

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: :

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EUN & Peter, Inc. :

t/a Uncle Lee's Seafood :

1102 Eastern Avenue NE :

License #ABRA-085918 :

Retailer A - Renewal :

Case #12-PRO-00038 :

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TUESDAY, May 29, 2012

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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.

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

11:15 a.m.

AGENT FLETCHER: Are the parties present in the matter of Uncle Lee's Seafood? Uncle Lee's Seafood? This is Case Number 12-PRO-00038, Eun & Peter, Inc, trading as Uncle Lee's Seafood, 1102 Eastern Avenue NE, License Number ABRA-085918.

MR. JUNG: Yes, ma'am.

AGENT FLETCHER: This is a Retailer A - License Renewal. The protest issues are adverse impact on peace, order, and quiet, residential parking, and vehicular and pedestrian safety.

My name is La Verne Fletcher and I am conducting the Roll Call Hearing as the Board's Agent, pursuant to DC Official Code 1601.2.

Introductions, beginning with the Applicant, please.

MR. JUNG: My name is Peter H. Jung. I'm the son of Eun Sun Ting, the owner

1 of the business.

2 AGENT FLETCHER: How do you spell
3 your last name?

4 MR. JUNG: J-U-N-G.

5 AGENT FLETCHER: J-U-N-G?

6 MR. JUNG: Yes, ma'am.

7 AGENT FLETCHER: Okay. And the
8 first name is Peter?

9 MR. JUNG: Yes, ma'am.

10 AGENT FLETCHER: And, Mr. Jung,
11 what is your relationship to the owner?

12 MR. JUNG: Mother, parent. I'm
13 the son.

14 AGENT FLETCHER: The owner is your
15 mother?

16 MR. JUNG: Yes, ma'am.

17 AGENT FLETCHER: Okay. Why is
18 your mother not present today?

19 MR. JUNG: She currently working
20 at the store and she doesn't speak much
21 English.

22 AGENT FLETCHER: Okay. And what

1 language does your mother speak?

2 MR. JUNG: Korean. Korean.

3 AGENT FLETCHER: Well, let me just
4 say this for the record, Mr. Jung. Your
5 mother must appear for these hearings.

6 MR. JUNG: Yes, ma'am.

7 AGENT FLETCHER: We will allow you
8 to appear on her behalf, today

9 MR. JUNG: Yes, ma'am.

10 AGENT FLETCHER: If she were here,
11 you would be appearing as her interpreter?

12 MR. JUNG: Yes, ma'am.

13 AGENT FLETCHER: Okay. But she
14 must appear -- in a minute, I'm going to give
15 you some dates for some upcoming hearings.
16 And your mother must appear for those, or the
17 Application will be dismissed.

18 MR. JUNG: Yes, ma'am. Yes,
19 ma'am.

20 AGENT FLETCHER: And what I also
21 need you to do is to have your mother to write
22 us a statement designating you as her

1 representative. Were you, at times -- will
2 you appear with her from now on for the
3 hearings?

4 MR. JUNG: Yes, ma'am.

5 AGENT FLETCHER: Okay. So, if you
6 would have her -- my card is on the table.

7 MR. JUNG: Yes, ma'am.

8 AGENT FLETCHER: If you would have
9 -- and let me get your mother's name too.

10 MR. JUNG: E-U-N S-U-N K-I-M.

11 AGENT FLETCHER: M as in man?

12 MR. JUNG: Yes, ma'am.

13 AGENT FLETCHER: Okay. Okay. So
14 if you would just have Ms. Kim -- or you could
15 do it on her behalf, just to send me an
16 e-mail, designating you as her representative.

17 MR. JUNG: Okay. She doesn't have
18 an e-mail address.

19 AGENT FLETCHER: Okay. You can --

20 MR. JUNG: Write a letter and fax
21 it to you?

22 AGENT FLETCHER: Yes. You can

1 just mail it to me at that address and we will
2 put it in the record so that we know that you
3 will be the person that we will talk to.

