

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

(6:48 p.m.)

CHAIRPERSON MILLER: Okay. We are back on the record for our meeting agenda of March 13, 2013.

No. 1 on the meeting agenda is a review of a tasting permit application for Prego Again and the current hours of operation are Sunday through Saturday, 9:00 a.m. to 10:00 p.m., current hours of alcoholic beverage sales/service are Sunday through Saturday 10:00 a.m. to 10:00 p.m. No pending investigative matters, no fines or citations, no settlement agreement. It is in ANC-2B located at 1617 17th Street, N.W., License No. 90326.

I move that we approve this application.

Do I have a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those Abstaining? I pass this
4 to approve at 5-0-0.

5 Next is a request to place the
6 license in safekeeping by 1500 Market at 1500
7 Massachusetts Ave., N.W., License No. 60717.

8 I move that we grant this request
9 for a period of six months.

10 Do I have a second?

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Mr. Alberti
13 seconded the motion.

14 All those in favor say aye.

15 All: Aye.

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

19 The next one is another request to
20 place a license in safekeeping by Chez Aunty
21 Libe Restaurant located at 6115 Georgia
22 Avenue, N.W., License No. 89030.

1 I move that we approve this
2 request to place the license in safekeeping.

3 MEMBER ALBERTI: Second.

4 CHAIRPERSON MILLER: Mr. Alberti
5 seconded the motion.

6 All those in favor say aye.

7 All: Aye.

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

11 The next is a change of hours
12 application to change hours of operation and
13 hours of alcoholic beverage sales by Number
14 Nine located at 1435 P Street, N.W., License
15 No. 86354. Approved hours of operation and
16 sales are Sunday through Thursday 5:00 p.m. to
17 1:45 a.m. and Friday and Saturday 5:00 p.m. to
18 2:45 a.m. and proposed hours are Sunday
19 through Thursday 12:00 p.m. to 1:45 a.m. and
20 Friday and Saturday 12:00 p.m. to 2:45 a.m.

21 And the hours of live
22 entertainment are Sunday through Thursday 6:00

1 p.m. to 1:45 a.m., Friday and Saturday 6:00
2 p.m. to 2:45 a.m. And the proposed hours of
3 live entertainment are Sunday through Saturday
4 6:00 p.m. to 1:45 a.m.

5 So there are no pending
6 investigative matters or enforcement matters
7 or outstanding fines or citations or conflict
8 with an approved and amended settlement
9 agreement. It's in ANC-2F.

10 I move that we approve.

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Mr. Alberti
13 seconded the motion.

14 All those in favor say aye.

15 All: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The vote is
18 5-0-0 to approve.

19 No. 5 on the agenda is another
20 change of hours application to change hours of
21 operation and hours of alcoholic beverage
22 sales. The approved hours are Sunday 11:00

1 a.m. to 11:00 p.m., Monday through Thursday
2 11:00 a.m. to 12:00 a.m., Friday and Saturday
3 11:00 a.m. to 1:00 a.m. The proposed hours
4 are Sunday through Saturday 11:00 a.m. to 2:00
5 a.m.

6 And hours of live entertainment
7 Sunday 6:00 p.m. to 11:00 p.m., Monday through
8 Thursday 6:00 p.m. to 12:00 a.m., Friday and
9 Saturday 6:00 p.m. to 1:00 a.m. And so the
10 proposed are Sunday through Saturday 6:00 p.m.
11 to 2:00 a.m. No investigative matters
12 pending, no pending enforcement matters, no
13 outstanding fines or citations and no
14 settlement agreement. It's in ANC-2C.

15 This is for Hooters of Washington
16 DC located at 827 7th Street, N.W.

17 I move that we placard this
18 application.

19 MEMBER ALBERTI: Second.

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

22 All those in favor say aye.

1 All: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? Then the vote
4 is 5-0-0.

5 No. 6 is a review of
6 correspondence from Alganesh Kidane to extend
7 current license to second floor of
8 establishment. There are pending
9 investigative matters and outstanding fines
10 and a settlement agreement.

11 This is for Sunshine Bar & Lounge
12 located at 7331 Georgia Avenue, N.W., License
13 No. 85239.

14 I move that Ms. Kidane can apply
15 for the expansion and that the Board consider
16 this a substantial change and, therefore, she
17 would need to placard that application.

