

1 CHAIRPERSON:

2 RUTHANNE MILLER, Presiding

3

4 BOARD MEMBERS:

5 MICHAEL SILVERSTEIN

6 HECTOR RODRIGUEZ

7 NICK ALBERTI

8 JAMES SHORT

9

10 ALSO PRESENT:

11 SHARON HUIE, Interpreter

12 PO FUND LUI TSUI

13 ULYSSES ROMERO

14 on behalf of the Licensee

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

2 CHAIRPERSON MILLER: Okay. Good morning,
3 everyone. I want to welcome you to the regularly
4 scheduled meeting of the District of Columbia's
5 Alcoholic Beverage Control Board. Today is
6 October 28, 2015.

7 My name is Ruthanne Miller. I'm the
8 Chairperson. To my far right is Mr. Nick
9 Alberti. Next to Mr. Alberti is Mr. Hector
10 Rodriguez. And to my left is Mr. Mike
11 Silverstein. So we have four members in
12 attendance for the conduct of business today, and
13 three constitute a quorum.

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

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

1 proceedings.

2 When I call your case, please come
3 forward and take a seat at one of the tables in
4 the front. You'll notice that there's a piece of
5 paper at each table for you to sign in. This is
6 to ensure the correct spelling of your name for
7 the record.

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

17 Okay. This morning's calendar just has a
18 few cases. We have a fact-finding case and a
19 show-cause -- two show-cause hearing cases.
20 First on the calendar is the fact-finding case,
21 which is Seven Seas Restaurant, located at 5915
22 Georgia Avenue, Northwest, License Number 654, in

1 ANC 4B.

2 Good morning. Have a seat.

3 [Chorus of "Good morning."]

4 [Pause.]

5 CHAIRPERSON MILLER: Feel free to have a
6 seat. And you're all together, right?

7 MS. HUIE: Yes. I'm her interpreter.

8 CHAIRPERSON MILLER: Oh, you're the
9 interpreter. Okay. Let me swear you in as an
10 interpreter. What is the language?

11 MS. HUIE: It's Cantonese.

12 CHAIRPERSON MILLER: Cantonese, okay.
13 What's your name?

14 THE INTERPRETER: I'm Sharon Huie.

15 CHAIRPERSON MILLER: Okay. I'm going to
16 swear you in.

17 THE INTERPRETER: Okay.

18 CHAIRPERSON MILLER: Do you solemnly
19 affirm that you will faithfully and accurately
20 interpret the proceedings in this matter from
21 Cantonese into English and from English into
22 Cantonese to the best of your ability?

1 THE INTERPRETER: Yes, I do.

2 CHAIRPERSON MILLER: Okay. Thank you.

3 And how do you spell your last name?

4 THE INTERPRETER: It's H-u-i-e.

5 CHAIRPERSON MILLER: And you pronounce it
6 "Huey"?

7 THE INTERPRETER: Huie, yeah.

8 CHAIRPERSON MILLER: Okay. And so, with
9 you is -- you can sit down. She can sit.
10 There's a microphone on the table. So actually,
11 it's easier to hear when you're sitting.

12 And your name is?

13 MS. TSUI: My name is Po Fung Lui Tsui.

14 CHAIRPERSON MILLER: Okay.

15 MS. TSUI: From the restaurant, Seven
16 Seas restaurant.

17 CHAIRPERSON MILLER: Are you the
18 Licensee? Is she the Licensee?

19 THE INTERPRETER: Yeah, Licensee.

20 CHAIRPERSON MILLER: Okay. And with you?

21 MR. ROMERO: My name is Ulysses Romero.

22 And I'm going to be the manager as of the grand

1 opening at Seven Seas.

2 CHAIRPERSON MILLER: You're the manager?

3 MR. ROMERO: Yes.

4 CHAIRPERSON MILLER: Of Seven Seas?

5 MR. ROMERO: Correct.

6 CHAIRPERSON MILLER: So the license is in
7 safekeeping, correct?

8 MR. ROMERO: Yes.

9 CHAIRPERSON MILLER: So you run a
10 restaurant without a --

11 MR. ROMERO: No, it's still not open.
12 It's in final stages of construction.

13 CHAIRPERSON MILLER: Oh, okay. Final
14 stages, okay.

15 So, this is a fact-finding hearing, which
16 means it's not an evidentiary hearing. We don't
17 put you under oath, except for the interpreter.

18 [The interpreter translated.]

19 CHAIRPERSON MILLER: We're not taking
20 evidence.

21 [The interpreter translated.]

