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GOVERNMENT OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

Andy Lee Liquors,

t/a New H Wine & Spirits Case Number 15-CMP-00976

914 H Street NE

License Number 93550

Retailer A

ANC 6A

FACT FINDING HEARING

- - - - -X

Wednesday, May 18, 2016

Whereupon, the above referenced matter came on for hearing at the Alcoholic Beverage Control Board, Reeves Center, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

1

2 CHAIRPERSON:

3 DONOVAN W. ANDERSON, Presiding

4

5 OTHER PERSONS PRESENT:

6

7 RUTHANNE MILLER, BOARD MEMBER

8 JAMES SHORT, BOARD MEMBER

9 MIKE SILVERSTEIN, BOARD MEMBER

10 NICK ALBERTI, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: All right. We're
3 back on the record. Our next -- our next matter on our
4 calendar is we have a fact finding hearing for Case
5 Number 15-CMP-00976, New H Wine & Spirits, License
6 Number 93550. Will the parties please approach. Are
7 you here, sir, for New H Wine & Spirits?

8 MR. LEE: Yes.

9 CHAIRPERSON ANDERSON: Can you come forward
10 please. Can you have a seat at the table. Can you
11 sign -- sign your name on that list and please identify
12 your -- yourself for the record please, sir, when you're
13 done.

14 MR. LEE: My name is Andy Lee from Andy's
15 Liquor Inc., 914 H Street NW.

16 CHAIRPERSON ANDERSON: Yes, sir. Go ahead.

17 INVESTIGATOR TOWNSEND: Investigator Sean
18 Townsend.

19 INVESTIGATOR PERU: Investigator Jason Peru.

20 CHAIRPERSON ANDERSON: Thank you. Mr. Lee,
21 do you know why you're here?

22 MR. LEE: Yeah. For a citation that I got.

1 CHAIRPERSON ANDERSON: Well, it's not
2 necessarily a citation.

3 MR. LEE: Investigation for --

4 CHAIRPERSON ANDERSON: I'm sorry. For what?

5 MR. LEE: Yeah. Go ahead.

6 CHAIRPERSON ANDERSON: It's not necessarily
7 for a citation that you have gotten. Did you get a copy
8 of -- of the report -- the case report that the
9 investigators did on this case?

10 MR. LEE: Yeah. I did from Peter Jung sent
11 me a text message on that.

12 CHAIRPERSON ANDERSON: Not a text message.
13 Do you have -- do you -- do we have a copy of the report
14 to give to him? So you're not here necessarily on a
15 citation.

16 MR. LEE: Uh-huh.

17 CHAIRPERSON ANDERSON: I mean I think the --
18 the purpose of this fact finding hearing is to find out
19 exactly who's the owner of New H Wine & Spirit -- New H
20 Wine & Spirits. So we're not here on -- for you to
21 address the citation. It's for you to provide some
22 clarification to us --

1 MR. LEE: Okay.

2 CHAIRPERSON ANDERSON: -- who owns this --
3 this establishment.

4 MR. LEE: I do.

5 CHAIRPERSON ANDERSON: Are you -- but are
6 you clear with why you're here?

7 MR. LEE: Yeah. I'm clear with the purpose
8 now.

9 CHAIRPERSON ANDERSON: Okay. All right.
10 Then it's fine. Who wants to go first? I mean Peru or
11 Mr. Townsend, who wants to go first?