18 Do I have a second?

19 MEMBER ALBERTI: Second.

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

22 All those in favor say aye.

1 All: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? And the
4 motion passes 5-0-0.

5 No. 7 is a request to place a
6 license in safekeeping. This is by Roadside
7 Caterers, 2101 Benning Road, N.E. Pursuant
8 to, I believe, a Board order, Roadside has put
9 the or it certainly is authorized to put the
10 license in safekeeping.

11 So I move that we approve the
12 request to have it in safekeeping.

13 Do I have a second?

14 MEMBER BROOKS: Second.

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

17 All those in favor say aye.

18 All: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? The motion passes 5-0-0.

21 No. 8, this is a correspondence
22 from Alireza Hajialigoli for permission to

1 reopen a business. It is Chloe, also known as
2 District Lounge and Grille, located at 2473
3 18th Street, N.W., License No. 81908.

4 I move that we refer to legal for
5 two weeks and then pick it up then.

6 Do I have a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti
9 seconded the motion.

10 All those in favor say aye.

11 All: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The vote is
14 5-0-0.

15 No. 9 is a correspondence from
16 Andrew Kline requesting that the Board
17 determine portion of an existing settlement
18 agreement unenforceable in connection with a
19 request for approval for substantial change
20 with respect to hours of operation and for
21 sales of alcoholic beverages.

22 The establishment is Policy

1 located at 1904 14th Street, N.W., License No.
2 76804.

3 I believe this is the one where
4 Mr. Kline refers to the new Omnibus Bill,
5 under which a condition limiting someone from
6 applying like this is unenforceable. However,
7 this agreement was before the new Act and
8 according to the Attorney General's letter,
9 settlement agreements are contracts and future
10 laws don't affect them.

11 So I would move that we deny this
12 request for that reason.

13 Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion. Any other comments?

17 MEMBER ALBERTI: Yes, I believe
18 that this is enforceable even under the
19 conditions of the new Act. And so I will vote
20 to deny.

21 CHAIRPERSON MILLER: Okay. Any
22 other comments? All right.

1 All those in favor of the motion
2 to deny say aye.

3 All: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? Okay. Then
6 the request is denied.

7 No. 10 is correspondence from
8 Abeda Beyene requesting extension of time in
9 which to pay a fine agreed to by the parties
10 in approved offer in compromise. It refers to
11 Case No. 12-CMP-00187, Vita Restaurant and
12 Lounge/Penthouse Nine located at 1318 9th
13 Street, N.W., License No. 86037.

14 Okay. I move that we deny this
15 request, that the Board does not grant these
16 type of extensions.

17 Do I have a second?

18 MEMBER ALBERTI: Second.

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

21 Do we have anybody else want to
22 make a comment on this? Okay.

1 All those in favor then of the
2 motion before us to deny the request say aye.

3 All: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The vote is
6 5-0-0.

7 Next is a letter dated February
8 21, 2013 from Ryan Malkin requesting
9 permission to give on-premise retailers an
10 AVION tequila tap handle that costs \$60.

11 I move that we approve the
12 request.

13 Do I have a second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr.

16 Silverstein has seconded the motion.

17 All those in favor say aye.

18 All: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The vote is
21 5-0-0 to approve.

22 No. 12 are emails dated February

1 28, 2013 from Commissioner Matt Raymond of
2 ANC-2F providing additional information
3 regarding the ANC's Motion for Reinstatement,
4 which was reviewed by the Board on February
5 27, 2013 agenda. It involves the
6 establishment Faces Lounge located at 1414
7 14th Street, N.W., License No. 90739.

8 This is the case in which the ANC
9 was denied party status or was dismissed as a
10 party because they didn't show, I believe at
11 Roll Call or something to that effect, and Mr.
12 Raymond said the reason being was that he
13 never received the notice and that the notice,
14 I guess, went to the ANC Office and not to his
15 home and some notices are sent to his home,
16 but not all are required.

17 So in any event, I would move for
18 reinstatement, based on the possibility that
19 sometimes notices do not get to people on time
20 and it's very hard to prove a negative there.
21 And they represent the community, so that
22 would be my reasoning.

