

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda  
Hearing

January 29, 2014

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:

NICK ALBERTI, Acting Chair  
DONALD BROOKS, Member  
HERMAN JONES, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

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

(11:11 p.m.)

ACTING CHAIR ALBERTI: All right.

So we are now taking up the licensing agenda for the Alcoholic Beverage Control Board for Wednesday, January 29, 2014.

Item 1 is a review of a letter requesting cancellation of a license and a refund of licensing fees for Lime Fresh Mexican Grill, License No. 6312.

I move to deny -- I move to approve the cancellation and deny the refund request.

Do I have a second?

MEMBER RODRIGUEZ: Second.

ACTING CHAIR ALBERTI: All those in favor say aye.

ALL: Aye.

ACTING CHAIR ALBERTI: All those opposed? The motion passes 6-0.

Item 2 is a review of a letter requesting cancellation of a license for

1 Cowgirl Creamery. This is License No. 78540.

2 This will be referred to  
3 licensing.

4 Item 3 is a review of a letter  
5 from Daniel Desta requesting to withdraw the  
6 issuance of a Class A Retailer's License.  
7 This is -- the establishment is Dollar Plus  
8 Food, License No. 83559.

9 I move to approve the request. Do  
10 I have a second?

11 MEMBER BROOKS: Second.

12 ACTING CHAIR ALBERTI: All those  
13 in favor say aye.

14 ALL: Aye.

15 ACTING CHAIR ALBERTI: All those  
16 opposed? The motion passes 6-0.

17 Item 4 is a review of a letter  
18 requesting extension of safekeeping for  
19 Veronica Little. This is formerly the Skylark  
20 Nightclub, Retail License 90611.

21 This will be referred to  
22 licensing.

1                   Item 5 is a review request to  
2                   remove a license from safekeeping and move it  
3                   to a new location. The request is from Ronald  
4                   and Deloris Dickson and the License No. is  
5                   91423.

6                   I move to deny this. The location  
7                   for the transfer is within 600 feet of another  
8                   establishment with a new dancing endorsement.  
9                   The license we are talking about is an  
10                  establishment with a new dancing endorsement.

11                  So that's my motion. Do I have a  
12                  second?

13                  MEMBER SILVERSTEIN: Second.

14                  ACTING CHAIR ALBERTI: All those  
15                  in favor say aye.

16                  ALL: Aye.

17                  ACTING CHAIR ALBERTI: All those  
18                  opposed? The motion passes 6-0.

19                  Item 6 is a review of an  
20                  application for a request of change of hours  
21                  of live entertainment for Cedar Hill Bar &  
22                  Grill. This is License No. 91887.

1 I move to placard this requested  
2 change. Do I have a second?

3 MEMBER BROOKS: Second.

4 ACTING CHAIR ALBERTI: All those  
5 in favor say aye.

6 ALL: Aye.

7 ACTING CHAIR ALBERTI: All those  
8 opposed? The motion passes 6-0.

9 Item 7 is a review of a manager's  
10 application for Carlos A. Padilla Garcia, ABRA  
11 License No. 94063.

12 I move to approve the application.  
13 Do I have a second?

14 MEMBER RODRIGUEZ: Second.

15 ACTING CHAIR ALBERTI: Okay.

16 Seconded by Mr. Rodriguez.

17 All those in favor say aye.

18 ALL: Aye.

19 ACTING CHAIR ALBERTI: All those  
20 opposed? The motion passes 6-0.

21 Item 8 is a review of a manager's  
22 application for Andrew G. De La Paz, ABRA

1 License No. 93496.

2 I move to approve this  
3 application. Is there a second?

4 MEMBER BROOKS: Second.

5 ACTING CHAIR ALBERTI: Seconded by  
6 Mr. Brooks.

7 All those in favor say aye.

8 ALL: Aye.

9 ACTING CHAIR ALBERTI: All those  
10 opposed? The motion passes 6-0.

11 We are now moving to the January  
12 29, 2014 licensing supplemental agenda.

13 Item 1 is a review of a previously  
14 approved caterer's license application for  
15 purposes to correct the address. The  
16 establishment is Aramark and the License No.  
17 is 92633. I believe we are correcting the  
18 address to 4400 Massachusetts Avenue.

