

Capital Reporting Company
In the Matter of: DJ Sun Market, Inc. 09-12-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
DJ Sun Market, Inc. :
t/a Sun Market :
415 Rhode Island Avenue, NE :
Retailer B : Show Cause
License No. 83937 : Hearing
ANC 5C : (Status)
Case No. 11-CMP-00330 :
Sold Go-Cups, Violation of :
Voluntary Agreement :
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September 12, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

MICHAEL STERN, OAG

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<p style="text-align: right;">2</p> <p>1 P R O C E E D I N G S</p> <p>2 10:19 a.m.</p> <p>3 CHAIRPERSON MILLER: All right. I'll call</p> <p>4 the case for Sun Market. That is Case No. 11-CMP-</p> <p>5 00330, Sun Market, 415 Rhode Island Avenue, N.E.,</p> <p>6 License No. 83937, in ANC 5C.</p> <p>7 MR. STERN: Michael Stern representing the</p> <p>8 District of Columbia.</p> <p>9 MR. LEE: Good morning, members. My name is</p> <p>10 Kevin Lee. I represent DJ Sun Market, Inc., trading as</p> <p>11 Sun Market. Next to me is the owner of the Sun Market</p> <p>12 and a Korean translator.</p> <p>13 CHAIRPERSON MILLER: And are there any</p> <p>14 preliminary matters in this case? Oh, I need to swear</p> <p>15 the translator in again. Wait a second. And it's a</p> <p>16 different case. Let me just do that. Okay? Ms. Oh?</p> <p>17 MS. OH: Yeah.</p> <p>18 CHAIRPERSON MILLER: I want to swear you in</p> <p>19 again because it's a separate case --</p> <p>20 MR. LEE: Yeah.</p> <p>21 CHAIRPERSON MILLER: -- for the record. All</p> <p>22 right. Do you solemnly affirm that you will faithfully</p>	<p style="text-align: right;">4</p> <p>1 MR. LEE: Yes, I do.</p> <p>2 CHAIRPERSON MILLER: You did receive notice?</p> <p>3 MR. LEE: Yes.</p> <p>4 CHAIRPERSON MILLER: Okay. Read it,</p> <p>5 understood it, waive the -- its reading --</p> <p>6 MR. LEE: Yes, I waive its reading.</p> <p>7 CHAIRPERSON MILLER: -- into the record?</p> <p>8 Okay. Thank you, sir.</p> <p>9 MR. STERN: The parties have -- let's -- the</p> <p>10 parties have reached agreement to resolve this case,</p> <p>11 which we have hope the Board will adopt, this offer in</p> <p>12 compromise. The Respondent would pay a fine of \$500</p> <p>13 today for Charge 1. Charge 2 would be dismissed.</p> <p>14 CHAIRPERSON MILLER: Okay. And I'm going to</p> <p>15 repeat it too and ask the applicant -- I mean, the</p> <p>16 Licensee if you agree to the offer in compromise, which</p> <p>17 is to pay a fine today of \$500 for Charge 1 and Charge</p> <p>18 2 will be dropped?</p> <p>19 MR. JEON: Yes.</p> <p>20 MR. LEE: Yes.</p> <p>21 MR. STERN: Yes.</p> <p>22 MS. OH: Yes.</p>
<p style="text-align: right;">3</p> <p>1 and accurately interpreter the proceedings in this</p> <p>2 matter from Korean into English and from English into</p> <p>3 Korean to the best of your ability?</p> <p>4 (No audible response.)</p> <p>5 CHAIRPERSON MILLER: Okay. Let's introduce</p> <p>6 the parties for the record again.</p> <p>7 MR. STERN: Michael Stern representing the</p> <p>8 District of Columbia.</p> <p>9 CHAIRPERSON MILLER: Okay. And the Licensee</p> <p>10 is -- the Licensee on the table?</p> <p>11 MR. LEE: Thank you.</p> <p>12 MR. JEON: D-U-K, B -- middle name, "B," last</p> <p>13 name's J-E-O-N, Duk B. Jeon.