22 CHAIRPERSON MILLER: It's mainly more a

1 conversation on the record to find out what's
2 happening with your plans to use your liquor
3 license, because our records indicate it hasn't
4 been used since 1994 or so.

5 [The interpreter translated, and the
6 Licensee responded.]

7 THE INTERPRETER: Because my husband has
8 been sick for a few years and I've been taking
9 care of him, that's my priority. But then I'm
10 also working on getting the -- with the Health
11 Department, diligently I've been obtaining the
12 documentation, the license from the Health
13 Department.

14 CHAIRPERSON MILLER: I want to take a
15 moment to just introduce Mr. Short, who is here,
16 to join us as well, another board member.

17 [The interpreter translated.]

18 CHAIRPERSON MILLER: Can you explain what
19 you mean by working with the Health Department?

20 [The interpreter translated.]

21 MR. ROMERO: I can explain that a little
22 bit.

1 CHAIRPERSON MILLER: Okay. Good.

2 MR. ROMERO: The Health Department -- the
3 reason, you know, for this delay so long, lately
4 it's because two major issues. I don't know if
5 you remember, you knew Mr. Glen Scarborough? He
6 got murdered in D.C., and he was the engineer of
7 these drawings. So paperwork got stuck in his
8 office, and the police, and all of that. So that
9 took some time.

10 And then, later, her husband is very ill.
11 And then I took over the paperwork. I've been
12 with DCRA and Health. And the last couple of
13 days, I received this from Health, that our plans
14 have been approved. But they require two
15 comments, which was to bring in a menu of the
16 restaurant, and also some hood displacement. But
17 that's something minor.

18 But the inspector, which is David Fleeman
19 [phonetic], Health, went on vacation to Utah
20 State, they told me. So he hasn't been able to
21 give me the approval. But it's going to happen
22 in the next couple of weeks. That it's going to

1 be approved for us to come back and restore the
2 restaurant and get it back open.

3 CHAIRPERSON MILLER: What's your time
4 frame, do you think?

5 MR. ROMERO: I'm assuming within 60 days
6 we're going to have full power back in the
7 restaurant and working with DCRA and Health
8 Department permits.

9 CHAIRPERSON MILLER: Do you have some
10 DCRA permits now?

11 MR. ROMERO: I do. But they're expired
12 at the moment. They're waiting for Health to
13 approve so DCRA can come in and approve their
14 permits.

15 CHAIRPERSON MILLER: Okay. So is
16 everything built and you just need approval?

17 MR. ROMERO: Yeah. Everything is built.
18 It's been building slowly throughout the -- but
19 not only it's built. But the paperwork must be
20 resubmitted in order to get new permits.

21 CHAIRPERSON MILLER: Um-hm. Okay.
22 Do other board members have questions?

1 MR. SHORT: I have a question.

2 CHAIRPERSON MILLER: Okay. Mr. Short.

3 MR. SHORT: Good morning to you. How are
4 you doing?

5 You're saying, when did you -- you're
6 saying the Health Inspector went to Utah?

7 MR. ROMERO: Yes, that's what I was told
8 yesterday.

9 MR. SHORT: Okay. So how long have you
10 had your health inspection stickers before he
11 went away?

12 MR. ROMERO: Okay. He called me two
13 days. I sent him an email two days to come back
14 to Health and re-get my plans back two days ago.

15 MR. SHORT: I understand that. Your
16 testimony was that an inspector, you gave his
17 name, was supposed to have come out.

18 MR. ROMERO: Yes.

19 MR. SHORT: But that inspector didn't
20 come out because he went to Utah. So there was
21 nobody else in the Health Department that could
22 inspect your restaurant but that inspector; is

1 that correct?

2 MR. ROMERO: Yes. Not that there's
3 nobody else, but he's -- that's the inspector
4 who's handling Seven Seas.

5 MR. SHORT: I understand that. But
6 normally, when inspectors go on leave, someone
7 else in the office picks up their cases so that
8 we don't slow the Government down.

9 So your license has been in safekeeping
10 for how long?

11 MS. TSUI: Since 1994.

12 MR. SHORT: Since 1994. And you took up
13 the case when?

14 MR. ROMERO: It's been two years.

15 MR. SHORT: You took it up two years ago.
16 You've got all the permits, but they're expired?
17 Is that what you testify?

18 MR. ROMERO: Yes. Yes.

19 MR. SHORT: So all of your inspection
20 stickers have expired after two years?

21 MR. ROMERO: Yes. Yeah. Well, since two
22 years. Now I'm reapplying, but I have to new-

1 apply again because of the level of time. They
2 already told me you only got one year, and then
3 we're going to have to reapply again if you more
4 than 60 days past due.

