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

(10:18 a.m.)

CHAIRMAN ALBERTI: Okay, the next case I'm going to call is Case Number 12-CC-00119. This is Towne Park Incorporated trading as Towne Liquors. License Number 60471.

This is a Show Cause Hearing, parties forward. Now introductions please?

MS. GEPHARDT: My name is Chrissy Gephardt, I'm here on behalf of the District of Columbia.

CHAIRMAN ALBERTI: And?

MR. FONSECA: Michael Fonseca, I'm the applicable Licensee. With me is the principle owner.

CHAIRMAN ALBERTI: Who is?

MS. PARK: My name is Wan Park.

CHAIRMAN ALBERTI: Ms. Park. Hello Ms. Park. And also at the table is?

MR. WHONG: Korean interpreter Jon Whong.

1 CHAIRMAN ALBERTI: Jon Whong?

2 MR. WHONG: Whong, yes. W-H-O-N-
3 G.

4 CHAIRMAN ALBERTI: Okay. So
5 before we proceed I'm going to swear in the
6 interpreter. And this is from Korean into
7 English, Mr. Whong, is that correct?

8 MR. WHONG: Yes.

9 CHAIRMAN ALBERTI: Okay.

10 MR. WHONG: And vice versa.

11 CHAIRMAN ALBERTI: All right.
12 Yes, would you raise your hand?

13 Do you solemnly affirm that you
14 will faithfully and accurately interpret the
15 proceedings in this matter from Korean into
16 English and from English into Korean to the
17 best of your ability?

18 MR. WHONG: Yes, sir.

19 CHAIRMAN ALBERTI: Great, thank
20 you. Mr. Whong, are you going to interpret
21 everything or are you just going to sort of
22 give a summary?

1 MR. WHONG: Just a summary.

2 CHAIRMAN ALBERTI: Just a summary,
3 okay. Is this okay, Mr. Fonseca?

4 MR. FONSECA: This is fine, Mr.
5 Alberti, Chairman. Our purpose of the
6 preceding going forward with a possible Offer-
7 in-Compromise.

8 My Client has been advised,
9 understands. So the interpreter just
10 summarizing will be adequate at this time.

11 CHAIRMAN ALBERTI: Okay. We'll
12 accept that representation. Like I said, this
13 is a show cause hearing. Before we begin, are
14 there any preliminary matters?

15 MS. GEPHARDT: Yes, there is a
16 preliminary matter. In this case the parties
17 have agreed to an Offer-in-Compromise which
18 consists of the following.

19 This would include a \$3,500 fine
20 with a 15 day suspension with nine days served
21 and six days stayed for one year. Five of the
22 suspension days to be served would be from the

1 prior case, which is 12-CC-00046, and the fine
2 would be payable today.

3 CHAIRMAN ALBERTI: Well that's for
4 charge, which charge? I may have
5 misunderstood you, so this is for which
6 charge?

7 MS. GEPHARDT: This is for Charge
8 1.

9 CHAIRMAN ALBERTI: Okay, which is
10 the sale to, this is violation of 25781(a)(1),
11 is that correct?

12 MS. GEPHARDT: Yes, that's
13 correct.

14 CHAIRMAN ALBERTI: Okay.

15 MS. GEPHARDT: And Charge 2 would
16 be dropped, I apologize.

17 CHAIRMAN ALBERTI: Charge 2 will
18 be dismissed, okay. Okay, so the Offer-In-
19 Compromise, as I hear it, is a fine of \$3,500
20 to be paid today and I'm going to break this
21 up. A ten day suspension, six to be stayed,
22 four to be served for Charge 1.

1 MS. GEPHARDT: No, 15 --

2 CHAIRMAN ALBERTI: I will, please
3 let me finish and then you can correct me.

4 MS. GEPHARDT: Okay, got you.

5 CHAIRMAN ALBERTI: All right.

6 Charge 2 is dismissed and then the violation
7 we have today triggers suspension days from a
8 previous case, Case Number 12-CC-00046 and
9 that case has five suspension days to be
10 served.

11 So the total will be 15 suspension
12 days, nine to be served, four to be stayed for
13 a period of one year pending no further
14 violations. Sorry, six to be stayed.

15 I'm sorry, nine to be served, six
16 to be stayed pending no further violations
17 from today.

18 MR. FONSECA: That is correct.

19 CHAIRMAN ALBERTI: Okay.

20 MR. FONSECA: One additional
21 matter would be the dates of suspension
22 itself.

1 CHAIRMAN ALBERTI: Right.

2 MR. FONSECA: We agree to,
3 commences on Sunday August 4 of which the
4 store does operate on Sunday's, I know that
5 will be asked, through the 12th of August with
6 the license being returned on August 13th.