</p> <p>14 CHAIRPERSON MILLER: Okay. Are you the</p> <p>15 president or the owner or</p> <p>16 MR. JEON: Yes, ma'am.</p> <p>17 CHAIRPERSON MILLER: Okay. Are there any</p> <p>18 preliminary matters in this case?</p> <p>19 MR. STERN: There are. I'm sure the Licensee</p> <p>20 would recognize that they have received the notice and</p> <p>21 waive its formal reading.</p> <p>22 CHAIRPERSON MILLER: I'll let you do that.</p>	<p style="text-align: right;">5</p> <p>1 CHAIRPERSON MILLER: You agree to that?</p> <p>2 Okay. And do you -- does the Licensee understand that</p> <p>3 by accepting the offer in compromise, he waives his</p> <p>4 right to a hearing?</p> <p>5 MR. LEE: Yes.</p> <p>6 CHAIRPERSON MILLER: Okay. Then at this</p> <p>7 point then I would move that the Board accept the offer</p> <p>8 in compromise, that being a fine of \$500 to be paid</p> <p>9 today for Charge 1, and Charge 2 will be dropped.</p> <p>10 Do I have a second?</p> <p>11 MR. NOPHLIN: Second.</p> <p>12 CHAIRPERSON MILLER: Any comment?</p> <p>13 BOARD MEMBER: Yes.</p> <p>14 MR. ALBERTI: Ms. Miller, I have a question.</p> <p>15 CHAIRPERSON MILLER: Yeah, yes.</p> <p>16 MR. ALBERTI: Mr. Stern, just for my</p> <p>17 information, Charge 1 and Charge 2 are -- what's the</p> <p>18 nature of those charges so that I understand?</p> <p>19 MR. STERN: Charge 1 is the sale -- or</p> <p>20 providing a go cup and Charge 2 was the voluntary</p> <p>21 agreement. They're both secondary --</p> <p>22 MR. ALBERTI: Okay.</p>

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<p>1 MR. STERN: -- charges occurred at the same 2 time. 3 MR. ALBERTI: Okay. I don't have the charge 4 in depth and I just wanted to make sure I understood. 5 Thank you. 6 CHAIRPERSON MILLER: Okay. Any other 7 questions? 8 (No audible response.) 9 CHAIRPERSON MILLER: All right. Then there's 10 a motion before the Board to accept this offer in 11 compromise. That's been seconded by Mr. Nophlin. All 12 those in favor, say aye? 13 (Chorus of ayes.) 14 CHAIRPERSON MILLER: All those opposed? 15 (No audible response.) 16 CHAIRPERSON MILLER: All those abstaining? 17 (No audible response.) 18 CHAIRPERSON MILLER: Then the vote is 5-0-0 19 to accept the offer in compromise. Okay. Thank you 20 very much. 21 (WHEREUPON, at 10:24 a.m., the hearing was 22 concluded.)</p>	<p>1 CERTIFICATE OF TRANSCRIPTION 2 3 I, MIRANDA PENNACHI, hereby certify that I am not 4 the Court Reporter who reported the following 5 proceeding and that I have typed the transcript of this 6 proceeding using the Court Reporter's notes and 7 recordings. The foregoing/attached transcript is a 8 true, correct and complete transcription of said 9 proceeding. 10 11 12 _____ 13 Date MIRANDA PENNACHI 14 Transcriptionist 15 16 17 18 19 20 21 22</p>
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<p>1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, ERICK McNAIR, the officer before whom the 4 foregoing hearing was taken, do hereby certify that the 5 testimony appearing in the foregoing transcript was 6 recorded by me and thereafter reduced to typewriting 7 under my direction; that said transcription is a true 8 record of the testimony given by said parties; that I 9 am neither counsel for, related to, nor employed by any 10 of the parties to the action in which this was taken; 11 and, further, that I am not a relative or employee of 12 any counsel or attorney employed by the parties hereto, 13 nor financially or otherwise interested in the outcome 14 of this action. 15 16 17 18 19 _____ 20 ERICK McNAIR 21 Notary Public in and for the 22 District of Columbia My Commission Expires: July 14, 2016</p>	