12 INVESTIGATOR PERU: I can start. So this
13 investigation was initiated first from a go-cup
14 violation at the establishment. I went in and conducted
15 undercover -- a go-cup -- purchased a go-cup with a
16 alcoholic beverage. And a few days later Investigator
17 Townsend returned to the establishment to do a -- to
18 issue the citation for my go-cup, which is standard
19 procedure. An investigator that -- that -- a different
20 investigator goes in to issue a citation, and went back
21 to issue the citation for me. And doing that issuance
22 of the citation met with Mr. Chan, Mr. John P. Chan. So

1 Investigator Townsend went on Tuesday, December 15th at
2 approximately 3 p.m. and met -- met with Mr. Chan.
3 Advised Mr. Chan of the go-cup violation that occurred
4 on December 10th, so five days earlier. Mr. Chan stated
5 that he was working the day of the incident which
6 Investigator Townsend was aware of. I identified --
7 I -- I described the clerk to him from are for my go-cup
8 case. Investigator Townsend explained to Mr. Chan that
9 an ABRA investigator entered the establishment in an
10 undercover capacity, purchased the go-cup with a
11 alcoholic beverage, and then he issued a Citation Number
12 5454. Investigator Townsend then conducted a regulatory
13 inspection. During the inspection is when Mr. Chan
14 stated that he was the owner of the establishment,
15 identified himself as the owner of the establishment.
16 Investigator Townsend returned to ABRA to give me the
17 citation that he issued for me so I could write my -- my
18 report. Then checked the information -- I then checked
19 the information in the ABRA records and determined that
20 Mr. Chan was not listed in ABRA records as the owner.
21 So from there I decided to -- to do some more research
22 to determine who the owner was of the establishment. So

1 we returned. The -- the ABRA record shows that there's
2 only one owner, which is Mr. Andy Seok-Won Lee. We
3 returned to New H Wine on December 18th and met with
4 Mr. Chan again. Asked him again if he was the owner.
5 He replied yes, he was the owner. And then we stated to
6 him that according to ABRA records he is not on ABRA
7 records listed as an owner. He said again that, you
8 know, he's not the owner on record; however, he's a
9 minority owner. So a little confusion on Mr. Chan's
10 part of I guess what owner meant. He did not -- he was
11 not a ABC manager as well. So he was there manning the
12 store at that time. We then explained to him about
13 ownership. We explained to him about no ABC manager on
14 duty. We advised them how to obtain a ABC manager's
15 license, and then let him know that there was a
16 violations for lying to the investigator about being the
17 owner for the -- claiming to be ownership -- owner of
18 the establishment and for no ABC manager being on duty.
19 I then -- on February 18th I e-mailed Mr. Paul Pascal,
20 and Mr. Pascal sent me invoices from New H Wine. And
21 when I looked over the invoices the signature on the
22 invoices name was Mr. Peter Jung. And I recognized the

1 name from looking over the ABC application that had
2 Mr. Jung as the notary public on the application. So
3 when I saw Mr. Jung as a notary public on the
4 application and also signing for the checks on, you
5 know, more red -- I was more confused about really who
6 the owner was. So then on -- on Monday, February --

7 CHAIRPERSON ANDERSON: Hold on. You're --
8 you're going to get an opportunity.

9 MR. LEE: Okay.

10 INVESTIGATOR PERU: On February 22 I
11 contacted Mr. Lee. Mr. Lee stated he was aware of the
12 ABRA investigation. He stated that he was part of --
13 that Mr. Chan was part owner of the company along with
14 Peter Jung, chief financial officer. And I believe he
15 said he is the accountant as well. Investigator -- I
16 asked Mr. Lee according to ABRA records that he was the
17 only one listed as the sole proprietor on the ABC
18 license. I advised Mr. -- Mr. Lee, that Mr. Jung's
19 signature was on the checks that were written to the
20 distributors, and Mr. Lee stated that he will contact
21 his attorney and add Mr. Chan and Mr. Jung to the ABC
22 license. Before the hearing today I checked with

1 licensing to see if anything had changed, and nothing
2 has been submitted since this report has been written.

3 CHAIRPERSON ANDERSON: Thank you, Mr. Peru.
4 Mr. Lee, what could -- what can you add, or agree,
5 disagree, disprove? What can you add?

