

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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February 1, 2012

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

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

JEANNETTE MOBLEY, Member

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

(6:34 p.m.)

CHAIRPERSON MILLER: We're back on the record with the agenda for today.

So first on the agenda is a review of change of hours application to change Sunday hours of alcoholic beverage sales/ consumption from Sunday 10:00 a.m. to 2:00 a.m. to 8:00 a.m. to 2:00 a.m. and it's ANC-1B.

And I move that we approve this. All in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: I'm sorry, did I forget something?

MEMBER MOBLEY: The name of the establishment.

MEMBER JONES: Yes, the name and the license number.

CHAIRPERSON MILLER: I'm sorry.

MEMBER BROOKS: License number.

CHAIRPERSON MILLER: I'm trying to

1 go fast here, right. Okay. Well, let's go  
2 back.

3 This is the 930 Club at 815 V  
4 Street, License No. 21837 in ANC-1B. Any  
5 comments? Okay.

6 Then I would move to approve. All  
7 those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those  
10 opposed? The vote is 6-0.

11 Second on the agenda is a review  
12 of a request from the licensee for approval of  
13 sidewalk cafe with 40 seats. The licensee was  
14 placarded and approved for a summer garden and  
15 later discovered the area was public space.  
16 This is in ANC-6C. The name of the place is  
17 Tel'Veh at 401 Massachusetts Avenue, N.W.,  
18 License No. 87302.

19 Any comments? I would move to  
20 approve. All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1       opposed? Then the vote is 6-0.

2                   No. 3 is a review of a change of  
3 hours to change hours of operation and hours  
4 of alcoholic beverage sales/consumption. The  
5 current hours are Monday through Sunday, 2:00  
6 p.m. to 2:00 a.m. The proposed are Sunday  
7 through Thursday 2:00 p.m. to 2:00 a.m. and  
8 Friday and Saturday 2:00 p.m. to 3:00 a.m.,  
9 ANC-4D. It's G Spot Tavern at 5413 Georgia  
10 Avenue and the License No. is 85208.

11                   I would move that we placard this  
12 one. Any comments, questions? Okay.

13                   All those in favor say aye.

14                   FIVE BOARD MEMBERS: Aye.

15                   CHAIRPERSON MILLER: All those  
16 opposed?

17                   MEMBER JONES: Nay.

18                   CHAIRPERSON MILLER: Then the vote  
19 is 5-1. Board Member Jones is opposed.

20                   No. 4 is a review of entertainment  
21 endorsement application to add entertainment  
22 and dancing. This is G Spot Tavern as well at

1 5413 Georgia Avenue, N.W., License No. 85208.

2 Again, I would recommend that we placard this  
3 one.

4 Comments? All those in favor say  
5 aye.

6 FIVE BOARD MEMBERS: Aye.

7 CHAIRPERSON MILLER: All those  
8 opposed?

9 MEMBER JONES: Nay.

10 CHAIRPERSON MILLER: And then the  
11 vote is 5-1 and Mr. Jones opposes. Okay. So  
12 that will be placarded.

13 No. 5 of the agenda is a review of  
14 a request from licensee to cancel pending  
15 transfer application and to place the license  
16 in safekeeping. This is Marrakesh Palace  
17 Pasha Lounge, ANC-2B at 2147 P Street, N.W.  
18 and the License No. is 60695.

19 I recommend that we postpone the  
20 decision on this until next week. I believe  
21 we are going to be seeing Marrakesh next week.

22 MEMBER MOBLEY: Correct.

1 CHAIRPERSON MILLER: Okay.

2 Agreement there? All right.

3 The next is a review of a letter  
4 dated January 16, 2012 from Lionell Thomas of  
5 the DC Commission on the Arts and Humanities  
6 requesting guidance on appropriately managing  
7 the Lincoln Theatre's liquor license until  
8 there is a permanent operating structure. And  
9 this is The Lincoln Theatre at 1215 U Street,  
10 N.W., License No. 60044.

11 I would recommend that we schedule  
12 a Fact-Finding Hearing on this case for  
13 February 22nd at 10:00 a.m. Any comments?  
14 Okay. We don't need to vote on that, right,  
15 to schedule a Fact-Finding Hearing? No.  
16 Okay.

17 Next is we have some voluntary  
18 agreements to review.

19 No. 7 is a voluntary agreement for  
20 Sol Mexican Grill and that is a voluntary  
21 agreement between Sol Mexican Grill and ANC-6A  
22 at 1251 H Street, N.E., License No. 88292.

