

Capital Reporting Company
In the Matter of: Eun & Peter, Inc. t/a Uncle Lee's Seafood 07-18-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Eun & Peter, Inc. :
t/a Uncle Lee's Seafood :
1102 Eastern Avenue, NE :
Retailer A : Protest
License No. 85918 : Hearing
ANC 7C : (Status)
Case No. 12-PRO-00038 :
Renewal Application :
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July 18, 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

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

2 10:02 a.m.

3 CHAIRPERSON MILLER: Okay. We'll call --
4 we're going to go to the next case on the calendar,
5 which is Case No. 12-PRO-00038, Uncle Lee's Seafood,
6 1102 Eastern Avenue, N.E., License No. 85918, in ANC
7 7C. This is also a protest status hearing.

8 Are the parties here in this case? Okay.
9 This is scheduled for 9:30 a.m. No parties have come
10 forward. I guess we will pass this one for now.

11 (WHEREUPON, at 10:02 a.m., the hearing went
12 off the record until 10:13 a.m..)

13 CHAIRPERSON MILLER: Okay. I believe that we
14 passed Uncle Lee's Seafood. Are any of the parties
15 here on that case? Uncle Lee's Seafood, PRO-00038 --
16 or 12- PRO. It's a protest status hearing. I guess we
17 dismissed it.

18 MR. ALBERTI: You dismissed the -- you
19 dismissed the application.

20 CHAIRPERSON MILLER: Yeah. How come we
21 passed on it? Nobody's here?

22 MR. ALBERTI: Nobody's here.

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1 CHAIRPERSON MILLER: Yeah, right?

2 MR. ALBERTI: So we dismissed the
3 application. Well, let's discuss that in the back.

4 CHAIRPERSON MILLER: Okay. Let's -- parties
5 still aren't here on that case. Let's move on and
6 resolve that case later.

7 (WHEREUPON, at 10:14 a.m., the hearing went
8 off record until 12:30 p.m.)

9 CHAIRPERSON MILLER: We had passed Case No.
10 12- PRO-00038, Uncle Lee's Seafood, 1102 Eastern
11 Avenue, N.E. License No. 85918, in ANC 7C. There is --
12 this case was called for 9:30 a.m. It's now 12:30 p.m.
13 And there's no longer anyone in the hearing room other
14 than Board members and attorneys.

15 No one is here from Uncle Lee's Seafood. No
16 one is here from ANC 7C, which was a protestant in the
17 case. And we have not heard from either party any
18 reason for not being here. Therefore, pursuant to
19 1603.3 of the regulations, I would move that we deny
20 the license application and dismiss the protest.

21 1603.3 states, "Failure to appear in person
22 or through a designated representative may result in

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1 denial of the license application or dismissal of a
2 protest, unless in the discretion of the Board good
3 cause is shown for the failure to appear." No good
4 cause has been shown. And a request for reinstatement
5 with the Board must be filed within 10 days of the
6 dismissal or denial date.

7 Okay. So my motion is to deny the license
8 application and dismiss the protest for failure to
9 appear. Do I have a second?

10 BOARD MEMBER: Second.

11 CHAIRPERSON MILLER: Any comments?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those in favor of
14 the motion that's been seconded, say aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those opposed?

17 (No audible response.)

18 CHAIRPERSON MILLER: All those abstaining?

19 (No audible response.)

20 CHAIRPERSON MILLER: Then the vote is 6-0-0
21 to approve the motion.

22 And that concludes our matters for the

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1 morning hearing calendar. And the Board would now like
2 to recess.

3 (WHEREUPON, at 12:31 p.m., the hearing was
4 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, BRADLEY ANGLIN, 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

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BRADLEY ANGLIN

20

Notary Public in and for

21

DISTRICT OF COLUMBIA

22

1 CERTIFICATE OF TRANSCRIPTION

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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

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14

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16 _____
Date

17

MIRANDA PENNACHI
Transcriptionist

18

19

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<p>interested 6:13 It's 2:16 3:12</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>JONES 1:16 July 1:10</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>later 3:6 Lee's 1:6 2:5,14,15 3:10,15 let's 3:3,4,5 license 1:7 2:6 3:11,20 4:1,7 longer 3:13</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>MATTER 1:4 matters 4:22 may 3:22 MEETING 1:3 Member 1:15,16,17 4:10 members 3:14 met 1:12 MIKE 1:17 Miller 1:13,15 2:3,13,20 3:1,4,9 4:11,13,16,18,20 MIRANDA 7:3,16 morning 5:1 motion 4:7,14,21 move 3:5,19</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.E 2:6 3:11</p>	<p>N.W 1:13 NE 1:6 neither 6:9 NICK 1:15 Nobody's 2:21,22 NOPHLIN 1:17 nor 6:9,13 Notary 6:1,20 notes 7:6</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>officer 6:3 opposed 4:16 otherwise 6:13 outcome 6:13</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m 3:8,12 5:3 parties 2:8,9,14 3:4 6:8,10,12 party 3:17 pass 2:10 passed 2:14,21 3:9 PENNACHI 7:3,16 person 3:21 Peter 1:5 PRESENT 1:14 presiding 1:13 PRO 2:16 PRO-00038 2:15 3:10 proceeding 7:5,6,9 protest 1:7 2:7,16 3:20 4:2,8</p>	<p>protestant 3:16 Public 6:1,20 pursuant 3:18</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>reason 3:18 recess 5:2 record 2:12 3:8 6:8 recorded 6:6 recordings 7:7 reduced 6:6 Reeves 1:13 regulations 3:19 reinstatement 4:4 related 6:9 relative 6:11 Renewal 1:9 reported 7:4 Reporter 7:4 Reporter's 7:6 representative 3:22 request 4:4 resolve 3:6 response 4:12,17,19 result 3:22 Retailer 1:7 room 1:12 3:13 Ruthanne 1:13,15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>scheduled 2:9 Seafood 1:6</p>	<p>2:5,14,15 3:10,15 second 4:9,10 seconded 4:14 shown 4:3,4 SILVERSTEIN 1:17 states 3:21 status 1:8 2:7,16 Street 1:13</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 testimony 6:5,8 that's 4:14 thereafter 6:6 Therefore 3:18 there's 3:13 transcript 6:5 7:5,7 transcription 6:7 7:1,8 Transcriptionist 7:17 true 6:7 7:8 typed 7:5 typewriting 6:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uncle 1:6 2:5,14,15 3:10,15 unless 4:2</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vote 4:20</p>
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