In The Matter Of:

City of Doraville

State of Georgia

License Revocation Hearing - El Amigo

November 7, 2011

American Court Reporting Company, Inc.

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DORAVILLE CITY COUNCIL

CITY OF DORAVILLE

STATE OF GEORGIA

LICENSE REVOCATION HEARING

RE: VOLCANO INTERNATIONAL, LLC, DBA EL AMIGO

Transcript of the hearing held at the Doraville Civic Center, 3770 Central Avenue, Doraville, Georgia, Mayor Donna Pittman presiding, before Theresa Bretch, Certified Court Reporter, commencing at 6:55 p.m. on Monday, November 7, 2011.

* * *

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APPEARANCES:

Doraville City Council:

Mayor Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Bob Roche
Councilmember Pam Fleming

Melissa McCain, City Clerk

Cecil G. McLendon, Jr., City Attorney
Leonid Felgin, Assistant City Attorney
Riley McLendon, LLC
315 Washington Avenue
Marietta, GA 30060
(770) 590-5900

On behalf of the City:
BILL RILEY, CITY SOLICITOR

On behalf of the El Amigo
CAITLIN GOLDSTEIN, ESQUIRE

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EVIDENCE SUBMITTED

Citation 014629, plea, fine, conviction - Kim Keum
Citation 014628, plea, fine, conviction - Sun Kang
Certified Copy of Doraville Alcohol Code
City records with redacted portions

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1 P R O C E E D I N G S
2 ATTORNEY McLENDON: What we'll be doing
3 this evening, Mayor and Council, is this is an
4 administrative hearing on the recommendation of the
5 revocation of an alcohol permit for Volcano
6 International, and the operating location is Amigo.
7 Our solicitor, Bill Riley, will actually
8 be presenting the case to you on the administrative
9 hearing.
10 ADMINISTRATIVE REVOCATION HEARING
11 VOLCANO INTERNATIONAL, INC., d/b/a EL AMIGO
12 SOLICITOR BILL RILEY: First of all, if I
13 could sound the room.
14 Is there anyone here from El Amigo?
15 Anyone here from El Amigo?
16 UNIDENTIFIED PERSON: We are, sir.
17 SOLICITOR RILEY: All right, ma'am, if you
18 just want to sit right up here, that's fine.
19 Ladies and gentlemen and Council, if I
20 could, just to outline this for you to begin
21 with, what we're going to do here is this is
22 going to be an administrative hearing where you
23 are the judges rather than the questioners in
24 this instance.
25 What we would propose to do, that we will

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1 have four witnesses here -- the Chief of Police,
2 the City Clerk, the Deputy City Clerk, and the
3 Assistant City Attorney.
4 Inasmuch as El Amigo is here, after I put
5 on my case in chief with each one of these
6 individuals, I'll offer them an opportunity to
7 ask any questions that they desire of the
8 witness.
9 At the conclusion, I will make a closing
10 argument and then we'll give them an opportunity
11 to do the same.
12 They would have the right to put up any
13 witnesses as they would desire to after the
14 close of the City's case, and I would have the
15 right to cross-examine any of them.
16 I would just caution you, while you might
17 have questions on this case, as the judges, it's
18 generally inappropriate to ask questions because
19 you're judging the facts as they're presented by
20 both myself and anything that the other side
21 would want to put up. And to go beyond that
22 scope, it really takes you out of your purpose
23 as a judge here tonight.
24 So with that, I'm going to go ahead, and
25 if you'll --

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1 Yes.
2 COUNCILMEMBER ROCHE: People are talking
3 pretty loud out there.
4 MAYOR PITTMAN: They're handling it.
5 Thank you.
6 SOLICITOR RILEY: Ma'am, what's your name?
7 ATTORNEY GOLDSTEIN: My name is Caitlin
8 Goldstein.
9 SOLICITOR RILEY: Are you representing
10 them?
11 ATTORNEY CAITLIN GOLDSTEIN: Yes, I am.
12 SOLICITOR RILEY: As an attorney?
13 ATTORNEY GOLDSTEIN: Yes.
14 SOLICITOR RILEY: All right. Do you want
15 to make an opening statement on this?
16 ATTORNEY GOLDSTEIN: Yes. Thank you.
17 OPENING STATEMENT ON BEHALF OF EL AMIGO:
18 Good evening. I'm really here to help
19 them have a chance to actually speak to you guys
20 about what happened and how there were certain
21 misunderstandings mostly due to the language
22 barrier that they have.
23 I understand that they were given
24 citations on certain things. And what they told
25 me was that they went to the court in front of

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1 the judge and she brought a friend -- and she's
2 actually outside with a baby -- but she was the
3 one who was trying to make the best of her
4 ability in terms of explaining the situation or
5 translating, really.
6 But what I understood was that they never
7 really got to even explain what happened or why
8 certain things happened in front of the judge,
9 and they basically just, I guess, pled guilty by
10 paying the fines. They thought that it was just
11 certain steps that they had to take to resolve
12 the issues, and that's how we're here right now.
13 And I'm here to help them tell their side
14 of the story and plead, really, their case in
15 terms of, you know, your understanding for
16 giving them another chance rather than revoking
17 their license right away.
18 Thank you.
19 SOLICITOR RILEY: Chief King.
20 Whereupon,
21 CHIEF JOHN KING
22 was called to testify, and being first duly sworn, was
23 examined and testified as follows:
24 DIR/ECT EXAMINATION
25 BY SOLICITOR RILEY:

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Q State your name for the record.
A John King.
Q How are you employed?
A I'm the Chief of Police of the Doraville Police Department.
Q I'm going to draw your attention to December the 31st, 2010, at approximately 11:30 p.m. Where were you on that night?
A I was inside the city of Doraville. Our officers were doing an operation, first of all, to try to increase the visibility of our uniform officers in the Buford Highway area, and also as a detail to check the local establishments for beer and wine being sold for consumption, and also taxicab drivers we were checking that evening as part of the New Years Eve-type activities.
Q Did you have an opportunity to go to an establishment called El Amigo on that night?
A I did.
Q All right. Were you there approximately 11:30 p.m. on the night that I previously asked you about?
A I did.
Q Is that in the city of Doraville?
A Yes, it is.

