

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

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

March 11, 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:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

8:39 p.m.

CHAIRPERSON MILLER: All right. We are back on the record to do the Board's agendas for March 11, 2015. I want to start with the Licensing Agendas.

The first item on the Licensing Agenda is a request for a change of hours by Syd's located at 2325 Bladensburg Road, N.E., License No. 026574.

I move that we approve this request for change of hours.

MEMBER SHORT: Second.

CHAIRPERSON MILLER: Mr. Short has seconded the motion.

All those in favor say aye.

ALL: Aye.

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

No. 2 is an application for an entertainment endorsement for a summer garden by

1 Rock N Roll Hotel located at 1353 H Street, N.E.,
2 License No. 072777.

3 And we have checked the settlement
4 agreement, there is no conflict, so I move that
5 we approve this entertainment endorsement
6 application for the summer garden.

7 MEMBER ALBERTI: Mr. Alberti is
8 recusing himself from that item.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER SHORT: I second it.

11 CHAIRPERSON MILLER: We still have
12 three. Okay. Mr. Short has seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 3-0-0. And Mr. Alberti is recused.

18 No. 3 is a request to withdraw an
19 application for transfer without sale from Boom,
20 Inc. to 1359 U, LLC. Patty Boom Boom is located
21 at 1359 U Street, N.W., License No. 078943.

22 I move that we approve this request to

1 withdraw. Do I have a second?

2 MEMBER RODRIGUEZ: Second.

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

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 5-0-0.

10 Okay. I understand that No. 4 is
11 moot, so I'm going to skip that one and go to No.
12 5 which is an application for a solicitor's
13 license by Olivier H. Daubresse and it's ABRA No.
14 098159.

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

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Mr. Alberti
19 seconded the motion.

20 All those in favor say aye.

21 MEMBER BROOKS: Aye.

22 CHAIRPERSON MILLER: Aye.

1 MEMBER ALBERTI: Aye.

2 MEMBER RODRIGUEZ: Aye.

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

6 MEMBER SHORT: Abstain.

7 CHAIRPERSON MILLER: Oops. The motion
8 passes 4-0-1 with Mr. Short abstaining.

9 Okay. We have a Supplemental
10 Licensing Agenda.

11 The first item on that is a request
12 for a stipulated license with ANC support by
13 Bistro on U Street located at 926-928 U Street,
14 N.W., License No. 098081.

15 I move that we postpone this review.

16 MEMBER SHORT: Second.

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

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 5-0-0.

2 No. 2 is a request for change of hours
3 for operation and live entertainment. It would
4 be 24 hours and this is by Epicurean and Company
5 located at 3800 Reservoir Road, N.W., License No.
6 077576.

7 I move that we placard this request.
8 Do I have a second?

9 MEMBER RODRIGUEZ: Second.

10 CHAIRPERSON MILLER: Mr. Rodriguez has
11 seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 5-0-0.

17 No. 3 is a letter from an applicant
18 requesting to appeal the Board's decision to deny
19 the licensee's application for a class change
20 from Retailer B to Retailer A. This is Eleven
21 Market, 1936 11th Street, N.W., License No.
22 060236.

1 I move that we deny this request. The
2 applicant didn't present any arguments that
3 really go to the reason that we denied in the
4 first place. It doesn't change my decision in
5 any way. So do I have a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has
8 seconded the motion. So there is a motion to
9 deny.

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. 4 is a request for a refund of
16 \$675 for a new DR License application, which was
17 denied by the Board. The applicant was Matzuy
18 Billiards located at 1772 Columbia Road, N.W.,
19 License No. 096299.

20 I move that we postpone review of this
21 request. Do I have a second?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Mr. Brooks has
2 seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The motion
7 passes 5-0-0.

8 We have a Second Supplemental
9 Licensing Agenda. The first item is an
10 application for a new Class C restaurant in Adams
11 Morgan Moratorium Zone for Two Tales, LLC located
12 at 1827 Adams Mill Road, N.W., License No.
13 098033.