19 I move to approve this request.

20 Is there a second?

21 MEMBER BROOKS: Second.

22 ACTING CHAIR ALBERTI: Mr. Brooks

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 ACTING CHAIR ALBERTI: All those  
5 opposed? The motion passes 6-0.

6 Item 2 is a review of a request  
7 for a new Retailer's Class B License. This is  
8 for a Safeway at 3830 Georgia Avenue, License  
9 No. 93822.

10 This will be referred to  
11 licensing.

12 I have a second licensing agenda  
13 for January 29, 2014.

14 Item 1 on that agenda is a review  
15 of a letter for reconsideration of an untimely  
16 protest. This is from Avenue Suites A Bar at  
17 2500 Pennsylvania Avenue, N.W., and this is  
18 with regards to License No., a protest of,  
19 086545.

20 I move to deny the motion for  
21 reconsideration. Is there a second?

22 MEMBER BROOKS: Second.

1                   ACTING CHAIR ALBERTI: Mr. Brooks  
2 has seconded.

3                   All those in favor say aye.

4                   ALL: Aye.

5                   ACTING CHAIR ALBERTI: All those  
6 opposed? The motion passes 6-0.

7                   Item 2 is a review of an  
8 applicant's request for reinstatement of an  
9 application for substantial change and for an  
10 application to terminate settlement agreement.  
11 The applicant is Ghana Cafe, License No.  
12 82751.

13                   I move to deny both the  
14 reinstatement and substantial change  
15 application and the application for a  
16 termination of settlement agreement. Is there  
17 a second?

18                   MEMBER RODRIGUEZ: Second.

19                   ACTING CHAIR ALBERTI: Mr.  
20 Rodriguez seconded.

21                   All those in favor say aye.

22                   ALL: Aye.

1                   ACTING CHAIR ALBERTI: All those  
2 opposed? The motion passes 6-0.

3                   Item 3 is a review of a motion for  
4 dismissal of a renewal request of license from  
5 Sunshine Bar and Lounge, License No. 085239.

6                   This item is moot because the  
7 license for this establishment was revoked on  
8 January 15th.

9                   Item 4 is a review of a modified  
10 settlement agreement between ANC-6B and The  
11 Capitol Lounge, License No. 023601.

12                   I move to approve this agreement.  
13 Do I have a second?

14                   MEMBER BROOKS: Second.

15                   ACTING CHAIR ALBERTI: Mr. Brooks  
16 has seconded.

17                   All those in favor say aye.

18                   ALL: Aye.

19                   ACTING CHAIR ALBERTI: All those  
20 opposed? The motion passes 6-0.

21                   Item 5 is a review of two requests  
22 from E & J Gallo to provide retailers with

1 products valued at more than \$50 and less than  
2 \$500.

3 I move to approve the request. Is  
4 there a second?

5 MEMBER BROOKS: Second.

6 ACTING CHAIR ALBERTI: Mr. Brooks  
7 seconds it.

8 All those in favor say aye.

9 ALL: Aye.

10 ACTING CHAIR ALBERTI: All those  
11 opposed? The motion passes 6-0.

12 I am now moving on to a  
13 supplemental agenda for January 29th. I guess  
14 this is our second supplemental agenda, yeah.  
15 Oh, this is not the licensing agenda. This is  
16 -- anyway, the supplemental agenda.

17 Item 1 is a review of a motion for  
18 continuance of a Protest Hearing regarding a  
19 protest of Tackle Box, License No. 084954.

20 I would note that we have consent  
21 for the continuation from both parties. So I  
22 move to approve the request for a continuance.