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Q In Dekalb County?
A Yes, it is, sir.
Q Is it a licensed restaurant?
A Yes, it is.
Q Is it licensed to serve on-premises consumption beer and wine?
A Yes, it is.
Q How about distilled spirits?
A Yes, it is.
Q Did you make a determination --
Did you personally go in there that night?
A I did.
Q Did you look to see who was serving alcohol that night?
A Yes. I entered the establishment with two of my officers. After speaking -- after seeing people consuming on the premises, beer, I requested that the employee behind the counter or the bar and another employee that was serving, I asked them for their license or their permit to serve alcoholic beverages.
Q I'm going to point your attention to what is Citation 014629 and ask if you can identify that.
A Yes, it is.
Q What is that?
A This is the City of Doraville Violation

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Summons and Accusation issued on 12/31 at 11:30 p.m.
Q All right, and who was that issued to?
A It was issued to Kim Keam, (spelling) K-e-a-m [sic].
Q All right. And did you see that individual that night?
A Yes, I did.
Q And was that individual working for El Amigo on that night?
A Yes, she was.
Q And as part of that work, was she serving alcoholic beverages within that establishment that night?
A Yes, she was.
Q And did you ask her for a permit?
A I did.
Q Did she -- was she able to provide you with a City of Doraville pouring permit on that evening?
A She told me she did not have one.
Q All right. Did you cause a citation to be issued thereafter?
A Yes. I directed Officer Clark at that time to issue a citation to the individual.
Q And is this a certified copy of that

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citation along with her guilty plea and the sentence thereon?
A Yes, it is.
Q All right. The next thing I'm going to show you has the number 014628 on that and ask if you can identify that.
A It's as well a City of Doraville Violation Summons Accusation ticket.
Q And who was that given to?
A It was given to Sun Kang.
Q And do you know when that was issued?
A Immediately after the first citation was.
Q All right. And was this also at the same location?
A Yes, it was.
Q And was this person working for El Amigo on that evening?
A Yes, she was.
Q And was she serving alcoholic beverages for on premises consumption that evening as an employee of the El Amigo?
A Yes. She was the other employee present.
Q All right. And you saw her serve those.
A Yes, I did.
Q And did you ask her for a permit?

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A Yes, I did.
Q Was she able to provide you with a permit?
A No, she was not.
Q And did she have one?
A No.
Q Did you cause this summons to be issued in that case also?
A I did as well.
Q All right. And then on the rear of this, this has the guilty plea and the fine and the signature of the judge in that case.
A That is correct.
Q And that's a certified copy of the same.
A Yes it is.
SOLICITOR RILEY: I'm going to move for admission of these two. Do you have any opposition?
ATTORNEY GOLDSTEIN: No, sir.
SOLICITOR RILEY: Let the record reflect that the attorney for the defendants has no opposition to their admission into the court -- or to the Council.
- - -
(Citation Nos. 014628 and 014629, pleas and fines and convictions tendered to the

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Council.)
- - -
BY SOLICITOR RILEY:
Q Now, Chief, subsequent to that time, did you communicate with the Clerk and make any determinations as to the good cause for revoking their license?
A Yes, I did. I communicated with the Clerk and I asked that a show-cause hearing be initiated against the establishment.
Q All right. Now, was a letter prepared in that case?
A Yes, there was.
Q And did you sign that letter as the police chief in making the determination that there -- initial determination that there was good cause to revoke their license?
A Yes, I did.
Q All right. And is that the extent of what you've done in this case?
A That is correct.
SOLICITOR RILEY: Do you have any questions of the Chief, ma'am?
ATTORNEY GOLDSTEIN: Yes.
SOLICITOR RILEY: If you'll step close

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enough so we can pick it up, okay?
ATTORNEY GOLDSTEIN: Sure.
CROSS-EXAMINATION
BY ATTORNEY GOLDSTEIN:
Q Sir, I just wanted to ask you whether you personally saw both of the defendants serving alcohol to clients or the customers there.
A Yes, I did.
Q When you were trying to ask them questions and to ask them to show their permits, were you able to communicate with them without any problems? Did you notice any kind of hesitation in terms of inability to understand your questions fully? Did you notice any kind of --
MAYOR PITTMAN: I'm sorry. We can't hear.
SOLICITOR RILEY: If you'll speak into this and look at them. He can hear you. Okay?
ATTORNEY GOLDSTEIN: Sorry about that. I was just asking him --
BY ATTORNEY GOLDSTEIN:
Q -- were you able to notice whether there was any kind of difficulties from the defendants to understand our questions?
A No. We had a very long conversation. They wanted to bargain with me for about 15/20 minutes

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begging me not to give them a citation because it was New Year's Eve and they were -- if they received a ticket, it was going to be bad luck for them for the rest of the year.
Q Okay. Do you remember Ms. Kim there asking -- really speaking more with Ms. Kang so that she could translate what she was saying to you? Do you recall that?
A They spoke in English at one point but then they switched to Korean a couple times, yes.
Q And were you able to understand?
Did you speak directly with Ms. Kim? Do you remember having conversations about these, asking her direct questions, and do you recall her actually answering?
A I asked her for her driver's license. She was able to produce it.
I talked to her about the security guard and the problems we were having with him and the activities taking place in the establishment.
Q Okay.
A Both of them seemed very cooperative at the time. We had no issues.
Q Okay. Where did you see Ms. Kang, do you remember?