1 Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr.

4 Silverstein has seconded the motion. Are
5 there further comments? All right. Then
6 there is a Motion for Reinstatement to grant
7 reinstatement.

8 All those in favor say aye. Aye.

9 All those opposed?

10 MEMBER JONES: Oppose.

11 MEMBER BROOKS: Oppose.

12 MEMBER ALBERTI: Oppose.

13 CHAIRPERSON MILLER: All those
14 abstaining?

15 MEMBER SILVERSTEIN: Abstain.

16 CHAIRPERSON MILLER: Okay. Then
17 the motion fails by a vote of 1-3-1.

18 Okay. No. 13 is a letter dated
19 February 27, 2013 from My Brother's Place
20 requesting to terminate their settlement
21 agreement with the Catholic University of
22 America dated November 28, 2006.

1 My Brother's Place is located at
2 237 2nd Street, N.W., License No. 71593. I
3 move that we placard this application.

4 Do I have a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks
7 has seconded the motion. Any other comments?

8 All those in favor of the motion
9 say aye.

10 All: Aye.

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

13 MEMBER ALBERTI: Can we go back to
14 12 for a second? So your motion was not --
15 did not carry. So does that mean that the
16 motion, the ANC's Motion for Reinstatement is
17 deemed denied?

18 MEMBER SILVERSTEIN: Yes.

19 CHAIRPERSON MILLER: Yes, because
20 I --

21 MEMBER ALBERTI: Okay. Fine. I
22 just wanted to make sure that was clear on the

1 record.

2 CHAIRPERSON MILLER: Okay. Right.

3 MEMBER ALBERTI: Okay.

4 CHAIRPERSON MILLER: My motion to
5 grant it was denied, so, yes. Yes.

6 MEMBER ALBERTI: Right. Did not
7 carry.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: So that deems the
10 ANC's Motion for Reinstatement as denied.
11 Okay.

12 CHAIRPERSON MILLER: If you want
13 to do another motion to clear --

14 MEMBER ALBERTI: No.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: It's fine.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: I'll leave it up
19 to someone else.

20 CHAIRPERSON MILLER: Okay. I
21 think that's clear.

22 So 14 is a settlement agreement

1 dated February 25, 2013 between Neighborhood
2 Restaurant Group, LLC and the residents of
3 Palladium Condominium. Neighborhood
4 Restaurant Group, XVII, LLC located at 1323
5 Connecticut Avenue, N.W., License No. 90634.

6 I move that we approve this
7 settlement agreement.

8 Do I have a second?

9 MEMBER ALBERTI: Second.

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks
12 has seconded the motion then.

13 All those in favor say aye.

14 All: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? Then the
17 motion passes to approve 5-0-0.

18 No. 15 is a review of comments
19 filed by Andrew Kline on behalf of the
20 Restaurant Association Metropolitan Washington
21 regarding the Civil Penalty Schedule.

22 I move that we postpone this until

1 next week.

2 Do I have a second?

3 MEMBER BROOKS: Second.

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

6 All those in favor say aye.

7 All: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The motion
10 passes 5-0-0. We will take that up next week.

11 Okay. I think that completes the
12 meeting agenda. Yes, now the supplemental.

13 Okay. We also have a supplemental
14 agenda.

15 No. 1 on the supplemental agenda
16 is letter from Commissioner Will Stephens at
17 ANC-2B requesting that the Board placard
18 establishments applying for growler sales.
19 The establishment was not previously granted
20 a Single Sales Exception.

21 Okay. I move that we deny that
22 request in that the counsel determined that

1 the Single Sales Exception did not apply to
2 growlers.

3 Do I have a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr.

6 Silverstein has seconded the motion. Any
7 other comments? All right. There is a motion
8 that has been seconded.

9 All those in favor say aye.

10 All: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? Okay. Then
13 the motion passes 5-0-0.

14 No. 2 is a letter dated February
15 20, 2013 from Commissioner David Holmes of
16 ANC-6A putting us on notice that whenever a
17 licensee within 6A requests a change in their
18 license class or seeks to add endorsements, a
19 sidewalk cafe or other license extensions,
20 that they consider that a substantial change,
21 okay, and they ask to be notified.