4 MR. JUNG: Yes, ma'am.

5 AGENT FLETCHER: Because, at
6 different points, we may need to call her on
7 the phone or something.

8 MR. JUNG: Yes, ma'am.

9 AGENT FLETCHER: And we'll know
10 that we should contact you.

11 MR. JUNG: Yes, ma'am.

12 AGENT FLETCHER: But just make
13 sure that she knows that she will need to
14 appear in person, along with you, for the
15 upcoming Status Hearing.

16 MR. JUNG: Yes, ma'am. Yes,
17 ma'am.

18 AGENT FLETCHER: Okay. Thank you.
19 And also, I can let you know and you can let
20 your mother know that, if she decides that she
21 wants our agency to provide a translator for
22 her, if you happen not to be available, we can

1 do that too.

2 MR. JUNG: Yes, ma'am.

3 AGENT FLETCHER: Just let me know.

4 And that's my card.

5 MR. JUNG: Thank you, ma'am.

6 AGENT FLETCHER: Of course, you
7 can let me know if that's the case.

8 MR. JUNG: Thank you.

9 AGENT FLETCHER: Okay. And let's
10 see here, present on behalf of ANC-7C?

11 MS. BROWN: Good morning, Sylvia
12 C. Brown, Advisory Neighborhood Commissioner
13 7C-04.

14 AGENT FLETCHER: And Ms. Brown, is
15 there an E on the end of your last name?

16 MS. BROWN: No.

17 AGENT FLETCHER: B-R-O-W-N? Okay.
18 ANC-7C does have standing as a Protestant. We
19 need to set a date for a mediation, a Status
20 Hearing, and a Protest Hearing. I'll give you
21 the dates for the Status Hearing and Protest
22 Hearing first.

1 MS. BROWN: For point of
2 clarification.

3 AGENT FLETCHER: Yes

4 MS. BROWN: Ms. Fletcher, it is my
5 understanding that if Protestants do not
6 appear at first hearings, Roll Call Hearings;
7 that the cases are dismissed. Is that
8 correct?

9 AGENT FLETCHER: It depends.
10 They can appear through a designated
11 representative.

12 MS. BROWN: But there must be a
13 Protestant present and advance notice of that
14 --

15 AGENT FLETCHER: Just a designated
16 representative. The Protestant for a Roll
17 Call Hearing?

18 MS. BROWN: Yes.

19 AGENT FLETCHER: The Protestant
20 does not need to appear, but a person on the
21 Protestant's behalf has to appear.

22 MS. BROWN: Okay.

1 AGENT FLETCHER: For the purpose
2 of Roll Call.

3 MS. BROWN: Right.

4 AGENT FLETCHER: Now, at the
5 Status Hearing --

6 MS. BROWN: Well, I'm just asking
7 for today.

8 AGENT FLETCHER: Oh, for today?
9 It's file that the actual Protestant is not
10 present. If you weren't here and someone else
11 was here on your behalf, that would be fine
12 for today.

13 MS. BROWN: Right. And it's my
14 understanding, as well, with that, as you
15 pointed out, that -- and in the communication
16 that we received that, if we had not provided
17 appropriate designation, then the case would
18 have been dismissed.

19 AGENT FLETCHER: Yes. Yes.

20 MS. BROWN: And so I'm trying to
21 get clarity on the -- for lack of a better
22 word -- leniency --

1 AGENT FLETCHER: Yes.

2 MS. BROWN: -- that the Applicant
3 does not have to abide by those same
4 regulations.

5 AGENT FLETCHER: Well, I can --
6 you are correct, Ms. Brown. There was some
7 leniency there. And I will tell you why I
8 provided it. And you may also, after I
9 explain, if you would like to have the ABC
10 Board to review my determination, you can do
11 that, as well.

12 The reason that I provided some
13 leniency today is because we do that for the
14 public under certain circumstances. Mr. Jung
15 informed me that it is not so much that -- he
16 informed me that his mother is working at the
17 store. And that -- we still require -- that,
18 in itself, might have caused me to make a
19 different determination. But the fact that
20 she does not speak English well, according to
21 you, Mr. Jung. Am I correct about that?

