

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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A.B.R.A AGENDA :

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January 30, 2013

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

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

HERMAN JONES, Member

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

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

(4:25 p.m.)

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2  
3 CHAIRPERSON MILLER: We are back  
4 on the record for the meeting agenda for  
5 January 30, 2013.

6 Okay. The first item on the  
7 agenda is a change of hours application to  
8 operate on Mondays from 9:00 p.m. to 2:00 a.m.  
9 Currently, they are closed on Mondays. The  
10 establishment is Ziegfield's/Secrets located  
11 at 1824 Half Street, S.W., License No. 78663  
12 in ANC-6D.

13 This establishment has no  
14 outstanding fines/citations and they have a  
15 letter of support from the ANC to amend the VA  
16 to allow it.

17 So I move that we approve the  
18 change of hours.

19 MEMBER BROOKS: I second.

20 CHAIRPERSON MILLER: Mr. Brooks  
21 has seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

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

5 No. 2 on the agenda is a request  
6 from Emanuel Mpras on behalf of the licensee  
7 to expand alcohol service on first and second  
8 floors to the first, second and third floors.  
9 There is no pending investigative matters and  
10 no outstanding fines/citations and no  
11 settlement agreement.

12 It is Roc Bar in ANC-2F located at  
13 1426 L Street, N.W., License No. 89818.

14 I move that we placard this  
15 application. Do I have a second?

16 MEMBER BROOKS: Second.

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

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed? All those abstaining? The vote is

1 5-0-0.

2 No. 3 on the agenda is a change of  
3 hours application to change hours of operation  
4 of summer garden and the premises, so that  
5 they are open now at 11:00 a.m., seven days a  
6 week. They were previously open at 12:00.  
7 There is no pending investigative matters, no  
8 outstanding fines/citations, no conflict with  
9 any settlement agreement. It is in ANC-3B.

10 The establishment is Town Hall  
11 located at 2340-46 Wisconsin Avenue, N.W.,  
12 License No. 87661.

13 I move that we approve this  
14 application. Do I have a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks  
17 has seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

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

1                   No. 4 on the agenda is a request  
2                   from Stephen O'Brien on behalf of an  
3                   establishment known as Napoleon. We actually  
4                   approved this request last week, so no action  
5                   is required on that.

6                   No. 5 is a review of a safekeeping  
7                   application and due to the property being sold  
8                   and the business closure, it is in ANC-2B, the  
9                   establishment is Omega located at 2123 Twining  
10                  Court, N.W., License No. 909.

11                  I move that we approve putting  
12                  this in safekeeping for a six month period.  
13                  Do I have a second?

14                  MEMBER BROOKS: Second.

15                  CHAIRPERSON MILLER: Mr. Brooks  
16                  has 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                  No. 6 is a settlement agreement

1 amendment dated January 16, 2013 between  
2 Tortino Restaurant and ANC-2F. Tortino  
3 Restaurant is located at 1228 11th Street,  
4 N.W., License No. 87730.

5 I move that we approve this  
6 amendment. Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks  
9 has seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

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

15 Okay. That completes the agenda.  
16 We have a supplemental agenda.

17 No. 1 on the supplemental agenda  
18 is a request from Stephen O'Brien on behalf of  
19 the licensee for a temporary operating retail  
20 permit for Sirolo, LLC t/a Ancora, that's the  
21 transferee, and consent authorization from  
22 Watergate 600, LLC, the transferor. It is

1 located in ANC-2A.

2 The establishment is Rivers at the  
3 Watergate, 600 New Hampshire Avenue, N.W.,  
4 License No. 85729.

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

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks  
9 has 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.

15 No. 2 is a change of hours  
16 application to change hours of operation and  
17 hours of alcoholic beverage sales. The  
18 proposed hours are Monday through Sunday 7:00  
19 a.m. to 12:00 a.m.

20 There is no settlement agreement  
21 in this case. It is located in ANC-7E. It is  
22 Dennies Market located at 5000 Benning Road,

1 S.E., License No. 83042.

2 I move that we approve this change  
3 of hours.

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks  
6 has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

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

12 No. 3 is a review of District of  
13 Columbia's opposition to respondent's motion  
14 to exclude prior violations history dated  
15 January 22, 2013 from Fernando Rivero. The  
16 establishment is Yegna located at 1920 9th  
17 Street, N.W., License No. 74241.

18 So we have before us respondent's  
19 motion to exclude the prior violations history  
20 and then we have a response from Mr. Rivero.  
21 So this motion is ready to be ruled on and I  
22 move that we deny the motion to exclude the

1 prior violations history.

2 MEMBER BROOKS: Second.

3 CHAIRPERSON MILLER: Mr. Brooks  
4 has seconded the motion.

5 All those in favor of the motion  
6 to deny say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those  
9 opposed? The motion passes by a vote of 5-0-0  
10 to deny the motion.

