



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

(9:35 a.m.)

1  
2  
3 CHAIRPERSON MILLER: Good morning,  
4 everyone. I would like to welcome you to the  
5 regularly scheduled meeting of the District of  
6 Columbia Alcoholic Beverage Control Board and  
7 today is Wednesday, June 5, 2013.

8 My name is Ruthanne Miller. I'm  
9 the Chairperson. And to my right is Mr.  
10 Donald Brooks and to my left is Mr. Mike  
11 Silverstein. The Board has three Members in  
12 attendance today and a quorum is three.

13 Copies of today's hearing calendar  
14 and agenda are available at the receptionist  
15 desk.

16 Please be aware that these  
17 proceedings are being recorded by a court  
18 reporter. Accordingly, we must you to refrain  
19 from any disruptive noises or actions in the  
20 hearing room. If you have any electronic  
21 devices, pagers, cell phones or such, please,  
22 make certain that they are turned off to avoid

1 any interruption of the proceedings.

2 Please note when you come forward,  
3 you will find a piece of paper on the table.  
4 Have a seat and please sign-in. This is to  
5 ensure the correct spelling of your name for  
6 the record.

7 The Open Meetings Act requires  
8 that the public hearing on each case be open  
9 to the public. The Board may, consistent with  
10 Section 405(b) of the Open Meetings Act, enter  
11 a closed meeting during or after the public  
12 hearing on a case to consult with an attorney  
13 to obtain legal advice, discuss settlement  
14 agreements or deliberate upon a decision in an  
15 adjudication proceeding.

16 We will now turn to this morning's  
17 calendar. The first case on the calendar is  
18 Case No. 13-PRO-00011, Lee's Mini Market.

19 MR. DOL KO: Yes, ma'am.

20 CHAIRPERSON MILLER: Located at  
21 3853 Alabama Avenue, S.E., License No. 84939,  
22 in ANC-7B.

1                   So would the parties in this case,  
2 please, come forward and take a seat at the  
3 table? Please sign-in. Okay. And when you  
4 are ready, if you could introduce yourselves  
5 for the record? You can start on the Board's  
6 right side.

7                   MR. HENRY KO: Yes, hello. I'm  
8 Henry Ko.

9                   CHAIRPERSON MILLER: Wait, is your  
10 mike on? It should have a green light.

11                   MR. HENRY KO: Yes.

12                   CHAIRPERSON MILLER: Okay.

13                   MR. HENRY KO: Hello, I'm Henry  
14 Ko.

15                   CHAIRPERSON MILLER: And what's  
16 your name?

17                   MR. HENRY KO: Henry Ko.

18                   CHAIRPERSON MILLER: Can you spell  
19 your last name?

20                   MR. HENRY KO: K-O.

21                   CHAIRPERSON MILLER: Okay. And  
22 what's your relation to the case?

1 MR. HENRY KO: I'm the son.

2 CHAIRPERSON MILLER: The son?

3 MR. HENRY KO: Yes.

4 CHAIRPERSON MILLER: Okay. And do  
5 you speak English?

6 MR. DOL KO: Yes, ma'am. I'm Dol  
7 Ko and I'm like president.

8 CHAIRPERSON MILLER: You're  
9 president of Lee's Mini Market?

10 MR. DOL KO: Yes, ma'am.

11 CHAIRPERSON MILLER: Okay. And  
12 how about over here?

13 MS. DAVIS: Julia B. Davis.

14 CHAIRPERSON MILLER: Okay.

15 MR. RICHARDS: Robert Richards.  
16 I'm Chair of ANC-7B.

17 CHAIRPERSON MILLER: Okay.

18 MS. FRAZIER: Else Frazier, Fort  
19 Davis.

20 MS. JACKSON: Lorraine Jackson,  
21 resident of Fort Davis.

22 CHAIRPERSON MILLER: Okay.

1 MS. CHATMON: Lillian M. Chatmon,  
2 resident of Fort Davis.

3 CHAIRPERSON MILLER: Okay. So you  
4 all are protestants. We have ANC-7B  
5 represented and the other is a group of five  
6 or more individuals? Is that correct?

7 MR. RICHARDS: There is four with  
8 us today. Paula Tillman was not able to make  
9 it.

10 CHAIRPERSON MILLER: Okay.

11 MR. RICHARDS: But she will be at  
12 future --

13 CHAIRPERSON MILLER: Okay. She  
14 was at the Roll Call?

15 MR. RICHARDS: She was at the Roll  
16 Call, yes.

17 CHAIRPERSON MILLER: Okay. There  
18 is no issue there with respect to standing,  
19 right?

20 MR. RICHARDS: Yes.

21 CHAIRPERSON MILLER: Okay. Are  
22 there any preliminary issues or any issues you

1 want to bring to our attention? Otherwise,  
2 I'm going to set this case for a Protest  
3 Hearing and just read you some instructions.

