Page 1

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

ROLL CALL HEARING

+ + + + +

þ-----»

IN THE MATTER OF:

:

I&J Baik Corp. Stipulation :

t/a Alabama Express :

2846 Alabama Ave. SE :

License #ABRA-024971 :

Retailer A - License Renewal :

Case #12-PRO-00036 :

MONDAY, May 21, 2012

+ + + + +

The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control
Hearing Room, 2000 14th Street, N.W., Suite
400S Washington, D.C., Ms. La Verne
Fletcher, Agent, presiding.

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

10:54 a.m.

AGENT FLETCHER: Will the parties in the matter of Alabama Express -- parties in the matter of Alabama Express please come forward? The parties in the matter of Alabama Express. Please come forward. The parties in the matter of Alabama Express. This is the matter of I & J Baik Corporation?

MR. JORDAN: Yes, ma'am.

AGENT FLETCHER: Stipulate,
trading as Alabama Express, 2846 Alabama

Avenue SE, License Number ABRA-024971,
Retailer Class A, License Renewal Application,
Case Number 12-PRO-00036. The protest issues
are adverse impact on peace, order, and quiet.

My name is La Verne Fletcher. I'm conducting the Roll Call Hearing as the Board's Agent, pursuant to DC Official Code 1601.2. We have a Korean language interpreter present to interpret for the Applicant in this matter. If the interpreter would state his

Page 3 1 name and spell it for the court reporter, 2 please? 3 MR. YANG: My name is Min Yang, 4 M-I-N Y-A-N-G. 5 AGENT FLETCHER: Thank you, Mr. Yang. And your name, sir? 6 7 MR. BAIK: Insuk Baik, I-N-S-U-K, 8 like boy, B-A-I-K. AGENT FLETCHER: Oh, I'm sorry. 9 missed it. What's the first name again? 10 first name? 11 12 MR. BAIK: B-A-I-K MR. C. BAIK: No. No. The first 13 14 name. 15 AGENT FLETCHER: Yes. Spell the 16 first name. 17 MR. BAIK: Oh, Insuk, I-N-S-U-K 18 B-A-I-K. 19 AGENT FLETCHER: Yes. I am sorry. 20 I cannot hear. Can you talk a little louder 21 for me? How do you spell the first name? 22 MR. BAIK: I-N-S-U-K.

	Page 4
1	AGENT FLETCHER: Okay. That's the
2	first name?
3	MR. BAIK: Yes.
4	AGENT FLETCHER: That's it?
5	What's the last name?
6	MR. BAIK: B-A-I-K.
7	AGENT FLETCHER: Thank you, very
8	much. And your name, sir?
9	MR. C. BAIK: Christopher Baik,
10	C-H-R-I-S-T-O-P-H-E-R, last name B as in boy
11	A-I-K.
12	AGENT FLETCHER: And Insuk Baik,
13	you are the Applicant, yes? You are the
14	owner?
15	MR. BAIK: Yes. I am owner.
16	AGENT FLETCHER: And what's your
17	involvement?
18	MR. BAIK: This is my son.
19	AGENT FLETCHER: Okay. So you are
20	just here with Dad?
21	MR. C. BAIK: Yes.
22	AGENT FLETCHER: Okay. Just

	Page !
1	trying to make sure okay. So you're the
2	owner. You're here with your father. Mr.
3	Yang, you're the translator that the agency
4	employed to interpret for Mr. Baik. Thank
5	you. Mr. Baik, would you please well,
6	actually, we have your e-mail address because
7	we got an e-mail from
8	MR. C. BAIK: Yes. I wrote it down
9	for you.
10	AGENT FLETCHER: Yes. So I have
11	it already, to contact you if we need to.
12	MR. BAIK: Yes.
13	AGENT FLETCHER: Okay. Thank you.
14	And present on behalf of the Protestants?
15	MR. JORDAN: Robert Jordan, ANC-
16	7в.
17	AGENT FLETCHER: Thank you, Mr.
18	Jordan. ANC-7B is the only Protestant in this
19	matter and is granted standing as a
20	Protestant. Mr. Jordan, will you be the
21	designated representative for ANC-7B?