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<p>_____</p> <p style="text-align: center;">\$</p> <p>\$500 4:12,17 5:8</p> <p>_____</p> <p style="text-align: center;">0</p> <p>00330 2:5</p> <p>_____</p> <p style="text-align: center;">1</p> <p>1 4:13,17 5:9,17,19</p> <p>10:19 2:2</p> <p>10:24 6:21</p> <p>11-CMP 2:4</p> <p>11-CMP-00330 1:8</p> <p>12 1:11</p> <p>14 7:22</p> <p>14th 1:13</p> <p>_____</p> <p style="text-align: center;">2</p> <p>2 4:13,18 5:9,17,20</p> <p>2000 1:13</p> <p>2012 1:11</p> <p>2016 7:22</p> <p>_____</p> <p style="text-align: center;">4</p> <p>415 1:6 2:5</p> <p>_____</p> <p style="text-align: center;">5</p> <p>5-0-0 6:18</p> <p>5C 1:8 2:6</p> <p>_____</p> <p style="text-align: center;">8</p> <p>83937 1:7 2:6</p> <p>_____</p> <p style="text-align: center;">A</p> <p>a.m 2:2 6:21</p> <p>ability 3:3</p> <p>abstaining 6:16</p>	<p>accept 5:7 6:10,19</p> <p>accepting 5:3</p> <p>accurately 3:1</p> <p>action 7:10,14</p> <p>adopt 4:11</p> <p>affirm 2:22</p> <p>agreement 1:9 4:10 5:21</p> <p>ALBERTI 1:17 5:14,16,22 6:3</p> <p>Alcoholic 1:2,12,13</p> <p>am 7:9,11 8:3</p> <p>ANC 1:8 2:6</p> <p>appearing 7:5</p> <p>applicant 4:15</p> <p>attorney 7:12</p> <p>audible 3:4 6:8,15,17</p> <p>Avenue 1:6 2:5</p> <p>aye 6:12</p> <p>ayes 6:13</p> <p>_____</p> <p style="text-align: center;">B</p> <p>best 3:3</p> <p>Beverage 1:2,12,13</p> <p>Board 1:2,13 4:11 5:7,13 6:10</p> <p>BROOKS 1:17</p> <p>Building 1:13</p> <p>_____</p> <p style="text-align: center;">C</p> <p>CALVIN 1:18</p> <p>case 1:8 2:4,14,16,19</p>	<p>3:18 4:10</p> <p>Cause 1:7</p> <p>CERTIFICATE 7:1 8:1</p> <p>certify 7:4 8:3</p> <p>Chairperson 1:14,16 2:3,13,18,21 3:5,9,14,17,22 4:2,4,7,14 5:1,6,12,15 6:6,9,14,16,18</p> <p>charge 4:13,17 5:9,17,19,20 6:3</p> <p>charges 5:18 6:1</p> <p>Chorus 6:13</p> <p>Columbia 1:1 2:8 3:8 7:21</p> <p>comment 5:12</p> <p>Commission 7:22</p> <p>complete 8:8</p> <p>compromise 4:12,16 5:3,8 6:11,19</p> <p>concluded 6:22</p> <p>Control 1:2,12,13</p> <p>correct 8:8</p> <p>counsel 7:9,12</p> <p>Court 8:4,6</p> <p>cup 5:20</p> <p>_____</p> <p style="text-align: center;">D</p> <p>D.C 1:14</p> <p>Date 8:13</p> <p>depth 6:4</p> <p>different 2:16</p>	<p>direction 7:7</p> <p>dismissed 4:13</p> <p>District 1:1 2:8 3:8 7:21</p> <p>DJ 1:5 2:10</p> <p>DONALD 1:17</p> <p>dropped 4:18 5:9</p> <p>Duk 3:13</p> <p>D-U-K 3:12</p> <p>_____</p> <p style="text-align: center;">E</p> <p>employed 7:9,12</p> <p>employee 7:11</p> <p>English 3:2</p> <p>ERICK 7:3,19</p> <p>Expires 7:22</p> <p>_____</p> <p style="text-align: center;">F</p> <p>faithfully 2:22</p> <p>favor 6:12</p> <p>financially 7:13</p> <p>fine 4:12,17 5:8</p> <p>foregoing 7:4,5</p> <p>foregoing/ attached 8:7</p> <p>formal 3:21</p> <p>_____</p> <p style="text-align: center;">G</p> <p>given 7:8</p> <p>Go-Cups 1:9</p> <p>_____</p> <p style="text-align: center;">H</p> <p>hearing 1:7,13 5:4 6:21 7:4</p> <p>hereby 7:4 8:3</p> <p>hereto 7:12</p>