22 I understand that we already do

1 give notice in the DC Register or whatever,
2 but I don't think that this calls for any
3 action on the Board but to say that we have
4 read their letter and we will keep this in
5 mind when we consider applications in 6A.

6 No. 3 is correspondence from Paul
7 Pascal on behalf of his client, Republic
8 National Distributing Company, for permission
9 to provide equipment racks to two Walgreen
10 locations for display purposes.

11 I move that we approve this
12 application.

13 Do I have a second?

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Mr. Alberti
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 vote is
21 5-0-0 to approve.

22 No. 4 is correspondence dated

1 March 1, 2013 from Washington Wholesale
2 Liquors, LLC requesting the Board to approve
3 or requesting Board approval to provide
4 retailers with items ranging from \$75 to \$250.

5 It's Washington Wholesale Liquor
6 Company, LLC located at 2800 V Street, N.E.,
7 License No. 60518. I move that we approve.

8 Do I have a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr.

11 Silverstein has 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. 5 is a request from All States
18 Hotel Company, LLC/Marriott International,
19 Inc. for consolidated payment of alcoholic
20 beverage vendor invoices for Courtyard by
21 Marriott Washington, D.C./Foggy Bottom/GWU
22 through Marriott's centralized payment office.

1 Courtyard by Marriott Washington, DC/Foggy
2 Bottom/GWU located at 515 20th Street, N.W.,
3 License No. 89405.

4 We have approved similar requests
5 in the past. I move that we approve.

6 Do I have a second?

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Mr.

9 Silverstein seconded the motion.

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 MEMBER SILVERSTEIN: Madam Chair?

16 CHAIRPERSON MILLER: Yes?

17 MEMBER SILVERSTEIN: Just for
18 clarification, this is only to allow payment,
19 that records must be stored here within the
20 District of Columbia.

21 CHAIRPERSON MILLER: Correct.

22 MEMBER SILVERSTEIN: Thank you.

1 CHAIRPERSON MILLER: No. 6 is a
2 request dated March 4, 2013 for temporary
3 operating permit pursuant to 23 DCMR ^U 703 for
4 NCPT-Capstone Dupont TRS, LLC t/a Washington
5 Courtyard by Marriott, application for
6 transfer of Retailer's CH License filed on
7 February 4, 2013 and is pending.

8 The establishment is Washington
9 Courtyard by Marriott, 1900 Connecticut
10 Avenue, N.W., License No. 17144.

11 Okay. So this is a request for
12 temporary operating permit and I believe it
13 meets the requirements of 23 DCMR ^U 703. I
14 move to approve.

15 Do I have a second?

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Mr. Alberti
18 has 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 Okay. No. 7 is a letter dated
3 February 7, 2013 from Deanna Silverman
4 requesting permission to serve wine between
5 the hours of 5:00 p.m. and 8:00 p.m. on
6 Thursdays at Lou Lou, a clothing store.

7 And I move that we deny this
8 request, because our rules require that
9 serving wine in that type of a restaurant--

10 MEMBER ALBERTI: Clothing store.

11 CHAIRPERSON MILLER: -- clothing
12 store, I'm so sorry, clothing store only
13 doesn't require a license when the event is
14 closed to the public. And the letter seems to
15 indicate that it would be open to the public.

16 Do I have a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Any other
19 comments? Okay. We have motion that has been
20 seconded.

21 All those in favor say aye.

22 All: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? Then the
3 motion passes by a vote of 5-0-0.

4 No. 8 is correspondence dated
5 September 10 from Jonathan Gropper of
6 BeerRightNow.com requesting an advisory
7 opinion regarding ^U 24-101(45).

8 I move that we postpone
9 consideration of this item for a week to hear
10 further from legal counsel.

11 Do I have a second?

12 MEMBER BROOKS: Second.

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

15 All those in favor of postponing
16 say aye.

17 All: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 5-0-0.

21 No. 9 is a review of a request for
22 a stipulated license with respect to

1 Neighborhood Restaurant Group located at 1323
2 Connecticut Avenue, N.W., License No. 90634.
3 This request is moot, given our approval of
4 the settlement agreement in the meeting agenda
5 that we just did previously.