5 MR. SHORT: Okay. That's well and good.
6 When will you be ready for an inspection? When
7 will you be ready for an inspection?

8 MR. ROMERO: I'm going to be ready in 60
9 days.

10 MR. SORIN: Sixty days?

11 MR. ROMERO: Yes.

12 MR. SHORT: So if you came back before
13 this board in 60 days, you'd have all that
14 paperwork, correct?

15 MR. ROMERO: Correct. If I come and see
16 you again in 60 days --

17 MR. SHORT: Sixty days.

18 MR. ROMERO: I'm going to bring you
19 active workmen and probably inspections complete.

20 MR. SHORT: Okay. Great.

21 Thank you, Madam Chair. That's all I
22 have.

1 CHAIRPERSON MILLER: Okay. Mr.
2 Silverstein.

3 MR. SILVERSTEIN: I would be a little
4 more lenient than Mr. Short, and I would ask,
5 would you be available for sure and ready to go
6 on March 31st? Yes?

7 MR. ROMERO: Yes.

8 MR. SILVERSTEIN: No further questions.

9 CHAIRPERSON MILLER: Anybody else?

10 MR. SHORT: No questions, ma'am.

11 MR. ALBERTI: I just want to verify that
12 we're talking about the same address. What's the
13 address?

14 MR. ROMERO: 5915 Georgia Avenue.

15 MR. ALBERTI: Okay. So it's the same
16 location.

17 MR. ROMERO: Yes.

18 MR. ALBERTI: What's been the status of
19 that location since 1994?

20 MR. ROMERO: I haven't -- you know, since
21 I've been two years in the property doing
22 paperwork. But it's just been there, and there

1 hasn't been no activity.

2 MR. ALBERTI: It's been vacant for the
3 last two years?

4 MR. ROMERO: Yes.

5 MR. ALBERTI: Okay. thank you.

6 CHAIRPERSON MILLER: Just to clarify it,
7 you haven't been having it open as a restaurant
8 without a liquor license during that period?

9 [The interpreter translated, and the
10 Licensee responded.]

11 THE INTERPRETER: No.

12 CHAIRPERSON MILLER: Okay.

13 THE INTERPRETER: No, there's no
14 business.

15 CHAIRPERSON MILLER: Okay. Anything
16 else?

17 [No audible response.]

18 CHAIRPERSON MILLER: All right. Let me
19 tell you. I know you have a request to extend
20 your license in safekeeping.

21 [The interpreter translated.]

22 CHAIRPERSON MILLER: Okay. And I'm going

1 to move that we grant the request to extend the
2 license in safekeeping until March 31st, 2016.

3 [The interpreter translated.]

4 CHAIRPERSON MILLER: And that is a date
5 that we're trying to get some licenses on a
6 certain schedule. And so, hearing what you said,
7 that that's enough time for you. Okay. That
8 will be my motion then.

9 Do I have a second?

10 MR. SHORT: Madam Chair, I'd like to
11 second that motion. And also, I'd like to just
12 add a friendly amendment if I could. We need, if
13 they are not ready to open by March 31st, bring
14 everything that they've done. Because this has
15 been delayed a long time. And I'm for giving
16 them to March 31st. But they should have
17 everything here available to us on March 31st.

18 MR. ALBERTI: Yes. Yes.

19 CHAIRPERSON MILLER: Okay. I think that
20 -- and I'd add to what Mr. Short is saying, if by
21 March 31st you're going to have to need another
22 extension, hopefully you won't, but this is what

1 your extension will go, to March 31st. If you do
2 at that point, we would request that you bring in
3 documentation.

4 MR. SHORT: Correct.

5 CHAIRPERSON MILLER: About where exactly
6 you are in the process, you know, and why you
7 need more time.

8 MR. ROMERO: I understand.

9 CHAIRPERSON MILLER: But, okay. So
10 there's a motion that's been seconded. All those
11 in favor, say Aye.

12 [Chorus of Ayes.]

13 CHAIRPERSON MILLER: All those opposed?

14 [No audible response.]

15 CHAIRPERSON MILLER: All those
16 abstaining?

17 [No audible response.]

18 CHAIRPERSON MILLER: Motion passes 5-0-0.
19 Okay? Any questions? All right. You can always
20 ask our staff if you have questions.

21 MR. ROMERO: Thank you, sir.

22 CHAIRPERSON MILLER: Thank you.

1 [Whereupon, the above-entitled matter
2 concluded.]

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