22 MR. JUNG: Yes, ma'am.

1 AGENT FLETCHER: We -- what should
2 have happened is Ms. Jung had an opportunity
3 to request a Korean language interpreter for
4 today.

5 MS. BROWN: Yes.

6 AGENT FLETCHER: Ahead of time.
7 The letter does say that. The letter is in
8 English. I don't know, at this moment,
9 whether or not Ms. Kim had someone to fully
10 translate the letter for her, or if she --
11 speaking only for herself, whether or not she
12 clearly understood the contents of the letter,
13 because the letter is English, that she needed
14 to provide an interpreter. I'm not sure how
15 much she understood. I know she understood
16 enough to ask her son to appear on her behalf.
17 But I'm allowing some flexibility here because
18 of the fact that if she were here, she could
19 not speak on her behalf; that Mr. Jung would
20 have to interpret for her. So that's why I'm
21 providing some flexibility. Those are the
22 reasons that I'm providing some flexibility

1 for her.

2 And, of course, if Mr. Jung was
3 not present, then we would have just dismissed
4 the application. But she did make some
5 attempt to have someone present on her behalf.

6 MS. BROWN: If I could interrupt
7 there.

8 AGENT FLETCHER: Yes.

9 MS. BROWN: I'm not sure if it's a
10 matter of on her behalf or in her stead. And
11 I think your interpretation is again, a bit --
12 a bit lenient. And I would point out that Mr.
13 Jung was at the table two Roll Call Hearings
14 previous to us, with ANC-6C, providing
15 translation services at that time.

16 AGENT FLETCHER: Yes.

17 MS. BROWN: As well as during the
18 initial license application, providing
19 interpretation. And, it's my understanding,
20 as well, through business operations, that he
21 is onsite regularly. So after this particular
22 process, during deliberations now, getting

1 understanding of bringing that matter forward
2 presently, because I -- there is -- there's a
3 just a bit too much open ended expectations
4 provided to the Applicant.

5 AGENT FLETCHER: Yes? Well, Mr.
6 Jung, let me ask you. For the record, to make
7 some clarification, you indicated that your
8 mother first of all is not here because she's
9 working today. Am I correct?

10 MR. JUNG: Yes, ma'am.

11 AGENT FLETCHER: Okay. That, in
12 itself, would not be sufficient, normally.

13 MR. JUNG: Yes, ma'am.

14 AGENT FLETCHER: Because it's an
15 official notice from the Alcoholic Beverage
16 Regulation Administration that the license
17 holder would need to appear. You also
18 indicated that you're here today because your
19 mother speaks very little English.

20 MR. JUNG: And none -- almost
21 none. Not at all.

22 AGENT FLETCHER: Do you know if

1 your mother understood -- and I know you can't
2 really speak for your mother. I'm just trying
3 to create some additional information for the
4 record, in the event that the ANC decides to
5 challenge my determination, granting standing
6 to -- not granting standing, but accepting the
7 license renewal application that your mother
8 has filed, rather than dismissing it because
9 she's not here. I'm trying to create some
10 additional information for the record, in case
11 that's challenged. So that they can have a
12 complete record in deciding whether or not to
13 overturn the determination that I've made
14 today.

15 So the other reason that your
16 mother is not present is because she speaks
17 very little English at all?

18 MR. JUNG: Yes, ma'am.

19 AGENT FLETCHER: And is there
20 anything else you'd like to say?

21 MR. JUNG: No, ma'am. She -- she
22 does not speak English at all and she's 67

1 years old. She's very nervous. She doesn't
2 like -- she doesn't -- she gets very nervous
3 and scary, and she is very old. And that's
4 why I'm trying to help her to translate and
5 help her.

