

Capital Reporting Company  
In the Matter of: Three Way Liquors, Inc. 07-25-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
Three Way Liquors, Inc. :  
t/a Three Way Liquors, Inc. :  
4823 Georgia Avenue, NW :  
Retailer A : Protest  
License No. 21972 : Hearing  
ANC 4D : (Status)  
Case No. 12-PRO-00058 :  
Renewal Application :  
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July 25, 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 style="text-align: center;">P R O C E E D I N G S</p> <p style="text-align: center;">9:41 a.m.</p> <p>CHAIRPERSON MILLER: Okay. Good morning. I'd like to welcome everyone to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Today is July 25th, 2012. My name is Ruthanne Miller. I'm the chair. Joining me today to my far right is Mr. Calvin Nophlin. To his immediately left is Mr. Donald Brooks. To my immediate right is Mr. Nick Alberti. And to my immediate left is Mr. Mike Silverstein.</p> <p>The Board has six members in attendance for the conduct of business today with three constituting a quorum. Copies of today's hearing calendar and agenda are available at the receptionist's desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.</p> <p>If you have any electronic devices, pagers, cell phones or such, please make certain that they're turned off to avoid any interruption of the</p>	<p style="text-align: right;">4</p> <p>1 and he's president of the corporation.</p> <p>2 CHAIRPERSON MILLER: Okay.</p> <p>3 MR. YU: My name -- my name is Jung Soo Yu</p> <p>4 [ph], the Three Way Liquor owner.</p> <p>5 CHAIRPERSON MILLER: Okay. And your name?</p> <p>6 MR. BOND: Good morning. My name is Charles</p> <p>7 Bond, B-O-N-D. I'm a representative for Faith Assembly</p> <p>8 of Christ.</p> <p>9 CHAIRPERSON MILLER: And could you just tell</p> <p>10 me how you're affiliated with the Faith Assembly of</p> <p>11 Christ Church?</p> <p>12 MR. BOND: I'm a member.</p> <p>13 CHAIRPERSON MILLER: You're a member. Okay.</p> <p>14 And you're authorized to represent the church?</p> <p>15 MR. BOND: Yes, I am.</p> <p>16 CHAIRPERSON MILLER: Okay. Can I just --</p> <p>17 just for the record, do you have anything in writing or</p> <p>18 were you at the roll call or anything like that?</p> <p>19 MR. BOND: I'm sorry?</p> <p>20 CHAIRPERSON MILLER: Do you have anything in</p> <p>21 writing authorizing you or were you at the roll call or --</p> <p>22 MR. BOND: I've been from step one.</p>
<p style="text-align: right;">3</p> <p>1 proceedings. Please note, when you come forward to the</p> <p>2 tables in the front, there will be a piece of paper on</p> <p>3 each table. Please take a seat at the table and sign</p> <p>4 in. This is to ensure the proper spelling of your name</p> <p>5 for the record.</p> <p>6 The Open Meetings Act requires that the</p> <p>7 public hearing on each case be open to the public. The</p> <p>8 Board may, consistent with Section 405(b) of the Open</p> <p>9 Meetings Act, enter a closed meeting during or after</p> <p>10 the public hearing in a case to consult with an</p> <p>11 attorney, to obtain legal advice, discuss settlement</p> <p>12 agreements or deliberate upon a decision in an</p> <p>13 adjudication proceeding.</p> <p>14 We'll now go forward with this morning's</p> <p>15 calendar. We have a few protest status hearings to</p> <p>16 begin with. The first case I'm going to call is Case</p> <p>17 No. 12- PRO-00058, Three Way Liquors, at 4823 Georgia</p> <p>18 Avenue, N.W., License No. 21972, in ANC 4D.</p> <p>19 And when the parties are ready, would you</p> <p>20 identify yourselves for the record?</p> <p>21 MR. DIETZ: My name is Bernard C. Dietz. I</p> <p>22 represent the applicant. I have with me Mr. Steve Yu</p>	<p style="text-align: right;">5</p> <p>1 CHAIRPERSON MILLER: Okay.</p> <p>2 MR. BOND: There are three representatives</p> <p>3 for Faith Assembly of Christ. Pastor Alfonso Way, Ms.</p> <p>4 Tawana Way and Charles Bond.</p> <p>5 CHAIRPERSON MILLER: Okay.</p> <p>6 MR. BOND: Pastor Way is on his way but he's</p> <p>7 in traffic.</p> <p>8 CHAIRPERSON MILLER: Okay. Thank you. Yeah,</p> <p>9 he was the one I was expecting. But --</p> <p>10 MR. BOND: Yes.</p> <p>11 CHAIRPERSON MILLER: -- thank you.</p> <p>12 MR. BOND: Uh-huh.</p> <p>13 CHAIRPERSON MILLER: Okay.</p> <p>14 MR. DIETZ: For the record --</p> <p>15 CHAIRPERSON MILLER: Uh-huh.</p> <p>16 MR. DIETZ: -- Mr. Bond has been at the --</p> <p>17 has made his appearance. We know that.</p> <p>18 CHAIRPERSON MILLER: Okay. Good. Are there</p> <p>19 any preliminary issues? Otherwise I'm going to just --</p> <p>20 MR. DIETZ: No. We'll go forward with the --</p> <p>21 with the hearing scheduled.</p> <p>22 CHAIRPERSON MILLER: Okay. Okay. All right,</p>

