

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
BOARD
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IN THE MATTER OF: :
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A.B.R.A. AGENDA :
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FEBRUARY 15, 2012
The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th
Street, N.W., Washington, D.C., Ruthanne
Miller, Chairperson, presiding.

- PRESENT
RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member

HERMAN JONES, Member
JEANNETTE MOBLEY, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

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

7:29 p.m.

CHAIRPERSON MILLER: We are back on the record for today's agenda for Wednesday, February 15th, 2012.

The first item on the agenda is a review of a manager's application for Anthony Deleo.

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

MEMBER NOPHLIN: Second.

CHAIRPERSON MILLER: Any comments?

(No audible response.)

CHAIRPERSON MILLER: All those in favor, say aye? Aye.

MEMBER BROOKS: Aye.

MEMBER JONES: Aye.

MEMBER MOBLEY: Aye.

MEMBER NOPHLIN: Aye.

MEMBER SILVERSTEIN: Aye.

CHAIRPERSON MILLER: All those

1 opposed?

2 (No audible response.)

3 CHAIRPERSON MILLER: All those
4 abstaining?

5 (No audible response.)

6 CHAIRPERSON MILLER: Okay. The
7 motion passes 6-0.

8 Okay. Next on the agenda is
9 review of a manager's application for Herby
10 M. Leiva.

11 I move that we approve the
12 application. Do I have a second?

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Any
15 comments?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those in
18 favor, say aye? Aye.

19 MEMBER BROOKS: Aye.

20 MEMBER JONES: Aye.

21 MEMBER MOBLEY: Aye.

22 MEMBER NOPHLIN: Aye.

1 MEMBER SILVERSTEIN: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those
6 abstaining?

7 (No audible response.)

8 CHAIRPERSON MILLER: The motion
9 passes 6-0.

10 No. 3 on the agenda is a review
11 of a change of hours application also for
12 hours of entertainment. And this is for
13 Instant Noodles/Sutra Lounge at 2406 18th
14 Street, N.W., License No. 82430, and it's in
15 ANC 1C, no conflict with the voluntary
16 agreement.

17 I would move that we approve this
18 application. Do I have a second on this?

19 MEMBER NOPHLIN: Second.

20 CHAIRPERSON MILLER: All those in
21 favor, say aye? Aye.

22 MEMBER BROOKS: Aye.

1 MEMBER JONES: Aye.

2 MEMBER MOBLEY: Aye.

3 MEMBER NOPHLIN: Aye.

4 MEMBER SILVERSTEIN: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed?

7 (No audible response.)

8 CHAIRPERSON MILLER: All those
9 abstaining?

10 (No audible response.)

11 CHAIRPERSON MILLER: The motion
12 passes 6-0.

13 No. 4 on the agenda is a review
14 of an entertainment endorsement application.
15 It is for the Lincoln at 1110 Vermont
16 Avenue, N.W., License No. 86125 in ANC 2F.
17 There's no voluntary agreement.

18 I would move that we approve this
19 application. Do I have a second?

20 MEMBER NOPHLIN: Second.

21 CHAIRPERSON MILLER: Any
22 comments?

1 (No audible response.)

2 CHAIRPERSON MILLER: All those in
3 favor, say aye? Aye.

4 MEMBER BROOKS: Aye.

5 MEMBER JONES: Aye.

6 MEMBER MOBLEY: Aye.

7 MEMBER NOPHLIN: Aye.

8 MEMBER SILVERSTEIN: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those
13 abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: The vote is
16 6-0. The motion passes.

17 No. 6 on the Board's agenda is a
18 review of a change of hours application and
19 to change hours of operation and hours of
20 alcoholic beverage sales. This is for 1
21 West Dupont Circle Wines at 2012 P Street,
22 N.W., License No. 74429. ANC supports this.

1 And I would move that we approve
2 this. Do I have a second?

3 MEMBER NOPHLIN: Second.

4 CHAIRPERSON MILLER: Comments?

5 (No audible response.)