MR. JORDAN: That is correct.

22

AGENT FLETCHER: Thank you. 1 2 the record, could you have the Chair of the ANC send us a -- it could be by e-mail, just 3 the brief statement, just indicating for the 4 5 record that you are its designated representative? We recognize you as the 6 7 designated representative. We just need 8 something in the record.

MR. JORDAN: No problem.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

AGENT FLETCHER: Thank you.

MR. JORDAN: I will provide that.

AGENT FLETCHER: And, Mr. Jordan, in your protest letter, there is a reference to the Hillcrest Civic Association as a party with standing and there's a reference in your protest letter to a group of five individuals with standing as a party. However, neither one of those groups filed an actual protest. Therefore, they are not recognized as Protestants. ANC-7B filed a protest on its behalf, but the Hillcrest Civic Association and group of five did not file a protest.

1 MR. JORDAN: Yes.

2.0

AGENT FLETCHER: Therefore, they are not recognized as Protestants. But ANC-7B is.

MR. JORDAN: I understand.

AGENT FLETCHER: Thank you. We need to set a date for a mediation, a Status Hearing, and a Protest Hearing. I will give you the dates that are available. The purpose of the mediation is to try and resolve the protest issues. At the Status Hearing, you will appear to inform the ABC Board of the results of the mediation.

If the matter is not resolved in mediation, then there will be a Protest

Hearing, where the parties will have an opportunity to provide testimony and witnesses. And to submit any documentary evidence.

(Whereupon, there ensued a lengthy conversation between the Applicant and his interpreter.)

1 Applicant.)

AGENT FLETCHER: The purpose of
the mediation is to discuss those issues and
to see if the parties can resolve the issues
in mediation. And during mediation, the
establishment will have an opportunity to hear
from the Advisory Neighborhood Commission
about the concerns that the neighborhood has
about the operation of the establishment.

MR. YANG: (Interprets to Applicant.)

agent fletcher: And the purpose of the mediation is to try and find a way -it's informal. The purpose of it is to try and find a way to resolve the concerns of the community and any concerns that the establishment has. But the point is to resolve the protest to the mutual satisfaction of both parties.

MR. YANG: (Interprets to

21 Applicant.)

22 AGENT FLETCHER: The parties are

not required to reach an agreement, but
mediation provides you with an opportunity to
enter into an agreement to resolve the protest
issues.

5 MR. YANG: (Interprets to 6 Applicant.)

AGENT FLETCHER: When you appear for the Status Hearing, you will be reporting to the ABC Board the results of the mediation. You will just let them know if you reached an agreement or not. That's all they will want to know.

MR. YANG: You are giving us the schedule for mediation and the Status Hearing, right?

AGENT FLETCHER: Yes. I'm going to give you the date for mediation momentarily. I just wanted to make sure that you understood what was the process.

MR. JORDAN: Ms. Fletcher, what is your first name?

AGENT FLETCHER: La Verne,

Page 11 1 L-A V-E-R-N-E. And just so that you know, Mr. 2 Baik, I don't know if you have been here 3 before, but the ABC Board, when you appear for your Status Hearing, there are going to be 4 5 seven members. There are seven members to the 6 ABC Board. Just so that you understand what 7 is going to happen next. I am the Board's 8 Agent, so I am here on their behalf today. 9 When you appear for your Status Hearing, it 10 will be a full Board, just so that you will 11 know what to expect. 12 (Interprets for MR. YANG: 13 Applicant.) 14 AGENT FLETCHER: Did I give you 15 the dates for the Status Hearing and Protest 16 Hearing yet? 17 MR. JORDAN: Not yet. 18 AGENT FLETCHER: Okay. So I will 19 give you that next. The date for the Status 20 Hearing is July 11, 2012, at 9:30 a.m. 21 MR. JORDAN: Did you say July 11?

Yes.

July 11.

AGENT FLETCHER:

22

MR. JORDAN: Are you also giving us the date for a mediation?

AGENT FLETCHER: Yes. I'm just going to give you the Status and Protests first, and then we'll go back and find a date for the mediation. The date for the Protest Hearing is October 10, 2012, at 4:00 p.m.

