

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

IN THE MATTER OF:

<p>Yu Lin Corporation  t/a One Fish Two Fish  2423 Pennsylvania Ave., NW  Retailer DR - ANC-2A  License No. 86425  Case# 15-CMP-00216</p>	<p>Fact-  Finding  Hearing</p>
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(Failed to Provide Invoices for Purchased Food and Alcoholic Beverages, No ABC Manager on Duty, Failed to Maintain Books and Records, Provided False or Misleading Information)

June 17, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

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

2 2:05 p.m.

3 CHAIRPERSON MILLER: Okay. Good  
4 afternoon. Thank you for coming in. This is  
5 Case No. 15-CMP-00216, One Fish Two Fish located  
6 at 2423 Pennsylvania Avenue, N.W., License No.  
7 86425, in ANC-2A.

8 And could you identify yourselves,  
9 please, for the record?

10 INTERPRETER NGAI: Interpreter. I'm  
11 the Interpreter.

12 CHAIRPERSON MILLER: You're the  
13 Interpreter? Oh, let me swear you in as an  
14 Interpreter. Is that for Korean?

15 INTERPRETER NGAI: No, Chinese.

16 CHAIRPERSON MILLER: Chinese. Okay.  
17 Okay. What's your name?

18 INTERPRETER NGAI: My name is Derrick  
19 Ngai, D-E-R-R-I-C-K last name N-G-A-I.

20 CHAIRPERSON MILLER: Okay.

21 Do you solemnly affirm that you will  
22 faithfully and accurately interpret the

1 proceedings in this matter from Chinese into  
2 English and from English into Chinese to the best  
3 of your ability?

4 INTERPRETER NGAI: I do.

5 CHAIRPERSON MILLER: Thank you. Okay.  
6 So, first, I'm going to ask everyone to sign-in  
7 on that piece of paper. So that makes sure we  
8 get your name spelled correctly for the record.

9 And when they are ready, do you  
10 understand some English? Do they understand any  
11 English?

12 INTERPRETER NGAI: Not at all.

13 CHAIRPERSON MILLER: Okay. So we will  
14 go slowly. They need to identify themselves for  
15 the record.

16 MS. LIN: Yu Lin.

17 INTERPRETER NGAI: Yu Lin is my name.

18 CHAIRPERSON MILLER: Yu Lin, okay. Is  
19 the she owner?

20 MS. LIN: Yes.

21 CHAIRPERSON MILLER: Okay. And with  
22 her?

1 MS. ZO: Feyli Zo.

2 CHAIRPERSON MILLER: Ms. Zo?

3 MS. ZO: Yes.

4 CHAIRPERSON MILLER: Okay. And how is  
5 she related?

6 MS. ZO: Sister. Elder sister.

7 CHAIRPERSON MILLER: Okay. So this is  
8 called -- oh, do you have something to say?

9 MEMBER SILVERSTEIN: Is the lady on  
10 the left the legal owner? Is she the owner of  
11 record on the license?

12 MS. LIN: Yes, yes, owner.

13 INTERPRETER NGAI: Owner.

14 MEMBER SILVERSTEIN: Okay. Very good.  
15 Thank you. Go ahead.

16 CHAIRPERSON MILLER: Okay. So this is  
17 what is called a Fact-Finding Hearing. It is not  
18 an evidentiary hearing. We are not going to take  
19 any action against the licensee here. We have  
20 some questions that arose from an investigation  
21 report by our Investigator. So that's what we  
22 will ask.

1                   However, it is possible that after  
2 this hearing, we could send the case to the  
3 Office of Attorney General for a Show Cause  
4 action, but not necessarily.

5                   Okay. Did they have any questions  
6 about the hearing before we start?

7                   MS. LIN: No. No questions.

8                   CHAIRPERSON MILLER: Okay. And have  
9 they seen the case report?

10                  MS. LIN: Case report, yes, this is  
11 the one.

12                  CHAIRPERSON MILLER: Okay.

13                  MS. LIN: This report.

14                  CHAIRPERSON MILLER: March 19, 2015,  
15 date of occurrence?

16                  MS. LIN: Yes.

17                  CHAIRPERSON MILLER: Okay.

18                  MS. LIN: That date.

19                  CHAIRPERSON MILLER: Okay. So that's  
20 the report that we have questions about. Okay.  
21 And one question is about a Mr. Zo. Who is Mr.  
22 Zo?

