

Capital Reporting Company
In the Matter of: Park & Song, Inc. t/a Congress Market 09-12-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Park & Song, Inc. :
t/a Congress Market :
421 East Capitol Street, SE :
Retailer B : Show Cause
License No. 76414 : Hearing
ANC 6B : (Status)
Case No. 11-CC-00076 :
Sale to Minor, Failed to Take :
Steps Necessary to Ascertain :
Legal Drinking Age :
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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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1 P R O C E E D I N G S

2 10:13 a.m.

3 CHAIRPERSON MILLER: All right. Now, turning
4 to our show cause status hearings. The first one is
5 Case No. 11-CC-00076, Congress Market, located at 421
6 East Capitol Street, S.E., License No. 76414.

7 MR. STERN: Good morning. Michael Stern
8 representing the District of Columbia.

9 CHAIRPERSON MILLER: Good morning, Mr. Stern.

10 MR. LEE: Good morning, Board members. My
11 name is Kevin Lee representing Park & Song, Inc.,
12 trading as Congress Market. Next to me is the owner of
13 the Congress Market and then Korean translator.

14 CHAIRPERSON MILLER: Okay. We have a
15 translator. I need to swear the translator in.

16 MR. LEE: Okay.

17 CHAIRPERSON MILLER: And your name is?

18 MS. OH: Sophia Oh.

19 CHAIRPERSON MILLER: Okay. And will this be
20 Korean? Okay. Do you -- do you solemnly affirm that
21 you will faithfully and accurately interpret the
22 proceedings in this matter from Korean into English and

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1 from English into Korean to the best of your ability?

2 (No audible response.)

3 CHAIRPERSON MILLER: Okay. Thank you. Okay.

4 And did you introduce yourself, sir?

5 MR. PARK: My name is Chen Su Park (ph).

6 CHAIRPERSON MILLER: Okay. All right. This
7 is a show cause status hearing. So I need to ask the
8 Licensee, did you receive notice of this hearing?

9 MR. LEE: Yeah, we received the (inaudible) --

10 CHAIRPERSON MILLER: Okay. Good.

11 MR. LEE: -- and waive to read.

12 CHAIRPERSON MILLER: Okay. You waive our
13 reading into the record. Perfect, okay. Mr. Stern,
14 are there any preliminary matters in this case?

15 MR. STERN: Yes, there are. In this case the
16 parties have reached an agreement, which we hope the
17 Board will adopt as an offer in compromise to resolve
18 this case. The offer in compromise consists of the
19 Respondent paying a fine of \$3000 and a five-day
20 suspension for Charge 1. Three thousand dollars would
21 be paid within 60 days.

22 BOARD MEMBER: Say it again, please.

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1 MR. STERN: The \$3000 would be paid within 60
2 days. The suspension would be one day served on
3 October 9th, four days stayed for a period of one year.
4 The second charge, which emanates from the same set of
5 facts, would be dropped.

6 CHAIRPERSON MILLER: Okay. So if I
7 understand you correctly, the offer in compromise is
8 for a fine of \$3000 to be paid within 60 days and
9 license suspended for five days, four days stayed for a
10 year, but pending no further violations, and then one
11 day served on October 9th this year.

12 MR. STERN: That's correct.

13 MR. LEE: That's right.

14 MS. OH: (Nodding head)

15 CHAIRPERSON MILLER: Got it? Okay. And does
16 the Licensee understand that by accepting this offer in
17 compromise, he waives his right to a hearing?

18 MS. OH: He said, "Yes."

19 MR. PARK: Right.

20 CHAIRPERSON MILLER: Yes, okay. The answer
21 is, "Yes." Okay. Then I would like to make a motion
22 to the Board that we accept this offer in compromise of

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1 \$3000 to be paid within 60 days, license suspended for
2 five days with four days stayed for a year pending no
3 further violations, one day served on October 9th.

4 Do I have a second?

5 MR. NOPHLIN: Second.

6 CHAIRPERSON MILLER: Any comments, questions?

7 (No audible response.)

8 CHAIRPERSON MILLER: Okay. Now, there's a
9 motion that's been seconded by Mr. Nophlin. All those
10 in favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: Okay. Then the motion
15 passes by a vote of 5-0 to accept the offer in
16 compromise. Do you have a question, sir?

17 MR. LEE: Yeah, I have a question.

18 Translator - - of course I have another case and then
19 can we do the next case with the -- this case with the --

20 CHAIRPERSON MILLER: You have another case
21 before us?

22 MR. LEE: Yeah, with the translator as well.

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1 CHAIRPERSON MILLER: Oh, with the translator?

2 MR. LEE: Yeah.

3 CHAIRPERSON MILLER: Okay. What case is
4 that?

5 MR. LEE: That's Sun Market -- DJ Sun Market.

6 CHAIRPERSON MILLER: Mr. Stern, are you on
7 that case too?

8 MR. STERN: Yes.

9 CHAIRPERSON MILLER: Any -- Mr. Stern, do you
10 have any objection to our moving? Any Board members
11 have any objection?

12 (No audible response.)