6 CHAIRPERSON MILLER: All those in
7 favor, say aye? Aye.

8 MEMBER BROOKS: Aye.

9 MEMBER JONES: Aye.

10 MEMBER MOBLEY: Aye.

11 MEMBER NOPHLIN: Aye.

12 MEMBER SILVERSTEIN: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed?

15 (No audible response.)

16 CHAIRPERSON MILLER: All those
17 abstaining?

18 (No audible response.)

19 CHAIRPERSON MILLER: The motion
20 passes 6-0.

21 No. 7 is an email requesting a
22 continuance, and this is for DC Star at 2135

1 Queens Chapel Road, N.E., License No. 78881
2 due to the fact that Mr. Preet is leaving
3 the country.

4 I would move that we grant the
5 continuance to April 18th, for a status at
6 9:30 on April 18th and for a hearing on May
7 9th at 10:00.

8 MEMBER MOBLEY: I second.

9 CHAIRPERSON MILLER: Okay. Any
10 comments?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those in
13 favor, say aye? Aye.

14 MEMBER BROOKS: Aye.

15 MEMBER JONES: Aye.

16 MEMBER MOBLEY: Aye.

17 MEMBER NOPHLIN: Aye.

18 MEMBER SILVERSTEIN: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 (No audible response.)

3 CHAIRPERSON MILLER: The motion
4 passes 6-0.

5 No. 8 on the agenda is a review
6 of a letter that we got dated January 31,
7 2012 from Martin Hutt stating that Slaviya
8 is in violation of the D.C. Code, the
9 voluntary agreement and Board order 2008-
10 195. Slaviya is located at 2424 18th
11 Street, N.W. and License No. 83910.

12 I would move that we refer this
13 matter to enforcement for investigation. Do
14 I have a second?

15 MEMBER NOPHLIN: Second.

16 CHAIRPERSON MILLER: Any
17 comments?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those in
20 favor of the motion, say aye? Aye.

21 MEMBER BROOKS: Aye.

22 MEMBER JONES: Aye.

1 MEMBER MOBLEY: Aye.

2 MEMBER NOPHLIN: Aye.

3 MEMBER SILVERSTEIN: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those
8 abstaining?

9 (No audible response.)

10 CHAIRPERSON MILLER: The motion
11 passes 6-0.

12 Okay. No. 9 is a review of an
13 email dated February 3, 2012 from Stephen
14 O'Brien requesting a cancellation or a
15 continuance of McFadden's fact finding
16 hearing.

17 We held the hearing today. We
18 had denied the continuance, so this one is
19 moot. We already voted on this, so I'm
20 going to move onto No. 10.

21 Okay. No. 10 is review of a
22 voluntary agreement dated January 25th, 2012

1 between Miriam's Cafeteria and the Shepherd
2 Street Block Association located at 3931
3 14th Street, N.W., License No. 75536.

4 I would move that we refer this
5 voluntary agreement to legal. I think there
6 is a question as to even who the party is in
7 this case, whether it's Shepherd Street
8 Block Association or the ANC. In any event,
9 I would move to refer it to legal. Do I
10 have a second?

11 MEMBER MOBLEY: Second.

12 CHAIRPERSON MILLER: Any
13 comments?

14 (No audible response.)

15 CHAIRPERSON MILLER: Okay. All
16 those in favor, say aye? Aye.

17 MEMBER BROOKS: Aye.

18 MEMBER JONES: Aye.

19 MEMBER MOBLEY: Aye.

20 MEMBER NOPHLIN: Aye.

21 MEMBER SILVERSTEIN: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed?

2 (No audible response.)

3 CHAIRPERSON MILLER: All those
4 abstaining?

5 (No audible response.)

6 CHAIRPERSON MILLER: The motion
7 passes 6-0.

8 No. 11 is a review of a voluntary
9 agreement dated January 1, 2012 between
10 Hikari Sushi and Sake Bar and ANC 6C.
11 Hikari Sushi and Sake Bar is located at 644
12 H Street, N.E., License No. 88224.