October 10, 2012, at 4:00 p.m. There will only be a Protest Hearing if the matter cannot be resolved in mediation. If the matter can be resolved, then there is no need for a Protest Hearing. Any questions?

MR. YANG: Where is the location for the Status Hearing?

AGENT FLETCHER: I'm sorry?

MR. YANG: Where is the location

for the Status Hearing?

AGENT FLETCHER: It will be here.

MR. YANG: Here?

AGENT FLETCHER: The mediation 1 2 will be here, as well. I serve as the ABC Boards mediator, so the mediation will be with 3 And you will just come in and report to 4 5 the receptionist and I will come out. 6 MR. JORDAN: June 7th at 10:00 7 a.m.? 8 AGENT FLETCHER: Would you like to 9 do it on that day, since you'll already be 10 here? Okay. We'll see what we can do. MR. JORDAN: If it works with the 11 12 Applicant and his interpreter. 13 AGENT FLETCHER: Exactly. 14 sorry, what did you want to say, sir? MR. YANG: What was the date and 15 16 time? 17 MR. JORDAN: June 7th. 18 AGENT FLETCHER: That's a proposed 19 date and time for the mediation. Is that a 20 good date for Alabama Express? June 7, 2012, 21 at 9:00 a.m. or 10;00 a.m.? Okay. Mediation

normally last more than an hour. But if you

22

2012, for mediation? 1

work.

3

8

2 MR. C. BAIK: Yes. That would

AGENT FLETCHER: Would that work? 4

5 MR. YANG: Yes, That is fine.

6 AGENT FLETCHER: Okay. Well then 7 we'll have the mediation on Thursday, June 7,

2012, at 9;00 a.m. And, Mr. Yang, would you 9 mind if I make a request for your availability 10 on that day?

11 MR. YANG: Fine.

AGENT FLETCHER: In terms of 12 translating, mr. Yang, in terms of translating 13 14 for mediation?

15 MR. YANG: For mediation. Sure.

16 AGENT FLETCHER: Pardon?

17 MR. YANG: Sure.

18 AGENT FLETCHER: I'm just asking, 19 since you are here. I'm going to be making a 20 request for a Korean translator, and I would 21 request you, because you've been here and 22 you've met the parties. If you're not

available, then I'm sure they will send
someone else. But I would just request you
because you were here. And, if you're not
available, then that -- you just won't be and
they will send someone else. But I wanted to
ask you if you minded if I make that request.

7 MR. YANG: Yes, if I am available. 8 Yes. That's fine.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

AGENT FLETCHER: Okay. I will request you and we'll find out if we get you or not.

MR. YANG: Okay.

AGENT FLETCHER: Okay. Se we're set for mediation then, on June 7, 2012, at 9:00 a.m. Any questions before we adjourn?

MR. JORDAN: One question.

AGENT FLETCHER: Yes?

MR. JORDAN: The parties -- am I the only one allowed in mediation, or can I bring another Commissioner who also -- there's one of the people that is listed as on the things that are not parties with standing, but

1 -- but they were involved, at one point in 2 time, in the process?

AGENT FLETCHER: Only ANC-7B can 4 be present.

5 MR. JORDAN: Okay.

3

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

AGENT FLETCHER: Yes. Anybody that you want from ANC-7B -- any one of your Commissioners that you want to come with you, or if you were to decide that you wanted another Commissioner to come on your behalf, you could send them with a letter designating them, in case you're busy. Or else, we'd just need a paper trail of anybody who's going to serve as a designated representative.

MR. JORDAN: All right.

AGENT FLETCHER: But anybody that was not designated as a Protestant today would not be able to participate because of the confidentiality of mediation.

MR. JORDAN: Okay. So I will have those designations to you.

> AGENT FLETCHER: Okay.