6 That was No. 14 of the regular
7 meeting agenda.

8 No. 10 is a letter dated March 11,
9 2013 from Andrew Kline requesting that the
10 Board reconsider its decision to replacard
11 Froggy Bottom Pub's request for a summer
12 garden. Froggy Bottom Pub is located at 2021
13 K Street, N.W., License No. 90421.

14 I move that we approve this
15 request. The ANC has submitted a resolution
16 in support of this request, which we didn't
17 have before showing that it did support the
18 application that there wasn't a need to
19 replacard.

20 Do I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion. Any other comments?

2 Okay.

3 All those in favor then of the
4 reconsideration so that they will not have to
5 replacard say aye.

6 All: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? Okay. Then
9 the vote is 5-0-0.

10 No. 11 is a Motion for Continuance
11 dated March 7, 2013 from Scott Patterson for
12 the Duffy's Irish Restaurant Protest Status
13 Hearing scheduled for March 13, 2013. It's
14 for Duffy's Irish Restaurant located at 2106
15 Vermont Avenue, N.W., License No. 72539.

16 We granted this continuance this
17 morning and that it will be continued to April
18 13 at 9:30 a.m. So there is no vote required.

19 No. 13 is a review of a Joint
20 Motion for Continuance dated February 28, 2013
21 from Marvin and the protestants for the March
22 13, 2013 Protest Hearing. Marvin is located

1 at 2007 14th Street, N.W., License No. 76166.

2 I move that we approve this
3 continuance. The parties are working very
4 well together and need the extra time to
5 complete their negotiations.

6 Do I have a second?

7 MEMBER BROOKS: Second.

8 MEMBER ALBERTI: Second.

9 CHAIRPERSON MILLER: Mr. Alberti
10 seconded the motion. Any other comments?

11 MEMBER JONES: We missed 12.

12 CHAIRPERSON MILLER: I move then
13 before we vote that -- I move to grant and
14 continue it to May 15th at 1:30 p.m.

15 All those in favor say aye.

16 All: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 5-0-0.

20 MEMBER ALBERTI: Ms. Miller?

21 CHAIRPERSON MILLER: Yes?

22 MEMBER ALBERTI: What did we do

1 with Item 12? I'm sorry, I missed it. I'm
2 sorry.

3 CHAIRPERSON MILLER: Oh, we didn't
4 do Item 12.

5 MEMBER ALBERTI: Okay.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: I was wondering.

8 CHAIRPERSON MILLER: I just
9 skipped Item 12.

10 MEMBER ALBERTI: Okay.

11 CHAIRPERSON MILLER: Okay. Thank
12 you.

13 So this, Marvin, was Item 13 that
14 we just did approving the Motion for
15 Continuance to May 15th, 1:30 p.m.

16 Okay. So going back to 12. 12 is
17 a request for reinstatement dated February 15,
18 2013 from Lorraine White who was dismissed at
19 the Roll Call for failure to submit a signed
20 protest letter and response from Andrew Kline
21 dated February 26, 2013 in opposition to the
22 request.

1 The establishment is Duffy's Irish
2 Restaurant located at 2106 Vermont Avenue,
3 N.W., License No. 72539.

4 I move that we deny the request
5 for reinstatement. The papers indicate that
6 Ms. White was represented by counsel and
7 counsel was advised on how to proceed in
8 submitting written authorization and that
9 wasn't followed. So I don't see any reason to
10 grant reinstatement in this case.

11 Do I have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks
14 has seconded the motion. Any other comments?
15 Okay.

16 All those in favor then of the
17 motion to deny say aye.

18 All: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? Okay. Then
21 the vote is 5-0-0 to deny.

22 Okay. That brings us to No. 14, a

1 request dated March 4, 2013 -- nope, sorry.

2 14 is a change of hours
3 application to change hours of operation and
4 hours of alcoholic beverage sales. The
5 proposed hours of operation and hours of
6 alcoholic beverage sale is Monday through
7 Sunday 7:00 a.m. to 12:00 a.m. There is no
8 voluntary agreement. It's in ANC-4A. And
9 this is Missouri Avenue Market, 5900 Georgia
10 Avenue, N.W., License No. 23503.