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<p style="text-align: right;">6</p> <p>1 then. This protesting hearing is scheduled for          2 November 7th, 2012 at 1:30 p.m. And I just want to          3 read you a few instructions.          4 MR. BOND: November 7th?          5 CHAIRPERSON MILLER: Yes.          6 MR. BOND: At          7 CHAIRPERSON MILLER: At 1:30 p.m. And I'm          8 just going to read you a few instructions so that the          9 protest hearing is focused and addresses only the          10 issues that are being protested. The Board won't hear          11 testimony on matters that aren't relevant to the case.          12 You should have received in the mailing from          13 Adjudication Assistant Sarah Fashbaugh a letter          14 explaining the protest process and a copy of the          15 protest information form, sometimes referred to as a          16 PIF.          17 If you do not have these documents, please          18 see Ms. Fashbaugh at the conclusion of this hearing.          19 It's very important that you review the rules closely          20 and adhere to them before and during a protest hearing.          21 Specifically, you're required to complete and submit          22 the protest information form seven days before the date</p>	<p style="text-align: right;">8</p> <p>1 MR. DIETZ: Thank you.          2 (WHEREUPON, at 9:47 a.m., the hearing was          3 concluded.)          4          5          6          7          8          9          10          11          12          13          14          15          16          17          18          19          20          21          22</p>
<p style="text-align: right;">7</p> <p>1 of the hearings. This document needs to be submitted          2 to ABRA and to the opposing parties in this matter.          3 If we do not receive a copy of your PIF, your          4 application or your protest, whichever side you're          5 representing may be subject to dismissal. The form is          6 very important in assisting the Board in narrowing the          7 protest issues, facilitating the process and keeping          8 the parties on point during the hearing.          9 So basically it's most important that you get          10 a copy of the protest information form if you don't          11 have it. Just see Ms. Fashbaugh if you don't have it.          12 And I'm going to give you her telephone number as well.          13 It's 202-397-3971. And pay attention to the deadline          14 because parties have been dismissed for failure to file          15 them on time.          16 Okay. Any questions?          17 MR. DIETZ: No.          18 CHAIRPERSON MILLER: All right. Well, then          19 thank you very much.          20 MR. DIETZ: Thank you.          21 CHAIRPERSON MILLER: If you happen to think          22 of any questions later, contact Ms. Fashbaugh.</p>	<p style="text-align: right;">9</p> <p>1 CERTIFICATE OF NOTARY PUBLIC          2          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          16          17          18          19 _____          20 BRADLEY ANGLIN          21 Notary Public in and for the          22 DISTRICT OF COLUMBIA</p>

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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.

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15 \_\_\_\_\_  
Date MIRANDA PENNACHI

