

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

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

February 25, 2015

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 Chairman
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HERMAN JONES, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

2 1:46 p.m.

3 MEMBER SILVERSTEIN: We are back on
4 the record.

5 ACTING CHAIRMAN ALBERTI: Good. Go.
6 Just close the door. I'll close it. Continue.

7 MEMBER SILVERSTEIN: Okay. Let's
8 start with the Legal Agenda. We will do all
9 these items en banc.

10 Review of settlement agreement between
11 ANC-1A and Union Drinkery dated January 14th.
12 Union Drinkery, 3216 Georgia Avenue, N.W.,
13 Retailer CT License No. 097501.

14 Approve with modifications.

15 And review of settlement agreement
16 between ANC-1A and Thip Kao dated January 14,
17 2015. Thip Kao, 3460 14th Street, N.W., Retailer
18 License CR No. 097131.

19 Approve with modifications.

20 ACTING CHAIRMAN ALBERTI: Can we just
21 move those two and continue?

22 MEMBER SILVERSTEIN: Pardon?

1 ACTING CHAIRMAN ALBERTI: Move those
2 two and I will continue the next one.

3 MEMBER SILVERSTEIN: I move that we
4 approve both of those with modifications. Is
5 there a second?

6 ACTING CHAIRMAN ALBERTI: Second.

7 MEMBER SILVERSTEIN: It's approved and
8 -- it's moved and seconded. Any discussion?
9 Vote.

10 All those in favor, please, say aye.

11 ALL: Aye.

12 MEMBER SILVERSTEIN: Opposed?
13 Approved by a vote of 6-0.

14 From the Supplemental Legal Agenda,
15 review of amendment to settlement agreement
16 between ANC-6D and The Boomerang Boat Tours dated
17 February 9th. Boomerang Yacht, 300 Maine Avenue,
18 S.W. It's a Retailer CX License.

19 Approve with modifications.

20 A review of a Letter of Withdrawal of
21 Protest submitted by Chair James Turner and
22 Commissioner Brian Footer on behalf of ANC-1B

1 dated February 16, 2015. This involves We Work,
2 641 S Street, N.W., Retailer CT License No.
3 097412.

4 That we will postpone.

5 A review of a Letter of Withdrawal of
6 Protest and Support of Stipulated License
7 submitted by Chair Patrick Kennedy on behalf of
8 ANC-2A dated February 19, 2015 for West Wing
9 Cafe, 2400 M Street, N.W., Retailer CR License
10 No. 097022.

11 We will postpone that.

12 And No. 4, a review of ANC request to
13 extend the West Dupont Liquor License Moratorium
14 Zone submitted by Chair Noah Smith on behalf of
15 ANC-2B dated February 23, 2015.

16 I'll move that we approve that.

17 MEMBER JONES: Second it.

18 MEMBER SILVERSTEIN: No. 5 is a review
19 of Proposed Technical Amendment Rulemaking.

20 I will move we approve that.

21 MEMBER JONES: Second it.

22 MEMBER SILVERSTEIN: And No. 6 is

1 review of Proposed Administrative and Procedural
2 Rulemaking.

3 I will move that we approve that.

4 MEMBER JONES: Second it.

5 MEMBER SILVERSTEIN: I move all of the
6 above items. Is there a second?

7 MEMBER JONES: Second.

8 MEMBER SILVERSTEIN: Any discussion?

9 ACTING CHAIRMAN ALBERTI: Yes. Can I
10 just follow-up for a second? Okay. On Item 1,
11 which is the settlement agreement between 6D and
12 The Boomerang Yacht, this -- I agree with
13 approving the settlement agreement, but I just
14 want to note that the Board has not considered
15 the application for substantial change that
16 triggered this settlement agreement.

17 The settlement agreement call has to
18 do with the addition of an additional vessel and
19 the Board has not approved that substantial
20 change and I just want to note that for the
21 record.

22 MEMBER SILVERSTEIN: So we have a --

1 ACTING CHAIRMAN ALBERTI: We haven't
2 considered that application for the vessel. So
3 in effect, the settlement agreement is a bit
4 premature, but I am okay with approving it.