7 Or if it's never taken,
8 effectively the store begins to sell alcoholic
9 beverages on Tuesday August 13th.

10 CHAIRMAN ALBERTI: Okay. So I'll
11 amend what I heard to include the suspension
12 dates to be served from August 4th, 2013
13 through August 12th, 2013.

14 MR. FONSECA: No August, yes,
15 through the 12th. That is correct though,
16 yes.

17 MS. GEPHARDT: Yes.

18 CHAIRMAN ALBERTI: Through and
19 including the 12th of August? Okay.

20 MR. FONSECA: Yes, sir.

21 CHAIRMAN ALBERTI: Mr. Fonseca,
22 your Client has heard the Offer-In-Compromise,

1 does she understand it, does she accept it?

2 MS. PARK: Yes.

3 MR. WHONG: She does.

4 CHAIRMAN ALBERTI: Thank you. And
5 does she waive her right to a hearing based on
6 this Offer-In-Compromise?

7 MR. WHONG: Yes, she does.

8 CHAIRMAN ALBERTI: Thank you. So
9 I move that we accept the Offer-In, just one
10 moment please. Just one moment, we're off the
11 record.

12 (Whereupon, the foregoing matter
13 went off the record at 10:24 a.m. and went
14 back on the record at 10:24 a.m.)

15 CHAIRMAN ALBERTI: Okay, before I
16 offer my motion, I'm going to ask if there
17 are, we're back on the record, I'm going to
18 ask if there are any Board questions?

19 MEMBER JONES: Yes, thank you, Mr.
20 Chairman. Just a quick one for Gephardt.

21 MS. GEPHARDT: Yes.

22 MEMBER JONES: Regarding the

1 rational for dropping Charge 2, is this a
2 fact-based rational or is it a OIC based
3 rational?

4 MS. GEPHARDT: This is an OIC
5 based rational.

6 MEMBER JONES: Okay, thank you.
7 Thank you, Mr. Chairman.

8 CHAIRMAN ALBERTI: Okay, thank
9 you, Mr. Jones. Any other questions? Okay.

10 I move that we accept the Offer-
11 In-Compromise, which is a fine of \$3,500 to be
12 paid today and a suspension of 15 days, ten
13 days to be served August 4th through August
14 12th.

15 MR. FONSECA: Correction, nine
16 days.

17 CHAIRMAN ALBERTI: I'm sorry, nine
18 days, oh boy. Nine days, I'm sorry, thank
19 you. Nine days to be served from August 4th
20 to August 12th and six days to be stayed for
21 a period of one year.

22 And dismissal of Charge 2. All

1 those in favor say aye?

2 (Chorus of ayes)

3 CHAIRMAN ALBERTI: I. All those
4 opposed? The motion carries 4 to 0. That
5 concludes this matter, if you have a seat in
6 the back we'll have a form for you to sign.
7 Thank you for coming today.

8 (Whereupon, the hearing in the
9 above-mentioned matter was adjourned at 10:25
10 a.m.)