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<p>HERMAN 1:18 hope 4:11</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I'll 2:3 3:22 I'm 3:19 4:14 Inc 1:5 2:10 information 5:17 interested 7:13 interpreter 3:1 introduce 3:5 Island 1:6 2:5 it's 2:15,19</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Jeon 3:12,13,16 4:19 J-E-O-N 3:13 JONES 1:18 July 7:22</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kevin 2:10 Korean 2:12 3:2,3</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>last 3:12 Lee 2:9,10,20 3:11 4:1,3,6,20 5:5 let's 3:5 4:9 License 1:7 2:6 Licensee 3:9,10,19 4:16 5:2</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>ma'am 3:16 Market 1:5,6</p>	<p>2:4,5,10,11 matter 1:4 3:2 matters 2:14 3:18 McNAIR 7:3,19 mean 4:15 MEETING 1:3 Member 1:17,18,19 5:13 members 2:9 met 1:13 Michael 1:20 2:7 3:7 middle 3:12 MIKE 1:19 Miller 1:14,16 2:3,13,18,21 3:5,9,14,17,22 4:2,4,7,14 5:1,6,12,14,15 6:6,9,14,16,18 MIRANDA 8:3,13 morning 2:9 motion 6:10 move 5:7</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.E 2:5 N.W 1:13 name's 3:13 nature 5:18 NE 1:6 neither 7:9 NICK 1:17 Nophlin 1:18 5:11 6:11 nor 7:9,13</p>	<p>Notary 7:1,20 notes 8:6 notice 3:20 4:2</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>OAG 1:20 occurred 6:1 offer 4:11,16 5:3,7 6:10,19 officer 7:3 Oh 2:14,16,17 4:22 opposed 6:14 otherwise 7:13 outcome 7:13 owner 2:11 3:15</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>paid 5:8 parties 3:6 4:9,10 7:8,10,12 pay 4:12,17 PENNACHI 8:3,13 point 5:7 preliminary 2:14 3:18 PRESENT 1:16,20 president 3:15 presiding 1:14 proceeding 8:5,6,9 proceedings 3:1 providing 5:20 Public 7:1,20</p>	<hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 5:14 questions 6:7</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>reached 4:10 reading 3:21 4:5,6 receive 4:2 received 3:20 recognize 3:20 record 2:21 3:6 4:7 7:8 recorded 7:6 recordings 8:7 reduced 7:6 Reeves 1:13 related 7:9 relative 7:11 repeat 4:15 reported 8:4 Reporter 8:4 Reporter's 8:6 represent 2:10 representing 2:7 3:7 resolve 4:10 Respondent 4:12 response 3:4 6:8,15,17 Retailer 1:7 Rhode 1:6 2:5 Room 1:13 Ruthanne 1:14,16</p>
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<hr/> <p>S</p> <p>sale 5:19</p> <p>second 2:15 5:10,11</p> <p>secondary 5:21</p> <p>seconded 6:11</p> <p>separate 2:19</p> <p>September 1:11</p> <p>SILVERSTEIN 1:19</p> <p>sir 4:8</p> <p>Sold 1:9</p> <p>solemnly 2:22</p> <p>Status 1:8</p> <p>Stern 1:20 2:7 3:7,19 4:9,21 5:16,19 6:1</p> <p>Street 1:13</p> <p>Sun 1:5,6 2:4,5,10,11</p> <p>sure 3:19 6:4</p> <p>swear 2:14,18</p> <hr/> <p>T</p> <p>t/a 1:6</p> <p>table 3:10</p> <p>testimony 7:5,8</p> <p>Thank 3:11 4:8 6:5,19</p> <p>That's 6:11</p> <p>thereafter 7:6</p> <p>there's 6:9</p> <p>They're 5:21</p> <p>today 4:13,17 5:9</p> <p>trading 2:10</p>	<p>transcript 7:5 8:5,7</p> <p>transcription 7:7 8:1,8</p> <p>Transcriptionist 8:14</p> <p>translator 2:12,15</p> <p>true 7:7 8:8</p> <p>typed 8:5</p> <p>typewriting 7:6</p> <hr/> <p>U</p> <p>understand 5:2,18</p> <p>understood 4:5 6:4</p> <hr/> <p>V</p> <p>Violation 1:9</p> <p>voluntary 1:9 5:20</p> <p>vote 6:18</p> <hr/> <p>W</p> <p>Wait 2:15</p> <p>waive 3:21 4:5,6</p> <p>waives 5:3</p> <p>Washington 1:14</p> <p>WHEREUPON 6:21</p> <p>whom 7:3</p>		
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