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A She came from behind the bar at one time, but the other lady was also in and out of the bar. There weren't a whole lot of people inside the place. Bunch of young Hispanic males that were there.

We were more -- I was concerned at that time there were several of the kids there that might have been under the age, but we wrote none of them -- all of them seemed to be of 21, so we had no issues with that.

Q Did Ms. Kang or Ms. Kim tell you anything about why Ms. Kang was there and how Ms. Kim believed that she had all the necessary permits and there really shouldn't be a problem? Do you recall that?

A No. I asked them for their permits, and they told me that they didn't have. They discussed at one time that they hadn't received anything from City Hall.

And I said, "Well, okay. Where is your receipt? Where is your application? Because we have no -- we have no information," because I had checked. I had checked that afternoon at City Hall to see if there was any record of permits, and there was none on file.

Q Okay. So Ms. Kim or Ms. Kang, do you remember who told you that there has been an

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application submitted?

A That was the other lady.

Q The other lady?

A She was the one that was doing the bargaining, trying to get me to not to write her a ticket.

Q Right, so she was the main spokesperson you would remember?

A Yes.

Q Okay. Do you remember Ms. Kang stating to you that there should have been all the paperwork filed and they were just waiting for some paperwork to arrive in the mail?

A She made that -- made that claim. I still asked her for her individual permit, and she was not able to produce it.

ATTORNEY GOLDSTEIN: Okay. No further questions for him. Thank you.

REDIRECT EXAMINATION

BY SOLICITOR RILEY:

Q Let me ask you a question, Chief.

Now, both of these ladies, did they both speak English?

A At separate times, yes, they did.

Q Did you speak to them individually?

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A Yes.

Q Did you ask them things individually?

A Yes, I did.

Q Were they able to respond both verbally and in doing what you asked them to do?

A They provided their driver's licenses. That's what we used to write their tickets.

Q And you said previously they were both serving alcohol that night.

A Yes.

Q Did you find any of the young males there who were there -- did any of them speak Korean?

A No. They were all Hispanic.

Q So they were able to converse with their clients.

A Apparently, yes.

Q Now, you speak Spanish?

A Yes.

Q So if she had needed to speak Spanish to you, she could have spoken Spanish to you too.

A Yes.

Q But she spoke English to you.

A Yes.

SOLICITOR RILEY: That's all I have.

All right. Next I'd like to all the

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Assistant City Attorney.

Whereupon,

ASSISTANT CITY ATTORNEY LEONID FELGIN was called to testify. and being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY SOLICITOR RILEY:

Q State your name for the record.

A Leonid Felgin.

Q Mr. Felgin, did you have an opportunity to become involved in this case?

A Yes, sir.

Q All right. Did you prepare any letters on this case?

A I did. When forwarded the two certified citations, I did prepare a letter noticing the intent to revoke the license.

Q All right. Did you make a review of that?

A I did.

Q Okay. Now, could you explain to the Council why you went ahead and prepared that letter to revoke based on the information you got from the Chief.

A Yes, sir. The citations and the certified convictions were of violating the Alcohol Code, having

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1 no pouring permits. According to Section 3-13 of the
2 Alcohol Code, a pouring permit is required for anyone
3 who pours alcohol, and the licensee is then required
4 to oversee to make sure that all proper permits have
5 been obtained by all of their servers.
6 They were convicted of violating the fact
7 that they had no permits, and since they had no
8 permits, the licensee was responsible for the fact
9 that they didn't oversee them getting the permits.
10 According to Section 3-47 of the Alcohol
11 Code, this Council can revoke an alcohol permit or
12 license if there's good cause to do so. And in
13 Section 3-47(b) it says good cause could be any
14 violation of Articles II, III, IV, V or VI. The
15 section 3-13 of the Code, which is the employee permit
16 provision, was in Article II and, as such, it was my
17 opinion that good cause could exist, based on those
18 two violations, to revoke.
19 As is required, we sent them notice of a
20 Council hearing, as it says that the revocation cannot
21 happen until the Council affirmatively states that
22 they believe there was good cause for the same. And
23 so I drafted the letter stating that a Council hearing
24 has been scheduled on this date and sent it to the
25 Chief of Police and the Deputy City Clerk to execute.