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<p style="text-align: center;">A</p> <p>ability 3:17 above-mentioned 10:9 accept 4:12 8:1,9 9:10 accurately 3:14 additional 6:20 adequate 4:10 adjourned 10:9 advised 4:8 affirm 3:13 agree 7:2 agreed 4:17 Alberti 1:15,18 2:3 2:13,17,19 3:1,4,9 3:11,19 4:2,5,11 5:3,9,14,17 6:2,5 6:19 7:1,10,18,21 8:4,8,15 9:8,17 10:3 alcoholic 1:2,13,13 7:8 amend 7:11 ANC 1:9 apologize 5:16 applicable 2:15 asked 7:5 August 7:3,5,6,9,12 7:13,14,19 9:13 9:13,19,20 Ave 1:8 aye 10:1 eyes 10:2 a.m 2:2 8:13,14 10:10</p> <hr/> <p style="text-align: center;">B</p> <p>back 8:14,17 10:6 based 8:5 9:2,5 begins 7:8 behalf 2:11 best 3:17 Beverage 1:2,13,13 beverages 7:9 Board 1:2,13 8:18 boy 9:18</p>	<p>break 5:20 BROOKS 1:18 Building 1:14</p> <hr/> <p style="text-align: center;">C</p> <p>call 2:4 carries 10:4 case 1:10 2:4,4 4:16 5:1 6:8,8,9 cause 1:7 2:8 4:13 Chairman 2:3,13 2:17,19 3:1,4,9,11 3:19 4:2,5,11 5:3 5:9,14,17 6:2,5,19 7:1,10,18,21 8:4,8 8:15,20 9:7,8,17 10:3 Chairperson 1:14 charge 5:4,4,6,7,15 5:17,22 6:6 9:1,22 Chorus 10:2 Chrissy 1:22 2:10 Client 4:8 7:22 Columbia 1:1,22 2:12 coming 10:7 commences 7:3 Compromise 5:19 concludes 10:5 consists 4:18 Control 1:2,13,13 correct 3:7 5:11,13 6:3,18 7:15 Correction 9:15</p> <hr/> <p style="text-align: center;">D</p> <p>dates 6:21 7:12 day 4:20 5:21 days 4:20,21,22 6:7 6:9,12 9:12,13,16 9:18,18,19,20 dismissal 9:22 dismissed 5:18 6:6 District 1:1,22 2:11 DONALD 1:18 dropped 5:16 dropping 9:1 D.C 1:14</p>	<p style="text-align: center;">E</p> <p>effectively 7:8 English 3:7,16,16</p> <hr/> <p style="text-align: center;">F</p> <p>fact-based 9:2 faithfully 3:14 favor 10:1 fine 4:4,19 5:1,19 9:11 finish 6:3 five 4:21 6:9 following 4:18 Fonseca 2:14,14 4:3,4 6:18,20 7:2 7:14,20,21 9:15 foregoing 8:12 form 10:6 forward 2:9 4:6 four 5:22 6:12 further 6:13,16</p> <hr/> <p style="text-align: center;">G</p> <p>G 3:3 Gephardt 1:22 2:10,11 4:15 5:7 5:12,15 6:1,4 7:17 8:20,21 9:4 give 3:22 going 2:4 3:5,20,21 4:6 5:20 8:16,17 Great 3:19</p> <hr/> <p style="text-align: center;">H</p> <p>hand 3:12 hear 5:19 heard 7:11,22 hearing 1:8,14 2:8 4:13 8:5 10:8 Hello 2:20 HERMAN 1:19</p> <hr/> <p style="text-align: center;">I</p> <p>include 4:19 7:11 including 7:19 Incorporated 2:5 interpret 3:14,20 interpreter 2:21</p>	<p>3:6 4:9 introductions 2:9 in-Compromise 4:7 9:11</p> <hr/> <p style="text-align: center;">J</p> <p>Jon 2:21 3:1 Jones 1:19 8:19,22 9:6,9 June 1:12</p> <hr/> <p style="text-align: center;">K</p> <p>know 7:4 Korean 2:21 3:6,15 3:16</p> <hr/> <p style="text-align: center;">L</p> <p>license 1:9 2:6 7:6 Licensee 2:15 Liquors 1:7 2:6</p> <hr/> <p style="text-align: center;">M</p> <p>matter 1:5 3:15 4:16 6:21 8:12 10:5,9 matters 4:14 MEETING 1:3 Member 1:18,18 1:19,19 8:19,22 9:6 met 1:13 Michael 1:19 2:14 misunderstood 5:5 moment 8:10,10 motion 8:16 10:4 move 8:9 9:10</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:10,18 never 7:7 Nick 1:15,18 nine 4:20 6:12,15 9:15,17,18,19 Number 2:4,6 6:8 NW 1:8 N.W 1:14</p> <hr/> <p style="text-align: center;">O</p>	<p>offer 4:6 8:16 9:10 Offer-In 5:18 8:9 Offer-in-Compr... 4:17 7:22 8:6 oh 9:18 OIC 9:2,4 okay 2:3 3:4,9 4:3,3 4:11 5:9,14,18,18 6:4,19 7:10,19 8:15 9:6,8,9 operate 7:4 opposed 10:4 owner 2:16</p> <hr/> <p style="text-align: center;">P</p> <p>paid 5:20 9:12 Park 1:6 2:5,18,18 2:19,20 8:2 parties 2:9 4:16 payable 5:2 pending 6:13,16 period 6:13 9:21 please 2:9 6:2 8:10 possible 4:6 preceding 4:6 preliminary 4:14 4:16 PRESENT 1:17,21 presiding 1:15 previous 6:8 principle 2:16 prior 5:1 proceed 3:5 proceedings 3:15 purpose 4:5 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 8:18 9:9 quick 8:20</p> <hr/> <p style="text-align: center;">R</p> <p>raise 3:12 rational 9:1,2,3,5 record 8:11,13,14 8:17 Reeves 1:14</p>
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