1 Do I have a second?

2 MEMBER BROOKS: Second.

3 ACTING CHAIR ALBERTI: Mr. Brooks  
4 seconded.

5 All those in favor say aye.

6 ALL: Aye.

7 ACTING CHAIR ALBERTI: All those  
8 opposed? The motion passes 6-0. I will note  
9 that their rescheduling date is to be  
10 determined.

11 Item 2 is a review of a motion for  
12 a continuance of a Protest Hearing regarding  
13 Bandolero, License No. 75631.

14 Again, I note that both parties  
15 have agreed to the continuance and so I move  
16 that we approve the motion. Is there a  
17 second?

18 MEMBER BROOKS: Second.

19 ACTING CHAIR ALBERTI: Mr. Brooks  
20 has seconded.

21 All those in favor say aye.

22 ALL: Aye.

1                   ACTING CHAIR ALBERTI: All those  
2                   opposed? The motion passes 6-0. Again, the  
3                   reschedule date will -- is to be determined.

4                   Okay. So as Chairperson of the  
5                   Alcoholic Beverage Control Board for the  
6                   District of Columbia and in accordance with  
7                   Section 405 of the Open Meetings Amendment Act  
8                   of 2010, I move that the ABC Board hold a  
9                   closed meeting on February 5, 2014 for the  
10                  purpose of seeking legal advice from our  
11                  counsel on matters identified on the Board's  
12                  Agenda for February 5, 2014 as published in  
13                  the DC Register on January 31, 2014.

14                  Is there a second?

15                  MEMBER BROOKS: Second.

16                  ACTING CHAIR ALBERTI: Mr. Brooks  
17                  seconded. I will now take a roll call.

18                  Mr. Brooks?

19                  MEMBER BROOKS: I agree.

20                  ACTING CHAIR ALBERTI: Mr.  
21                  Rodriguez?

22                  MEMBER RODRIGUEZ: I agree.

1                   ACTING CHAIR ALBERTI: I, Mr.  
2                   Alberti, agree.

3                   Mr. Silverstein?

4                   MEMBER SILVERSTEIN: I agree.

5                   ACTING CHAIR ALBERTI: Mr. Short?

6                   MEMBER SHORT: I agree.

7                   ACTING CHAIR ALBERTI: Mr. Jones?

8                   MEMBER JONES: I agree.

9                   ACTING CHAIR ALBERTI: It's  
10                  getting late. Thank you. Okay. So the  
11                  motion passes 6-0.

12                  As Chairperson of the Alcoholic  
13                  Beverage Control Board for the District of  
14                  Columbia and in accordance with Section 405 of  
15                  the Open Meetings Amendment Act of 2010, I  
16                  move that the ABC Board hold a closed meeting  
17                  on February 5, 2014 for the purpose of  
18                  discussing and hearing reports concerning  
19                  ongoing or planned investigations of alleged  
20                  criminal or civil misconduct or violations of  
21                  law or regulations and seeking legal advice  
22                  from our counsel on the Board's investigative

1 agenda for February 5, 2014 as published in  
2 the DC Register on January 31, 2014.

3 Is there a second?

4 MEMBER BROOKS: Second.

5 ACTING CHAIR ALBERTI: Okay. I  
6 move that we -- okay. I will now take a roll  
7 call.

8 Mr. Brooks?

9 MEMBER BROOKS: I agree.

10 ACTING CHAIR ALBERTI: Mr.  
11 Rodriguez?

12 MEMBER RODRIGUEZ: I agree.

13 ACTING CHAIR ALBERTI: I, Mr.  
14 Alberti, agree.

15 Mr. Silverstein?

16 MEMBER SILVERSTEIN: I agree.

17 ACTING CHAIR ALBERTI: Mr. Short?

18 MEMBER SHORT: I agree.

19 ACTING CHAIR ALBERTI: And, Mr.  
20 Jones?

21 MEMBER JONES: I agree.

22 ACTING CHAIR ALBERTI: Okay. The

1 motion passes 6-0.