1 I think, in this case, that we --  
2 okay. I would recommend that we approve this  
3 with modifications to ^U 2 and 3. Any  
4 comments? Okay.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those  
8 opposed? All those abstaining? Okay. The  
9 vote is 6-0.

10 No. 8 is a review of a voluntary  
11 agreement dated January 12, 2012 between  
12 Chicken Tortilla and ANC-6A. Chicken Tortilla  
13 is located at 1324 H Street, N.E., License No.  
14 88102.

15 I would recommend that we postpone  
16 this one. Okay. Let's do that then. Is  
17 there a consensus? Not hearing any --

18 MEMBER MOBLEY: Yes, Madam Chair.

19 CHAIRPERSON MILLER: What?

20 MEMBER MOBLEY: Yes, Madam Chair.

21 CHAIRPERSON MILLER: Okay. Not  
22 hearing any objections.

1                   Okay. Moving on to No. 9 is a  
2 review of voluntary agreement dated January  
3 12, 2012 between Central and ANC-6A. Central  
4 is located at 1200 H Street, N.E., License No.  
5 87558.

6                   I recommend that we approve with  
7 modifications to ^U 2 and 3.

8                   All those in favor? Any comments?

9 All those in favor say aye.

10                   ALL: Aye.

11                   CHAIRPERSON MILLER: All those  
12 opposed? Okay. The motion passes 6-0.

13                   No. 10 is a review of voluntary  
14 agreement dated January 16, 2012 between VSLs,  
15 LLC Livingsocial and the Ventana Homeowners  
16 Association. VSLs, LLC is at 918 F Street,  
17 N.W., License No. 88360.

18                   I move that we approve with  
19 modifications to ^U 3 and 6. Any comments?

20 Okay.

21                   All those in favor say aye.

22                   ALL: Aye.

1                   CHAIRPERSON MILLER: All those  
2                   opposed? The vote is 6-0 to approve it with  
3                   those modifications.

4                   Okay. I think that that finishes  
5                   the regular agenda. And then we have a  
6                   supplemental agenda.

7                   Okay. We have a lot of voluntary  
8                   agreements coming up on this one.

9                   No. 1 on the supplemental agenda  
10                  is a review of voluntary agreement dated  
11                  December 15, 2011 between Al Forno Pizzeria  
12                  and Trattoria, ANC-3D and the Spring Valley-  
13                  Wesley Heights Citizens Association. Al Forno  
14                  Pizzeria and Trattoria is at 3201 New Mexico  
15                  Avenue, N.W., License No. 87728.

16                  I move that we approve with  
17                  modifications to ^U 1, 2, 4, 5, 10 and 11. Any  
18                  comments?

19                  All those in favor say aye.

20                  ALL: Aye.

21                  CHAIRPERSON MILLER: All those  
22                  opposed? It passes 6-0.

1                   No. 2 a review of a voluntary  
2 agreement between Kearney's Grocery and ANC-  
3 5C. Kearney's Grocery is located at 90 O  
4 Street, N.W., License No. 78591.

5                   I move that we approve the  
6 modifications to ^U 1, 6 and 7.

7                   All those in favor say aye.

8                   ALL: Aye.

9                   CHAIRPERSON MILLER: All those  
10 opposed? The vote is 6-0.

11                   A review of voluntary agreement  
12 dated September 1, 2011 between Dangerously  
13 Delicious Pies and ANC-6A. Dangerously  
14 Delicious Pies is located at 1339 H Street,  
15 N.E., License No. 87422.

16                   I move that we approve with  
17 modifications to ^U 2 and 3.

18                   All those in favor say aye.

19                   ALL: Aye.

20                   CHAIRPERSON MILLER: All those  
21 opposed? The vote is 6-0 to approve.

22                   No. 4 is a review of a voluntary

1 agreement dated December 12, 2011 between It's  
2 Called INCEPTION and ANC-1B. ANC-1B included  
3 in its protest a withdrawal letter. It's  
4 Called INCEPTION is located at 645 Florida  
5 Avenue, N.W., License No. 87890.

6 I move that we approve with  
7 modification to ^U 1 for clarification.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those  
11 opposed? The vote is 6-0.

12 No. 5 a review of a voluntary  
13 agreement and voluntary agreement addendum  
14 signed November 12, 2011 and November 13, 2011  
15 between K&H Grocery and ANC-8C. K&H Grocery  
16 is located at 3333 Martin Luther King, Jr.  
17 Avenue, S.E., License No. 74359.

18 I move that we approve with  
19 modification to ^U 2 and 15.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1       opposed? The vote is 6-0.

2                   A review of a voluntary agreement  
3       dated December 12, 2011 between Sonya's Market  
4       and ANC-1B. ANC-1B included its protest  
5       withdrawal letter. Sonya's Market is located  
6       at 2833 11th Street, N.W., License No. 85579.

