

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

2 11:51 a.m.

3 CHAIRPERSON MILLER: Okay. We have
4 several agendas before us this afternoon on
5 January 21, 2015.

6 The first I'm going to start off with
7 is the Supplemental Legal Agenda.

8 No. 1 is a review of off-site storage
9 request dated December 17, 2014 for Acadiana
10 located at 901 New York Avenue, N.W., License No.
11 072593.

12 I move that we approve this request
13 subject to the requirement that copies must be
14 kept in the District and the licensee shall
15 indicate to ABRA where those copies will be kept.

16 MEMBER SHORT: Second.

17 CHAIRPERSON MILLER: Mr. Short has
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 5-0-0.

2 No. 2 is another off-site storage
3 request, same date, for December 17, 2014 from
4 Penn Commons located at 700 6th Street, N.W.,
5 License No. 095147.

6 I move the same motion that we grant
7 it subject to their keeping copies in the
8 District and indicate to ABRA where those copies
9 will be.

10 Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks has
13 seconded the motion.

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 No. 3 is a settlement agreement
20 between ANC-2E and J. Paul's. J. Paul's is
21 located at 1305 Wisconsin Avenue, N.W., License
22 No. 072538.

1 I move approval with modification to
2 Paragraph No. 6. And our legal counsel will work
3 with the parties on that provision. Do I have a
4 second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks
7 seconded the motion. Any further comments?

8 Then all those in favor say aye.

9 ALL: Aye.

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

13 No. 4 is a settlement agreement
14 between ANC-1B and Freedom Lounge. Freedom
15 Lounge is located at 1920 9th Street, N.W.,
16 License No. 097277.

17 I move to approve with modifications
18 to paragraph I with respect to the Show Cause
19 language. Is there a second?

20 MEMBER ALBERTI: Second.

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

1 Not hearing any, all those in favor
2 say aye.

3 ALL: Aye.

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

7 No. 5 is a request for reinstatement
8 submitted by Chair Stephen Whatley on behalf of
9 ANC-4A dated January 14, 2015. Cheerz is located
10 at 7303 Georgia Avenue, N.W., License No. 095178.

11 Mr. Whatley has requested
12 reinstatement on the grounds that he said he
13 missed the hearing because he didn't -- it wasn't
14 on the website or he didn't see it on the website
15 and he called ABRA and they told him that it was
16 canceled.

17 So I would move to grant the
18 reinstatement. Do I have a second? Not hearing
19 any, the motion dies for lack of a second.

20 Does someone else have a motion?

21 MEMBER ALBERTI: I move to deny the
22 request.

1 CHAIRPERSON MILLER: Mr. Alberti has
2 moved to deny the request. Is there a second?

3 MEMBER SHORT: Second.

4 CHAIRPERSON MILLER: Mr. Short has
5 seconded the motion.

6 All those in favor say aye.

7 MEMBER BROOKS: Aye.

8 MEMBER ALBERTI: Aye.

9 MEMBER SHORT: Aye.

10 MEMBER RODRIGUEZ: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? Opposed. All those abstaining? The
13 motion passes to deny 4-1-0 with Miller in favor
14 of opposing the motion.

15 All right. Okay. So that completes
16 that Supplemental Legal Agenda. We have a
17 Licensing Agenda.

18 The first item is for a change of
19 hours for Thip Khao establishment located at 3460
20 14th Street, N.W. It's a CR License No. 097131.

21 I move that we placard this request.
22 Do I have a second?

1 MEMBER RODRIGUEZ: Second.

2 CHAIRPERSON MILLER: Mr. Rodriguez has
3 seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

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

9 We have next a Supplemental Licensing
10 Agenda.

11 The first item on the Supplemental
12 Licensing Agenda is a request for a change of
13 hours for the interior as well as for a sidewalk
14 cafe and it's by Pop's Seabar 1 located at 1817
15 Columbia Road, N.W., License No. 087585.

16 I move that we placard. Do I have a
17 second?

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON MILLER: Mr. Alberti
20 seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 5-0-0.