14 I move that we hold a Fact-Finding
15 Hearing on this application. Do I have a second?

16 MEMBER RODRIGUEZ: Second.

17 CHAIRPERSON MILLER: Mr. Rodriguez
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 5-0-0.

2 No. 2 is a review of plans for a new
3 full-service grocery store in ANC-6C. It is
4 Union Kitchen located at 538 3rd Street, N.E.,
5 License No. 098204.

6 I move that we refer these plans to
7 licensing. Do I have a second?

8 MEMBER ALBERTI: Second.

9 CHAIRPERSON MILLER: And Mr. Alberti
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

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

16 We have a Cancellation Agenda. Listed
17 on the agenda for cancellation is No. 1, Lotus,
18 ABRA No. 075162. It's a Retail C Nightclub
19 located at 1420 K Street, N.W. This
20 establishment has closed and the licensee has
21 requested cancellation of the license.

22 I'm going to go through, there are

1 just four and I think that we can vote on them
2 all at once.

3 The second one is ABRA No. 093538,
4 Event Concepts. It's a tavern located at 444
5 North Capitol Street, N.W. The establishment is
6 closed. The licensee has requested cancellation
7 of the license.

8 The third is ABRA No. 075752, Georgia
9 Avenue Market, Retail Grocery B License located
10 at 3128 Georgia Avenue, N.W. The licensee did
11 not renew.

12 And finally, ABRA No. 079255,
13 Pennsylvania Avenue Market, Retail Grocery B
14 located at 1501 Pennsylvania Avenue, S.E. The
15 licensee did not renew.

16 I move that we cancel all four
17 licenses just described. Do I have a second?

18 MEMBER ALBERTI: Second.

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

21 All those in favor say aye.

22 ALL: Aye.

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

4 All right. We now turn to our Legal
5 Agendas. I think I can group the following three
6 together.

7 1, 2 and 3, they are all letters in
8 opposition of single sales requests submitted by
9 the Chair of ANC-6A, Jay Williams, all dated
10 February 25, 2015.

11 The first one is with respect to 1101
12 Convenience Mart at 1101 H Street, N.E., License
13 No. 086305.

14 The second one is with respect to Me
15 & My Supermarket at 1111 H Street, N.E., License
16 No. 095280.

17 And No. 3 is related to New H Wine and
18 Spirits, 914 H Street, N.E., and that's License
19 No. 093550.

20 All of these are just FYIs to put on
21 the record that ANC-6A would be opposed to any
22 requests for an exemption from the ban on sale of

1 single containers under D.C. Code 25-346. So
2 they are all FYI.

3 In the event that there is a request
4 for an exemption, there aren't any pending
5 requests for exemption. Okay. So they are all
6 FYI.

7 MEMBER ALBERTI: So just to make --

8 CHAIRPERSON MILLER: Just a minute.

9 MEMBER ALBERTI: -- just on that last
10 point just one last point. They are all FYIs,
11 but we all understand that if applications are
12 submitted for any of these establishments, we
13 would give great weight to these letters.

14 CHAIRPERSON MILLER: That's right,
15 great weight to keep these in our files.

16 MEMBER ALBERTI: Right. So that's
17 understood.

18 CHAIRPERSON MILLER: Right, exactly.

19 MEMBER ALBERTI: Okay.

20 CHAIRPERSON MILLER: And we are going
21 to look at them again if requests are made.

22 MEMBER ALBERTI: Right.

1 CHAIRPERSON MILLER: Thank you.

2 MEMBER ALBERTI: I didn't want anyone
3 to panic.

4 CHAIRPERSON MILLER: Right. Are you
5 recused though?

6 MEMBER ALBERTI: No.

7 CHAIRPERSON MILLER: No? Okay.

8 MEMBER ALBERTI: I'm not on the ANC.
9 I wasn't there when they signed those.

10 CHAIRPERSON MILLER: Okay. Oh, okay,
11 one minute. Okay. What's left on the agenda is
12 the Supplemental Legal Agenda.