7                   I move that we approve with  
8       modifications to ^U 1 and 3.

9                   All those in favor say aye.

10                  ALL: Aye.

11                  CHAIRPERSON MILLER: All those  
12       opposed? And the vote is 6-0.

13                   No. 7 is a review of voluntary  
14       agreement dated December 8, 2011 between Pho  
15       Bar and Grill and ANC-6A. Pho Bar and Grill  
16       is located at 1360 H Street, N.E., License No.  
17       87813.

18                   I move that we approve with  
19       modifications to ^U 2 and 3.

20                   All those in favor say aye.

21                  ALL: Aye.

22                  CHAIRPERSON MILLER: All those

1           opposed?   And the vote is 6-0.

2                       Review of a voluntary agreement  
3           dated November 7, 2011 between Maranon Cafe  
4           and ANC-1A.   Maranon Cafe is located at 3521  
5           14th Street, N.W., License No. 88264.

6                       I move that we approve it with  
7           modifications to ^U 10.

8                       All those in favor say aye.

9                       ALL:   Aye.

10                      CHAIRPERSON MILLER:   All those  
11           opposed?   The vote is 6-0.

12                      Review of a voluntary agreement  
13           dated October 10, 2011 between Du Luft  
14           Restaurant & Lounge and ANC-6A.   Du Luft  
15           Restaurant & Lounge is located at 1242 H  
16           Street, N.E.   The License No. is 87780.

17                      I move that we approve with  
18           modifications to ^U 2 and 3.

19                      All those in favor say aye.

20                      ALL:   Aye.

21                      CHAIRPERSON MILLER:   All those  
22           opposed?   The vote is 6-0.

1                   No. 10 is a review of voluntary  
2                   agreement dated December 19, 2011 between  
3                   Jake's American Grille and ANC-3F. Jake's  
4                   American Grille is located at 5016 Connecticut  
5                   Avenue, N.W., Okay. 86013.

6                   I move that we approve with  
7                   modifications to ^U 15, 16 and 17.

8                   All those in favor say aye.

9                   ALL: Aye.

10                  CHAIRPERSON MILLER: All those  
11                  opposed? The vote is 6-0.

12                  A review of voluntary agreement  
13                  amendment dated September 15, 2011 between  
14                  Georgia Line Convenience Store and Annie  
15                  Wallace, Tawana Waugh, Norma Adkins, Betty  
16                  Muse, Marie Bass, Rural Bass, Christine Lowe,  
17                  Maggie Whaley, Wesley Powell, Robert Wright  
18                  and B Georgia Line Convenience Store and it's  
19                  located at 6125 Georgia Avenue, N.W., License  
20                  No. 79225.

21                  MEMBER MOBLEY: Madam Chair?

22                  CHAIRPERSON MILLER: Yes, go

1 ahead.

2 MEMBER MOBLEY: We said that we  
3 were going to do a Fact-Finding on this one.  
4 We were going to deny the --

5 MEMBER SILVERSTEIN: We deny.

6 MEMBER MOBLEY: -- VA on this one.

7 CHAIRPERSON MILLER: Okay. So we  
8 will vote on denying the VA, at this time,  
9 then.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those  
13 opposed? Okay. The vote is 6-0 and we will  
14 have a Fact-Finding on this case. Okay.

15 (Whereupon, off the record for a  
16 recess.)

17 MEMBER JONES: I think we need to  
18 move the Fact-Finding.

19 CHAIRPERSON MILLER: Move it? We  
20 don't have a date yet. We can move it.

21 MEMBER BROOKS: Yes, it's no big  
22 deal.

1 CHAIRPERSON MILLER: Okay. To be  
2 safe, let's move it. Okay. I move that we  
3 have a Fact-Finding on this case and a date  
4 will be determined.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those  
8 opposed? Okay. The vote is 6-0.

9 No. 12 is a review of a change in  
10 hours application to change hours of operation  
11 and hours of alcoholic beverage sales/service.  
12 This is for Georgia Line Convenience Store.  
13 I think we did want to deny that.

14 MEMBER MOBLEY: We were going to  
15 go back, Madam Chair, because of an --

16 CHAIRPERSON MILLER: Error?

17 MEMBER MOBLEY: -- error.

18 CHAIRPERSON MILLER: Yes. Okay.

19 So --

20 MEMBER SILVERSTEIN: We will  
21 review the hours.

22 CHAIRPERSON MILLER: Okay. We

1 will review them and then deny it. Yes, this  
2 goes into the Sunday hours, right.