11 No. 4 is a review of  
12 correspondence dated September 10, 2012 from  
13 Jonathan Gropper of BeerRightNow.com  
14 requesting an advisory opinion regarding  
15 Section 24-101(45).

16 I move that we postpone this one  
17 more week. Do I have a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks  
20 has seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1                   CHAIRPERSON MILLER: All those  
2                   opposed? All those abstaining? The vote is  
3                   5-0-0 to postpone.

4                   No. 5, next we have a Technical  
5                   Amendment Rulemaking 2013. I move that we  
6                   approve this rulemaking. Do I have a second?

7                   MEMBER BROOKS: Second.

8                   CHAIRPERSON MILLER: Mr. Brooks  
9                   has 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 to approve.

15                  And No. 6 on the supplemental  
16                  agenda is Glover Park Moratorium Zone Final  
17                  Rulemaking 2013.

18                  I move that we approve this final  
19                  rulemaking as well. Do I have a second?

20                  MEMBER BROOKS: Second.

21                  CHAIRPERSON MILLER: Yes, Mr.  
22                  Brooks has 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 to approve 5-0-0.

6 And finally, I have two change of  
7 hours applications.

8 The first one is changing the  
9 hours of operation in alcoholic beverage sales  
10 to Monday through Sunday, 7:00 a.m. to 12:00  
11 a.m. There is no settlement agreement. It is  
12 in ANC-7C. It is Uncle Lee's Seafood at 1102  
13 Eastern Avenue, N.E. The License No. is  
14 085918.

15 And the second is a change of  
16 hours of operation in alcoholic beverage sales  
17 to Monday through Thursday, 8:30 a.m. to 9:00  
18 p.m., Friday and Saturday, 8:30 a.m. to 10:00  
19 p.m., and Sunday, 9:00 a.m. to 9:00 p.m.

20 There is no settlement agreement.  
21 It is in ANC-2B. The establishment is Cairo  
22 Liquor Store, 1618 17th Street, N.W., License

1 No. 000343.

2 I move that we approve both of  
3 these change of hours applications.

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks  
6 has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those  
10 opposed? All those abstaining? Then the vote  
11 is 5-0-0 to approve.

12 So that completes our agenda items  
13 for January 30, 2013.

14 (Whereupon, at 4:34 p.m. a recess  
15 until 4:35 p.m.)

16 CHAIRPERSON MILLER: Okay. As  
17 Chairperson of the Alcoholic Beverage Control  
18 Board for the District of Columbia and in  
19 accordance with Section 405 of the Open  
20 Meetings Amendment Act of 2010, I move that  
21 the ABC Board hold a closed meeting on  
22 February 6 for the purpose of seeking legal

1 advice from our counsel on the matters  
2 identified on the Board's agenda for February  
3 6, 2013 as published in the DC Register on  
4 February 1, 2013.

5 Is there a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks  
8 has seconded the motion. I'll take a roll  
9 call vote on the motion.

10 Mr. Brooks?

11 MEMBER BROOKS: I agree.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MEMBER ALBERTI: I agree.

14 CHAIRPERSON MILLER: Ms. Miller  
15 agrees.

16 Mr. Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON MILLER: Mr. Jones?

19 MEMBER JONES: I agree.

20 CHAIRPERSON MILLER: The motion  
21 passes by a vote of 5-0-0.

22 I hereby give notice that the ABC

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

8 As Chairperson of the Alcoholic  
9 Beverage Control Board for the District of  
10 Columbia and in accordance with Section 405 of  
11 the Open Meetings Amendment Act of 2010, I  
12 move that the ABC Board hold a closed meeting  
13 on February 6, 2013 for the purpose of  
14 discussing and hearing reports concerning  
15 ongoing or planned investigations of alleged  
16 criminal or civil misconduct or violations of  
17 law or regulations and seeking legal advice  
18 from our counsel on the Board's investigative  
19 agenda for February 6, 2013 as published in  
20 the DC Register on February 1, 2013.

21 Is there a second?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Mr. Brooks  
2 has seconded the motion. I will take a roll  
3 call vote on the motion before us now that it  
4 has been seconded.

5 Mr. Brooks?

6 MEMBER BROOKS: I agree.

7 CHAIRPERSON MILLER: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON MILLER: Ms. Miller  
10 agrees.

11 Mr. Silverstein?

12 MEMBER SILVERSTEIN: I agree.

13 CHAIRPERSON MILLER: Mr. Jones?

14 MEMBER JONES: I agree.

15 CHAIRPERSON MILLER: It appears  
16 that the motion has passed by a vote of 5-0-0.  
17 I hereby give notice that the ABC Board will  
18 hold this aforementioned closed meeting  
19 pursuant to the Open Meetings Amendment Act of  
20 2010. Notice will also be posted on the ABC  
21 Board hearing room bulletin board, placed on  
22 the electronic calendar on ABRA's website and

1 published in the DC Register in as timely a  
2 manner as practicable.

