

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
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A.B.R.A. Agenda : Agenda
: Hearing
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January 14, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- MIKE SILVERSTEIN, Member
- HECTOR RODRIGUEZ, Member
- JAMES SHORT, Member

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

2 1:26 p.m.

3 CHAIRPERSON MILLER: Okay. Before we
4 get to our afternoon hearings, the Board is going
5 to do its agendas, which are not very lengthy.

6 I'm going to start with the Legal
7 Agenda.

8 And the first item on the Legal Agenda
9 is a review of a request for reconsideration of
10 Board Order No. 2014-497 submitted by Emanuel
11 Mpras on behalf of Anacostia Market dated
12 December 30, 2014. Mr. Mpras claims a lack of
13 notice in this case.

14 I'm going to move to deny this request
15 on the grounds that there was notice on the
16 placard. Our records show also that notice was
17 mailed and more importantly notice was on the
18 placard itself.

19 So I move to deny. Do I have a
20 second?

21 MEMBER SHORT: Second.

22 CHAIRPERSON MILLER: Mr. Short has

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 4-0-0.

7 Okay. That's the Legal Agenda. That
8 was quick.

9 We have a Supplemental Legal Agenda.
10 The first item on the Supplemental Legal Agenda
11 is a review of a settlement agreement between
12 ANC-6A and Copycat Company dated January 12,
13 2015. Copycat Company is located at 1110 H
14 Street, N.E., License No. 096474.

15 I move that we approve this settlement
16 agreement. Do I have a second?

17 MEMBER SHORT: I move approval with
18 modification.

19 CHAIRPERSON MILLER: Mr. Short has
20 seconded.

21 MEMBER ALBERTI: Is this Copycat, Mr.
22 Short?

1 CHAIRPERSON MILLER: Yes.

2 MEMBER SHORT: Yes.

3 MEMBER ALBERTI: No, it's approved
4 without modifications.

5 MEMBER SHORT: Okay.

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: The motion has
8 been seconded by Mr. Silverstein.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 4-0-0.

14 The second item on the Supplemental
15 Legal Agenda is a review of protestant group of
16 nineteen residents Motion to Amend Order to
17 impose additional operating restrictions on Dirty
18 Martini submitted by Sarah Peck on behalf of
19 protestants dated December 19, 2014. Dirty
20 Martini is located at 1223 Connecticut Avenue,
21 N.W., License No. 083919.

22 No. 3 is related to No. 2. It's in

1 opposition to protestant group, to that motion,
2 submitted by Andrew Kline on behalf of Dirty
3 Martini dated January 13, 2015.

4 Okay. I would note that No. 3 appears
5 to be untimely and so we need not consider that.

6 And No. 2, the motion, I would move
7 that we deny the motion. In my view, it did not
8 identify errors that we made in our order, so I
9 would move to deny. Do we have a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr. Silverstein
12 has seconded the motion. Any comments?

13 MEMBER ALBERTI: So it's my
14 understanding that the Board has agreed not to
15 consider the letter in opposition because it was
16 untimely? Is that what our ruling is?

17 CHAIRPERSON MILLER: That's -- I said
18 that it was untimely.

19 MEMBER ALBERTI: Okay. Okay.

20 CHAIRPERSON MILLER: Yes.

21 MEMBER ALBERTI: Thank you. Very
22 good. I just wanted to make -- clear that up.

1 CHAIRPERSON MILLER: Yes. Okay.

2 MEMBER ALBERTI: Thank you.

3 CHAIRPERSON MILLER: So what is before
4 us is a motion to deny the Motion to Amend the
5 Order by the protestant group of nineteen
6 residents. Any other comments?

7 All those in favor then say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining?

11 MEMBER ALBERTI: I'm abstaining. I
12 did not hear the case, so I'll abstain from that
13 decision.

14 CHAIRPERSON MILLER: Okay. Then the
15 vote is 4-0-1 to deny the motion.

16 No. 4 is a letter of concern regarding
17 Heritage India submitted by ANC-2B dated January
18 13, 2015. Heritage India is located at 1901
19 Pennsylvania Avenue, N.W., License No. 090050.

20 This is an FYI. No action is
21 required. And we will be considering that case
22 shortly.

1 I think I forgot to say that with
2 respect to our denial of the Dirty Martini motion
3 that was filed by the protestant group, that will
4 be -- our order will be set forth in Board Order
5 No. 2015-019.

6 Okay. That concludes our Supplemental
7 Legal Agenda. We have two Licensing Agendas.

8 The first item on our Licensing
9 Agenda, the first and only one on the Licensing
10 Agenda, is an application for a manager's license
11 from Mohamed K. Azab and that's ABRA No. 096854.

12 I move that we schedule a Fact-Finding
13 on this application. Do I have a second?

14 MEMBER SHORT: Second.

15 CHAIRPERSON MILLER: Mr. Short has
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The motion
21 passes 5-0-0.

22 We have a Supplemental Licensing

1 Agenda and the first and only item on that is to
2 review a request to remove license from
3 safekeeping status. And that is by DC Eagle
4 located at 639 New York Avenue, N.W., License No.
5 086397.