6 AGENT FLETCHER: Okay. I'm going
7 to -- I will maintain my determination to
8 grant standing to your mother as an applicant.
9 With the understanding -- Ms. Brown, do you
10 plan and intend to challenge that
11 determination? If you do --

12 MS. BROWN: I do.

13 AGENT FLETCHER: Okay. So, just
14 understand that Ms. Brown is going to
15 challenge that determination and the ABC Board
16 could review this case and decide to dismiss
17 your mother's application. I'm not dismissing
18 it today. This is a license renewal
19 application. I'm not dismissing it today.
20 Today, I'm accepting the fact that your mother
21 -- not that your mother is working.

22 MR. JUNG: No, ma'am.

1 AGENT FLETCHER: Okay. That's not
2 what I'm accepting.

3 MR. JUNG: No. She's --

4 AGENT FLETCHER: I'm accepting the
5 fact that your mother designated you to appear
6 on her behalf, because she does not speak
7 English.

8 MR. JUNG: Yes, ma'am.

9 AGENT FLETCHER: Recognizing that
10 the letter does indicate that, if a person
11 wants a translator, that they should request
12 one 48 hours before the Roll Call hearing. I
13 don't know if you were aware of that or not.
14 That I don't know. The letter was sent to
15 your mother.

16 MR. JUNG: Yes, ma'am.

17 AGENT FLETCHER: So I -- there is
18 no way for me to know that you were aware that
19 she had that right.

20 MR. JUNG: Yes, ma'am.

21 PARTICIPANT:

22 AGENT FLETCHER: Would you like to

1 state for the record -- were you aware that
2 she could have requested a translator within
3 48 hours, or not?

4 MR. JUNG: She -- I don't think
5 she knew.

6 AGENT FLETCHER: Okay. Okay.
7 Well, I'm going to let my determination stand.
8 I'm going to not dismiss the license renewal
9 application. I'm going to go ahead and
10 schedule the dates, as I mentioned earlier.
11 But please let your mother know that ANC-7C is
12 going to challenge my determination.

13 MR. JUNG: Yes, ma'am.

14 AGENT FLETCHER: Thank you. The
15 date for the -- let me give you the date for
16 the Status Hearing and Protest Hearing. The
17 date for the Status Hearing is July 18 -- July
18 18, at 9:30 a.m.

19 MR. JUNG: Yes, ma'am.

20 MS. BROWN: Could that time be
21 changed to later in the day?

22 AGENT FLETCHER: No. Status

1 hearings are always at 9:30. But what you can
2 do -- you can designate someone else, Ms.
3 Brown, to appear on behalf of the ANC, if you
4 would like?

5 MS. BROWN: Now, is that the
6 second step in the process? Mediation is
7 first?

8 AGENT FLETCHER: The second? Yes.

9 MS. BROWN: Then Status?

10 AGENT FLETCHER: Yes. Mediation
11 is first. And then the Status Hearing comes
12 after that. Well, Mr. Jung, I mentioned this
13 earlier. I just want to make sure that your
14 mother does send a letter to us, designating
15 you as her representative.

16 MR. JUNG: Yes, ma'am. I
17 understand. Yes, ma'am.

18 AGENT FLETCHER: And if you could
19 do that as -- right away.

20 MR. JUNG: Today

21 AGENT FLETCHER: Yes. And you
22 could e-mail that to me. There is my card.

1 MR. JUNG: Yes. I will scan it
2 and send it to you right away.

3 AGENT FLETCHER: Okay. Thank you.
4 The Status Hearing is July 18, at 9:30 a.m.
5 before the ABC Board. And the Protest Hearing
6 is set for October 17 -- October 17 at 1:30
7 p.m. We need to set a date for mediation to
8 occur prior to July 18.

9 Let's see here. So, Ms. Brown and
10 Mr. Jung, I'm going to set the mediation at
11 some point in July to give you time to --
12 you're going to challenge the determination.
13 I'm going to give you enough time to get your
14 letter in to the Board and a response back.

15 MS. BROWN: Oh, okay.

16 AGENT FLETCHER: Before a
17 mediation. If the Board overturns this
18 determination today, there won't be a
19 mediation or a Status Hearing or a Protest
20 Hearing. So I'm going to make it as far out
21 as I can.