5 MEMBER SILVERSTEIN: Settlement
6 agreements can be agreed upon at any time and for
7 that reason, we can agree without--

8 ACTING CHAIRMAN ALBERTI: Yes, but
9 it's moot until the -- until we approve.

10 MEMBER SILVERSTEIN: It does not take
11 effect, right.

12 ACTING CHAIRMAN ALBERTI: Until we
13 approve that application for a substantial
14 change.

15 MEMBER SILVERSTEIN: Very well.

16 ACTING CHAIRMAN ALBERTI: Okay.

17 MEMBER SILVERSTEIN: That's
18 understood.

19 ACTING CHAIRMAN ALBERTI: Okay.
20 Great.

21 MEMBER SILVERSTEIN: Okay. It has
22 been moved and seconded. Any further discussion?

1 If not, I'll call the question.

2 All those in favor, please, signify by
3 saying aye.

4 ALL: Aye.

5 MEMBER SILVERSTEIN: Opposed?

6 Abstention? These have all been approved by a
7 vote of 6-0. Great. Thank you. Mr. Acting
8 Chair?

9 ACTING CHAIRMAN ALBERTI: What about
10 the other agendas? This one and then the
11 Licensing Agenda.

12 MEMBER SILVERSTEIN: Okay. This is
13 the Cease and Desist Agenda for Class B
14 Retailers.

15 The Board will be -- I move that we
16 issue a Cease and Desist Order to the following
17 two licensees for failure to renew:

18 ABRA-075752, Georgia Avenue Market.
19 It's a Retail B License at 3128 Georgia Avenue.

20 And also ABRA-079255, Pennsylvania
21 Avenue Market. It's a Retail Grocery B at 1501
22 Pennsylvania Avenue, S.E.

1 Again, the licensee did not renew. I
2 move that we issue Cease and Desist Orders on
3 those two.

4 MEMBER SHORT: Second.

5 MEMBER SILVERSTEIN: Seconded by Mr.
6 Short. Is there any discussion? Seeing none,
7 the vote is called.

8 All those in favor of issuing Cease
9 and Desist Orders for those two licensees,
10 please, signify by saying aye.

11 ALL: Aye.

12 MEMBER SILVERSTEIN: Opposed?
13 Abstentions? It has been passed 6-0.

14 Okay. Let's move on to the Licensing
15 Agenda.

16 No. 1 is a review for request of
17 change of hours for premise and sidewalk cafe for
18 the Holiday Inn Capitol at 550 C Street, S.W.
19 It's a Retail CH or Hotel License 075950.

20 I move we approve. All those in --
21 any discussion?

22 ACTING CHAIRMAN ALBERTI: Are we doing

1 them all?

2 MEMBER SILVERSTEIN: I will do them en
3 banc.

4 ACTING CHAIRMAN ALBERTI: Yes, do them
5 en banc.

6 MEMBER SILVERSTEIN: No. 2 is a review
7 request for change of hours for Noelia at 1319 F
8 Street, N.W. It's a Retailer CR Restaurant
9 License 094777.

10 The move is to placard.

11 No. 3, a review application for
12 sidewalk cafe endorsement. This is in ANC-4C for
13 Lyman's at 3720 14th Street. It's a Tavern
14 License 090509.

15 The move is to placard.

16 The fourth is to review an application
17 for a manager's license for Meagan A. Mann. It's
18 ABRA License 098067.

19 The move will be for a Fact-Finding.

20 The Supplemental Licensing -- shall we
21 do these? Let's do these.

22 ACTING CHAIRMAN ALBERTI: Let's do

1 those, yes.

2 MEMBER SILVERSTEIN: For these four,
3 any comments on any of these?

4 Seeing none, I move that the motions
5 we have had to approve No. 1, placard 2 and 3 and
6 Fact-Finding on No. 4.

7 ACTING CHAIRMAN ALBERTI: I'll second
8 the motion to approve those four items as you
9 indicated.

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

12 ALL: Aye.

13 MEMBER SILVERSTEIN: Opposed?
14 Abstention? All approved as indicated 6-0.

15 Okay. Let's move on to the
16 Supplemental Licensing Agenda.

17 The first item is to review request
18 for extended safekeeping for an additional six
19 months for -- this is in ANC-1C, formerly The
20 Attic. The name will be determined at 1841
21 Columbia Road, N.W. This is a Retailer
22 Restaurant License in safekeeping 086065.

1 The move is for a Fact-Finding.

2 No. 2, to review request for a change
3 of license class for the initial application from
4 CT to CX Club without replacarding. ANC-1B.
5 This is for We Work at 641 S Street, N.W.,
6 Retailer CX Club License No. 097412.

7 The move is to grant a CX Club
8 License.

9 No. 3 is to review request for
10 stipulated license per ANC Letter of Support for
11 We Work. This is ANC-1B. We Work, 641 S Street,
12 Retailer CX Club License 097412.

13 The move is to approve the stipulated
14 license with the ANC Letter of Support.

15 No. 4 would be to review the request
16 for stipulated license with the ANC Letter of
17 Support, ANC-1A, for Thip Kao Restaurant at 3460
18 14th Street, N.W. This is a CR Restaurant License
19 No. 097131.