6 I move that we approve that request.
7 Do I have a second?

8 MEMBER RODRIGUEZ: Second.

9 CHAIRPERSON MILLER: Mr. Rodriguez
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 5-0-0.

16 We have a Second Supplemental
17 Licensing Agenda. The first item on that agenda
18 is a request to operate a 29-seat rooftop summer
19 garden and that is by Cambria Suites Washington
20 City Market located at 899 O Street, N.W.,
21 License No. 094523.

22 I move that we placard this request.

1 Do I have a second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON MILLER: Mr. Short has
4 seconded the motion. Any comments?

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 5-0-0.

10 The second on the Second Supplemental
11 Licensing Agenda is a review for an application
12 for safekeeping of license for District located
13 at 2473 18th Street, N.W., License No. 092742.

14 I would move that we deny, at this
15 point and in this stage of the license. I don't
16 believe the movant is the owner or at least yet.
17 So I would move to deny, at this point. Do I
18 have a second?

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Mr. Alberti
21 seconded the motion. Any comments?

22 MEMBER ALBERTI: I'll just comment

1 that the current -- currently, the license is
2 suspended.

3 CHAIRPERSON MILLER: Yes, right.
4 Okay. Thank you. Any other comments? All
5 right.

6 All those in favor then of denying the
7 application say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 5-0-0.

12 Okay. No. 3 is a review of
13 construction plans which were requested by the
14 Board on December 20, 2014 for L'Enfant Plaza
15 Hotel. L'Enfant Plaza Hotel is located at 480
16 L'Enfant Plaza, S.W., License No. 093846.

17 The Board had approved the license in
18 safekeeping for six months for this establishment
19 on December 10, 2014. So we approved, but we
20 asked for further information, which was
21 submitted. However, I believe that the
22 information that was submitted doesn't address

1 fully the Board's concerns.

2 And so I would move that we request
3 the applicant to submit documentation showing the
4 steps to be taken and time line for completion of
5 this project and that we schedule a Fact-Finding
6 in this case. And I would say if we are
7 satisfied by the documents, that there is no need
8 for a Fact-Finding, we could cancel it, but not
9 knowing that, at this point, I would move that we
10 do both.

11 MEMBER SHORT: Second.

12 CHAIRPERSON MILLER: Okay. Mr. Short
13 has seconded the motion. Any comments?

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 5-0-0.

19 That completes the Second Supplemental
20 Licensing Agenda.

21 And what we have left is just a few
22 cancellations.

1 Okay. We have four items on the
2 cancellation list. The first one is ABRA-082439,
3 Kushi Izakaya located at 465 K Street, N.W.

4 It appears that the establishment has
5 ceased operations. The licensee was advised via
6 U.S. Postal Service in a letter dated 11/13/2014
7 to place license in safekeeping within 10 days
8 and the letter was returned to the Agency
9 undeliverable.

10 So I move that we cancel this license.
11 Do I have a second?

12 MEMBER ALBERTI: Second.

13 CHAIRPERSON MILLER: Mr. Alberti
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 5-0-0. This will be set forth in Board
20 Order 2015-009.

21 The second item is ABRA-021995, Pines
22 of Florence, CR License at 2100 Connecticut

1 Avenue, N.W. The same situation. The
2 establishment appears to have ceased operations
3 and a letter was sent to them on November 13,
4 2014 regarding placing in safekeeping within 10
5 days. The letter was returned undeliverable.

6 So I move that we cancel this license.

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 5-0-0. This will be set forth in Board
15 Order 2015-013.

16 The next one is ABRA-093635, Bodogs,
17 a CR License at 614 E Street, N.W. Again, this
18 establishment appears to have ceased operations.
19 The licensee was advised via U.S. Postal Service
20 in a letter dated 11/13/2014 to place license in
21 safekeeping within 10 days and the letter was
22 returned undeliverable.

1 I move that we cancel this license.

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti

4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those

8 opposed? All those abstaining? The motion

9 passes 5-0-0. This will be set forth in Board

10 Order 2015-014.

11 And finally, ABRA-008348, Hunan

12 Peking, a DR License at 3251 Prospect Street,

13 N.W., #500. This establishment has requested

14 cancellation of the license.

15 I move that we approve the

16 cancellation. Is there a second?

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Mr. Alberti

19 seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 5-0-0. This will be set forth in Board
3 Order 2015-008.

4 Okay. That completes our agendas for
5 January 14, 2015.

6 It is now 1:39. We have an afternoon
7 hearing scheduled at 1:30. However, prior to
8 that hearing, the Board would like to take a
9 quick recess and come back to do that hearing.

10 MEMBER ALBERTI: Do you want to read
11 the closed meetings, so you don't forget?

12 CHAIRPERSON MILLER: No.

13 MEMBER ALBERTI: Fine. It's up to
14 you. You've got to remember.

15 CHAIRPERSON MILLER: Okay. Okay. All
16 right. So we will probably be 10 minutes in case
17 you all want to step out.

18 (Whereupon, the A.B.R.A. Agenda in the
19 above-entitled matter was concluded at 1:39 p.m.)
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22

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500 14:13

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614 13:17
639 8:4

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899 8:20