

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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MEETING AGENDA :

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February 27, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Chairperson Miller presiding.

PRESENT

RUTHANNE MILLER, CHAIRPERSON

DONALD BROOKS, Member

HERMAN JONES, Member

NICK ALBERTI, Member

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

2:32 p.m.

CHAIRPERSON MILLER: Okay, we are back on the record for the meeting Agenda for February 27, 2013.

First item on the Agenda is a Change of Hours Application to Change Hours of Operation and Hours of Alcoholic Beverage Sales.

Current Hours of Operation and Hours of Alcoholic Beverage Sales are Sunday through Thursday, 11:30 a.m.-1:30 a.m., Friday and Saturday 11:30 a.m.-2:30 p.m.

Proposed Hours of Operation and Hours of Alcoholic Beverage Sales are Sunday through Thursday 10:30 a.m.-2:1.m., Friday and Saturday 10:30 a.m.-3:00 a.m.

No pending investigative matters. No outstanding fines or citations, and no settlement agreement with respect to this establishment, which is Wisconsin Avenue -- which is Civil, 5335 Wisconsin Avenue, NW,

1 License No. 90196, in ANC 2E.

2 I move that we approve the Change
3 of Hours request. Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Any comments?

6 All those in favor say aye.

7 (Ayes.)

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining?

10 The vote is 4:0:0 to approve.

11 The next item on the Agenda, No.
12 2, is a refund request from Kebebush Kumessa,
13 former owner of DK Foods, Inc., t/a Rainbow
14 Market, located at 626 Kennedy Street, NW,
15 License No. 82769.

16 I move that we postpone
17 consideration of this matter for another week.

18 Do I have a second?

19 MEMBER BROOKS: Second.

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

22 Any comments?

1 All those in favor say aye.

2 (Ayes.)

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining?

5 The motion passes by a vote of
6 4:0:0.

7 No. 3 is a Motion for
8 Reinstatement, dated February 12, 2013, from
9 Commissioner Matt Raymond of ANC 2F. The ANC
10 was dismissed at the Roll Call Hearing for
11 Faces Lounge, located at 1414 14th Street, NW,
12 License No. 90739.

13 In this Motion for
14 Reconsideration, Commissioner Raymond makes
15 reference to an envelope in which the notice
16 was, apparently, mailed, and indicates that
17 there is no cancellation or date stamp on it.

18 I would suggest that we request
19 that Mr. Raymond submit that envelope, which
20 is part of his evidence that we can see with
21 respect to the notice issued, and any other
22 documents which he might want to add along

1 with it at that point.

2 Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks

5 has seconded the motion.

6 Are there any other comments?

7 Okay then, all those in favor say

8 aye.

9 (Ayes.)

10 CHAIRPERSON MILLER: All those

11 opposed? All those abstaining?

12 Then the vote, I believe, is 4:0:0

13 to allow Mr. Raymond the opportunity to submit

14 this proof in the form of that envelope, and

15 any other documentation for the Board's

16 consideration of the Motion for Reinstatement.

17 Okay. No. 4 is an email, dated

18 February 4, 2013, from Bertha Holiday

19 requesting clarification for the Board

20 requested modifications for the Costa Brava

21 Settlement Agreement. Costa Brava is located

22 at 1837 1st Street, NW, License No. 90223.

1 I believe the thrust of Ms.
2 Holiday's argument is a correspondence,
3 language in the Settlement Agreement which
4 provides notice within 30 days of the
5 finalization of the transfer should be
6 allowed.

7 I would tend to agree with her,
8 but I believe I'm in the minority on this.
9 So, if anyone else wishes to speak to the
10 correspondence before we do a motion, or
11 anyone else want to make a motion, feel free
12 to do so. Otherwise I'll make a motion, and
13 we'll discuss through my point of view, which
14 I believe is in the minority.

15 Okay. Then I would move that we
16 allow in the language to provide notice within
17 30 days after a transfer.

18 Do I have a second?

19 Okay, motion dies for lack of a
20 second.

21 Any other action?

22 MEMBER ALBERTI: Is there any

1 other action necessary?

2 CHAIRPERSON MILLER: You could
3 deny the Request for Modification.

4 MEMBER ALBERTI: No. The letter,
5 as I understand it, maybe I should quote the
6 letter before I speak.

7 CHAIRPERSON MILLER: She asks for
8 reconsideration of the need to delete Section
9 12, and instead insert the clarifying words.