6 MR. LEE: It's Peter Jung, J-U-N-G. It's
7 not Hung. He misspelled it. I don't know how he got
8 that information from.

9 MR. ALBERTI: So it's J-U?

10 MR. LEE: J-U-N-G. He's my accountant.

11 MR. ALBERTI: Okay. Okay. Very good.

12 CHAIRPERSON ANDERSON: So Mr. -- so
13 Mr. J-U-N-G, who is he?

14 MR. LEE: He is my accountant. We went to
15 college together and he --

16 CHAIRPERSON ANDERSON: No. But I'm
17 saying -- but so he's not the same person?

18 MR. LEE: He's chief -- yeah. He's the same
19 person that signs the check and also chief financial
20 officer of the company.

21 CHAIRPERSON ANDERSON: No. But I'm saying
22 who is he? Was that the -- I thought Mr. Peru -- maybe

1 if I'm correct -- if I'm incorrect, please let me know.

2 I thought Mr. Peru said that that was the notary public

3 --

4 MR. LEE: Uh-huh.

5 CHAIRPERSON ANDERSON: -- that had the same

6 name or am I wrong?

7 MR. LEE: Correct. Correct.

8 CHAIRPERSON ANDERSON: So can you -- so

9 are -- so did -- so who is -- who's the notary who --
10 who notarized the application?

11 MR. LEE: Peter Jung.

12 CHAIRPERSON ANDERSON: Well, how -- is it --
13 who is the chief financial officer?

14 MR. LEE: Uh-huh.

15 CHAIRPERSON ANDERSON: And they're the same
16 person?

17 MR. LEE: Uh-huh.

18 CHAIRPERSON ANDERSON: Okay. So it's the
19 same person?

20 MR. LEE: Uh-huh.

21 CHAIRPERSON ANDERSON: Mr. Peru just spelled
22 the name wrong?

1 MR. LEE: Yeah. Uh-huh.

2 CHAIRPERSON ANDERSON: Okay. I just want
3 to -- all right. I thought -- I thought you were saying
4 that they were different persons. And so --

5 MR. LEE: No. No. He's not Hung, he's
6 Jung, J-U-N-G for correction.

7 CHAIRPERSON ANDERSON: But -- but I just
8 want the record to reflect that --

9 MR. LEE: Uh-huh.

10 CHAIRPERSON ANDERSON: -- that the
11 investigator spelled the names wrong.

12 MR. LEE: Okay.

13 CHAIRPERSON ANDERSON: But it's the same --

14 MR. LEE: It's the same person. Yeah.

15 CHAIRPERSON ANDERSON: -- person in the same
16 capacity. So the -- the record is correct. The report
17 is correct --

18 MR. LEE: Uh-huh.

19 CHAIRPERSON ANDERSON: -- about the roles of
20 the persons. It's just that we -- the names are spelled
21 wrong?

22 MR. LEE: That's correct.

1 CHAIRPERSON ANDERSON: All right. So what
2 else then can you answer about who is it -- actually who
3 owns this establishment?

4 MR. LEE: I do own the establishment along
5 with Mr. Chan. He's the minority owner. He manages for
6 me. I own two other business. I own a bagel shop like
7 six days a week. So I didn't have time to -- to write
8 them a check at the time of delivery. So instead of
9 doing that Peter Jung will take care of all the finance
10 for me. So I authorize him to sign all the checks for
11 me.

12 CHAIRPERSON ANDERSON: But you said that you
13 own along with. So what percentage of the business do
14 these other people own?

15 MR. LEE: It's not on the record, since I
16 don't have time I just did a verbally that if I sell
17 with a profit, I'll --

18 CHAIRPERSON ANDERSON: But all right. This
19 is what you're saying to us, sir, today. You said that
20 you own the business --

21 MR. LEE: Uh-huh.

22 CHAIRPERSON ANDERSON: -- and these other

1 folks own percentage of the business.

2 MR. LEE: Uh-huh.

3 CHAIRPERSON ANDERSON: Right. So if you're
4 saying they own a percentage of the businesses, what
5 percentage of the business do they own?

