

Capital Reporting Company
In the Matter of: Eun & Peter, Inc. t/a Uncle Lee's Seafood 09-19-2012

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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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September 19, 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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<p style="text-align: right;">2</p> <p>1 P R O C E E D I N G S</p> <p>2 9:39 a.m.</p> <p>3 CHAIRPERSON MILLER: Our next case on the</p> <p>4 calendar is Case No. 12-PRO-00038, Uncle Lee's Seafood.</p> <p>5 Are the parties here?</p> <p>6 MS. BROWN: Good morning.</p> <p>7 CHAIRPERSON MILLER: Okay. I heard you all</p> <p>8 might be running late but you're here. All right.</p> <p>9 MS. BROWN: Yes, yes.</p> <p>10 CHAIRPERSON MILLER: Uncle Lee's Seafood. The</p> <p>11 License No. is 85918. It's located in ANC 7C. And its</p> <p>12 address is 1102 Eastern Avenue, N.E. Okay. This is a --</p> <p>13 MR. JUNG: Good morning, Your Honor.</p> <p>14 CHAIRPERSON MILLER: -- status hearing. Good</p> <p>15 morning. If you would identify yourself for the</p> <p>16 record? I'm sorry?</p> <p>17 MS. KIM: I am Eun Sun Kim.</p> <p>18 CHAIRPERSON MILLER: What is your name? And</p> <p>19 there's a microphone if you could just speak up and</p> <p>20 work with that.</p> <p>21 MS. KIM: Eun Sun Kim.</p> <p>22 CHAIRPERSON MILLER: Okay. Good morning.</p>	<p style="text-align: right;">4</p> <p>1 really discuss and negotiate the voluntary agreement</p> <p>2 and they can get a better understanding of working</p> <p>3 together cooperatively.</p> <p>4 CHAIRPERSON MILLER: Okay.</p> <p>5 MR. JUNG: And we have our --</p> <p>6 CHAIRPERSON MILLER: Now, can you -- do you</p> <p>7 need to translate all of that for Ms. Kim?</p> <p>8 MR. ALBERTI: Madam Chair, I'm a little --</p> <p>9 CHAIRPERSON MILLER: This isn't testimony.</p> <p>10 MR. ALBERTI: I'm -- yes. I believe --</p> <p>11 CHAIRPERSON MILLER: Do I need to swear --</p> <p>12 MR. ALBERTI: -- we need to swear in the -- I</p> <p>13 believe you need to swear in the translator.</p> <p>14 CHAIRPERSON MILLER: Okay, okay.</p> <p>15 MR. ALBERTI: If it's a District -- if it's</p> <p>16 the District's (inaudible) translator, we need to swear</p> <p>17 it in. If it's a friend of the family or something</p> <p>18 like that, we might --</p> <p>19 CHAIRPERSON MILLER: Are you -- are you a</p> <p>20 relative or a friend or are you officially --</p> <p>21 MR. JUNG: Yeah, her son. Yes.</p> <p>22 CHAIRPERSON MILLER: Her son. Okay. Okay.</p>
<p style="text-align: right;">3</p> <p>1 MR. JUNG: My name's Peter Jung, her son, as</p> <p>2 a translator.</p> <p>3 CHAIRPERSON MILLER: Oh, you're the</p> <p>4 translator? Okay.</p> <p>5 MR. JUNG: Yes, ma'am.</p> <p>6 CHAIRPERSON MILLER: Okay. And you are?</p> <p>7 MS. BROWN: Sylvia Brown, Advisory</p> <p>8 Neighborhood Commissioner 7C04, representing Advisory</p> <p>9 Neighborhood Commission 7C.</p> <p>10 CHAIRPERSON MILLER: Okay. Good morning,</p> <p>11 everyone. This is just a status hearing. And I just</p> <p>12 want to know if there are any issues we need to address</p> <p>13 before I set your case for a protest hearing date?</p> <p>14 MS. BROWN: At this point unfortunately, the</p> <p>15 ANC Commission had established a working group to</p> <p>16 discuss and negotiate with the Licensees the voluntary</p> <p>17 agreement. Unfortunately, the applicant missed that</p> <p>18 particular negotiation date.</p> <p>19 However, the commission would like to request</p> <p>20 a motion to stay the protest and offer a -- and try to</p> <p>21 get a schedule for a continuance so that the</p> <p>22 commission, the Licensee and the community members can</p>	<p style="text-align: right;">5</p> <p>1 No. We don't need to -- okay. But I want to make sure</p> <p>2 she understood.</p> <p>3 MR. JUNG: Yes.</p> <p>4 CHAIRPERSON MILLER: Okay.</p> <p>5 MR. JUNG: I told her that she put on</p> <p>6 appointment and we missed it. We never got a call</p> <p>7 from --</p> <p>8 CHAIRPERSON MILLER: Okay.</p> <p>9 MR. JUNG: -- the ANC to come to the meeting</p> <p>10 or we have not seen a voluntary agreement yet.</p> <p>11 CHAIRPERSON MILLER: What -- how do you feel</p> <p>12 about the request? We don't have -- I don't know for</p> <p>13 how long the stay you're asking for but postponing --</p> <p>14 MR. JUNG: We --</p> <p>15 CHAIRPERSON MILLER: As of now, I have in my</p> <p>16 notes that your protest hearing would be scheduled --</p> <p>17 is scheduled currently for October 17. And Ms. Brown,</p> <p>18 are you saying that's not enough time for you to --</p> <p>19 MR. BROWN: Yeah.</p> <p>20 CHAIRPERSON MILLER: You want more time to</p> <p>21 negotiate?</p> <p>22 MR. BROWN: That's right.</p>