22 MS. BROWN: Okay.

1 AGENT FLETCHER: The Status
2 Hearing is July 18, so I'm looking at the week
3 before that for mediation. Actually, we could
4 do it the first week in July or the second
5 week in July. The first week of July -- well,
6 the first week -- well, let's just move to the
7 second week. That's not going to give you
8 enough time.

9 MS. BROWN: So that second week
10 would be impractical, since it's a holiday.

11 AGENT FLETCHER: Yes. Exactly.

12 MS. BROWN: So the 11th or 12th?

13 AGENT FLETCHER: The 12th would be
14 better. The 12th or the 13th, which is a
15 Thursday or Friday.

16 MR. JUNG: Yes, ma'am.

17 AGENT FLETCHER: Do you have a
18 preference for the 12th or the 13th?

19 MR. JUNG: The 12th is fine.

20 PARTICIPANT:

21 AGENT FLETCHER: Are you available
22 on the 12th, Ms. Brown?

1 MS. BROWN: Yes.

2 AGENT FLETCHER: Would you prefer
3 9:00, 10:00, 11:00, or 1:00?

4 MS. BROWN: 11:00.

5 AGENT FLETCHER: Is 11:00 good for
6 you, Mr. Jung?

7 MR. JUNG: Yes, ma'am. I would
8 also like to point out that the ANC was late
9 and you always granted leniency on her behalf
10 this morning, when you first called the Roll
11 Call.

12 AGENT FLETCHER: Well yes, I did
13 that. You're right. Yes. I will make a
14 statement about that related to the record.
15 That is correct.

16 MR. JUNG: Thank you.

17 AGENT FLETCHER: Ms. Brown did
18 call me, prior to the Roll Call Hearing to let
19 me know that she was running late.

20 MR. JUNG: Yes, ma'am.

21 AGENT FLETCHER: And yes, I did
22 accommodate that request, which is why your

1 case is being heard today.

2 MR. JUNG: Yes, ma'am.

3 PARTICIPANT:

4 AGENT FLETCHER: And yes, what I
5 normally would have done was dismiss the ANC-
6 7C protest.

7 MR. JUNG: Yes, ma'am.

8 MS. BROWN: I see.

9 AGENT FLETCHER: I did maintain
10 the option to do that at any point, prior to
11 the time that Ms. Brown arrived. And I did
12 not. And that's the point that you are
13 making?

14 MR. JUNG: Yes, ma'am.

15 AGENT FLETCHER: Yes. That did
16 occur, as well.

17 MR. JUNG: Thank you.

18 AGENT FLETCHER: We do like to
19 provide leniency and some flexibility to the
20 public in these matters. And so that is the
21 reason that I granted Ms. Brown the additional
22 time to appear. The Roll Call Hearing was

1 scheduled for 10:00 a.m. We're ending. The
2 Roll Call Hearing is about over. It's about
3 11:30, and the reason for that is that I
4 accommodated Ms. Brown's request.

5 MR. JUNG: Thank you. Yes, ma'am.

6 AGENT FLETCHER: And so, let's
7 see, Mr. Jung, would you also put your daytime
8 number --

9 MR. JUNG: Yes, ma'am. I did.

10 AGENT FLETCHER: Okay. Thank you.
11 And do you have an e-mail address?

12 MR. JUNG: Yes, I do.

13 AGENT FLETCHER: Okay. Is that
14 there too?

15 MR. JUNG: And I will send you the
16 letter right away, within like an hour.

17 AGENT FLETCHER: Okay. That would
18 be great. Thank you, very much.

19 MR. JUNG: Thank you, very much.

20 AGENT FLETCHER: Ms. Brown, is
21 your phone number and e-mail address on the
22 sheet, as well?

1 MS. BROWN: Yes.

2 AGENT FLETCHER: Okay. Thank you.
3 Okay. Well then, thank you very much for
4 coming.

5 MR. JUNG: Thank you.

6 AGENT FLETCHER: Any question from
7 anyone before we conclude?

8 MR. JUNG: No. I'm going to go
9 right to do that.

10 MS. BROWN: Does that filing of
11 the question that I was asking, does that go
12 to you, or is that directed to the Chair
13 Miller, the Board --

14 AGENT FLETCHER: Yes. What will
15 happen is you -- in writing, Ms. Brown, you
16 will send a letter to the ABC Board, telling
17 them that you disagree with my determination
18 to grant standing to the establishment and the
19 reasons why you are opposed to that. And you
20 would need to send a copy of that, as well, to
21 Ms. Kim.