6 MR. LEE: They don't own the percentage of
7 the business. I just told them I will just give him a
8 percentage of the profit that I'm make after selling the
9 business.

10 CHAIRPERSON ANDERSON: But they're not --

11 MR. ALBERTI: Can he detail that? So -- so
12 what is the financial arrangement exactly with these
13 folks?

14 MR. LEE: I'll give them salary for manager,
15 for Mr. Chan \$800 a week.

16 MR. ALBERTI: Okay. For -- for managing.
17 Okay.

18 MR. LEE: Uh-huh. For managing the store.

19 MR. ALBERTI: Mr. Jung?

20 MR. LEE: Mr. Jung gets an accounting fee of
21 \$250 a month, and he's a --

22 MR. ALBERTI: Okay. And what -- what --

1 MR. LEE: Close friend of mine so he was
2 helping me --

3 MR. ALBERTI: [Inaudible 43:01] financial
4 arrangement?

5 MR. LEE: What's that?

6 MR. ALBERTI: What is -- what's the rest of
7 the financial arrangement with these folks?

8 MR. LEE: Yeah. Mr. -- I told Mr. Chan that
9 I would give him like percentage like of net profit that
10 I make of selling the business after its been
11 successful.

12 MR. ALBERTI: And what percentage is that?

13 MR. LEE: I told him I'll give him 10
14 percent of it.

15 MR. ALBERTI: And Mr. Jung?

16 MR. LEE: Mr. Jung doesn't get anything.
17 He's just close -- my -- he's really close friend since
18 we've been going to college together. He manages the --
19 he does all the accounting for my two other businesses.

20 MR. ALBERTI: So he gets a salary from you
21 for -- for doing your -- for doing your accounting?

22 MR. LEE: Yeah. That's correct.

1 MR. ALBERTI: Does he get any other proceeds
2 from the business --

3 MR. LEE: No, sir.

4 MR. ALBERTI: -- besides a salary?

5 MR. LEE: No.

6 MR. ALBERTI: Okay. And Mr. Chan gets --
7 gets only a salary?

8 MR. LEE: He only gets salary for now.

9 MR. ALBERTI: And a promise of 10 percent?

10 MR. LEE: Yeah. At the end of the sale.

11 MR. ALBERTI: At the end of the sale?

12 MR. LEE: Yeah.

13 CHAIRPERSON ANDERSON: So why are they -- so
14 why then is the investigator being told that I own the
15 business or I'm the owner of the business?

16 MR. ALBERTI: Well, actually more
17 importantly Mr. -- Mr. Lee, you stated that they were
18 partners. Why would you state that they were --
19 according to our investigator you said that -- that
20 Mr. Jung and Mr. Chan were -- were both -- were
21 partners.

22 MR. LEE: Well, they're not on the record.

1 I just verbally say --

2 MR. ALBERTI: But why would you say they're
3 partners?

4 MR. LEE: Because they're helping --

5 MR. ALBERTI: On the record or not --

6 MR. LEE: Uh-huh.

7 MR. ALBERTI: -- why would you say they're
8 partners?

9 MR. LEE: Because they are -- it's kind of
10 give them an incentive to run the business with an
11 effort and care to give them like we're -- instead of --

12 MR. ALBERTI: So I understand.

13 MR. LEE: Uh-huh.

14 MR. ALBERTI: I understand that concept with
15 Mr. Chan.

16 MR. LEE: Uh-huh.

17 MR. ALBERTI: But what were what about
18 Mr. Jung? I mean what -- what's -- how -- in what way
19 would he be considered a partner?

20 MR. LEE: It's not a partner. I don't.
21 He's just doing my accounting work.

22 MR. ALBERTI: But you told investigators

1 that he was. Why would you tell them that he was?

2 MR. LEE: Since he's doing all the financial
3 work for me and instead of getting call from like
4 telemarketers and can I talk to the owners and stuff,
5 instead of like answering like all the junk call myself,
6 it's easier for me just to make them like an owner and
7 take care of that side for me financially.