16 Transcriptionist

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21

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<p style="text-align: center;"><u>1</u></p> <p><b>1:30</b> 6:2,7  <b>12</b> 3:17  <b>12-PRO-00058</b> 1:8  <b>14th</b> 1:13</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p><b>2000</b> 1:13  <b>2012</b> 1:10 2:6 6:2  <b>202-397-3971</b> 7:13  <b>21972</b> 1:7 3:18  <b>25</b> 1:10  <b>25th</b> 2:6</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p><b>405(b)</b> 3:8  <b>4823</b> 1:6 3:17  <b>4D</b> 1:8 3:18</p> <hr/> <p style="text-align: center;"><u>7</u></p> <p><b>7th</b> 6:2,4</p> <hr/> <p style="text-align: center;"><u>9</u></p> <p><b>9:41</b> 2:2  <b>9:47</b> 8:2</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p><b>a.m</b> 2:2 8:2  <b>ABRA</b> 7:2  <b>Accordingly</b> 2:17  <b>Act</b> 3:6,9  <b>action</b> 9:10,14  <b>actions</b> 2:18  <b>addresses</b> 6:9  <b>adhere</b> 6:20  <b>adjudication</b> 3:13</p>	<p>6:13  <b>advice</b> 3:11  <b>affiliated</b> 4:10  <b>agenda</b> 2:14  <b>agreements</b> 3:12  <b>Alberti</b> 1:16 2:10  <b>Alcoholic</b>              1:2,11,12 2:5  <b>Alfonso</b> 5:3  <b>am</b> 4:15 9:9,11              10:3  <b>ANC</b> 1:8 3:18  <b>ANGLIN</b> 9:3,19  <b>anything</b>              4:17,18,20  <b>appearance</b> 5:17  <b>appearing</b> 9:5  <b>applicant</b> 3:22  <b>application</b> 1:9 7:4  <b>aren't</b> 6:11  <b>Assembly</b> 4:7,10              5:3  <b>Assistant</b> 6:13  <b>assisting</b> 7:6  <b>attendance</b> 2:12  <b>attention</b> 7:13  <b>attorney</b> 3:11 9:12  <b>authorized</b> 4:14  <b>authorizing</b> 4:21  <b>available</b> 2:15  <b>Avenue</b> 1:6 3:18  <b>avoid</b> 2:22  <b>aware</b> 2:16</p>	<p style="text-align: center;"><u>B</u></p> <p><b>basically</b> 7:9  <b>begin</b> 3:16  <b>Bernard</b> 3:21  <b>Beverage</b>              1:2,11,12 2:5  <b>Board</b> 1:2,12              2:6,12 3:8 6:10              7:6  <b>Bond</b>              4:6,7,12,15,19,2              2              5:2,4,6,10,12,16              6:4,6  <b>B-O-N-D</b> 4:7  <b>BRADLEY</b> 9:3,19  <b>Brooks</b> 1:16 2:9  <b>Building</b> 1:13  <b>business</b> 2:13</p> <hr/> <p style="text-align: center;"><u>C</u></p> <p><b>calendar</b> 2:14 3:15  <b>Calvin</b> 1:17 2:8  <b>case</b> 1:8 3:7,10,16              6:11  <b>cell</b> 2:21  <b>certain</b> 2:21  <b>CERTIFICATE</b>              9:1 10:1  <b>certify</b> 9:4 10:3  <b>chair</b> 2:7  <b>Chairperson</b>              1:13,15 2:3              4:2,5,9,13,16,20              5:1,5,8,11,13,15,              18,22 6:5,7              7:18,21</p>	<p><b>Charles</b> 4:6 5:4  <b>Christ</b> 4:8,11 5:3  <b>church</b> 4:11,14  <b>closed</b> 3:9  <b>closely</b> 6:19  <b>Columbia</b> 1:1 2:5              9:21  <b>complete</b> 6:21              10:8  <b>concluded</b> 8:3  <b>conclusion</b> 6:18  <b>conduct</b> 2:13  <b>consistent</b> 3:8  <b>constituting</b> 2:13  <b>consult</b> 3:10  <b>contact</b> 7:22  <b>Control</b> 1:2,11,12              2:6  <b>Copies</b> 2:14  <b>copy</b> 6:14 7:3,10  <b>corporation</b> 4:1  <b>correct</b> 10:8  <b>counsel</b> 9:9,12  <b>court</b> 2:17 10:4,6</p> <hr/> <p style="text-align: center;"><u>D</u></p> <p><b>D.C</b> 1:13  <b>date</b> 6:22 10:15  <b>days</b> 6:22  <b>deadline</b> 7:13  <b>decision</b> 3:12  <b>deliberate</b> 3:12  <b>desk</b> 2:15  <b>devices</b> 2:20</p>