	11:13 13:12	Chair 6:2		giving 10:13 12:4
A A A A A A A A A A A A A A A A A A A	Application 2:14	Christopher 4:9	<u> </u>	go 12:8
ABC 7:12 10:9	asking 15:18	Civic 6:14,21	employed 5:4	going 10:16 11:4,7
11:3,6 13:2	Association 6:14	Class 2:14	ensued 7:20	12:7 14:13 15:19
able 17:18	6:21	Code 2:19	enter 10:3	17:13
ABRA-024971	availability 15:9	COLUMBIA 1:1	establishment 8:19	good 13:20
1:12 2:13	available 7:9 14:15	come 2:5,7 13:4,5	9:6,9,17	granted 5:19
actual 6:18	14:22 16:1,4,7	17:8,10	evidence 7:19	granteu 3.19 group 6:16,22
additional 14:14	Ave 1:11	,	Exactly 13:13	
address 5:6	Avenue 2:13	coming 18:16 Commission 9:7	expect 11:11	groups 6:18
adjourn 16:15	A-I-K 4:11	Commission 9.7	Express 1:10 2:4,5	Н Н
adverse 2:16 8:19	a.m 2:2 11:20 12:2	16:20 17:10 18:2	2:7,8,12 13:20	happen 11:7
Advisory 9:7			e-mail 5:6,7 6:3	hear 3:20 9:6
agency 5:3	13:7,21,21 14:4,8	Commissioners 17:8	18:5,5	Hearing 1:5,20
Agent 1:22 2:3,11	14:10,15,16,18,20		F	2:18 7:8,8,11,16
2:19 3:5,9,15,19	14:22 15:8 16:15	community 9:16		10:8,14 11:4,9,15
4:1,4,7,12,16,19	18:19	concerns 9:8,15,16	Fairfax 14:10	11:16,20 12:10,12
4:22 5:10,13,17	B	concluded 18:17,19	father 5:2	12:15,17,20 18:16
6:1,10,12 7:2,6	$\overline{\mathbf{B}}$ 4:10	conducting 2:18	file 6:22	18:18
8:1,6,10,13,18 9:2	back 12:8	confidentiality 17:19	filed 6:18,20 8:14	Hillcrest 6:14,21
9:12,22 10:7,16	Baik 1:10 2:9 3:7,7		find 9:13,15 12:8	hour 13:22
10:22 11:8,14,18	3:12,13,17,22 4:3	contact 5:11	16:10	110u1 13.22
11:22 12:6,18,21	4:6,9,9,12,15,18	Control 1:3,18,19	fine 15:5,11 16:8	I
13:1,8,13,18 14:5	4:21 5:4,5,8,12	conversation 7:21	first 3:10,11,13,16	impact 2:16 8:20
14:9,12,17,21	11:2 14:19 15:2	Corp 1:10	3:21 4:2 10:21	8:20
15:4,6,12,16,18	18:12	Corporation 2:9	12:8	indicating 6:4
16:9,13,17 17:3,6	behalf 5:14 6:21	correct 5:22	five 6:16,22	individuals 6:16
17:16,22 18:4,9	11:8 17:10	court 3:1	Fletcher 1:22 2:3	inform 7:12
18:11,15	believes 8:19	C-H-R-I-S-T-O	2:11,17 3:5,9,15	informal 9:14
agreement 10:1,3	Beverage 1:3,18,19	4:10	3:19 4:1,4,7,12,16	Insuk 3:7,17 4:12
10:11	Board 1:3,19 7:12	D	4:19,22 5:10,13	interpret 2:21 5:4
Alabama 1:10,11	10:9 11:3,6,10	Dad 4:20	5:17 6:1,10,12 7:2	interpreter 2:20,22
2:4,5,6,8,12,12	Boards 13:3	date 7:7 10:17	7:6 8:1,6,10,13,18	7:22 13:12
13:20	Board's 2:19 11:7	11:19 12:5,8,9	9:2,12,22 10:7,16	Interprets 8:16,22
Alcoholic 1:3,18,19	boy 3:8 4:10	13:15,19,20	10:20,22 11:14,18	9:10,20 10:5
allow 14:13	brief 6:4	dates 7:9 11:15	11:22 12:6,18,21	11:12
allowed 16:19	bring 16:20	day 13:9 15:10	13:1,8,13,18 14:5	involved 17:1
ANC 5:15 6:3	busy 17:12	DC 2:19	14:9,12,17,21	involvement 4:17
ANC-7B 5:18,21	B-A-I-K 3:8,12,18	decide 17:9	15:4,6,12,16,18	issues 2:15 7:11 9:3
6:20 7:3 8:13,18	B-A-1-K 5:8,12,18	designated 5:21 6:5	16:9,13,17 17:3,6	9:4 10:4
17:3,7	4.0	6:7 17:14,17 18:3	17:16,22 18:4,9	I&J 1:10
anybody 17:6,13		designating 17:11	18:11,15	I-N-S-U-K 3:7,17
17:16	C 3:13 4:9,21 5:8	designations 17:21	forward 2:6,7	3:22
appear 7:12 10:7	15:2	discuss 9:3	full 11:10	
11:3,9	Call 1:5 2:18 18:16	DISTRICT 1:1	G	J
Applicant 2:21	18:18			J 2:9
4:13 7:21 8:17	case 1:13 2:15 14:6	documentary 7:18 D.C 1:21	give 7:8 10:17	Jordan 2:10 5:15
9:1,11,21 10:6	14:7 17:12	D.C 1.21	11:14,19 12:7	5:15,18,20,22 6:9
	11.7 17.12			, -, -,