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<p style="text-align: right;">6</p> <p>1 CHAIRPERSON MILLER: How much more time? 2 MR. BROWN: Well, that would be at discussion 3 or open to what's available for the Board. However, if 4 we're trying to negotiate, discuss -- because there's a 5 lot of -- unfortunately, a lot of back story and -- I 6 don't know. 7 CHAIRPERSON MILLER: Okay. And what's your 8 position on it, if any? 9 MR. JUNG: We refused the continuance due to 10 we had -- we had enough time to negotiate already. 11 CHAIRPERSON MILLER: Okay. 12 MR. JUNG: And we refused the continuance. 13 And we have community members holding a protest. And 14 we would like to go ahead with the October 17th 15 protest, please. 16 CHAIRPERSON MILLER: Okay. So what I'm going 17 to do at this point then is -- the date's going to stay 18 in the calendar for the protest, October 17th. You 19 know, you always have the opportunity to submit 20 anything in writing if you would like but at this point 21 we'll go forward with the instructions for the protest. 22 MS. BROWN: Okay. Well, I would like to make</p>	<p style="text-align: right;">8</p> <p>1 As of now, the 17th and then if there's anything else 2 you need to bring to our attention, you know, or want 3 to request, you can do that in writing at that point. 4 Okay. 5 So what I want to do is just read you some 6 basic -- 7 MR. JUNG: Okay. 8 CHAIRPERSON MILLER: -- instructions about 9 the protest and -- hearing. And then you can also 10 follow up with the agency if you have questions. What 11 I want to bring to your attention is that you should 12 have received a mailing from Adjudication Assistant 13 Sara Fashbaugh. It's a letter explaining the protest 14 process and a copy of the protest information form. 15 If you don't have these documents, please see 16 Ms. Fashbaugh at the conclusion of this hearing. It's 17 important that you review the rules closely and adhere 18 to them before and during the protest hearing. You're 19 required to complete and submit the protest information 20 form, sometimes referred to as a PIF, seven days before 21 the date of the hearing. 22 This document needs to be submitted to ABRA</p>
<p style="text-align: right;">7</p> <p>1 a point. Ms. Kim's representative or translator 2 indicated that he did not receive a voluntary 3 agreement. That is incorrect. The ANC has sent by 4 email -- or rather by mail the information for a 5 request to negotiate. So I wanted to at least get that 6 on the record, that we have attempted to establish 7 negotiations. But they have been not -- the applicant 8 has not responded. 9 MR. JUNG: She's correct. She sent us one 10 voluntary agreement we totally rejected. And she was 11 going to revise it and send us one that's not on -- 12 CHAIRPERSON MILLER: Well, let me say this. 13 We -- this is just a status and so -- 14 MR. JUNG: Okay. 15 CHAIRPERSON MILLER: -- we don't need to hear 16 too much. 17 MS. BROWN: That's right. 18 CHAIRPERSON MILLER: However, it's set for 19 October 17th. There's -- if you all want to continue 20 to negotiate or if there's something not right -- 21 MR. JUNG: No. We want to go -- 22 CHAIRPERSON MILLER: -- you know, whatever.</p>	<p style="text-align: right;">9</p> <p>1 and to the opposing parties in this matter. If we do 2 not receive a copy of your PIF, your application or 3 your protest, whichever side you're representing, may 4 be subject to dismissal. The form is important because 5 it helps the Board in narrowing the protest issues, 6 facilitating the process and keeping parties focused 7 during the hearing. 8 So pay attention to that PIF. It's really 9 important. Get that in within the seven-day period. 10 You don't want to be dismissed for something like that. 11 Thank you for your cooperation. If you have any 12 questions after this hearing, please contact Ms. 13 Fashbaugh at 202-397-3971. 14 MR. JUNG: Thank you. 15 CHAIRPERSON MILLER: Thank you very much. 16 MS. BROWN: Thank you. 17 (WHEREUPON, at 9:47 a.m., the hearing was 18 concluded.) 19 20 21 22</p>

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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.

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BRADLEY ANGLIN
Notary Public in and for the
District of Columbia

11

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.

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Date MIRANDA PENNACHI
Transcriptionist

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