3 And that concludes our business  
4 for January 30, 2013.

5 (Whereupon, the A.B.R.A. Agenda in  
6 the above-entitled matter was concluded at  
7 4:37 p.m.)

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<b>A</b>	<b>ANC-7C</b> 11:12 <b>ANC-7E</b> 7:21 <b>appears</b> 15:15 <b>application</b> 2:7 3:15 4:3,14 5:7 7:16 <b>applications</b> 11:7 12:3 <b>approve</b> 2:17 4:13 5:11 6:5 7:5 8:2 10:6,14,18 11:5 12:2,11 <b>approved</b> 5:4 <b>authorization</b> 6:21 <b>Avenue</b> 4:11 7:3 11:13 <b>aye</b> 2:22 3:1,19,20 4:18,19 5:17,18 6:10,11 7:10,11 8:7,8 9:6,7,21,22 10:10,11 11:1,2 12:7,8 <b>A.B.R.A</b> 1:6 16:5 <b>a.m</b> 2:8 4:5 7:19,19 11:10,11,17,18,19	15:1,5,6 <b>bulletin</b> 14:4 15:21 <b>business</b> 5:8 16:3	<b>C</b>	<b>Cairo</b> 11:21 <b>calendar</b> 14:5 15:22 <b>call</b> 13:9 15:3 <b>case</b> 7:21 <b>Chairperson</b> 1:13 1:18 2:3,20 3:2,17 3:21 4:16,20 5:15 5:19 6:8,12 7:8,12 8:5,9 9:3,8,19 10:1,8,12,21 11:3 12:5,9,16,17 13:7 13:12,14,18,20 14:8 15:1,7,9,13 15:15 <b>change</b> 2:7,18 4:2,3 7:15,16 8:2 11:6 11:15 12:3 <b>changing</b> 11:8 <b>civil</b> 14:16 <b>closed</b> 2:9 12:21 14:1,12 15:18 <b>closure</b> 5:8 <b>Columbia</b> 1:1 12:18 14:10 <b>Columbia's</b> 8:13 <b>completes</b> 6:15 12:12 <b>concerning</b> 14:14 <b>concluded</b> 16:6 <b>concludes</b> 16:3 <b>conflict</b> 4:8 <b>consent</b> 6:21 <b>Control</b> 1:2,11,12 12:17 14:9 <b>correspondence</b> 9:12 <b>counsel</b> 13:1 14:18 <b>Court</b> 5:10 <b>criminal</b> 14:16 <b>Currently</b> 2:9	<b>dated</b> 6:1 8:14 9:12 <b>days</b> 4:5 <b>DC</b> 13:3 14:6,20 16:1 <b>Dennies</b> 7:22 <b>deny</b> 8:22 9:6,10 <b>discussing</b> 14:14 <b>District</b> 1:1 8:12 12:18 14:9 <b>DONALD</b> 1:21 <b>due</b> 5:7 <b>D.C</b> 1:13	<b>Half</b> 2:11 <b>Hall</b> 4:10 <b>Hampshire</b> 7:3 <b>hearing</b> 1:12 14:4 14:14 15:21 <b>HERMAN</b> 1:20 <b>history</b> 8:14,19 9:1 <b>hold</b> 12:21 14:1,12 15:18 <b>hours</b> 2:7,18 4:3,3 7:15,16,17,18 8:3 11:7,9,16 12:3
<b>ABC</b> 12:21 13:22 14:4,12 15:17,20 <b>above-entitled</b> 16:6 <b>ABRA's</b> 14:6 15:22 <b>abstaining</b> 3:3,22 4:21 5:20 6:13 7:13 8:10 10:2,13 11:4 12:10 <b>Act</b> 12:20 14:3,11 15:19 <b>action</b> 5:4 <b>advice</b> 13:1 14:17 <b>advisory</b> 9:14 <b>aftermentioned</b> 14:1 15:18 <b>agenda</b> 1:6 2:4,7 3:5 4:2 5:1 6:15 6:16,17 10:16 12:12 13:2 14:19 16:5 <b>agree</b> 13:11,13,17 13:19 15:6,8,12 15:14 <b>agreement</b> 3:11 4:9 5:22 7:20 11:11 11:20 <b>agrees</b> 13:15 15:10 <b>Alberti</b> 1:19 13:12 13:13 15:7,8 <b>alcohol</b> 3:7 <b>alcoholic</b> 1:2,11,12 7:17 11:9,16 12:17 14:8 <b>alleged</b> 14:15 <b>allow</b> 2:16 <b>amend</b> 2:15 <b>amendment</b> 6:1,6 10:5 12:20 14:3 14:11 15:19 <b>ANC</b> 2:15 <b>Ancora</b> 6:20 <b>ANC-2A</b> 7:1 <b>ANC-2B</b> 5:8 11:21 <b>ANC-2F</b> 3:12 6:2 <b>ANC-3B</b> 4:9 <b>ANC-6D</b> 2:12	<b>B</b>	<b>back</b> 2:3 <b>Bar</b> 3:12 <b>BeerRightNow.c...