4 Okay. Not hearing any --

5 MR. HENRY KO: No, we --

6 CHAIRPERSON MILLER: -- issues,  
7 okay. Basically, I want to make sure that you  
8 have received in the mail a letter from the  
9 Adjudication Assistant, Sarah Fashbaugh,  
10 explaining the protest process and also a copy  
11 of the Protest Information Form.

12 Those are very important. If you  
13 don't have those documents, you should see Ms.  
14 Fashbaugh at the conclusion of the hearing  
15 today. That sets forth the rules which you  
16 need to follow for the protest hearing.

17 You will be required to complete  
18 and submit a Protest Information Form seven  
19 days before the date of the hearing. This  
20 document needs to be submitted to ABRA and to  
21 the opposing parties in this case.

22 If we do not receive a copy of

1 your PIF, your application or your protest,  
2 whichever side you are representing, may be  
3 subject to dismissal. So that's very  
4 important. It is due within seven days of the  
5 hearing. And you don't want to have your case  
6 dismissed for that reason, but it can be.

7 So that's in our rules. And that  
8 form is very important for the Board. It  
9 narrows the issues. It facilitates the  
10 process and keeps the parties on point during  
11 the hearing.

12 So if you have any questions today  
13 or leading up to the hearing, please, do not  
14 hesitate to contact Ms. Fashbaugh at (202)  
15 397-3971.

16 So if you don't have any  
17 questions, that will conclude this hearing.  
18 Mr. Silverstein, yes?

19 MEMBER SILVERSTEIN: I would like  
20 to take this opportunity to thank you all for  
21 taking part in the process and for being here  
22 and taking time out to do that.

1 I would mention that one of our  
2 seats is vacant this morning, because one of  
3 our Board Members was injured this weekend and  
4 broke his hip and we are facing the potential  
5 also of a very large backlog of hearings.  
6 Some matters can be settled, others cannot.  
7 Some have to go to hearing, because the  
8 matters are not solvable.

9 I would hope that if there is any  
10 chance that you avail yourself of the  
11 mediation process and move forward without a  
12 hearing. I'm not instructing you to do so.  
13 I'm just hoping that as people of good will,  
14 that you take full advantage of the process if  
15 it's possible. That's all I ask.

16 Thank you for coming.

17 CHAIRPERSON MILLER: Thank you.  
18 Thank you, Mr. Silverstein. Thank you all.

19 MR. DOL KO: Yes.

20 (Whereupon, the Protest (Status)  
21 Hearing in the above-entitled matter was  
22 concluded at 9:41 a.m.)