4 No. 2 is a letter from Carl H. Pierre
5 of We Work regarding application for a liquor
6 license. We Work is located at 641 S Street,
7 N.W., and the License No. is 097412.

8 I move that we hold a Fact-Finding
9 Hearing with respect to this application.

10 MEMBER SHORT: Second.

11 CHAIRPERSON MILLER: Mr. Short has
12 seconded the motion.

13 All those in favor say aye.

14 MEMBER BROOKS: Aye.

15 MEMBER RODRIGUEZ: Aye.

16 CHAIRPERSON MILLER: Aye.

17 MEMBER SHORT: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed?

20 MEMBER ALBERTI: Opposed.

21 CHAIRPERSON MILLER: The motion
22 passes. Is that 4-1-0?

1 MEMBER ALBERTI: Yes.

2 CHAIRPERSON MILLER: Okay. With
3 Alberti opposed.

4 MEMBER ALBERTI: I will just say for
5 the record that I believe that we have sufficient
6 facts to make a decision on this request from the
7 -- from We Work.

8 CHAIRPERSON MILLER: Okay.

9 No. 3 is a manager's application that
10 we originally approved on a temporary basis in
11 July of 2014 for Jacob Ishler. And what is
12 before us is to approve the licensing -- a
13 manager's license for a regular license, not a
14 temporary license now.

15 And I move that we approve that. Do
16 I have a second?

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Mr. Alberti has
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.

3 Next is a Second Supplemental
4 Licensing Agenda, which are a series of requests.

5 1 through 11 by Attorney Jerry Moore
6 for temporary retail operating permit for 11
7 different Safeways.

8 No. 1 is on 415 14th Street, S.E.; No.
9 2 is 2845 Alabama Avenue, S.E.; No. 3 is 322 40th
10 Street, N.E.; No. 4 is 1747 Columbia Road, N.W.;
11 No. 5 is 1601 Maryland Avenue, N.E.; No. 6 is
12 1855 Wisconsin Avenue, N.W.; No. 7 is 490 L
13 Street, N.W.; No. 8 is 6500 Piney Branch Road,
14 N.W.; No. 9 is 4865 MacArthur Boulevard, N.W.;
15 No. 10 is 1100 4th Street, W.W.; and No. 11 is
16 3830 Georgia Avenue, N.W.

17 I move that we approve all 11 requests
18 for temporary retail operating permits for these
19 safeways. Is there a --

20 MEMBER SHORT: Second.

21 CHAIRPERSON MILLER: Mr. Short has
22 seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

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

6 Okay. We have next a Cease and Desist
7 Agenda to approve, that is ABRA No. 093115, Lucky
8 Corner Store, Retail Grocery B, at 5433 Georgia
9 Avenue, N.W.

10 The licensee's renewal application was
11 dismissed and the licensee did not seek
12 reinstatement of the application or file a second
13 renewal application, so, therefore, I move for a
14 cease and desist for that establishment. Do I
15 have a second?

16 MEMBER SHORT: Second.

17 CHAIRPERSON MILLER: Mr. Short has
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 4-0-0.

2 Okay. We have two cancellations
3 wherein each establishment has requested the
4 cancellation of the license.

5 The first one is ABRA No. 091650,
6 Smashburger located at 1739 Connecticut Avenue,
7 N.W.

8 And the second one is Grand Cata
9 located at 440 K Street, N.W.

10 I move that we cancel these licenses.
11 Do I have a second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON MILLER: Mr. Short has
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 4-0-0.

20 Smashburger's order will be issued
21 today. It is Order No. 2015-028.

22 And Grand Cata's will be issued today

1 and that is Order No. 2015-027.

2 One second. Okay. I have one more
3 item and that is Case No. 15-251-00006, T and T
4 Associates located at 5123 Georgia Avenue, N.W.,
5 Retailer C Club License No. ABRA-017426.

6 This establishment was closed by the
7 Chief of Police on January 17, 2015 on the basis
8 that the establishment posed an imminent hazard
9 to the public. And the Board has received a
10 report on the facts of this case this morning.

11 And I would move that we continue the
12 suspension of the license for this establishment
13 pursuant to 25-826, in that there still exists an
14 imminent hazard based on our reading of our
15 investigative report.