				1490 20
6:11,12 7:1,5	met 1:19 15:22	7:16 9:4,19,22	reference 6:13,15	statement 6:4
10:20 11:17,21	microphone 8:2	15:22 16:18,22	Renewal 1:12 2:14	Status 7:7,11 10:8
12:4 13:6,11,17	Min 3:3	party 6:14,17	renewed 8:15	10:14 11:4,9,15
14:2,3,8,11,13,16	mind 15:9	peace 2:16 8:20	report 13:4	11:19 12:7,17,20
16:16,18 17:5,15	minded 16:6	peace 2.10 8.20 people 16:21	reporter 3:1	Stipulate 2:11
17:20 18:1,7,10	missed 3:10	please 2:5,7 3:2 5:5	reporting 10:8	Stipulation 1:10
* *	momentarily 10:18	1 -		Street 1:20
July 11:20,21,22	•	point 9:17 17:1	representative 5:21	
12:1	MONDAY 1:15	possible 14:10	6:6,7 17:14	submit 7:18
June 13:6,17,20	mutual 9:18	present 2:21 5:14	request 15:9,20,21	Suite 1:20
14:22 15:7 16:14	M-I-N 3:4	17:4	16:2,6,10	sure 5:1 8:4 10:18
K	N	presiding 1:22	required 10:1	15:15,17 16:1
know 10:10,12 11:1	name 2:17 3:1,3,6	probably 18:1	resolve 7:10 9:4,15	T
		problem 6:9	9:18 10:3	talk 3:20
11:2,11 Korean 2:20 15:20	3:10,11,14,16,21	process 10:19 17:2	resolved 7:14 12:13	
Korean 2:20 15:20	4:2,5,8,10 10:21	proposed 13:18	12:14	terms 15:12,13
L	need 5:11 6:7 7:7	protest 2:15 6:13	results 7:13 8:5	testimony 7:17
La 1:21 2:17 10:22	12:14 17:13	6:16,18,20,22 7:8	10:9	thank 3:5 4:7 5:4
	negative 8:20	7:11,15 8:14 9:18	Retailer 1:12 2:14	5:13,17 6:1,10 7:6
language 2:20 Laverne.Flectcher	neighborhood 8:21	10:3 11:15 12:9	right 8:3 10:15	18:16,17
	9:7,8	12:12,15	14:11 17:15	things 16:22
18:6	neither 6:17	Protestant 5:18,20	Robert 5:15	Thursday 14:22
lengthy 7:20	normally 13:22	17:17	Roll 1:5 2:18 18:16	15:7
letter 6:13,16 17:11	notice 12:2	Protestants 5:14	18:18	time 13:16,19
let's 14:6,10,17	Number 2:13,15	6:20 7:3	Room 1:20	14:14 17:2
license 1:12,12 2:13	N.W 1:20	Protests 12:7		today 11:8 17:17
2:14 8:15		provide 6:11 7:17	S	trading 2:12
listed 16:21	0	provides 10:2	satisfaction 9:18	trail 17:13
little 3:20	October 12:10,11	purpose 7:9 9:2,12	schedule 10:14	translating 15:13
location 12:16,19	Official 2:19	9:14	14:1	15:13
looked 18:7	Oh 3:9,17	pursuant 2:19	Se 1:11 2:13 16:13	translation 14:14
louder 3:20	okay 4:1,19,22 5:1	P-R-O-C-E-E-D	see 9:4 13:10 14:6,6	translator 5:3
L-A 11:1	5:13 11:18 13:10	2:1	14:17	15:20
	13:21 15:6 16:9	p.m 12:10,11	send 6:3 16:1,5	try 7:10 9:13,14
M	16:12,13 17:5,20		17:11	trying 5:1
making 15:19	17:22 18:4,11,11	Q	serve 13:2 17:14	t/a 1:10
matter 1:9 2:4,5,6	18:15	question 16:16	set 7:7 16:14	
2:8,9,22 5:19 7:14	operation 9:9	questions 8:1 12:15	seven 11:5,5	U
12:12,14	opportunity 7:17	14:19 16:15 18:12	side 18:12	understand 7:5
ma'am 2:10	9:6 10:2	quiet 2:16 8:21	sir 3:6 4:8 13:14	11:6
mediation 7:7,10	opposed 8:14		son 4:18	understood 10:19
7:13,15 8:5,7 9:3	order 2:16 8:20	R	sorry 3:9,19 12:18	
9:5,5,13 10:2,9,14	owner 4:14,15 5:2	reach 10:1	13:14	V
10:17 12:5,9,13		reached 10:10	speak 8:2	Verne 1:21 2:17
13:1,3,19,21 15:1	P	receive 12:2	spell 3:1,15,21	10:22
15:7,14,15 16:14	paper 17:13	receptionist 13:5	standing 5:19 6:15	V-E-R-N-E 11:1
16:19 17:19	Pardon 15:16	recognize 6:6	6:17 16:22	
mediator 13:3	participate 17:18	recognized 6:19 7:3	state 2:22	W
members 11:5,5	parties 2:3,4,6,7	record 6:2,5,8	State 2.22	want 10:11 13:14
ĺ	1-	1 - 2 - 2 - 2 - 2 - 3 - 3 - 3 - 3 - 3 - 3	I	l