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1 Q Now, did you get a -- do you have a
2 certified copy of the Alcohol Code as it exists?
3 A I do.
4 SOLICITOR RILEY: Any objection to it
5 going to Council?
6 ATTORNEY GOLDSTEIN: No, sir.
7 - - -
8 (Alcohol Code was tendered to the
9 Council.)
10 - - -
11 SOLICITOR RILEY: If I could see that that
12 we've already tendered, the conviction that
13 we've already tendered in?
14 BY SOLICITOR RILEY:
15 Q Mr. Felgin, as part of your work in
16 determining who was to be served, did you go to the
17 Secretary of State?
18 A I did, and I also read the application
19 that was supplied by the license holder, Volcano
20 International.
21 Q All right, and was the registered agent
22 one of the owners?
23 A Yes, sir. It was Jeong Kim. (Spelling)
24 J-e-o-n-g, last name Kim.
25 Q Okay. And was there another owner that

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1 you found, determined to be an owner?
2 A Yes. The license application also stated
3 a second owner, Kim Keum, (spelling) K-e-u-m.
4 Q That would be this person who was the
5 other owner on the license application for this
6 license?
7 A Yes, sir.
8 Q And would that be the same person who is
9 charged in this certified copy 014629?
10 A Yes, sir, it appears so.
11 Q All right. And how long ago did they make
12 that application for that license?
13 A Well, this one was made for 2011 but their
14 license for pouring has existed since 2010.
15 Q 2010.
16 A Yes.
17 Q And she was one of the owners.
18 A Yes.
19 SOLICITOR RILEY: Do you want to ask him
20 any questions?
21 ATTORNEY GOLDSTEIN: Yes.
22 CROSS-EXAMINATION
23 BY ATTORNEY GOLDSTEIN:
24 Q Do you have a record of the -- do you have
25 a copy of the alcohol license that was filed?

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1 A The actual --
2 Q Do you have the --
3 A The actual license that was given?
4 Q Yes.
5 A Yes, we do.
6 Q The application form?
7 A Oh, the application form. Yes, I do have
8 a copy of the application form.
9 Q Can you please tell me who was the signer
10 of that application.
11 A Well, it's hard to tell whose signature
12 that is, but it appears that the owner is Kim Jeong
13 Hwa, or Jeong Kim.
14 Q Right. And does the application indicate
15 that she has another partner or if there -- whether
16 there's another owner --
17 A Yes.
18 Q -- of this establishment?
19 A The application does indicate in fact on
20 page 9, "Owner #2 Information," she put Kim Keum.
21 Q Okay. And but earlier you stated that the
22 application was signed for by the owner who was the
23 other lady, not Ms. Kim.
24 A Yes.
25 Q Correct?

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A The application doesn't require all owners to sign it. It does require all owners to be listed.
ATTORNEY GOLDSTEIN: Okay. Thank you. That's it.
SOLICITOR RILEY: That's all I have of this witness.
Call the Deputy City Clerk now.
Whereupon,
DEPUTY CITY CLERK SANDRA BRYANT was called to testify, and having been first duly sworn, was examined and testified as follows:
DIRECT EXAMINATION
BY SOLICITOR RILEY:
Q State your name for the record.
A Sandra Bryant.
Q Were you the Deputy City Clerk on the date that the notice was issued to the defendant?
A Yes.
Q And were you acting as City Clerk on that day?
A Yes.
Q All right. Did you mail the notice to them by registered mail?
A Yes.
Q And by regular mail?

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A Both registered mail.
Q Okay. Do you know whether they received that?
A One of them.
Q All right. In fact, do you have actual notice by the owner that they received notice of this?
A Yes. She came in with the letter that I sent.
Q All right. And did you follow the rules in terms of sending it registered and then they've signed it back for you; is that correct?
A Yes.
SOLICITOR RILEY: Do you want to ask her any questions?
CROSS-EXAMINATION
BY ATTORNEY GOLDSTEIN:
Q You stated that Ms. Kim came in to acknowledge that she received the notice?
A Yes.
Q Do you remember whether she showed up alone?
A No. She came in with the other lady. She came in with someone else.
Q Do you remember who she was? Would you recognize you if you see her again?

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ATTORNEY GOLDSTEIN: I would need the other lady to come in.
SOLICITOR RILEY: That's fine.
(Requested person enters the meeting room.)
BY ATTORNEY GOLDSTEIN:
Q Do you recognize the lady who just walked in?
A Yes. She's the person that came with the other lady.
Q Thank you. And do you remember who you spoke with when you tried to communicate with them -- with Ms. Kim really?
A With the lady that came in.
Q Okay. So she was the person who spoke with you on behalf of the first, Ms. Kim.
A Yes. They were both talking, but the one that was talking the most was the other lady.
ATTORNEY GOLDSTEIN: Okay. Thank you.
No further questions.
REDIRECT EXAMINATION
BY SOLICITOR RILEY:
Q Did they both speak English?
A To me, yes.
SOLICITOR RILEY: That's all I have.
Do you mind if she's excused? She just

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stayed for tonight.
ATTORNEY GOLDSTEIN: I don't mind.
SOLICITOR RILEY: Thank you, ma'am.
Do you-all have any other things for her?
Thank you.
MAYOR PITTMAN: Thank you.
SOLICITOR RILEY: Call the Clerk.
- - -
(Brief discussion off the record between Solicitor Riley and Attorney Goldstein.)
- - -
Whereupon,
CITY CLERK MELISSA McCAIN was called to testify, and having been first duly sworn, was examined and testified as follows:
DIRECT EXAMINATION
BY SOLICITOR RILEY:
Q All right. You are the Clerk of the City of Doraville?
A Yes, sir.
Q You are the person who is the holder of all the records; is that correct?
A Yes, sir.
Q All right. You've brought a set of records here tonight that are -- are they true and

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1 accurate records representing the City of Doraville's
2 records on this matter?
3 A They are.
4 Q Would you go through them one by one and
5 identify them for the Council? And then I'm going to
6 show them to the defense and ask that they be
7 tendered.
8 A Yes, sir.
9 We have the occupational tax placard
10 renewal. We have the alcoholic beverage license
11 application. Included with the application we have
12 background checks for the individuals that applied for
13 the license. We have the survey for the property, we
14 have a menu. We have a lease agreement; we have an
15 amended lease agreement. We have a certified mail
16 sent out for the revocation. We have two certified
17 copies of the citation as well as their convictions,
18 and a copy of the returned letter.
19 Q Of the one that was not signed for.
20 The other one was, though; is --
21 A Right.
22 Q -- that correct? Those are all true and
23 accurate records of the City; is that correct?
24 A Yes, sir.
25 SOLICITOR RILEY: Move for admission.