16 MEMBER SHORT: Imminent danger?

17 CHAIRPERSON MILLER: Yes.

18 MEMBER SHORT: Imminent danger or
19 imminent hazard? You said imminent --

20 CHAIRPERSON MILLER: Same thing.

21 Well, I'm --

22 MEMBER SHORT: Imminent danger.

1 CHAIRPERSON MILLER: Same thing, but
2 I can say danger.

3 MEMBER SHORT: Thank you.

4 CHAIRPERSON MILLER: Okay. Okay. So
5 now I lost my thought, but I move for Summary
6 Suspension pursuant to 25-826 in light of
7 imminent danger presented by this establishment.

8 MEMBER SHORT: Second.

9 CHAIRPERSON MILLER: Okay. Mr. Short
10 has 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 4-0-0.

16 Okay. That completes the items on our
17 agenda and I think what I would like to do, at
18 this point, is take the votes on the closed
19 meetings for next week.

20 As Chairperson of the Alcoholic
21 Beverage Control Board for the District of
22 Columbia and in accordance with Section 405 of

1 the Open Meetings Amendment Act of 2010, I move
2 that the ABC Board hold a closed meeting on
3 January 28, 2015 for the purpose of seeking legal
4 advice from our counsel on the matters identified
5 on the Board's Agenda for January 28, 2015 as
6 published in the DC Register on January 23, 2015.

7 Is there a second?

8 MEMBER RODRIGUEZ: Second.

9 CHAIRPERSON MILLER: Mr. Rodriguez has
10 seconded the motion. I'll now take a roll call
11 vote on the motion before us now that it has been
12 seconded.

13 Mr. Brooks?

14 MEMBER BROOKS: I agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON MILLER: Mr. Rodriguez?

18 MEMBER RODRIGUEZ: I agree.

19 CHAIRPERSON MILLER: Ms. Miller
20 agrees.

21 Mr. Short?

22 MEMBER SHORT: I agree.

1 CHAIRPERSON MILLER: It appears that
2 the motion has passed by a 5-0-0 vote.

3 I hereby give notice that the ABC
4 Board will hold this aforementioned closed
5 meeting pursuant to the Open Meetings Amendment
6 Act of 2010. Notice will also be posted on the
7 ABC Board hearing room bulletin board, placed on
8 the electronic calendar on ABRA's website and
9 published in the DC Register in as timely a
10 manner as practicable.

11 As Chairperson of the Alcoholic
12 Beverage Control Board for the District of
13 Columbia and in accordance with Section 405 of
14 the Open Meetings Amendment Act of 2010, I move
15 that the ABC Board hold a closed meeting on
16 January 28, 2015 for the purpose of discussing
17 and hearing reports concerning ongoing or planned
18 investigations of alleged criminal or civil
19 misconduct or violations of law or regulations
20 and seeking legal advice from our counsel on the
21 Board's Investigative Agenda for January 28, 2015
22 as published in the DC Register on January 23,

1 2015.

2 Is there a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks has
5 seconded the motion. I'll now take a roll call
6 vote on the motion before us now that it has been
7 seconded.

8 Mr. Brooks?

9 MEMBER BROOKS: I agree.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON MILLER: Mr. Rodriguez?

13 MEMBER RODRIGUEZ: I agree.

14 CHAIRPERSON MILLER: Ms. Miller
15 agrees.

16 Mr. Short?

17 MEMBER SHORT: I agree.

18 CHAIRPERSON MILLER: It appears that
19 the motion has passed by a 5-0-0 vote.

20 I hereby give notice that the ABC
21 Board will hold this aforementioned closed
22 meeting pursuant to the Open Meetings Amendment

1 Act of 2010. Notice will also be posted on the
2 ABC Board hearing room bulletin board, placed on
3 the electronic calendar on ABRA's website and
4 published in the DC Register in as timely a
5 manner as practicable.

6 Okay. Thank you. So we are recessed
7 again until our afternoon hearings.

8 (Whereupon, the A.B.R.A. Agenda in the
9 above-entitled matter was concluded at 12:09
10 p.m.)

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