13 And the first item on that agenda is
14 a Motion for Reconsideration dated February 23,
15 2015 submitted by Mary Ann Brazell, the owner of
16 The Cupboard. And The Cupboard is located at
17 1504 East Capitol Street, N.E., License No.
18 086607.

19 MEMBER ALBERTI: Have we discussed
20 this case?

21 CHAIRPERSON MILLER: Yes. I'm happy
22 to discuss it further on the record. And so Ms.

1 Brazell is asking for \$250 off a \$750 fine on the
2 grounds that she said that she was offered to pay
3 \$500 and that she then, you know, with an
4 agreement, I believe, with probably the OAG, but
5 I don't know if OAG has actually cited in this.

6 In any event, she said that she
7 submitted the \$500 before the hearing date and
8 then that it was rejected by ABRA. And I thought
9 she made some compelling arguments in her motion
10 until I actually checked the records in our file
11 and actually the hearing was, in this case,
12 January 21, 2015.

13 And at that hearing, she didn't
14 appear. We then issued an order fining her \$750.
15 She may have -- it looks like she dated her check
16 February 2, 2015, but that was after the hearing
17 and so I don't see any reason that she is
18 entitled to \$250 back. She didn't have an OIC
19 with the Attorney General's office entitling her
20 to it.

21 MEMBER RODRIGUEZ: Make a motion,
22 Madam Chair.

1 CHAIRPERSON MILLER: So my motion
2 would be to deny the Motion for Reconsideration.

3 MEMBER RODRIGUEZ: I second your
4 motion.

5 CHAIRPERSON MILLER: All right. Mr.
6 Rodriguez has seconded the motion. Any other
7 comments?

8 MEMBER ALBERTI: This is a motion to
9 deny --

10 MEMBER RODRIGUEZ: To deny.

11 CHAIRPERSON MILLER: Deny.

12 MEMBER ALBERTI: -- the request?

13 MEMBER RODRIGUEZ: Deny.

14 MEMBER ALBERTI: Okay.

15 CHAIRPERSON MILLER: All right. Not
16 hearing any other comments.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The motion
21 passes then to deny by a vote of 5-0-0.

22 The next item is a request to

1 reinstate a protest submitted by Josephine Poole,
2 the abutting property owner, dated February 24,
3 2015. It's related to Darnell's. Darnell's is
4 located at 944 Florida Avenue, N.W., License No.
5 095113.

6 She says that, I think, she was
7 dismissed because she didn't appear because of
8 family matters. She didn't attend this hearing
9 on February 2, 2015.

10 I would move that we deny the request
11 because there is no record of her actually
12 calling the ABC Board or ABRA that she couldn't
13 appear for that hearing. Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks has
16 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 And finally No. 3 is a letter of

1 request for a Fact-Finding Hearing for an
2 incident occurring at Liv Nightclub on March 7,
3 2015 submitted by MPD Chief Cathy Lanier dated
4 March 9, 2015. Liv Nightclub is located at 2001
5 11th Street, N.W., License No. 074894.

6 MEMBER SHORT: Madam Chair, is that
7 Liv or Live?

8 CHAIRPERSON MILLER: I don't know.
9 It's spelled L-I-V.

10 MEMBER SHORT: I think it's pronounced
11 live.

12 CHAIRPERSON MILLER: Oh, okay. Do you
13 know it?

14 MEMBER SHORT: I think it is.

15 CHAIRPERSON MILLER: Okay. All right
16 then.

17 All those in favor of holding this
18 Fact-Finding Hearing approving the request by
19 Chief Cathy Lanier say aye.

20 MEMBER ALBERTI: Aye.

21 CHAIRPERSON MILLER: Aye.

22 MEMBER SHORT: Aye.

1 MEMBER RODRIGUEZ: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed?

4 MEMBER BROOKS: Opposed.

5 CHAIRPERSON MILLER: All those
6 abstaining? Opposed?

7 MEMBER BROOKS: Which one is this?
8 I'm sorry.

9 CHAIRPERSON MILLER: Really?

10 MEMBER RODRIGUEZ: Liv Nightclub.

11 CHAIRPERSON MILLER: You are opposed
12 to a Fact-Finding Hearing?

13 MEMBER BROOKS: Fact-Finding.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER BROOKS: Recommended by Cathy
16 Lanier.