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1 Do you have any objection, ma'am?
2 ATTORNEY GOLDSTEIN: No, sir.
3 SOLICITOR RILEY: Do you have any
4 objection to us substituting redacted copies of
5 the application to protect your clients'
6 individual identifiers that we would normally
7 redact in a setting where anybody else wanted to
8 get their information?
9 ATTORNEY GOLDSTEIN: I don't have any
10 objection.
11 SOLICITOR RILEY: So we will substitute
12 for the record the redacted copies on the
13 application to protect their identities.
14 ATTORNEY GOLDSTEIN: Thank you.
15 - - -
16 (City records were tendered to the Council
17 with redacted copies as indicated.)
18 - - -
19 SOLICITOR RILEY: With that, that's all I
20 have. Do you want to ask her any questions?
21 ATTORNEY GOLDSTEIN: No, sir.
22 SOLICITOR RILEY: Thank you.
23 The City rests. Put up any evidence that
24 you like, ma'am.
25 ATTORNEY GOLDSTEIN: I'd like to call Ms.

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1 Kang. She's one of the defendants, basically.
2 SOLICITOR RILEY: Would you like me to
3 swear her?
4 ATTORNEY GOLDSTEIN: Yes, please.
5 (Whereupon, the witness was duly sworn.)
6 ATTORNEY GOLDSTEIN: Would it be okay if I
7 translate as well? Would you have any
8 objections? I don't have that many questions.
9 SOLICITOR RILEY: I don't have any
10 objections, as you are an officer of the court,
11 you know, and as an attorney, you --
12 ATTORNEY GOLDSTEIN: (Imperceptible)
13 SOLICITOR RILEY: As an attorney, you
14 would have -- as long as you --
15 Raise your right hand.
16 - - -
17 (Whereupon, Attorney Goldstein was sworn
18 as Korean interpreter.)
19 - - -
20 SOLICITOR RILEY: Go ahead, ma'am. If
21 you'll just state your question in English so we
22 get it on the record, and then if you want to
23 translate it into Korean for her and then
24 translate the answer back will be fine.
25 ATTORNEY GOLDSTEIN: Thank you.

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1 Whereupon,
2 SUN YOUNG KANG
3 was called to testify, and having been previously duly
4 sworn, was examined and testified through Attorney/
5 Interpreter Goldstein, as follows:
6 DIRECT EXAMINATION
7 BY ATTORNEY GOLDSTEIN:
8 Q I'm going to ask you questions in English
9 but I will translate it in Korean, and after that, you
10 may answer, and I will translate the answer back to
11 the judges.
12 Ms. Kang, when you were at the bar at
13 issue on December 31st of 2010, were you serving
14 alcohol?
15 A I was drinking at the bar.
16 Q Then, where were you at that business?
17 Were you behind the bar where the bartender would be
18 or were you where the patrons would be?
19 A Ms. Kim was at one side of the bar, inside
20 of the bar, and I was on the other side of the bar
21 chatting with other customers.
22 Q So you were still behind the bar where
23 Ms. Kim or anybody else who would work there would be
24 serving the alcohol?
25 ATTORNEY GOLDSTEIN: (Interpreting) She's

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1 saying she was drinking in the corner of the
2 bar, chatting with the customers.
3 BY MS. GOLDSTEIN:
4 Q Why were you at that bar and on the other
5 side of the bar as if you were a server?
6 A Why was I inside, on the other side of the
7 bar?
8 Q Yes.
9 A Ms. Kim is a friend of mine. I used to
10 stop by at that bar to see her often, and I don't
11 know, to help her translate.
12 I was there just drinking, and Ms. Kim
13 called to my attention, that there were cops and she
14 asked me to translate what she had to say to the COPS.
15 Q Ms. Kang, were you serving alcohol that
16 night?
17 A No. I was drinking, like I was saying. I
18 wasn't serving alcohol at that time.
19 I remember the cops came and they told --
20 they told us that we shouldn't stay open. So we
21 closed down, and we received the citations at that
22 time.
23 Q So you weren't working for Ms. Kim or for
24 that business at that time.
25 A No.

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1 ATTORNEY GOLDSTEIN: (Interpreting) She
2 says, she doesn't pay me or anything, so I was
3 just a friend visiting.
4 No further questions.
5 (To Solicitor Riley) I'll translate.
6 SOLICITOR RILEY: That's all right. If
7 she's the translator for the owner to the police
8 in English, I think I'll just ask her in
9 English. Okay?
10 ATTORNEY GOLDSTEIN: (Translating) She's
11 saying that I can communicate a little bit.
12 CROSS-EXAMINATION
13 BY SOLICITOR RILEY:
14 Q Do you speak Spanish?
15 A (In English) No.
16 Q Let me ask you this: You were behind the
17 bar that night?
18 A Yes.
19 Q Okay. And you were drinking?
20 A Yes.
21 Q Who was pouring your drinks for you?
22 A (Speaks in Korean.)
23 Q What's the answer? Who was pouring your
24 drinks for you?
25 A (In English) Ms. Kim.