20 The motion would be to offer or to
21 support the stipulated license with the ANC
22 Letter of Support to grant it.

1 No. 5 is to review a request for the
2 stipulated license with an ANC Letter of Support,
3 ANC-6D, for Bonchon Navy Yard at 1015 Half
4 Street, S.E. This is a Restaurant License
5 097672, to grant the stipulated license with the
6 ANC Letter of Support.

7 The motion would be to support or to
8 approve.

9 And No. 6 is to review the request for
10 the stipulated license with an ANC Letter of
11 Support from ANC-5D for Capital Fringe at 1358
12 Florida Avenue, N.E. This is a CX License No.
13 097815.

14 And the motion would be to support and
15 to approve.

16 Is there any discussion on any of
17 these items?

18 ACTING CHAIRMAN ALBERTI: I'll make
19 the motion. Okay. I move to approve Board
20 Member Silverstein's recommendations for Items 1
21 through 6 on our Supplemental Licensing Agenda.

22 MEMBER SILVERSTEIN: I second.

1 ACTING CHAIRMAN ALBERTI: Okay.

2 All those in favor say aye.

3 ALL: Aye.

4 ACTING CHAIRMAN ALBERTI: All those
5 opposed? The motion carries 6-0. Thank you,
6 Mike. Very good.

7 MEMBER SILVERSTEIN: Thank you.

8 ACTING CHAIRMAN ALBERTI: I'll make
9 sure Martha gets these.

10 As a Board Member of the Alcoholic
11 Beverage Control Board for the District of
12 Columbia and in accordance with Section 405 of
13 the Open Meetings Amendment Act of 2010, I move
14 that the ABC Board hold a closed meeting on March
15 4, 2015 for the purpose of discussing and hearing
16 reports concerning ongoing and planned
17 investigations of alleged criminal or civil
18 misconduct or violations of law or regulations
19 and seeking legal advice from our counsel on the
20 Board's Investigative Agenda for March 4, 2015 as
21 published in the DC Register on February 27,
22 2015.

1 Is there a second?

2 MEMBER RODRIGUEZ: Second.

3 ACTING CHAIRMAN ALBERTI: Mr.

4 Rodriguez seconded the motion. I will call a
5 roll now.

6 Mr. Brooks?

7 MEMBER BROOKS: I agree.

8 ACTING CHAIRMAN ALBERTI: Mr.

9 Rodriguez?

10 MEMBER RODRIGUEZ: I agree.

11 ACTING CHAIRMAN ALBERTI: Mr. Jones?

12 MEMBER JONES: I agree.

13 ACTING CHAIRMAN ALBERTI: Mr. Smith?

14 Mr. Short?

15 MEMBER SHORT: I agree.

16 ACTING CHAIRMAN ALBERTI: I'm sorry.

17 Mr. Silverstein?

18 MEMBER SILVERSTEIN: I agree.

19 ACTING CHAIRMAN ALBERTI: And I agree.

20 The motion carries 6-0.

21 As a Board Member of the Alcoholic
22 Beverage Control Board for the District of

1 Columbia and in accordance with Section 405 of
2 the Open Meetings Amendment Act of 2010, I move
3 that the ABC Board hold a closed meeting on March
4 4, 2015 for the purpose of seeking legal advice
5 from our counsel on the matters identified on the
6 Board's Agenda for March 4, 2015 as published in
7 the DC Register on February 27, 2015.

8 Is there a second?

9 MEMBER SHORT: Second.

10 ACTING CHAIRMAN ALBERTI: Okay.

11 Seconded by Mr. Short. I will now take a roll
12 call.

13 Mr. Jones?

14 MEMBER JONES: I agree.

15 ACTING CHAIRMAN ALBERTI: Mr. Short?

16 MEMBER SHORT: I agree.

17 ACTING CHAIRMAN ALBERTI: Mr.

18 Silverstein?

19 MEMBER SILVERSTEIN: I agree.

20 ACTING CHAIRMAN ALBERTI: Mr. Brooks?

21 MEMBER BROOKS: I agree.

22 ACTING CHAIRMAN ALBERTI: Mr.

1 Rodriguez?

2 MEMBER RODRIGUEZ: I agree.

3 ACTING CHAIRMAN ALBERTI: And I, Mr.
4 Alberti, agree. The motion carries 6-0.

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

14 Thank you everyone.

15 MEMBER RODRIGUEZ: Thank you.

16 ACTING CHAIRMAN ALBERTI: And --

17 MEMBER SILVERSTEIN: We are four
18 seconds early.

19 ACTING CHAIRMAN ALBERTI: We are four
20 seconds early. I can handle that.

21 (Whereupon, the A.B.R.A. Agenda in the
22 above-entitled matter was concluded at 2:00 p.m.)

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