1 MS. LIN: Yes.

2 CHAIRPERSON MILLER: Zo.

3 MS. ZO: Zo, right. Mr. Zo? Oh,  
4 that's my brother.

5 CHAIRPERSON MILLER: Okay.

6 MS. ZO: Mr. Zo is my brother.

7 CHAIRPERSON MILLER: Is he an owner?

8 MS. ZO: Yes, one of the owners, but  
9 she is the major owner.

10 CHAIRPERSON MILLER: She is the major  
11 owner.

12 MS. ZO: The one on your left.

13 CHAIRPERSON MILLER: Okay. Is he an  
14 owner on the license?

15 MS. ZO: I'm sorry, liquor ABC  
16 License.

17 INTERPRETER NGAI: In the ABC  
18 registration only her name.

19 CHAIRPERSON MILLER: Right.

20 INTERPRETER NGAI: The one on your  
21 left.

22 CHAIRPERSON MILLER: Okay.

1 INTERPRETER NGAI: That's the name.

2 CHAIRPERSON MILLER: Okay. So how is  
3 he -- he is not an owner on the license. How is  
4 he an owner?

5 MS. ZO: In the business license, his  
6 name also inside together with her's.

7 CHAIRPERSON MILLER: Okay. So is this  
8 correct that he is not on the ABC License, but he  
9 is on the business license?

10 MS. ZO: It should be also in ABC.

11 CHAIRPERSON MILLER: Okay. Our  
12 records -- this case report says not, but -- I  
13 think, yes. Yes, okay. Well, we can do a  
14 further check on that.

15 MS. ZO: The reason why I said it  
16 should be, because both of them are the owners of  
17 this business.

18 CHAIRPERSON MILLER: Of the business.  
19 Of the restaurant?

20 INTERPRETER NGAI: Restaurant.

21 MS. ZO: Restaurant.

22 CHAIRPERSON MILLER: They are the

1 owners of the restaurant. Okay.

2 MS. ZO: Only two of them are the  
3 owners of the restaurant.

4 CHAIRPERSON MILLER: And whose brother  
5 is it, is he?

6 INTERPRETER NGAI: The one on your  
7 right.

8 CHAIRPERSON MILLER: Your brother?

9 MS. ZO: My brother, yes.

10 CHAIRPERSON MILLER: And how are you  
11 two related? I forget now.

12 MS. ZO: Sister-in-law.

13 CHAIRPERSON MILLER: Sister-in-law.

14 MS. ZO: Sister-in-law.

15 CHAIRPERSON MILLER: Okay.

16 MS. ZO: In-laws.

17 CHAIRPERSON MILLER: Okay. I'm going  
18 to let other Board Members ask some questions if  
19 they would like to. Mr. Rodriguez?

20 MEMBER RODRIGUEZ: Sister.

21 INTERPRETER NGAI: In-law.

22 MEMBER RODRIGUEZ: Yes, in-law. Do

1 you have ownership also of the restaurant?

2 MS. ZO: No, I don't.

3 MEMBER RODRIGUEZ: Okay. That's all.  
4 That's all I have, Madam Chair.

5 CHAIRPERSON MILLER: You done? Oh,  
6 yes, Mr. Silverstein.

7 MEMBER SILVERSTEIN: This case is not  
8 necessarily about the ownership of the  
9 establishment, but about keeping books and  
10 records for the payment of taxes and the  
11 operation, the legal operation. But the laws may  
12 be complex and confusing, but you are required to  
13 keep records for three years of your alcohol  
14 invoices.

15 MS. ZO: Yes.

16 INTERPRETER NGAI: She has the legal  
17 license for ABC.

18 MEMBER SILVERSTEIN: But has she kept  
19 the -- have you kept on the premises, on your  
20 establishment the alcohol invoices and the  
21 customer invoices for three years?

22 MS. ZO: Yes, it's all here three

1 years.