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

11 We are off the record and we are  
12 done.

13 MEMBER JONES: Off and running.

14 ACTING CHAIR ALBERTI: Yes. Thank  
15 you gentlemen.

16 MEMBER RODRIGUEZ: No, thank you.

17 (Whereupon, the A.B.R.A. Agenda in  
18 the above-entitled matter was concluded at  
19 11:22 p.m.)

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22

<b>A</b>	<b>alleged</b> 13:19 <b>Amendment</b> 12:7 13:15 15:6 <b>ANC-6B</b> 9:10 <b>Andrew</b> 5:22 <b>anyway</b> 10:16 <b>appears</b> 15:2 <b>applicant</b> 8:11 <b>applicant's</b> 8:8 <b>application</b> 4:20 5:10,12,22 6:3,14 8:9,10,15,15 <b>approve</b> 2:12 3:9 5:12 6:2,19 9:12 10:3,22 11:16 <b>approved</b> 6:14 <b>Aramark</b> 6:16 <b>Avenue</b> 6:18 7:8,16 7:17 <b>aye</b> 2:17,18 3:13,14 4:15,16 5:5,6,17 5:18 6:7,8 7:2,3 8:3,4,21,22 9:17 9:18 10:8,9 11:5,6 11:21,22	<b>bulletin</b> 15:7	<b>C</b>	<b>Cafe</b> 8:11 <b>calendar</b> 15:8 <b>call</b> 12:17 14:7 <b>cancellation</b> 2:8,12 2:22 <b>Capitol</b> 9:11 <b>Carlos</b> 5:10 <b>caterer's</b> 6:14 <b>Cedar</b> 4:21 <b>Chair</b> 1:15 2:3,16 2:19 3:12,15 4:14 4:17 5:4,7,15,19 6:5,9,22 7:4 8:1,5 8:19 9:1,15,19 10:6,10 11:3,7,19 12:1,16,20 13:1,5 13:7,9 14:5,10,13 14:17,19,22 15:14 <b>Chairperson</b> 1:12 12:4 13:12 <b>change</b> 4:20 5:2 8:9 8:14 <b>civil</b> 13:20 <b>Class</b> 3:6 7:7 <b>closed</b> 12:9 13:16 15:4 <b>Columbia</b> 1:1 12:6 13:14 <b>concerning</b> 13:18 <b>concluded</b> 15:18 <b>consent</b> 10:20 <b>continuance</b> 10:18 10:22 11:12,15 <b>continuation</b> 10:21 <b>Control</b> 1:2,10,11 2:5 12:5 13:13 <b>correct</b> 6:15 <b>correcting</b> 6:17 <b>counsel</b> 12:11 13:22 <b>Cowgirl</b> 3:1 <b>Creamery</b> 3:1 <b>criminal</b> 13:20	<b>D</b>	<b>D.C</b> 1:12 <b>dancing</b> 4:8,10 <b>Daniel</b> 3:5 <b>date</b> 11:9 12:3 <b>DC</b> 12:13 14:2 15:9 <b>De</b> 5:22 <b>Deloris</b> 4:4 <b>deny</b> 2:11,12 4:6 7:20 8:13 <b>Desta</b> 3:5 <b>determined</b> 11:10 12:3 <b>Dickson</b> 4:4 <b>discussing</b> 13:18 <b>dismissal</b> 9:4 <b>District</b> 1:1 12:6 13:13 <b>Dollar</b> 3:7 <b>DONALD</b> 1:15	<b>Gallo</b> 9:22 <b>Garcia</b> 5:10 <b>gentlemen</b> 15:15 <b>Georgia</b> 7:8 <b>getting</b> 13:10 <b>Ghana</b> 8:11 <b>give</b> 15:3 <b>Grill</b> 2:10 4:22 <b>guess</b> 10:13
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