8 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

9 MS. MILLER: I -- I just want to follow up
10 on what you're saying.

11 MR. LEE: Uh-huh.

12 MS. MILLER: So when you say make him like
13 an owner what do you mean?

14 MR. LEE: Make him like an acting owner, not
15 the owner.

16 MS. MILLER: But like you give him
17 responsibility to do things?

18 MR. LEE: I'll give him responsibility, but
19 he needs to call me to confirm that the -- the
20 permission to do it.

21 MS. MILLER: Okay.

22 MR. LEE: But I'm so busy I can't go there

1 every time of deliveries and stuff. So I just give him
2 full financial permission --

3 MS. MILLER: Okay.

4 MR. LEE: -- to write a check for me and
5 stuff like that.

6 MS. MILLER: Okay. So you kind of delegate
7 some of your authority to him --

8 MR. LEE: Uh-huh.

9 MS. MILLER: -- to do things.

10 MR. LEE: Yeah.

11 MS. MILLER: But you know what he's doing.

12 MR. LEE: Uh-huh. Yeah. I know what he's
13 doing, and I -- I watch over his shoulders also.

14 MS. MILLER: Okay. And then -- and how does
15 he get -- does he get a financial reward for that just
16 after you sell or -- or -- or now?

17 MR. LEE: Are you talking about Mr. Jung?

18 MS. MILLER: Yeah.

19 MR. LEE: He doesn't get any financial.

20 MS. MILLER: Nothing extra?

21 MR. LEE: Nothing extra.

22 MS. MILLER: He gets a salary?

1 MR. LEE: Yeah. Just a -- just a salary for
2 his work and he's doing it for good friendship.

3 MS. MILLER: Okay. So he's doing that for
4 friendship.

5 MR. LEE: Uh-huh.

6 MS. MILLER: Does -- does he think that he's
7 an -- an owner though?

8 MR. LEE: What do you mean?

9 MS. MILLER: Well, do you think -- there was
10 some confusion I gather in this case as to whether these
11 individuals were actually owners with you --

12 MR. LEE: Uh-huh.

13 MS. MILLER: -- part owners. And you're
14 saying that they're not really.

15 MR. LEE: Okay.

16 MS. MILLER: Is that right?

17 MR. LEE: Yeah. That's correct.

18 MS. MILLER: Okay. So because they have
19 this -- say, just take one at a time, Mr. Jung he has
20 this extra authority --

21 MR. LEE: Uh-huh.

22 MS. MILLER: -- to act in a very responsible

1 way.

2 MR. LEE: Uh-huh.

3 MS. MILLER: Does he have some reason to
4 think he's an owner of the establishment because of
5 that?

6 MR. LEE: I think he's acting like an owner
7 in case like some like unusual stuff that I need to take
8 care of --

9 MS. MILLER: Okay.

10 MR. LEE: -- like finance-wise.

11 MS. MILLER: Okay.

12 MR. LEE: But he doesn't -- he's not the
13 actual owner.

14 MS. MILLER: Okay. He thinks he can act
15 like an owner because you have delegated him some
16 important authority?

17 MR. LEE: I don't think so. He needs to ask
18 permission before he does things.

19 MS. MILLER: But he has to ask you?

20 MR. LEE: Yeah.

21 MS. MILLER: Okay.

22 MR. LEE: But he doesn't make decision for

1 me. He needs to ask and get a permission from me.

2 MS. MILLER: Okay. And -- but you've said
3 that -- do you intend to sell the business?

4 MR. LEE: Not right now.

5 MS. MILLER: Okay.

6 MR. LEE: But in the future.

7 MS. MILLER: Okay. But when -- and when you
8 sell the business you -- have you told Mr. Jung and --
9 Jung and Mr. Chan that you will give them a certain
10 percentage of the business profits?