|   |  |  |   |  |
|---|--|--|---|--|
| <p style="text-align: center;"><b>A</b></p> <p><b>able</b> 6:8<br/> <b>above-entitled</b> 9:21<br/> <b>ABRA</b> 7:20<br/> <b>Act</b> 3:7,10<br/> <b>actions</b> 2:19<br/> <b>adjudication</b> 3:15<br/> 7:9<br/> <b>advantage</b> 9:14<br/> <b>advice</b> 3:13<br/> <b>agenda</b> 2:14<br/> <b>agreements</b> 3:14<br/> <b>Alabama</b> 1:7 3:21<br/> <b>Alcoholic</b> 1:2,15,15<br/> 2:6<br/> <b>ANC-7B</b> 1:8 3:22<br/> 5:16 6:4<br/> <b>application</b> 8:1<br/> <b>Assistant</b> 7:9<br/> <b>attendance</b> 2:12<br/> <b>attention</b> 7:1<br/> <b>attorney</b> 3:12<br/> <b>avail</b> 9:10<br/> <b>available</b> 2:14<br/> <b>Ave</b> 1:7<br/> <b>Avenue</b> 3:21<br/> <b>avoid</b> 2:22<br/> <b>aware</b> 2:16<br/> <b>a.m</b> 2:2 9:22</p> | <p><b>Call</b> 6:14,16<br/> <b>case</b> 1:9 3:8,12,17<br/> 3:18 4:1,22 7:2,21<br/> 8:5<br/> <b>cell</b> 2:21<br/> <b>certain</b> 2:22<br/> <b>Chair</b> 5:16<br/> <b>Chairperson</b> 1:17<br/> 1:21 2:3,9 3:20<br/> 4:9,12,15,18,21<br/> 5:2,4,8,11,14,17<br/> 5:22 6:3,10,13,17<br/> 6:21 7:6 9:17<br/> <b>chance</b> 9:10<br/> <b>Change</b> 1:10,10<br/> <b>Chatmon</b> 6:1,1<br/> <b>Class</b> 1:10<br/> <b>closed</b> 3:11<br/> <b>Columbia</b> 1:1 2:6<br/> <b>come</b> 3:2 4:2<br/> <b>coming</b> 9:16<br/> <b>complete</b> 7:17<br/> <b>conclude</b> 8:17<br/> <b>concluded</b> 9:22<br/> <b>conclusion</b> 7:14<br/> <b>consistent</b> 3:9<br/> <b>consult</b> 3:12<br/> <b>contact</b> 8:14<br/> <b>Control</b> 1:2,15,15<br/> 2:6<br/> <b>Copies</b> 2:13<br/> <b>copy</b> 7:10,22<br/> <b>correct</b> 3:5 6:6<br/> <b>court</b> 2:17</p> | <p><b>disruptive</b> 2:19<br/> <b>District</b> 1:1 2:5<br/> <b>document</b> 7:20<br/> <b>documents</b> 7:13<br/> <b>Dol</b> 3:19 5:6,6,10<br/> 9:19<br/> <b>Donald</b> 1:21 2:10<br/> <b>due</b> 8:4<br/> <b>D.C</b> 1:17</p> <p style="text-align: center;"><b>E</b></p> <p><b>electronic</b> 2:20<br/> <b>English</b> 5:5<br/> <b>ensure</b> 3:5<br/> <b>enter</b> 3:10<br/> <b>explaining</b> 7:10</p> <p style="text-align: center;"><b>F</b></p> <p><b>facilitates</b> 8:9<br/> <b>facing</b> 9:4<br/> <b>Fashbaugh</b> 7:9,14<br/> 8:14<br/> <b>find</b> 3:3<br/> <b>first</b> 3:17<br/> <b>five</b> 6:5<br/> <b>follow</b> 7:16<br/> <b>form</b> 7:11,18 8:8<br/> <b>Fort</b> 5:18,21 6:2<br/> <b>forth</b> 7:15<br/> <b>forward</b> 3:2 4:2<br/> 9:11<br/> <b>four</b> 6:7<br/> <b>Frazier</b> 5:18,18<br/> <b>full</b> 9:14<br/> <b>future</b> 6:12</p> | <p><b>hearings</b> 9:5<br/> <b>hello</b> 4:7,13<br/> <b>Henry</b> 4:7,8,11,13<br/> 4:13,17,17,20 5:1<br/> 5:3 7:5<br/> <b>hesitate</b> 8:14<br/> <b>hip</b> 9:4<br/> <b>hope</b> 9:9<br/> <b>hoping</b> 9:13</p> <p style="text-align: center;"><b>I</b></p> <p><b>important</b> 7:12 8:4<br/> 8:8<br/> <b>individuals</b> 6:6<br/> <b>Information</b> 7:11<br/> 7:18<br/> <b>injured</b> 9:3<br/> <b>instructing</b> 9:12<br/> <b>instructions</b> 