3 Okay. Is there anything anyone  
4 else wants to say on this or are we ready to  
5 just do a vote?

6 Okay. So will vote to deny this.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those  
10 opposed? Okay. The vote is 6-0 to deny.

11 MEMBER SILVERSTEIN: Madam Chair?

12 CHAIRPERSON MILLER: Yes?

13 MEMBER SILVERSTEIN: I want to  
14 make certain that it is clear that we have  
15 moved to reconsider a previous decision.

16 MEMBER MOBLEY: That's right.

17 MEMBER SILVERSTEIN: Which should  
18 have been in and of itself a separate vote.  
19 And then to deny the request.

20 MEMBER MOBLEY: That's correct.

21 MEMBER SILVERSTEIN: So we should  
22 move to reconsider the previous decision.

1 MEMBER MOBLEY: That's correct.

2 MEMBER SILVERSTEIN: We have given  
3 erroneously --

4 CHAIRPERSON MILLER: Okay.

5 MEMBER SILVERSTEIN: -- something  
6 to an owner that was -- or to a licensee that  
7 had been forbidden in a voluntary agreement.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER SILVERSTEIN: We,  
10 therefore, must --

11 CHAIRPERSON MILLER: It was based  
12 on an error.

13 MEMBER SILVERSTEIN: -- reconsider  
14 our previous decision and then vote to deny.

15 CHAIRPERSON MILLER: Okay. Well,  
16 we were --

17 MEMBER SILVERSTEIN: As one --

18 CHAIRPERSON MILLER: -- not on the  
19 Board at the time, so I'm not going to  
20 participate in that vote. But why don't you,  
21 Mr. Silverstein, do the vote to reconsider  
22 then. How's that?

1                   MEMBER SILVERSTEIN: We had voted  
2 previously in favor of the decision involving  
3 Georgia Line Convenience Store. I would like  
4 to move that we reconsider our previous  
5 decision to allow them Sunday liquor sales.

6                   MEMBER BROOKS: I second that  
7 motion.

8                   MEMBER SILVERSTEIN: All those in  
9 -- any discussion, any opposition?

10                   All those in favor, please,  
11 signify by saying aye.

12                   ALL: Aye.

13                   MEMBER SILVERSTEIN: Opposed?

14                   MEMBER MOBLEY: And note for the  
15 record that Board Member Miller and Mobley are  
16 recusing themselves.

17                   MEMBER SILVERSTEIN: On the second  
18 part of this two-part motion.

19                   CHAIRPERSON MILLER: On the first  
20 part, on the motion to reconsider having not  
21 participated in the decision.

22                   MEMBER SILVERSTEIN: The vote is

1 4-0.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER SILVERSTEIN: On the second  
4 part, I move that we deny the request for  
5 Sunday hours and on that all can participate.

6 CHAIRPERSON MILLER: Right.

7 MEMBER SILVERSTEIN: All those in  
8 favor of denying it, please, signify by saying  
9 aye.

10 ALL: Aye.

11 MEMBER SILVERSTEIN: Opposed?

12 MEMBER MOBLEY: Abstain.

13 MEMBER SILVERSTEIN: Abstention?

14 6-0, Madam Chair.

15 CHAIRPERSON MILLER: Thank you  
16 very much.

17 No. 13 is a Notice of Emergency  
18 Rulemaking regarding MPD Reimbursable Detail  
19 Subsidy Program.

20 I'm going to make a motion that we  
21 approve this.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those  
3 opposed? And the vote passes. The motion  
4 passes 6-0.

5 And No. 14 on the agenda is a  
6 Notice of Emergency Rulemaking regarding West  
7 Dupont Circle Moratorium.

8 I move to approve this Notice of  
9 Emergency Rulemaking.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those  
13 opposed? And the motion passes 6-0.

14 I think we've got a couple more.  
15 Two more?

16 MEMBER BROOKS: Madam Chair?

17 CHAIRPERSON MILLER: Yes?

18 MEMBER BROOKS: I'm sorry.

19 CHAIRPERSON MILLER: I think we  
20 have two more. I'm just looking for them.

21 MEMBER BROOKS: No, 14. I thought  
22 you said 14.

1 CHAIRPERSON MILLER: 14. The  
2 Dupont Circle Moratorium.

3 MEMBER BROOKS: Yes.

4 CHAIRPERSON MILLER: Do you want  
5 to know what that is?

6 MEMBER BROOKS: Yes. I think it's  
7 on a different -- what do you have? Read what  
8 you have, please, for the record.

9 CHAIRPERSON MILLER: I have Notice  
10 of Emergency Rulemaking regarding West Dupont  
11 Circle Moratorium to approve it.