11 MR. LEE: I will give Mr. Chan.

12 MS. MILLER: Mr. Chan.

13 MR. LEE: Yeah. Not Mr. Jung.

14 MS. MILLER: Okay. Just Mr. Chan.

15 MR. LEE: Yeah.

16 MS. MILLER: All right. And I'm sorry if
17 this was asked before. What -- what percentage did you
18 say you'd give him?

19 MR. LEE: Ten percent to Mr. Chan for
20 running the store.

21 MS. MILLER: Ten -- 10 percent. Okay. And
22 does he have any other authority like Mr. Jung?

1 MR. LEE: No.

2 MS. MILLER: No. And what does he --

3 Mr. Chan do?

4 MR. LEE: He manage the store.

5 MS. MILLER: He manages it?

6 MR. LEE: Yeah.

7 MS. MILLER: So he runs it when you're not
8 there and stuff?

9 MR. LEE: Uh-huh.

10 MS. MILLER: Okay. So do you know why they
11 would have said that they were owners?

12 MR. LEE: I have no clue.

13 MS. MILLER: Okay. Okay. Thank you.

14 CHAIRPERSON ANDERSON: Yeah. Thank you.

15 Mr. Lee -- I'm coming. Mr. Lee, you have The Board
16 order in front of you, right?

17 MR. LEE: Uh-huh.

18 CHAIRPERSON ANDERSON: The -- the -- can
19 you -- can you turn on Page 2 of the -- the report. And
20 I want you to read the last paragraph where it says --
21 that starts on Monday, February 22nd.

22 MR. LEE: Okay. On Monday, February --

1 CHAIRPERSON ANDERSON: No. No. I want you
2 to read it and tell me if you dispute why did you make
3 the representation to the ABRA investigator that was
4 made here? First of all, is it correct that -- is this
5 what you stated? And if this is correct, why did you
6 make this representation to the investigator? I
7 understand you're saying for telemarketers that you --
8 you don't want to deal with these -- those folks so you
9 can tell Mr. Chan or who -- I'm sorry. I apologize.
10 But -- but you -- -- you have authorized one person to
11 do this. But now that you know that this is -- this is
12 not a telemarketer, this is -- this is the Government
13 who shows up and they're asking you real -- a question.
14 So if these folks are not owners and you know that, why
15 did you -- first of all, did you agree with what's
16 made -- what's in this paragraph? And if you agree with
17 it, why did you make this representation, sir?

18 MR. LEE: I stated that Mr. Jung and
19 Mr. Jung was a part of the owner because Mr. Jung was
20 taking care of all the financial side and I wanted him
21 to take care of all the problem arise from financing
22 side.

1 CHAIRPERSON ANDERSON: I want to -- what --
2 I don't -- what I'll say to you --

3 MR. LEE: Uh-huh.

4 CHAIRPERSON ANDERSON: -- Mr. Lee, Mr. --
5 you are the only owner that's listed on ABRA's records.

6 MR. LEE: Uh-huh.

7 CHAIRPERSON ANDERSON: And if you are not
8 going to be in the establishment while the establishment
9 is open --

10 MR. LEE: Uh-huh.

11 CHAIRPERSON ANDERSON: -- there has to be an
12 approved ABC manager. And I -- my assumption is that
13 our -- I'm not sure if the investigator had provided you
14 information how you can get temporary license for
15 employees who are there.

16 MR. LEE: Okay.

17 CHAIRPERSON ANDERSON: But neither Mr. Chan
18 or Mr. Jung can -- since they are not listed on the --
19 on the ABRA's document as owners --

20 MR. LEE: Uh-huh.

21 CHAIRPERSON ANDERSON: -- if you're not
22 there if -- if they don't have an ABC's license, you

1 will be in violation of the law.

2 MR. LEE: Okay.

3 CHAIRPERSON ANDERSON: There are -- this
4 report leaves -- and I'm not going to ask you to -- you
5 don't necessarily need to comment on the -- I asked you
6 about the -- the last paragraph, and I'm -- I don't
7 think that it's worthwhile for us to go further because
8 I don't want you to put something on the record that
9 since here you stated that you're going to contact your
10 attorney that you might put yourself in trouble. So --

11 MR. LEE: Okay.

12 CHAIRPERSON ANDERSON: So what I will do is
13 that The Board is impressing upon you that the record
14 stated that you are the only owner of the establishment.