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1 Q So you're standing behind the bar, at one
2 end of the bar, and you're her buddy --
3 A Uh-huh.
4 Q -- and she calls for you to translate to
5 the police because she can't talk English enough. But
6 she comes all the way to the other end of the bar
7 because you couldn't pour yourself a drink behind the
8 bar, so she'd come down and pour them for you. Right?
9 A (In Korean.)
10 ATTORNEY GOLDSTEIN: "Would you --
11 SOLICITOR RILEY: You can translate --
12 ATTORNEY GOLDSTEIN: -- translate," she's
13 saying.
14 SOLICITOR RILEY: -- the question to her.
15 ATTORNEY GOLDSTEIN: (Interpreting) She
16 said, I was drinking and I remember that she was
17 giving me alcohol.
18 SOLICITOR RILEY: She would come to the
19 other end of the bar to pour her another drink.
20 ATTORNEY GOLDSTEIN: (Interpreting) She
21 says, this is a smaller place, smaller space.
22 BY SOLICITOR RILEY:
23 Q Well, if you were not behind the bar
24 pouring drinks for yourself or other people, why were
25 you behind the bar in the first place? Why weren't

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1 you on the outside sitting with customers?
2 A (Through the Interpreter) I would stop by
3 there to chat with her, and because of the loud music,
4 I wouldn't be able to really communicate with her and
5 chat with her. So to have private conversations, I'd
6 go back in there to stand closer to her to visit her.
7 Q But you're having conversations with the
8 customers who are sitting on the other side of the
9 bar. That's no problem for you, is it?
10 ATTORNEY GOLDSTEIN: (Interpreting) She's
11 saying that the conversations I had with the
12 other people on the other side of the bar were
13 all small talks, and I didn't really have to
14 hear it that carefully.
15 It was a funny situation I was there when
16 the police came.
17 BY SOLICITOR RILEY:
18 Q So you're telling me all those customers
19 who were sitting there, if they wanted another beer,
20 you wouldn't have walked over there and poured a draft
21 for them. Is that what you're telling me?
22 UNIDENTIFIED PERSON: (Speaks in Korean).
23 SOLICITOR RILEY: I'm going to object to
24 this person. She can't make statements.
25 A (Through the Interpreter) I was walking

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1 along the bar, inside of the bar, outside of the bar,
2 in the hall and on the other side of the bar at times,
3 but right when -- right around when the police came, I
4 happened to be on the other side of the bar.
5 BY SOLICITOR RILEY:
6 Q And you pled guilty and paid a fine after
7 you were -- after you were charged.
8 A Well, I didn't realize what it meant. I
9 didn't think that it was a big ticket or important
10 ticket. The judge said it would be $1300.
11 I wanted to tell the judge that I just
12 happened to be there, I wasn't working there, and I
13 don't understand why I have to pay anything.
14 What I said up to that point, the judge
15 said $900. And I said, excuse me, and I asked the
16 judge if the fine would be $1300 or $900, and the
17 judge said $900.
18 Q Did you pay the $900?
19 A Yes. I think that day, because the judge
20 told me that otherwise I would have to be on probation
21 for six months, and I didn't know what else to do.
22 Q Now, what do you do for a living other
23 than work at that bar?
24 SOLICITOR RILEY: Go ahead.
25 ATTORNEY GOLDSTEIN: I object as defense

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1 attorney.
2 SOLICITOR RILEY: There's already
3 testimony that she does. There is testimony
4 that she -- that she worked there. You know,
5 she may not say that, but my question is, what
6 do you do other than work at that bar?
7 ATTORNEY GOLDSTEIN: Let me translate.
8 A I currently work at a beauty supply store,
9 and I wasn't working at the time, so my grandma helped
10 me pay for the fine.
11 BY SOLICITOR RILEY:
12 Q Bar didn't help you pay the fine money?
13 ATTORNEY GOLDSTEIN: I'm sorry?
14 BY MR. SOLICITOR:
15 Q Did the bar help you pay the fine money?
16 ATTORNEY GOLDSTEIN: She said, no, it
17 wasn't the restaurant. It was my grandma.
18 BY SOLICITOR RILEY:
19 Q And you paid all of it.
20 A (Through the Interpreter) Yes.
21 SOLICITOR RILEY: That's all I have.
22 ATTORNEY GOLDSTEIN: That's all with that
23 witness.
24 SOLICITOR RILEY: Okay.
25 ATTORNEY GOLDSTEIN: Thank you.

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1 SOLICITOR RILEY: Do you call any other
2 witnesses?
3 ATTORNEY GOLDSTEIN: Yes, please.
4 May she be excused?
5 SOLICITOR RILEY: Sure.
6 Whereupon,
7 KEUM SOON KIM
8 was called to testify, and being first duly sworn, was
9 examined and testified through Attorney/Interpreter
10 Goldstein as follows:
11 DIRECT EXAMINATION
12 BY ATTORNEY GOLDSTEIN:
13 Q Are you in a business partnership with
14 Ms. Jeong Kim?
15 A Yes.
16 Q Did Ms. Jeong Kim, your partner, who's
17 registered agent to the corporation who is the owner
18 of this bar, tell you that all the applications and
19 all the necessary paperwork were --
20 SOLICITOR RILEY: I'm going --
21 Q -- applied for?
22 SOLICITOR RILEY: -- to object. She's
23 your witness. Ask her what she told her.
24 ATTORNEY GOLDSTEIN: Okay.
25 SOLICITOR RILEY: Don't ask her, didn't