13 I would move that we approve with
14 modifications to sections 3 and 8. Do I
15 have a second?

16 MEMBER NOPHLIN: Second.

17 CHAIRPERSON MILLER: Comments?

18 (No audible response.)

19 CHAIRPERSON MILLER: Okay. All
20 those in favor, say aye? Aye.

21 MEMBER BROOKS: Aye.

22 MEMBER JONES: Aye.

1 MEMBER MOBLEY: Aye.

2 MEMBER NOPHLIN: Aye.

3 MEMBER SILVERSTEIN: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those
8 abstaining?

9 (No audible response.)

10 CHAIRPERSON MILLER: The motion
11 passes 6-0.

12 No. 12 is a review of a voluntary
13 agreement dated January 30th, 2012 between
14 Po Boys Kitchen and ANC 6C. Po Boys Kitchen
15 is located at 709 H Street, N.E., it's
16 License No. 87903.

17 I would move that we approve this
18 voluntary agreement. Do I have a second?

19 MEMBER MOBLEY: Second.

20 CHAIRPERSON MILLER: Any
21 comments?

22 (No audible response.)

1 CHAIRPERSON MILLER: All those in
2 favor, say aye? Aye.

3 MEMBER BROOKS: Aye.

4 MEMBER JONES: Aye.

5 MEMBER MOBLEY: Aye.

6 MEMBER NOPHLIN: Aye.

7 MEMBER SILVERSTEIN: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed?

10 (No audible response.)

11 CHAIRPERSON MILLER: All those
12 abstaining?

13 (No audible response.)

14 CHAIRPERSON MILLER: The vote is
15 6-0. The motion passes.

16 No. 13 is a review of a voluntary
17 agreement dated February 1st, 2012 between
18 Parc Deux Restaurant Partners, LLC and ANC
19 2F. The restaurant is located at 1601 14th
20 Street, N.W., License No. 88243.

21 I would move that we approve with
22 modifications to sections 3, 5, 11 and 12.

1 Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Any

4 comments?

5 (No audible response.)

6 CHAIRPERSON MILLER: All those in
7 favor, say aye? Aye.

8 MEMBER BROOKS: Aye.

9 MEMBER JONES: Aye.

10 MEMBER MOBLEY: Aye.

11 MEMBER NOPHLIN: Aye.

12 MEMBER SILVERSTEIN: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed?

15 (No audible response.)

16 CHAIRPERSON MILLER: All those
17 abstaining?

18 (No audible response.)

19 CHAIRPERSON MILLER: Okay. The
20 motion passes 6-0.

21 Okay. We have a few items on our
22 supplemental agenda.

1 The first is review of a request
2 from Licensee for approval of a stipulated
3 license and letter of support from ANC 2C
4 for Zuppa Fresca located at 250 K Street,
5 N.E., License No. 88809.

6 I would recommend approval. Do I
7 have a second?

8 MEMBER NOPHLIN: Second.

9 CHAIRPERSON MILLER: Any
10 comments?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those in
13 favor, say aye? Aye.

14 MEMBER BROOKS: Aye.

15 MEMBER JONES: Aye.

16 MEMBER MOBLEY: Aye.

17 MEMBER NOPHLIN: Aye.

18 MEMBER SILVERSTEIN: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 (No audible response.)

3 CHAIRPERSON MILLER: The motion
4 passes 6-0.

5 No. 2 is a review of a request
6 from Licensee for approval of a stipulated
7 license and letter of support from ANC 2B
8 for Art Jamz at 1742 Connecticut Avenue,
9 N.E., License No. 88814.

10 I move that we approve the
11 request. Do I have a second?

12 MEMBER MOBLEY: Second.

13 CHAIRPERSON MILLER: Any
14 comments?

15 (No audible response.)

16 CHAIRPERSON MILLER: All those in
17 favor, say aye? Aye.

18 MEMBER BROOKS: Aye.

19 MEMBER JONES: Aye.

20 MEMBER MOBLEY: Aye.

21 MEMBER NOPHLIN: Aye.

22 MEMBER SILVERSTEIN: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed?

3 (No audible response.)

4 CHAIRPERSON MILLER: All those
5 abstaining?

6 (No audible response.)