15 MR. LEE: Uh-huh.

16 CHAIRPERSON ANDERSON: And that if you are
17 not in the establishment, there has to be an ABC manager
18 there at all times.

19 MR. LEE: Okay.

20 CHAIRPERSON ANDERSON: And so therefore you
21 need to have that done. And you also need to advise
22 Mr. Chan and Mr. Jung that if an ABRA investigator shows

1 up, until and unless you come down to ABRA and change
2 the records, that they cannot put themselves out as a
3 manager -- as owners of the establishment. If they are,
4 you need to do the proper paperwork --

5 MR. LEE: Okay.

6 CHAIRPERSON ANDERSON: -- to have that done,
7 sir.

8 MR. LEE: I'll file the -- proper file work.

9 CHAIRPERSON ANDERSON: Well, sir, you --
10 this report was done -- and, Mr. Peru, when was this
11 report done if you --

12 INVESTIGATOR PERU: Back in -- I think I
13 finally completed it in February when I got ahold of --
14 so February 22nd is when I -- my last --

15 CHAIRPERSON ANDERSON: This report was done,
16 sir, in February 22nd. You have been aware of this
17 incident since December. You informed us that you're
18 going to go to talk to your attorney to have that done.
19 And as Mr. Peru stated today he has checked ABRA's
20 record and you have not done that. And so I just want
21 to let you know that you're in violation of the law.
22 And I'm going to end this here. And The Board will take

1 this under advisement because I think that we're
2 treading on -- I want to protect your rights, sir, since
3 you don't -- you're not here with an attorney.

4 MR. LEE: Okay.

5 CHAIRPERSON ANDERSON: And I don't want you
6 to say or do something on the record that you might --
7 you might be unable -- there's enough information in
8 this report. But I don't want you to put something on
9 the record --

10 MR. LEE: Okay.

11 CHAIRPERSON ANDERSON: -- that will get
12 yourself in further bind if this is not what you meant.

13 MR. LEE: Okay.

14 CHAIRPERSON ANDERSON: But at least you are
15 aware what The Board's position is.

16 MR. LEE: Uh-huh.

17 CHAIRPERSON ANDERSON: And I mean maybe
18 someone can advise me about when can -- who signs off
19 when on -- when the alcohol is delivered? Who can sign
20 off on those?

21 MR. ALBERTI: Anyone can sign off. Anyone
22 can sign off. If he authorizes someone to represent his

1 financial interest, if he represents someone to sign off
2 with authority to sign off on invoices, that's perfectly
3 legal.

4 MR. LEE: Okay.

5 MR. ALBERTI: These other gentlemen cannot
6 share financially in the profits of the business.

7 MR. LEE: Okay.

8 MR. ALBERTI: You can pay them salaries --

9 MR. LEE: Uh-huh.

10 CHAIRPERSON ANDERSON: -- if that's your
11 arrangement. But you cannot -- they cannot share in the
12 profits of this business. And if -- if -- I should say
13 if they do share in the profits of this business, then
14 you need to put them on the license as owners.

15 MR. LEE: Okay.

16 CHAIRPERSON ANDERSON: I think it's 10
17 percent.

18 MR. ALBERTI: Yeah. I think it's ten --
19 five percent. But you can -- you can check with that.
20 So I -- I don't know -- you know, I have to think. I
21 think The Board has to think about the arrangement that
22 you have about the sale, what that means, and -- and you

1 may here from us. But -- but I think The Chair has
2 pretty much told you where you are -- you know, going
3 forward from today --

4 MR. LEE: Uh-huh.

5 MR. ALBERTI: -- until you add someone to
6 the license, The Chair has explained to you what you
7 need to do.

8 MR. LEE: Okay.

9 CHAIRPERSON ANDERSON: You have a question,
10 Ms. Miller? Because I'm trying -- I'm trying not to go
11 too far with this. Okay.