7:3<br/> <b>interruption</b> 3:1<br/> <b>introduce</b> 4:4<br/> <b>issue</b> 6:18<br/> <b>issues</b> 6:22,22 7:6<br/> 8:9</p> <p style="text-align: center;"><b>J</b></p> <p><b>Jackson</b> 5:20,20<br/> <b>Julia</b> 5:13<br/> <b>June</b> 1:13 2:7</p> <p style="text-align: center;"><b>K</b></p> <p><b>keeps</b> 8:10<br/> <b>Ko</b> 3:19 4:7,8,11,13<br/> 4:14,17,17,20 5:1<br/> 5:3,6,7,10 7:5<br/> 9:19<br/> <b>K-O</b> 4:20</p> | <p><b>Located</b> 3:20<br/> <b>Lorraine</b> 5:20</p> <p style="text-align: center;"><b>M</b></p> <p><b>M</b> 6:1<br/> <b>mail</b> 7:8<br/> <b>Market</b> 1:6,6 3:18<br/> 5:9<br/> <b>matter</b> 1:5 9:21<br/> <b>matters</b> 9:6,8<br/> <b>ma'am</b> 3:19 5:6,10<br/> <b>mediation</b> 9:11<br/> <b>meeting</b> 1:3 2:5<br/> 3:11<br/> <b>Meetings</b> 3:7,10<br/> <b>Member</b> 1:21,22<br/> 8:19<br/> <b>Members</b> 2:11 9:3<br/> <b>mention</b> 9:1<br/> <b>met</b> 1:15<br/> <b>mike</b> 1:22 2:10<br/> 4:10<br/> <b>Miller</b> 1:17,21 2:3<br/> 2:8 3:20 4:9,12,15<br/> 4:18,21 5:2,4,8,11<br/> 5:14,17,22 6:3,10<br/> 6:13,17,21 7:6<br/> 9:17<br/> <b>Mini</b> 1:6,6 3:18 5:9<br/> <b>morning</b> 2:3 9:2<br/> <b>morning's</b> 3:16<br/> <b>move</b> 9:11</p> |
| <p style="text-align: center;"><b>B</b></p> <p><b>B</b> 1:8,11 5:13<br/> <b>backlog</b> 9:5<br/> <b>Basically</b> 7:7<br/> <b>Beverage</b> 1:2,15,15<br/> 2:6<br/> <b>Board</b> 1:2,15 2:6<br/> 2:11 3:9 8:8 9:3<br/> <b>Board's</b> 4:5<br/> <b>bring</b> 7:1<br/> <b>broke</b> 9:4<br/> <b>Brooks</b> 1:21 2:10<br/> <b>Building</b> 1:16</p>   | <p style="text-align: center;"><b>D</b></p> <p><b>date</b> 7:19<br/> <b>Davis</b> 5:13,13,19<br/> 5:21 6:2<br/> <b>days</b> 7:19 8:4<br/> <b>decision</b> 3:14<br/> <b>deliberate</b> 3:14<br/> <b>desk</b> 2:15<br/> <b>devices</b> 2:21<br/> <b>discuss</b> 3:13<br/> <b>dismissal</b> 8:3<br/> <b>dismissed</b> 8:6</p>   | <p style="text-align: center;"><b>G</b></p> <p><b>go</b> 9:7<br/> <b>going</b> 7:2<br/> <b>good</b> 2:3 9:13<br/> <b>green</b> 4:10<br/> <b>group</b> 6:5</p> <p style="text-align: center;"><b>H</b></p> <p><b>hearing</b> 1:7,16 2:13<br/> 2:20 3:8,12 7:3,4<br/> 7:14,16,19 8:5,11<br/> 8:13,17 9:7,12,21</p>   | <p style="text-align: center;"><b>L</b></p> <p><b>large</b> 9:5<br/> <b>leading</b> 8:13<br/> <b>Lee's</b> 1:6,6 3:18 5:9<br/> <b>left</b> 2:10<br/> <b>legal</b> 3:13<br/> <b>letter</b> 7:8<br/> <b>License</b> 1:8 3:21<br/> <b>light</b> 4:10<br/> <b>Lillian</b> 6:1</p>   | <p style="text-align: center;"><b>N</b></p> <p><b>name</b> 2:8 3:5 4:16<br/> 4:19<br/> <b>narrows</b> 8:9<br/> <b>need</b> 7:16<br/> <b>needs</b> 7:20<br/> <b>noises</b> 2:19<br/> <b>note</b> 3:2<br/> <b>N.W</b> 1:17</p> <p style="text-align: center;"><b>O</b></p> <p><b>obtain</b> 3:13<br/> <b>okay</b> 4:3,12,21 5:4<br/> 5:11,14,17,22 6:3<br/> 6:10,13,17,21 7:4</p>  |
| <p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 2:13 3:17<br/> 3:17</p>  |  |  |   |  |