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1 she say this, so she could say yes. Just ask
2 her what she told her.
3 BY ATTORNEY GOLDSTEIN:
4 Q What did -- Let me rephrase.
5 On December 31st, 2010, did you think that
6 all the permits were filed and in good standing so
7 that you could serve alcohol?
8 A Ms. Jeong Kim told me that she paid for
9 all the application fees and permit fees, anything
10 that's necessary and --
11 SOLICITOR RILEY: I'm going to object to
12 that as evidence. I'm sorry. I'm going to
13 object to it as evidence because it's a third-
14 party statement that I can't test the truth of
15 the statement. If you want to put that
16 individual up. But I'm going to object to that
17 as evidence.
18 BY ATTORNEY GOLDSTEIN:
19 Q Why did you think, Ms. Kim, that you were
20 able to -- you're allowed to serve alcohol that night?
21 A I thought that everything was filed and in
22 the right order. I gave my portion of the fees to my
23 business partner, and she handled all the paperwork.
24 ATTORNEY GOLDSTEIN: No further questions.
25 She's yours.

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1 SOLICITOR RILEY: You might want to stay.
2 ATTORNEY GOLDSTEIN: Okay.
3 CROSS-EXAMINATION
4 BY SOLICITOR RILEY:
5 Q Ma'am, you're the part owner; right?
6 A (Through the Interpreter) Yes.
7 Q And how long have you-all been over there?
8 A I think it was May or June of 2010.
9 Q May or June of 2010.
10 A That was my first time trying to run a
11 business in Georgia.
12 Q And you had other employees there that
13 night other than yourself and the lady over there,
14 didn't you?
15 A There was some sort of a meeting, and I
16 had to call her, and that's why she was there.
17 Q There were other employees there, too,
18 though, weren't there, ma'am?
19 ATTORNEY GOLDSTEIN: She says no. She
20 says, I can't speak that much English, so
21 whenever I need to speak English, she always
22 helped me as a friend.
23 BY SOLICITOR RILEY:
24 Q Listen to me, ma'am. Were there other
25 employees serving beer or wine there that night?

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1 ATTORNEY GOLDSTEIN: She says, there is a
2 refrigerator in front of the bar, and I would
3 put -- I would fill up the bucket with alcohol,
4 and the patrons would pick them up.
5 BY SOLICITOR RILEY:
6 Q Were there any other employees there that
7 night? That's yes or a no question.
8 No other employees there that night except
9 you and the lady you were with.
10 ATTORNEY GOLDSTEIN: She says, there are
11 normally other employees with those permits, but
12 at that night, there was nobody.
13 BY SOLICITOR RILEY:
14 Q So you knew you had to have permits to
15 pour. That's a yes or a no, ma'am, then you can
16 answer.
17 ATTORNEY GOLDSTEIN: And should I
18 translate what she was saying?
19 SOLICITOR RILEY: She can answer the rest
20 of the question but it has to start with -- she
21 needs to answer the question and then she can
22 explain it.
23 ATTORNEY GOLDSTEIN: Would you like to
24 repeat the question so she can.
25 BY SOLICITOR RILEY:

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1 Q So you knew that people had to have
2 permits to pour.
3 A We don't pour alcohol to anybody there.
4 Q You serve.
5 A Yes. I put the alcohol in the bucket.
6 Q And you know that you have to have permits
7 to serve, because you just told me you had other
8 employees who you knew had permits.
9 ATTORNEY GOLDSTEIN: She says yes, but I
10 thought that I had my permit.
11 BY SOLICITOR RILEY:
12 Q How would you think you had your permit,
13 ma'am? You'd never seen it. You told the police you
14 didn't have one.
15 A When we were applying for the appli- --
16 when we were submitting the application form, I asked
17 my partner about the $300 fee, and it was my
18 understanding that that fee was to get the permit.
19 Q You never got a permit, ma'am, and you saw
20 the employees who were working for you, and you knew
21 they had to have them, and you kept serving anyway,
22 didn't you.
23 A I've only heard of those permits. I'd
24 never seen them.
25 Q And you're a part owner of this

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1 establishment.
2 A Yes.
3 SOLICITOR RILEY: That's all I have.
4 ATTORNEY GOLDSTEIN: No further questions.
5 SOLICITOR RILEY: Okay.
6 ATTORNEY GOLDSTEIN: May be she be
7 excused?
8 SOLICITOR RILEY: Sure, if she wants to
9 be.
10 I have nothing else to put up. Are you
11 going to put anything else?
12 ATTORNEY GOLDSTEIN: No.
13 SOLICITOR RILEY: Do you want to make a
14 statement to the Council before I make mine?
15 ATTORNEY GOLDSTEIN: Yes, just a brief one
16 if I may.
17 CLOSING ARGUMENT ON BEHALF OF EL AMIGO:
18 ATTORNEY GOLDSTEIN: We thank you for your
19 time, and we find it unfortunate that there were
20 some miscommunications. It is, as she stood
21 here and made statements earlier as evidence,
22 this was her first time doing a business here,
23 and she was, unfortunately, unfamiliar with
24 certain rules and policies that she had to find.
25 And she does admit that ignorance is not a