			Page 21
14.1 17.7 9			
14:1 17:7,8	2		
wanted 10:18 16:5	2000 1:20		
17:9	2012 1:15 11:20		
Washington 1:21	12:1,10,11 13:20		
way 9:13,15	15:1,8 16:14		
Wednesday 12:1 we'll 12:8 13:10	21 1:15		
15:7 16:10	2846 1:11 2:12		
we're 14:13 16:13	4		
Williams 18:3	4:00 12:10,11		
witnesses 7:18	400S 1:21		
work 14:18 15:3,4	4005 1.21		
works 13:11	7		
written 12:2	7 13:20 14:22 15:7		
wrote 5:8	16:14		
	7B 5:16		
Y	7th 13:6,17		
Yang 3:3,3,6 5:3			
8:4,8,12,16,22	9		
9:10,20 10:5,13	9:00 13:21 14:4,15		
11:12 12:16,19,22	14:16,18,20,22		
13:15 14:20 15:5	16:15		
15:8,11,13,15,17	9:30 11:20 12:1		
16:7,12 18:14	14:10		
Y-A-N-G 3:4	9;00 15:8		
$\overline{\mathbf{z}}$			
Zina 18:2			
Zilla 10.2			
Ъ			
þ 1:8,13			
#			
#12-PRO-00036			
1:13			
1			
10 12:10,11			
10 12:10,11 10:00 13:6			
10:54 2:2			
10:34 2.2 10:00 13:21			
11 11:20,21,22 12:1			
11:00 14:8			
11:13 18:19			
12-PRO-00036			
2:15			
14th 1:20			
1601.2 2:20			