12 MS. MILLER: And I think I understand that.
13 I just also, you know, see someone before us who, you
14 know, has explained a situation. And I'm not sure that
15 you understand exactly what you should do without our
16 going too far in giving you legal advice.

17 CHAIRPERSON ANDERSON: Hold on. But hold on
18 one -- I'm sorry to cut you, Ms. -- Ms. Miller.

19 MS. MILLER: Okay.

20 CHAIRPERSON ANDERSON: In the report he
21 stated that he was going to talk to his attorney about
22 it. So therefore that's what the report stated. And

1 I -- I did ask Mr. Lee to review the paragraph --

2 MS. MILLER: Right.

3 CHAIRPERSON ANDERSON: -- and did he
4 disagree with anything. So I think --

5 MS. MILLER: Okay. Can I --

6 CHAIRPERSON ANDERSON: I think -- no. I'm
7 just -- I'll -- I'll let you finish. But I'm just
8 saying -- I'm just saying though --

9 MS. MILLER: All right.

10 CHAIRPERSON ANDERSON: -- he made the
11 statement that he needs to go talk to his attorney.

12 MS. MILLER: Right.

13 CHAIRPERSON ANDERSON: So we need to be
14 careful that we -- we don't -- we don't start giving him
15 legal advice.

16 MS. MILLER: Okay. Right. All right. I
17 just want to say that one of the -- one of the options
18 that kind of scream out at me is that, you know, we have
19 what's called an ABC manager application. And that's --
20 the purpose of that partially is when an owner can't be
21 in the establishment during the hours that you're
22 authorized to sell alcohol, you can have an ABC manager

1 there.

2 MR. LEE: Okay.

3 MS. MILLER: It doesn't have to be a part
4 owner, whatever. But that's something that an employee
5 would need to apply with at the -- at ABRA.

6 MR. LEE: Uh-huh.

7 MS. MILLER: And you can talk further about
8 that with your attorney or with the investigators or
9 whatever actually if you decide to pursue that.

10 MR. LEE: Okay.

11 MS. MILLER: Okay. That's all I wanted to
12 say. Thank you.

13 CHAIRPERSON ANDERSON: All right. Thank you
14 Ms. -- thank you, Ms. Miller. The Board will --
15 we'll -- we'll take this matter under advisement, sir.
16 And -- but as I said before you are aware and if -- you
17 are aware, and I would ask that you talk to one of the
18 investigators if you don't know how you can apply for a
19 temporary manager's license or a permanent manager's
20 license for one of your -- for either Mr. Lee or -- I'm
21 sorry -- for either Mr. Chan or Mr. Jung.

22 MR. ALBERTI: Mr. Jung.

1 CHAIRPERSON ANDERSON: Jung. So you can --
2 you can talk to the agency, and they can provide you
3 information about how you can get an ABC manager's
4 license for one of these employees when you're not
5 there. But again, you're on notice what the
6 requirements are, sir. Okay. Mr. Lee.

7 MR. LEE: Okay.

8 CHAIRPERSON ANDERSON: All right. Thank
9 you, sir.

10 MR. LEE: All right.

11 MR. ALBERTI: Sir, I hope this was helpful
12 to you. I mean we really brought you in partly to make
13 sure that you understood what -- what the requirements
14 are.

15 MR. LEE: Yeah. Thanks for explaining all
16 the requirements to -- protect my assets.

17 MR. ALBERTI: Okay.

18 MR. LEE: I'll follow with the regulations
19 and stuff.

20 MR. ALBERTI: I'm sure you will. Thank you.

21 MR. LEE: Okay.

22 CHAIRPERSON ANDERSON: All right.

1 (Whereupon the above-entitled matter was
2 concluded.)

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