2 MEMBER SILVERSTEIN: Okay. Well --

3 MS. ZO: The date of inspection,  
4 because they were having renovation, a lot of the  
5 paperwork and everything was moved to some other  
6 place. So that's why, at that time, they could  
7 not find it out. Because of that on the second  
8 day, they returned. We had prepared all this to  
9 show them already.

10 Correction. It was not the second day  
11 that your staff went back there to check this.  
12 It was over the phone they were talking and she  
13 confess that the paperwork weren't there, but  
14 it's put somewhere because of renovation. And  
15 the next day would be ready for them to come and  
16 inspect, but they did not return.

17 CHAIRPERSON MILLER: Okay.

18 MS. ZO: Both of them were not sure  
19 whether they returned and inspect this. They  
20 were not sure, but we did prepare this the next  
21 day, found it.

22 MEMBER SILVERSTEIN: Did you find it

1 or prepare it?

2 MS. ZO: Yes, they found it and they  
3 prepared.

4 MEMBER SILVERSTEIN: Can you tell me  
5 what is there? Can you briefly summarize what  
6 you have there?

7 MS. ZO: That would be the invoices  
8 that they order for the alcohol and the customer.  
9 One is the wine, one is the beer, two types.

10 CHAIRPERSON MILLER: Okay.

11 MS. ZO: All are here. We kept ever  
12 order in the book.

13 MEMBER SILVERSTEIN: And that is for  
14 how long?

15 MS. ZO: The handwritten is very dim,  
16 was not clear.

17 MEMBER SILVERSTEIN: I'm sorry?

18 INTERPRETER NGAI: The copy, the copy  
19 is not very clear. It's very dim.

20 MEMBER SILVERSTEIN: Okay. I have  
21 nothing further.

22 MS. ZO: What we can see is 2013.

1 MEMBER SILVERSTEIN: Okay.

2 MS. ZO: Others, could not be visible.

3 MEMBER SILVERSTEIN: Very well.

4 MS. ZO: Illegible.

5 MEMBER SILVERSTEIN: We are having --

6 I'm not sure we are getting anywhere with this.

7 CHAIRPERSON MILLER: Well --

8 MEMBER SILVERSTEIN: I would --

9 MEMBER SHORT: Madam Chair?

10 CHAIRPERSON MILLER: Mr. Short?

11 MEMBER SILVERSTEIN: You know, I would

12 hope that we would take this matter under

13 advisement and look at it more quickly and just

14 move forward on it.

15 MEMBER RODRIGUEZ: I agree with Board

16 Member Silverstein.

17 CHAIRPERSON MILLER: Okay. Mr. Short,

18 did you have something?

19 MEMBER SHORT: Yes.

20 CHAIRPERSON MILLER: All right.

21 MEMBER SHORT: How many years have

22 they been in business?

1 MS. ZO: Five years.

2 MEMBER SHORT: Doing business five  
3 years.

4 INTERPRETER NGAI: Five years.

5 MEMBER SHORT: Do they know or have  
6 they ever read our books on the laws of the ABC  
7 establishment? Are they familiar?

8 INTERPRETER NGAI: Not like --

9 MEMBER SHORT: They are not sure at  
10 all?

11 MS. ZO: Not sure.

12 MEMBER SHORT: Well, my recommendation  
13 to them is that they get a copy of this law,  
14 because if they are going to stay operating in  
15 good faith and legally, they are going to have to  
16 abide by these laws like everyone is required to.

17 Okay. And also, are they familiar  
18 with the charges that were brought against them  
19 about --

20 CHAIRPERSON MILLER: No. I don't  
21 think there were charges yet.

22 MEMBER SHORT: No charges.

1 CHAIRPERSON MILLER: No, it was just  
2 a report of an investigation.

3 MEMBER SILVERSTEIN: This is a Fact-  
4 Finding.

5 CHAIRPERSON MILLER: There is no  
6 charges yet.

7 MEMBER SHORT: Okay. Not a problem.

8 CHAIRPERSON MILLER: Okay.

9 MS. ZO: Excuse me, and we knew, we  
10 understood that we should keep all this for three  
11 years. And in this stack, the first one is 2011  
12 in there.

