a good day.

MR. EUN: Thank you.

INTERPRETER: Okay.

MR. EUN: Thank you.

CHAIRMAN ANDERSON: All right, bye-bye.

INTERPRETER: Thank you.

(Whereupon, the above-entitled matter went off the record at 11:32 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: West End Market

Before: DC ABRA

Date: 05-19-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

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Court Reporter