10 MEMBER ALBERTI: There's not a
11 clarification. I'm not sure what the request
12 is. I mean, we have a stated position. I'm
13 not sure what the request is, that we need to
14 act on anything as we have a stated position.

15 CHAIRPERSON MILLER: The letter
16 itself says, "Consequently, I would like to
17 request your reconsideration of the need to
18 delete Section 12, and instead insert the
19 clarifying language."

20 So, if you do not want to -- if
21 you want to deny her reconsideration, that's
22 what you should do.

1 Or, we can move on. I've already
2 made a motion.

3 MEMBER ALBERTI: I move that we
4 deny her request for reconsideration.

5 CHAIRPERSON MILLER: Okay. Is
6 there a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: All right.
9 There's been a motion to deny the request for
10 clarification for reconsideration.

11 All those in favor say aye.

12 (Ayes.)

13 CHAIRPERSON MILLER: All those
14 opposed?

15 Opposed.

16 All those abstaining?

17 Then the motion passes by a vote
18 of 3:1:0.

19 No. 5 is a Settlement Agreement
20 Amendment, dated December 20, 2012, between
21 The Casbah and ANC 6A. The Casbah is located
22 at 1128 H Street, NE, it's License No. 88779.

1 I move that we approve the
2 Settlement Agreement.

3 Do I have a second?

4 MEMBER BROOKS: Second.

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

7 All those in favor say aye.

8 (Ayes.)

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining?

11 Then the motion passes to approve
12 by a vote of 4:0:0.

13 No. 6 is a Settlement Agreement
14 dated January 14, 2013, between Arena Stage
15 and ANC 6D. Arena Stage is located at 1101
16 6th Street, SW, License No. 1729.

17 I move that we approve this
18 Settlement Agreement Amendment.

19 Do I have a second?

20 MEMBER BROOKS: Second.

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

1 All those in favor say aye.

2 (Ayes.)

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining?

5 The motion passes to approve by a
6 vote of 4:0:0.

7 The next item on the Agenda is No.
8 7, a Settlement Agreement, dated February 11,
9 2013, between Gordon Biersch Brewery and ANC
10 6D. Gordon Biersch Brewery is located at 100
11 M Street, SE, License No. 90968.

12 Okay. I would move that we
13 approve this application with modifications.

14 MEMBER BROOKS: Second.

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

17 I'm going to identify the
18 modification. Okay, the first modification,
19 I believe, that the Board would like to make,
20 which I'm not, necessarily, on board with, but
21 is in the one, two, three, fourth paragraph,
22 page one says, "Whereas, further applicant

1 upon notice from the ANC shall send a
2 representative of the establishment to a
3 meeting or meetings, to confer and deal in
4 good faith with issues raised under this
5 agreement."

6 And then the other modification in
7 the Settlement Agreement is No. 11, under
8 "Notice and Opportunity to Cure," I understand
9 that our General Counsel will provide standard
10 language that more accurately characterizes
11 the process for seeking a show cause action
12 from the Board.

13 So, there's a motion that's been
14 seconded.

15 Any other comments by Board
16 Members?

17 All those in favor say aye.

18 (Ayes.)

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining?

21 Then the motion to approve with
22 modifications as noted passes by a vote of

1 4:0:0.

2 Okay. No. 8 is a Settlement
3 Agreement Amendment, dated February 12, 2013,
4 between Cashion's Eat Place and Kalorama
5 Citizens Association. Cashion's Eat Place is
6 located at 1819 Columbia Road, NW, License No.
7 77276.

8 I move that we approve this
9 Settlement Agreement Amendment.

10 Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks
13 has seconded the motion.

14 Any comments?

15 All those in favor say aye.

16 (Ayes.)

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining?

19 The motion passes to approve the
20 Settlement Agreement Amendment by a vote of
21 4:0:0.

22 No. 9 is a review and approval of

1 the MPD RDO Final Rulemaking.

2 I move that we approve this Final
3 Rulemaking.

4 Do I have a second?

5 MEMBER BROOKS: Second.

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

8 Any comments?

9 All those in favor say aye.

10 (Ayes.)

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining?

13 Then the motion passes to approve
14 the Rulemaking by a vote of 4:0:0.

15 Okay, that completes our Meeting
16 Agenda, and then we have the Start Hours
17 Agenda.

18 (Whereupon, the above-entitled
19 matter was concluded at 2:45 p.m.)
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22

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