12 MEMBER BROOKS: Okay.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER BROOKS: Thank you very  
15 much.

16 CHAIRPERSON MILLER: Okay. I  
17 think we have two more items that were added  
18 at the end. Okay. Here they are. Here they  
19 are. I just didn't remember if this was a  
20 reconsideration or -- oh, no, this is a  
21 voluntary agreement.

22 Okay. No. 15 on the supplemental

1 is a review of voluntary agreement amendment  
2 dated November 14, 2011 between Capital Yacht  
3 Charters and ANC-6D. Okay. I move that we  
4 approve. These are boats. I move that we  
5 approve this voluntary agreement amendment.

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those  
9 opposed? Okay. The motion to approve passes  
10 6-0.

11 No. 16 is a review of a letter  
12 dated January 2012 from Michael Fonseca. Is  
13 this a motion for reconsideration of what we  
14 did earlier or it's just a new vote? It's a  
15 reconsideration. Okay.

16 I believe that we last week had  
17 denied the request here that a change between  
18 boats not be placarded. And I think there was  
19 a motion by Mr. Jones that we reconsider this  
20 vote.

21 I would, first of all, move that  
22 we do reconsider.

1 All those in favor say aye.

2 MEMBER JONES: I would second the  
3 motion.

4 CHAIRPERSON MILLER: Second it,  
5 yes. Thank you. Okay. It has been seconded.  
6 Any comments? Okay. All those in favor say  
7 aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those  
10 opposed? Okay. Then the motion passes 6-0.

11 Then upon consideration, I move  
12 that we now approve Mr. Fonseca's request that  
13 this not be placarded. Do I have a second?

14 MEMBER JONES: Second.

15 CHAIRPERSON MILLER: Any comments?  
16 Okay. All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those  
19 opposed? And the motion passes 6-0 that no  
20 placard is necessary in this case.

21 Okay. We have last on our agenda  
22 a request that we approve the following

1 license cancellation.

2 And that is ABRA No. 084412, Motor  
3 Yacht Harbour Bell CX, 1300 Maine Avenue.

4 And I would move that we grant the  
5 cancellation. Do I have a second?

6 MEMBER BROOKS: Second.

7 MEMBER MOBLEY: Second.

8 CHAIRPERSON MILLER: Okay. Any  
9 comments? Okay. All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those  
12 opposed? And the motion passes 6-0.

13 And I think that that completes  
14 our agenda and our supplemental agenda and our  
15 business for today. Okay. Thank you very  
16 much.

17 As Chairperson of the Alcoholic  
18 Beverage Control Board for the District of  
19 Columbia and in accordance with ^U 405 of the  
20 Open Meetings Amendment Act of 2010, I move  
21 that the ABC Board hold a closed meeting on  
22 February 8th for the purpose of seeking legal

1 advice from our counsel in the matters  
2 identified on the Board's Agenda for February  
3 8 as published in the DC Register today, I  
4 hope so, February 1st.

5 Okay. Is there a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: All those in  
8 favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those  
11 opposed? All those abstaining? And the vote  
12 is 6-0.

13 Okay. That concludes our business  
14 for today. Thank you.

15 (Whereupon, the A.B.R.A. Agenda in  
16 the above-entitled matter was concluded at  
17 6:58 p.m.)

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<b>A</b>				
<b>ABC</b> 25:21	13:14	<b>Bass</b> 14:16,16	21:2,12,17,19	<b>date</b> 15:20 16:3
<b>above-entitled</b> 26:16	<b>ANC-6C</b> 3:16	<b>believe</b> 5:20 23:16	22:1,4,9,13,16	<b>dated</b> 6:4 7:11 8:2
<b>ABRA</b> 25:2	<b>ANC-6D</b> 23:3	<b>Bell</b> 25:3	23:8 24:4,9,15,18	8:14 9:10 10:12
<b>Abstain</b> 20:12	<b>ANC-8C</b> 11:15	<b>Betty</b> 14:15	25:8,11,17 26:7	11:1 12:3,14 13:3
<b>abstaining</b> 7:8 26:11	<b>Annie</b> 14:14	<b>beverage</b> 1:2,11,12 2:7 4:4 16:11	26:10	13:13 14:2,13
<b>Abstention</b> 20:13	<b>application</b> 2:6 4:21 5:15 16:10	25:18	<b>change</b> 2:6,6 4:2,3 16:9,10 23:17	23:2,12
<b>Act</b> 25:20	<b>appropriately</b> 6:6	<b>big</b> 15:21	<b>Charters</b> 23:3	<b>DC</b> 6:5 26:3
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