22 MR. JUNG: Ms. Kim.

1 AGENT FLETCHER: So that she will
2 have an opportunity to respond to your
3 request, as well.

4 MR. JUNG: Okay. Please.

5 AGENT FLETCHER: So both parties
6 have to have information submitted to the ABC
7 Board.

8 MR. JUNG: Thank you.

9 AGENT FLETCHER: And so, once we
10 get -- go ahead, Mr. Jung.

11 MR. JUNG: Once she challenges
12 and, in case it gets dismissed, do we have an
13 opportunity to appeal?

14 AGENT FLETCHER: Yes.

15 MR. JUNG: Yes.

16 AGENT FLETCHER: And what you can
17 do -- what I will suggest you do, Mr. Jung is,
18 if Ms. Brown -- when Ms. Brown submits her
19 letter challenging the decision today, once
20 you receive it, if you would submit your -- or
21 have your mother to submit her response to
22 that, so that the Board can look at the entire

1 case at once.

2 MR. JUNG: Yes, ma'am. I will do
3 that. Thank you, very much.

4 AGENT FLETCHER: Okay. And you
5 will receive a copy of -- Ms. Brown has to
6 send you a copy of their request, challenging.

7 MR. JUNG: Thank you.

8 AGENT FLETCHER: The
9 determination.

10 MR. JUNG: Okay. Thank you.

11 AGENT FLETCHER: And Ms. Brown, do
12 you have contact information for the
13 establishment?

14 MS. BROWN: The most recent,
15 according to the application from last year is
16 1100 Eastern Avenue, NE.

17 AGENT FLETCHER: What we have is
18 1102 Eastern Avenue NE.

19 MR. JUNG: Yes, ma'am. 1102 is
20 the correct address.

21 AGENT FLETCHER: 1102 Eastern
22 Avenue NE is the address that we have.

1 MS. BROWN: Really?

2 AGENT FLETCHER: Yes.

3 MR. JUNG: Yes, ma'am.

4 MS. BROWN: ANC didn't receive
5 notice that the address had changed. So I'm
6 surprised.

7 AGENT FLETCHER: Yes. I don't
8 know if there was a change of address.

9 MR. JUNG: No. No change of
10 address.

11 AGENT FLETCHER: Yes. That's the
12 address --

13 MS. BROWN: Well, if the -- I
14 mean, like I said, what we have on file from
15 the initial application --

16 AGENT FLETCHER: Yes?

17 MS. BROWN: -- of 2010/2011 is
18 1100 Eastern Avenue. So there must have been,
19 at some point, a change of address.

20 AGENT FLETCHER: Yes. I'm not
21 aware. That would have been handled in the
22 licensing division. So I don't know if you

1 all changed your address. But we wouldn't
2 know it in our division.

3 MS. BROWN: Okay.

4 MR. JUNG: Okay. Okay.

5 AGENT FLETCHER: But the address
6 that we have right now on the letter we're
7 sending notices to is 1102 Eastern Avenue.

8 MR. JUNG: Yes, ma'am. That is
9 the correct address.

10 AGENT FLETCHER: Okay. Anything
11 else, Ms. Brown?

12 MS. BROWN: Not at this time?

13 AGENT FLETCHER: Mr. Jung, is
14 there anything? Okay. Then the Roll Call
15 Hearing is concluded. Thank you.

16 MR. JUNG: Thank you.

17 (Whereupon, the Roll Call Hearing
18 was concluded at 11:37 a.m.)

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