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1 defense, but we do ask for your leniency in
2 terms of revoking the license at this time and
3 give them one more chance to really stay current
4 with what has to be followed, and that's all we
5 ask for.
6 Thank you for your time once again.
7 CLOSING ARGUMENT ON BEHALF OF THE CITY:
8 SOLICITOR RILEY: This is really a simple
9 case. It's a case that there is -- Your
10 ordinance determines what is good cause. Your
11 ordinance says that good cause is a violation of
12 Article II of the Alcohol Code.
13 You have certified copies of the
14 convictions, they admit the violations also, and
15 it's simply up to you to make a determination if
16 you wish to revoke their licenses at this point
17 in time.
18 I believe you have complete legal cause to
19 do that based on the code, based on the evidence
20 that you've been presented.
21 Moreover, I think that it's been pointed
22 out that this is an egregious case, because what
23 you have actually is the co-owner who has worked
24 since the inception of the business without a
25 pouring permit and continued to do that, and was

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1 actually the person, the manager on duty on that
2 night, the people that you require, when you
3 give permits in the first place, to take this
4 Alcohol Code, which is a privilege, not a right,
5 to go forward with and implement the code.
6 And if the ownership is not following the
7 code, then I don't believe that you could ever
8 expect the employees to follow the code, either.
9 So it's certainly within your purview, but
10 we'd respectfully ask you to revoke their
11 license.
12 ATTORNEY McLENDON: And that would be the
13 close of the hearing, and the case is brought up
14 to the Mayor and Council.
15 You can discuss it. You can make a motion
16 on it. You can make a motion to support the
17 revocation of the license or whatever in your
18 discretion you believe is the appropriate thing
19 to do as a body.
20 MAYOR PITTMAN: Council?
21 COUNCILMEMBER FLEMING: I need to ask one
22 clarifying question of your client, please.
23 ATTORNEY GOLDSTEIN: Surely.
24 COUNCILMEMBER FLEMING: There was the term
25 of distilled spirits on the night of 12/31/10.

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1 Distilled spirits, to me, is hard liquor. I
2 would like to know if that is the case, that
3 they sell or serve hard liquor.
4 ATTORNEY GOLDSTEIN: Whether they serve
5 hard liquor at this moment?
6 COUNCILMEMBER FLEMING: Serve or sell hard
7 liquor.
8 ATTORNEY GOLDSTEIN: (Interpreting) No,
9 they do not. She's currently not selling hard
10 liquor. She originally applied for the hard
11 liquor license for the beginning, for 2010, but
12 she realized that not many people ask for hard
13 liquor and she chose not to apply for it for
14 2011, and, therefore, she is not serving.
15 SOLICITOR RILEY: If I could follow up,
16 she needs to come up here and we need to put it
17 all on the record.
18 Councilmember, I'm sure we got your
19 question on here.
20 Whereupon,
21 KEUM SOON KIM
22 being previously duly sworn, was recalled and was
23 examined and testified through Attorney/ Interpreter
24 Goldstein as follows:
25 SOLICITOR RILEY: Can you restate what you

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1 stated to the Councilmember what her answer was
2 so we can make it for the record.
3 ATTORNEY GOLDSTEIN: Could she repeat --
4 SOLICITOR RILEY: No, you --
5 ATTORNEY GOLDSTEIN: -- the question
6 again?
7 SOLICITOR RILEY: No. If you'll just
8 restate what she told you.
9 COUNCILMEMBER FLEMING: I can repeat the
10 question.
11 SOLICITOR RILEY: Thank you,
12 Councilmember.
13 COUNCILMEMBER FLEMING: Okay. The
14 question was I heard as evidence that distilled
15 spirits were being sold at this location on the
16 night of 12/31/2010. My definition of distilled
17 spirits is hard alcohol -- hard liquor, not just
18 beer and wine; it's hard liquor.
19 I would like to know if she sells or
20 serves hard liquor.
21 ATTORNEY GOLDSTEIN: Currently, ma'am?
22 COUNCILMEMBER FLEMING: Both, actually.
23 ATTORNEY GOLDSTEIN: (Interpreting) She
24 says, no, I did not sell hard liquor on December
25 31st of 2010.

1 And I just translate the first part about
2 2010, so let me translate the second part where
3 whether she's serving or selling hard liquor for
4 2011 or now.
5 THE WITNESS: (Through the Interpreter)
6 Since people weren't asking for it, I didn't
7 even apply for the hard liquor license --
8 COUNCILMEMBER FLEMING: Thank you very
9 much.
10 THE WITNESS; -- for 2011.
11 COUNCILMEMBER FLEMING: Thank you.
12 SOLICITOR RILEY: All right. Let me just
13 ask you one question, ma'am.
14 CROSS-EXAMINATION
15 BY SOLICITOR RILEY:
16 Q You had a distilled spirits license for
17 2010 when you were still serving on December the 31st
18 at 11:30; right, ma'am?
19 ATTORNEY GOLDSTEIN: (Interpreting) She
20 said, I had the license that year.
21 SOLICITOR RILEY: Thank you. That's all.
22 - - -
23 (Hearing concluded at 7:50 p.m.)
24 -o0o-
25

1 C E R T I F I C A T E
2 STATE OF GEORGIA]
3 COUNTY OF DEKALB]
4 I hereby certify that the foregoing transcript
5 was taken down, as stated in the caption, and the
6 proceedings were reduced to typewriting under my
7 direction and control.
8 I further certify that the transcript is a true
9 and correct record of the evidence given at the said
10 proceedings.
11 I further certify that I am neither a relative
12 or employee or attorney or counsel to any of the
13 parties, nor financially or otherwise interested in
14 this matter.
15 This the 14th day of November 2011.
16
17 _____
18 Theresa Bretch, CCR
19 Permit No. B-755
20
21
22 [SEAL]
23
24
25

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