7 CHAIRPERSON MILLER: The motion
8 passes 6-0 to approve.

9 No. 3 is a review of an email
10 dated February 13th, 2012 from Iraklis
11 Karabassis requesting that the protest
12 hearing for M. Caf, be postponed. The
13 protest hearing is currently scheduled for
14 February 22nd, 2012 and this involves M Caf,
15 at 323 Prospect Street, N.W., License No.
16 87240. Okay. The reason given I believe is
17 that the party had to be out of town for
18 unexpected business.

19 I would move that we grant the
20 continuance, the request for a continuance
21 so that there will not be a hearing on
22 February 22nd, 2012 and that we have legal

1 take a look and determine the further action
2 for this case. So we're not going to pick a
3 date or anything at this time, just grant
4 the continuance, at least the hearing, so
5 that they will know that it won't be on
6 February 22nd, 2012. Do I have a second?

7 MEMBER NOPHLIN: Second.

8 CHAIRPERSON MILLER: Any
9 comments?

10 (No audible response.)

11 CHAIRPERSON MILLER: Okay. All
12 those in favor of granting the continuance,
13 say aye? Aye.

14 MEMBER BROOKS: Aye.

15 MEMBER JONES: Aye.

16 MEMBER MOBLEY: Aye.

17 MEMBER NOPHLIN: Aye.

18 MEMBER SILVERSTEIN: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 (No audible response.)

3 CHAIRPERSON MILLER: The request
4 is granted by a vote of 6-0.

5 No. 4 is a review of Applicant's
6 motion for a continuance of show cause
7 hearing dated February 13th, 2012 for George
8 located at 3251 Prospect Street, N.W.,
9 License No. 78058. There's a conflict with
10 the working group on noise.

11 So I would recommend that we
12 grant this request also.

13 MEMBER MOBLEY: Also, Madam Chair
14 --

15 CHAIRPERSON MILLER: Yes?

16 MEMBER MOBLEY: -- pending an
17 audit by enforcement branch.

18 CHAIRPERSON MILLER: Okay. I
19 don't think we have another date either in
20 this case. We're just going to grant the
21 continuance at this time.

22 MEMBER MOBLEY: Correct.

1 CHAIRPERSON MILLER: Okay. Any
2 other comments?

3 (No audible response.)

4 CHAIRPERSON MILLER: All right.
5 All those in favor, say aye? Aye.

6 MEMBER BROOKS: Aye.

7 MEMBER JONES: Aye.

8 MEMBER MOBLEY: Aye.

9 MEMBER NOPHLIN: Aye.

10 MEMBER SILVERSTEIN: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those
15 abstaining?

16 (No audible response.)

17 CHAIRPERSON MILLER: The motion
18 passes by a vote of 6-0.

19 So I think that leaves us with
20 two items for our consideration regarding
21 license cancellation.

22 The first is ABRA No. 074352,

1 Market to Market - A - 740 5th Street, N.W.

2 There's been a request for cancellation.

3 I would move that we grant the
4 request and cancel the license. Do I have a
5 second?

6 MEMBER NOPHLIN: Second.

7 CHAIRPERSON MILLER: Comments?

8 (No audible response.)

9 CHAIRPERSON MILLER: Okay. All
10 those in favor, say aye? Aye.

11 MEMBER BROOKS: Aye.

12 MEMBER JONES: Aye.

13 MEMBER MOBLEY: Aye.

14 MEMBER NOPHLIN: Aye.

15 MEMBER SILVERSTEIN: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those
20 abstaining?

21 (No audible response.)

22 CHAIRPERSON MILLER: The motion

1 passes 6-0.

2 And finally, ABRA No. 081522,
3 Annie & Teddy's Po Boys - CR - 1400
4 Pennsylvania Avenue, S.E., request for
5 cancellation.

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

8 MEMBER NOPHLIN: Second.

9 CHAIRPERSON MILLER: Any
10 comments?

11 (No audible response.)