13 CHAIRPERSON MILLER: Okay. All right. We
14 can do that.

15 MR. LEE: Thank you very much.

16 MR. PARK: Thank you.

17 (WHEREUPON, at 10:19 a.m., the hearing was
18 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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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.

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ERICK McNAIR

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Notary Public in and for the

21

District of Columbia

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My Commission Expires: July 14, 2016

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

Date
MIRANDA PENNACHI
Transcriptionist

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| <p>_____</p> <p style="text-align: center;">\$</p> <p>\$3000 3:19 4:1,8 5:1</p> <p>_____</p> <p style="text-align: center;">1</p> <p>1 3:20</p> <p>10:13 2:2</p> <p>10:19 6:17</p> <p>11-CC-00076 1:8 2:5</p> <p>12 1:12</p> <p>14 7:22</p> <p>14th 1:14</p> <p>_____</p> <p style="text-align: center;">2</p> <p>2000 1:14</p> <p>2012 1:12</p> <p>2016 7:22</p> <p>_____</p> <p style="text-align: center;">4</p> <p>421 1:6 2:5</p> <p>_____</p> <p style="text-align: center;">5</p> <p>5-0 5:15</p> <p>_____</p> <p style="text-align: center;">6</p> <p>60 3:21 4:1,8 5:1</p> <p>6B 1:8</p> <p>_____</p> <p style="text-align: center;">7</p> <p>76414 1:7 2:6</p> <p>_____</p> <p style="text-align: center;">9</p> <p>9th 4:3,11 5:3</p> <p>_____</p> <p style="text-align: center;">A</p> <p>a.m 2:2 6:17</p> <p>ability 3:1</p> | <p>accept 4:22 5:15</p> <p>accepting 4:16</p> <p>accurately 2:21</p> <p>action 7:10,14</p> <p>adopt 3:17</p> <p>affirm 2:20</p> <p>Age 1:10</p> <p>agreement 3:16</p> <p>ALBERTI 1:18</p> <p>Alcoholic 1:2,13,14</p> <p>am 7:9,11 8:3</p> <p>ANC 1:8</p> <p>answer 4:20</p> <p>appearing 7:5</p> <p>Ascertain 1:9</p> <p>attorney 7:12</p> <p>audible 3:2 5:7,13 6:12</p> <p>aye 5:10</p> <p>ayes 5:11</p> <p>_____</p> <p style="text-align: center;">B</p> <p>best 3:1</p> <p>Beverage 1:2,13,14</p> <p>Board 1:2,14 2:10 3:17,22 4:22 6:10</p> <p>BROOKS 1:18</p> <p>Building 1:14</p> <p>_____</p> <p style="text-align: center;">C</p> <p>CALVIN 1:19</p> <p>Capitol 1:6 2:6</p> <p>case 1:8 2:5</p> | <p>3:14,15,18 5:18,19,20 6:3,7</p> <p>cause 1:7 2:4 3:7</p> <p>CERTIFICATE 7:1 8:1</p> <p>certify 7:4 8:3</p> <p>Chairperson 1:15,17 2:3,9,14,17,19 3:3,6,10,12 4:6,15,20 5:6,8,12,14,20 6:1,3,6,9,13</p> <p>charge 3:20 4:4</p> <p>Chen 3:5</p> <p>Chorus 5:11</p> <p>Columbia 1:1 2:8 7:21</p> <p>comments 5:6</p> <p>Commission 7:22</p> <p>complete 8:8</p> <p>compromise 3:17,18 4:7,17,22 5:16</p> <p>concluded 6:18</p> <p>Congress 1:6 2:5,12,13</p> <p>consists 3:18</p> <p>Control 1:2,13,14</p> <p>correct 4:12 8:8</p> <p>correctly 4:7</p> <p>counsel 7:9,12</p> <p>course 5:18</p> <p>Court 8:4,6</p> <p>_____</p> <p style="text-align: center;">D</p> <p>D.C 1:15</p> | <p>Date 8:13</p> <p>day 4:2,11 5:3</p> <p>days 3:21 4:2,3,8,9 5:1,2</p> <p>direction 7:7</p> <p>District 1:1 2:8 7:21</p> <p>DJ 6:5</p> <p>dollars 3:20</p> <p>DONALD 1:18</p> <p>Drinking 1:10</p> <p>dropped 4:5</p> <p>_____</p> <p style="text-align: center;">E</p> <p>East 1:6 2:6</p> <p>emanates 4:4</p> <p>employed 7:9,12</p> <p>employee 7:11</p> <p>English 2:22 3:1</p> <p>ERICK 7:3,19</p> <p>Expires 7:22</p> <p>_____</p> <p style="text-align: center;">F</p> <p>facts 4:5</p> <p>Failed 1:9</p> <p>faithfully 2:21</p> <p>favor 5:10</p> <p>financially 7:13</p> <p>fine 3:19 4:8</p> <p>first 2:4</p> <p>five 4:9 5:2</p> <p>five-day 3:19</p> <p>foregoing 7:4,5</p> <p>foregoing/ attached 8:7</p> |
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