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|--|--|--|--|
| 7:7<br><b>open</b> 3:7,8,10<br><b>opportunity</b> 8:20<br><b>opposing</b> 7:21   | <b>receptionist</b> 2:14<br><b>record</b> 3:6 4:5<br><b>recorded</b> 2:17<br><b>Reeves</b> 1:16<br><b>refrain</b> 2:18<br><b>regularly</b> 2:5<br><b>relation</b> 4:22<br><b>reporter</b> 2:18<br><b>represented</b> 6:5<br><b>representing</b> 8:2<br><b>required</b> 7:17<br><b>requires</b> 3:7<br><b>resident</b> 5:21 6:2<br><b>respect</b> 6:18<br><b>Retailer</b> 1:8,10<br><b>Richards</b> 5:15,15<br>6:7,11,15,20<br><b>right</b> 2:9 4:6 6:19<br><b>Robert</b> 5:15<br><b>Roll</b> 6:14,15<br><b>room</b> 1:16 2:20<br><b>rules</b> 7:15 8:7<br><b>Ruthanne</b> 1:17,21<br>2:8 | <b>standing</b> 6:18<br><b>start</b> 4:5<br><b>Status</b> 1:8 9:20<br><b>Street</b> 1:17<br><b>subject</b> 8:3<br><b>submit</b> 7:18<br><b>submitted</b> 7:20<br><b>Substantial</b> 1:10<br><b>Suite</b> 1:17<br><b>sure</b> 7:7<br><b>S.E</b> 3:21                                    | <b>2000</b> 1:16<br><b>20009</b> 1:17<br><b>2013</b> 1:13 2:7<br><b>202</b> 8:14 |
| <b>P</b>   | <b>S</b>   | <b>T</b>   | <b>3</b>   |
| <b>pagers</b> 2:21<br><b>paper</b> 3:3<br><b>part</b> 8:21<br><b>parties</b> 4:1 7:21<br>8:10<br><b>Paula</b> 6:8<br><b>people</b> 9:13<br><b>phones</b> 2:21<br><b>piece</b> 3:3<br><b>PIF</b> 8:1<br><b>please</b> 2:16,21 3:2<br>3:4 4:2,3 8:13<br><b>point</b> 8:10<br><b>possible</b> 9:15<br><b>potential</b> 9:4<br><b>preliminary</b> 6:22<br><b>PRESENT</b> 1:19<br><b>president</b> 5:7,9<br><b>presiding</b> 1:18<br><b>proceeding</b> 3:15<br><b>proceedings</b> 2:17<br>3:1<br><b>process</b> 7:10 8:10<br>8:21 9:11,14<br><b>protest</b> 1:6 7:2,10<br>7:11,16,18 8:1<br>9:20<br><b>protestants</b> 6:4<br><b>public</b> 3:8,9,11<br><b>P-R-O-C-E-E-D-...</b><br>2:1 | <b>Sarah</b> 7:9<br><b>scheduled</b> 2:5<br><b>SE</b> 1:7<br><b>seat</b> 3:4 4:2<br><b>seats</b> 9:2<br><b>Section</b> 3:10<br><b>see</b> 7:13<br><b>set</b> 7:2<br><b>sets</b> 7:15<br><b>settled</b> 9:6<br><b>settlement</b> 3:13<br><b>seven</b> 7:18 8:4<br><b>side</b> 4:6 8:2<br><b>sign-in</b> 3:4 4:3<br><b>Silverstein</b> 1:22<br>2:11 8:18,19 9:18<br><b>solvable</b> 9:8<br><b>son</b> 5:1,2<br><b>speak</b> 5:5<br><b>spell</b> 4:18<br><b>spelling</b> 3:5  | <b>table</b> 3:3 4:3<br><b>take</b> 4:2 8:20 9:14<br><b>thank</b> 8:20 9:16,17<br>9:18,18<br><b>three</b> 2:11,12<br><b>Tillman</b> 6:8<br><b>time</b> 8:22<br><b>today</b> 2:7,12 6:8<br>7:15 8:12<br><b>today's</b> 2:13<br><b>turn</b> 3:16<br><b>turned</b> 2:22<br><b>t/a</b> 1:6 | <b>3853</b> 1:7 3:21<br><b>397-3971</b> 8:15                                     |
| <b>Q</b>   | <b>S</b>   | <b>T</b>   | <b>4</b>   |
| <b>questions</b> 8:12,17<br><b>quorum</b> 2:12   |  |  | <b>400S</b> 1:17<br><b>405(b)</b> 3:10   |
| <b>R</b>   |  | <b>V</b>   | <b>5</b>   |
| <b>read</b> 7:3<br><b>ready</b> 4:4<br><b>reason</b> 8:6<br><b>receive</b> 7:22<br><b>received</b> 7:8   |  | <b>vacant</b> 9:2  | <b>5</b> 1:13 2:7  |
|  |  | <b>W</b>   | <b>8</b>   |
|  |  | <b>Wait</b> 4:9<br><b>want</b> 7:1,7 8:5<br><b>Washington</b> 1:17<br><b>Wednesday</b> 2:7<br><b>weekend</b> 9:3<br><b>welcome</b> 2:4<br><b>whichever</b> 8:2   | <b>84939</b> 1:8 3:21  |
|  |  | <b>P</b>   | <b>9</b>   |
|  |  | <b>p</b> 1:4,12  | <b>9:35</b> 2:2<br><b>9:41</b> 9:22  |
|  |  | <b>1</b>   |  |
|  |  | <b>13-PRO-00011</b> 1:9<br>3:18<br><b>14th</b> 1:16  |  |
|  |  | <b>2</b>   |  |