</b> 9:13 <b>behalf</b> 3:6 5:2 6:18 <b>Benning</b> 7:22 <b>beverage</b> 1:2,11,12 7:17 11:9,16 12:17 14:9 <b>board</b> 1:2,12 12:18 12:21 14:1,4,5,9 14:12 15:17,21,21 <b>Board's</b> 13:2 14:18 <b>Brooks</b> 1:21 2:19 2:20 3:16,17 4:15 4:16 5:14,15 6:7,8 7:7,8 8:4,5 9:2,3 9:18,19 10:7,8,20 10:22 12:4,5 13:6 13:7,10,11 14:22	<b>E</b>	<b>Eastern</b> 11:13 <b>electronic</b> 14:5 15:22 <b>Emanuel</b> 3:6 <b>establishment</b> 2:10 2:13 4:10 5:3,9 7:2 8:16 11:21 <b>exclude</b> 8:14,19,22 <b>expand</b> 3:7	<b>I</b>	<b>identified</b> 13:2 <b>investigations</b> 14:15 <b>investigative</b> 3:9 4:7 14:18 <b>item</b> 2:6 <b>items</b> 12:12
		<b>change</b> 2:7,18 4:2,3 7:15,16 8:2 11:6 11:15 12:3 <b>changing</b> 11:8 <b>civil</b> 14:16 <b>closed</b> 2:9 12:21 14:1,12 15:18 <b>closure</b> 5:8 <b>Columbia</b> 1:1 12:18 14:10 <b>Columbia's</b> 8:13 <b>completes</b> 6:15 12:12 <b>concerning</b> 14:14 <b>concluded</b> 16:6 <b>concludes</b> 16:3 <b>conflict</b> 4:8 <b>consent</b> 6:21 <b>Control</b> 1:2,11,12 12:17 14:9 <b>correspondence</b> 9:12 <b>counsel</b> 13:1 14:18 <b>Court</b> 5:10 <b>criminal</b> 14:16 <b>Currently</b> 2:9	<b>F</b>	<b>favor</b> 2:22 3:19 4:18 5:17 6:10 7:10 8:7 9:5,21 10:10 11:1 12:7 <b>February</b> 12:22 13:2,4 14:13,19 14:20 <b>Fernando</b> 8:15 <b>final</b> 10:16,18 <b>finally</b> 11:6 <b>finances/citations</b> 2:14 3:10 4:8 <b>first</b> 2:6 3:7,8 11:8 <b>floors</b> 3:8,8 <b>Friday</b> 11:18	<b>J</b>	<b>January</b> 1:9 2:5 6:1 8:15 12:13 16:4 <b>Jonathan</b> 9:13 <b>Jones</b> 1:20 13:18 13:19 15:13,14
		<b>change</b> 2:7,18 4:2,3 7:15,16 8:2 11:6 11:15 12:3 <b>changing</b> 11:8 <b>civil</b> 14:16 <b>closed</b> 2:9 12:21 14:1,12 15:18 <b>closure</b> 5:8 <b>Columbia</b> 1:1 12:18 14:10 <b>Columbia's</b> 8:13 <b>completes</b> 6:15 12:12 <b>concerning</b> 14:14 <b>concluded</b> 16:6 <b>concludes</b> 16:3 <b>conflict</b> 4:8 <b>consent</b> 6:21 <b>Control</b> 1:2,11,12 12:17 14:9 <b>correspondence</b> 9:12 <b>counsel</b> 13:1 14:18 <b>Court</b> 5:10 <b>criminal</b> 14:16 <b>Currently</b> 2:9	<b>G</b>	<b>known</b> 5:3	<b>L</b>	<b>L</b> 3:13 <b>law</b> 14:17 <b>Lee's</b> 11:12 <b>legal</b> 12:22 14:17 <b>letter</b> 2:15 <b>License</b> 2:11 3:13 4:12 5:10 6:4 7:4 8:1,17 11:13,22 <b>licensee</b> 3:6 6:19 <b>Liquor</b> 11:22 <b>LLC</b> 6:20,22 <b>located</b> 2:10 3:12 4:11 5:9 6:3 7:1 7:21,22 8:16
		<b>D</b>	<b>H</b>			

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