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<p><b>Dietz</b> 3:21          5:14,16,20          7:17,20 8:1</p> <p><b>direction</b> 9:7</p> <p><b>discuss</b> 3:11</p> <p><b>dismissal</b> 7:5</p> <p><b>dismissed</b> 7:14</p> <p><b>disruptive</b> 2:18</p> <p><b>District</b> 1:1 2:5          9:21</p> <p><b>document</b> 7:1</p> <p><b>documents</b> 6:17</p> <p><b>Donald</b> 1:16 2:9</p> <p><b>during</b> 3:9 6:20          7:8</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>electronic</b> 2:20</p> <p><b>employed</b> 9:9,12</p> <p><b>employee</b> 9:11</p> <p><b>ensure</b> 3:4</p> <p><b>enter</b> 3:9</p> <p><b>everyone</b> 2:4</p> <p><b>expecting</b> 5:9</p> <p><b>explaining</b> 6:14</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>facilitating</b> 7:7</p> <p><b>failure</b> 7:14</p> <p><b>Faith</b> 4:7,10 5:3</p> <p><b>Fashbaugh</b>          6:13,18 7:11,22</p> <p><b>file</b> 7:14</p> <p><b>financially</b> 9:13</p> <p><b>first</b> 3:16</p>	<p><b>focused</b> 6:9</p> <p><b>foregoing</b> 9:4,5</p> <p><b>foregoing/          attached</b> 10:7</p> <p><b>form</b> 6:15,22          7:5,10</p> <p><b>forward</b> 3:1,14          5:20</p> <p><b>front</b> 3:2</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>Georgia</b> 1:6 3:17</p> <p><b>given</b> 9:8</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>happen</b> 7:21</p> <p><b>hear</b> 6:10</p> <p><b>hearing</b> 1:7,12          2:14,19 3:7,10          5:21 6:1,9,18,20          7:8 8:2 9:4</p> <p><b>hearings</b> 3:15 7:1</p> <p><b>hereby</b> 9:4 10:3</p> <p><b>hereto</b> 9:12</p> <p><b>HERMAN</b> 1:17</p> <p><b>he's</b> 4:1 5:6</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>I'd</b> 2:4</p> <p><b>identify</b> 3:20</p> <p><b>I'm</b> 2:7 3:16          4:7,12,19 5:19          6:7 7:12</p> <p><b>immediate</b> 2:9,10</p> <p><b>immediately</b> 2:8</p> <p><b>important</b> 6:19          7:6,9</p>	<p><b>Inc</b> 1:5,6</p> <p><b>information</b>          6:15,22 7:10</p> <p><b>instructions</b> 6:3,8</p> <p><b>interested</b> 9:13</p> <p><b>interruption</b> 2:22</p> <p><b>issues</b> 5:19 6:10          7:7</p> <p><b>it's</b> 6:19 7:9,13</p> <p><b>I've</b> 4:22</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>Joining</b> 2:7</p> <p><b>JONES</b> 1:17</p> <p><b>July</b> 1:10 2:6</p> <p><b>Jung</b> 4:3</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>later</b> 7:22</p> <p><b>legal</b> 3:11</p> <p><b>letter</b> 6:13</p> <p><b>License</b> 1:7 3:18</p> <p><b>Liquor</b> 4:4</p> <p><b>Liquors</b> 1:5,6 3:17</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>mailing</b> 6:12</p> <p><b>matter</b> 1:4 7:2</p> <p><b>matters</b> 6:11</p> <p><b>may</b> 3:8 7:5</p> <p><b>meeting</b> 1:3 2:5          3:9</p> <p><b>Meetings</b> 3:6,9</p> <p><b>member</b>          1:16,17,18          4:12,13</p>	<p><b>members</b> 2:12</p> <p><b>met</b> 1:12</p> <p><b>Mike</b> 1:18 2:10</p> <p><b>Miller</b> 1:13,15          2:3,7          4:2,5,9,13,16,20          5:1,5,8,11,13,15,          18,22 6:5,7          7:18,21</p> <p><b>MIRANDA</b>          10:3,15</p> <p><b>morning</b> 2:3 4:6</p> <p><b>morning's</b> 3:14</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N.W</b> 1:13 3:18</p> <p><b>narrowing</b> 7:6</p> <p><b>neither</b> 9:9</p> <p><b>Nick</b> 1:16 2:10</p> <p><b>noises</b> 2:18</p> <p><b>Nophlin</b> 1:17 2:8</p> <p><b>nor</b> 9:9,13</p> <p><b>Notary</b> 9:1,20</p> <p><b>note</b> 3:1</p> <p><b>notes</b> 10:6</p> <p><b>November</b> 6:2,4</p> <p><b>NW</b> 1:6</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>obtain</b> 3:11</p> <p><b>officer</b> 9:3</p> <p><b>open</b> 3:6,7,8</p> <p><b>opposing</b> 7:2</p> <p><b>otherwise</b> 5:19          9:13</p> <p><b>outcome</b> 9:13</p>
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