13 CHAIRPERSON MILLER: Okay. So --

14 MEMBER SHORT: One last question.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER SHORT: Which one of them is an  
17 ABC Manager or do they have a regular ABC Manager  
18 working in their establishment?

19 MS. ZO: It's me myself.

20 MEMBER SILVERSTEIN: Okay.

21 MEMBER SHORT: Okay. So when she is  
22 not there, who is selling the alcohol?

1 MS. ZO: The counter, the working  
2 counter, the staff at the working counter can  
3 sell the alcohol.

4 MEMBER SHORT: Okay. Well, one of the  
5 allegations is that when the Investigator came,  
6 there was no ABC Manager on duty.

7 MS. ZO: She said she is not very  
8 clear what the duty of what we call ABC Manager.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER SILVERSTEIN: Well --

11 CHAIRPERSON MILLER: I think we can  
12 wrap this up.

13 MEMBER SHORT: Yes.

14 CHAIRPERSON MILLER: But I do want to  
15 give you, you know, a little bit of advice. If  
16 you have questions, you can certainly call our  
17 Agency Attorney, which is Martha Jenkins. But I  
18 will say about that that whenever you are  
19 operating within the hours of the time that you  
20 are allowed to sell alcohol, you need to have  
21 someone there who has a manager's license to sell  
22 and an owner can be there automatically.

1           But if you are not going to be there,  
2 you need to get --

3           MEMBER SILVERSTEIN: Wait. Let him  
4 translate.

5           CHAIRPERSON MILLER: Oh. You need to  
6 get somebody else licensed to sell.

7           MS. ZO: She is the owner, so that she  
8 have the ability to be an ABC Manager?

9           CHAIRPERSON MILLER: Yes. She is  
10 fine.

11          MS. ZO: Although she is not trained?

12          CHAIRPERSON MILLER: She is the owner.  
13 Under the law, she is fine. But when she is not  
14 there and the restaurant is open and it is  
15 authorized to sell alcohol during those hours,  
16 she has to have somebody else there who is  
17 licensed. And that you can do that, get somebody  
18 licensed through the Agency. Okay.

19          MEMBER SILVERSTEIN: Okay.

20          MS. ZO: When she is not there at  
21 site, her husband would be at site, so would the  
22 husband be the manager in that case?

1           MEMBER SILVERSTEIN: No, only the name  
2 on record. The law is clear and we will finish  
3 with this. Tell her the law is clear. The owner  
4 does not have to be an ABC Manager. But she is  
5 100 percent owner on our records, so she is the  
6 only owner. If any -- if she is not there,  
7 someone else must be a manager and must get a  
8 manager's license. It is not difficult at all.

9           Madam Chair, I'll move that we take  
10 this matter under advisement and move forward.

11           CHAIRPERSON MILLER: Okay. No, I  
12 agree. I agree. Thank you for coming down and  
13 for answering our questions that arose out of  
14 this case before.

15           And I just want to say the reasons I  
16 brought up the "ownership" question was because  
17 there is an issue in here whether Mr. Zo  
18 misrepresented himself as an owner. And I think  
19 you need to also to be clear as to what owner  
20 means with respect to the ABC License. It means  
21 something different than owner under the business  
22 license. And I think we have gotten into that.

1           Okay. And I would also suggest to you  
2 to certainly hold on to those invoices and  
3 preferably they will be on the premises, because  
4 I expect that an Inspector will be back.

5           Okay. Then we are all set here? All  
6 right. So the Board will take the matter under  
7 advisement and thank you very much for coming  
8 down.

9           MS. LIN: Thank you.

10           CHAIRPERSON MILLER: And definitely  
11 follow-up with the Agency if you have questions.  
12 All right. Thank you.

13           MS. LIN: Thank you.

14           CHAIRPERSON MILLER: Okay. Thank you  
15 very much.

16           MS. ZO: Thank you.

17           INTERPRETER NGAI: Thank you.

18           (Whereupon, the Fact-Finding Hearing  
19 in the above-entitled matter was concluded at  
20 2:30 p.m.)

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