12 CHAIRPERSON MILLER: Okay. All
13 those in favor, say aye? Aye.

14 MEMBER BROOKS: Aye.

15 MEMBER JONES: Aye.

16 MEMBER MOBLEY: Aye.

17 MEMBER NOPHLIN: Aye.

18 MEMBER SILVERSTEIN: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 (No audible response.)

3 CHAIRPERSON MILLER: And the
4 motion to grant the cancellation passes 6-0.

5 So I believe that concludes the
6 items on our agenda for this afternoon,
7 which leads me to conclude with our remarks
8 regarding closed meetings.

9 As Chairperson of the Alcoholic
10 Beverage Control Board for the District of
11 Columbia and in accordance with Section 405
12 of the Open Meetings Amendment Act of 2010,
13 I move that the ABC Board hold a closed
14 meeting on February 22nd for the purpose of
15 seeking legal advice from our counsel on the
16 matters identified on the Board's agenda for
17 February 22nd as published in the D.C.
18 Register on February 17th, 2012. Is there a
19 second?

20 MEMBER NOPHLIN: Second.

21 CHAIRPERSON MILLER: I'll now
22 take a roll call on the motion that's before

1 us that's been seconded.

2 Mr. Nophlin?

3 MEMBER NOPHLIN: I agree.

4 CHAIRPERSON MILLER: Mr. Brooks?

5 MEMBER BROOKS: I agree.

6 CHAIRPERSON MILLER: Ms. Miller

7 agrees.

8 Mr. Silverstein?

9 MEMBER SILVERSTEIN: I agree.

10 CHAIRPERSON MILLER: Ms. Mobley?

11 MEMBER MOBLEY: I agree.

12 CHAIRPERSON MILLER: Mr. Jones?

13 MEMBER JONES: I agree.

14 CHAIRPERSON MILLER: The motion

15 passes by a vote of 6-0.

16 As it appears that the motion has

17 passed, I hereby give notice that the ABC

18 Board will hold this aforementioned closed

19 meeting. Pursuant to the Open Meetings

20 Amendment Act of 2010, notice will also be

21 posted on the ABC Board hearing room

22 bulletin board, placed on the electronic

1 calendar on ABRA's Web site, and published
2 in the D.C. Register in as timely a manner
3 as practicable.

4 As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with Section 405
7 of Open Meetings Amendment Act of 2010, I
8 move that the ABC Board hold a closed
9 meeting on February 22nd, 2012 for the
10 purpose of discussing and hearing reports
11 concerns ongoing or planned investigations
12 of alleged criminal or civil misconduct or
13 violations of the law or regulations and
14 seeking legal advice from our counsel on the
15 Board's investigative agenda for February
16 22nd, 2012 as published in the D.C. Register
17 on February 17th, 2012. Is there a second?

18 MEMBER NOPHLIN: Second.

19 CHAIRPERSON MILLER: I'll take a
20 roll call vote on the motion that's now
21 before us that's been seconded.

22 Mr. Nophlin?

1 MEMBER NOPHLIN: I agree.

2 CHAIRPERSON MILLER: Mr. Brooks?

3 MEMBER BROOKS: I agree.

4 CHAIRPERSON MILLER: Ms. Miller

5 agrees.

6 Mr. Silverstein?

7 MEMBER SILVERSTEIN: I agree.

8 CHAIRPERSON MILLER: Ms. Mobley?

9 MEMBER MOBLEY: I agree.

10 CHAIRPERSON MILLER: Mr. Jones?

11 MEMBER JONES: I agree.

12 CHAIRPERSON MILLER: The motion

13 passes by a vote of 6-0.

14 And as the motion has passed, I

15 hereby give notice that the ABC Board will

16 hold this aforementioned closed meeting.

17 Pursuant to the Open Meetings Amendment Act

18 of 2010, notice will also be posted on the

19 ABC Board hearing room bulletin board,

20 placed on the electronic calendar on ABRA's

21 Web site, and published in the D.C. Register

22 in as timely a manner as practicable.

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And that concludes today's agenda
hearing. Thank you very much.

(Whereupon, the hearing was
concluded at 7:45 p.m.)

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