17 MEMBER ALBERTI: What would you prefer
18 to do?

19 MEMBER BROOKS: Nothing.

20 MEMBER ALBERTI: Oh, do nothing?
21 Okay.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER ALBERTI: I will -- yes, I
2 would like to say that I'm -- well, I'm voting
3 for a Fact-Finding in the absence of an
4 investigative report. And so that I ask the
5 Board to -- I will ask the Board once we get the
6 report to revisit that issue.

7 MEMBER RODRIGUEZ: Yes.

8 CHAIRPERSON MILLER: Okay. So all
9 those in favor of scheduling a Fact-Finding
10 Hearing say aye.

11 MEMBER RODRIGUEZ: Aye.

12 CHAIRPERSON MILLER: Aye.

13 MEMBER ALBERTI: Aye.

14 MEMBER SHORT: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed?

17 MEMBER BROOKS: Opposed.

18 CHAIRPERSON MILLER: All those
19 abstaining? The motion passes 4-1-0 with Mr.
20 Brooks opposed, yes.

21 All right. That completes our
22 agendas. We now just need to do the votes for

1 the closed session for next week.

2 As Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia and in accordance with Section 405 of
5 the Open Meetings Amendment Act of 2010, I move
6 that the ABC Board hold a closed meeting on March
7 18, 2015 for the purpose of seeking legal advice
8 from our counsel on the matters identified on the
9 Board's Agenda for March 18, 2015 as published in
10 the DC Register on March 13, 2015.

11 Is there a second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON MILLER: Mr. Short has
14 seconded the motion. I'll now take a roll call
15 vote on the motion before us now that it has been
16 seconded.

17 Mr. Brooks?

18 MEMBER BROOKS: I agree.

19 CHAIRPERSON MILLER: Mr. Rodriguez?

20 MEMBER RODRIGUEZ: I agree.

21 CHAIRPERSON MILLER: Ms. Miller
22 agrees.

1 Mr. Short?

2 MEMBER SHORT: I agree.

3 MEMBER ALBERTI: And I agree as well.

4 CHAIRPERSON MILLER: And Mr. Alberti.

5 So the motion has passed by a 5-0-0 vote.

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

14 As Chairperson of the Alcoholic
15 Beverage Control Board for the District of
16 Columbia and in accordance with Section 405 of
17 the Open Meetings Amendment Act of 2010, I move
18 that the ABC Board hold a closed meeting on March
19 18, 2015 for the purpose of discussing and
20 hearing reports concerning ongoing or planned
21 investigations of alleged criminal or civil
22 misconduct or violations of law or regulations

1 and seeking legal advice from our counsel on the
2 Board's Investigative Agenda for March 18, 2015
3 as published in the DC Register on March 13,
4 2015.

5 Is there a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has
8 seconded the motion. I'll now take a roll call
9 vote on the motion before us now that it has been
10 seconded.

11 Mr. Brooks?

12 MEMBER BROOKS: I agree.

13 CHAIRPERSON MILLER: Mr. Rodriguez?

14 MEMBER RODRIGUEZ: I agree.

15 CHAIRPERSON MILLER: Ms. Miller
16 agrees.

17 It appears that the motion has passed
18 by a 3-0-0 vote.

19 I hereby give notice that the ABC
20 Board will hold this aforementioned closed
21 meeting pursuant to the Open Meetings Amendment
22 Act of 2010. Notice will also be posted on the

1 ABC Board hearing room bulletin board, placed on
2 the electronic calendar on ABRA's website and
3 published in the DC Register in as timely a
4 manner as practicable.

5 Okay. And that concludes our business
6 for March 11, 2015 and we are adjourned.

7 MEMBER RODRIGUEZ: Thank you.

8 CHAIRPERSON MILLER: Okay. Thank you.
9 Thank you very much.

10 (Whereupon, the A.B.R.A. Agenda in the
11 above-entitled matter was concluded at 9:05 p.m.)
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