11 I move that we approve this change
12 of hours application.

13 MEMBER SILVERSTEIN: Second.

14 CHAIRPERSON MILLER: Mr.

15 Silverstein has seconded the motion.

16 Comments? Okay. This is related to No. 15
17 and I may comment more over there, but this is
18 within the allowed hours under the law. So
19 okay.

20 All those in favor say aye.

21 All: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? Then the
2 application is approved by a vote of 5-0-0.

3 Okay. No. 15 is correspondence
4 dated March 5, 2013 from ANC-4A requesting
5 that the Board deem Missouri Avenue Market
6 request to change hours as a substantial
7 change. And Missouri Avenue Market is located
8 at 5900 Georgia Avenue, N.W., License No.
9 23503.

10 And think we can address that with
11 No. 16, review of letter dated March 6, 2013
12 from the Brightwood Community Association
13 requesting that the Board deny the change of
14 hours request from Missouri Avenue Market and
15 reconsider and rescind the change of hours of
16 alcoholic beverage sales for all applicants
17 along this section of Georgia Avenue.

18 And the establishment is Missouri
19 Avenue Market, 5900 Georgia Avenue, N.W.,
20 License No. 23503.

21 I think in these, at least in one
22 of these communications, they recognized that

1 we have treated Missouri Avenue Market or
2 would be treating Missouri Avenue Market just
3 as we have treated all these other
4 establishments who have come in for the same
5 new hours that have been allowed under the
6 law.

7 And so that's why they want us to
8 totally reconsider the whole policy that we
9 have been applying. And I can only say that
10 we move that we would that request and that
11 the community will have an opportunity to
12 challenge the hours when these licenses are up
13 for renewal.

14 So there is a motion to deny the
15 request. Is there a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr.
18 Silverstein has seconded. Any other comments?
19 Okay.

20 Then all those in favor say aye.

21 All: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? Okay. Then
2 the requests are denied.

3 No. 17 is a Third Consent Motion
4 for an Extension of Time to respond to
5 respondent's Motion to Discharge and Dismiss
6 Show Cause and Consent Motion to Continue the
7 Show Cause Hearing, if currently scheduled,
8 dated February 28, 2013 from Louise Phillips.

9 The establishment is MIA located
10 at 1214 18th Street, N.W., License No. 81092.

11 I move that we grant this Motion
12 for Extension of Time and the hearing will be
13 April 10 at 3:30 p.m.

14 Do I have a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Okay. Mr.
17 Brooks has seconded the motion.

18 All those in favor say aye.

19 All: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 5-0-0.

1 No. 18 is a review of a Second
2 Consent Motion for an extension of time to
3 respond to respondent's Motion to Discharge
4 and Dismiss Show Cause dated February 28, 2013
5 from Louise Phillips.

6 The establishment is Lotus located
7 at 1420 K Street, N.W., License No. 75162.

8 I move that we approve the motion
9 and grant an extension of time indefinitely as
10 it is tied to a criminal case.

11 Do I have a second?

12 MEMBER BROOKS: Second.

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

15 All those in favor say aye.

16 All: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? Then the
19 motion passes 5-0-0.

20 No. 19 is a settlement agreement
21 amendment dated February 13, 2013 between ANC-
22 1A and Lion's Fine Wine & Spirits. Lion's

1 Fine Wine & Spirits is located at 3614 Georgia
2 Avenue, N.W., License No. 88221.

3 I move that we approve the
4 amendment.

5 Do I have a second?

6 MEMBER BROOKS: Second.

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

9 All those in favor say aye.

10 All: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 5-0-0 to approve.

14 We have another supplemental
15 agenda.

16 The first item on the agenda is a
17 request for a stipulated license dated March
18 12, 2013 with the support of ANC-2C for
19 Walgreens #15360 located at 801 7th Street,
20 N.W., License No. 91391.

21 I move that we deny this
22 application, as stipulated licenses don't

1 apply to off-premises establishments and
2 that's what Walgreens is.

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 All: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 5-0-0 to deny the request.

12 No. 2 is a letter dated March 12,
13 2013 from Rachid Fellague requesting a
14 reinstatement of Regal Cuisine, LLC's canceled
15 license. Regal Cuisine, LLC is located at 216
16 P Street, N.W. It's a caterer's license,
17 License No. 75702.

18 I move that we deny this request,
19 because the license has already been canceled
20 and that our rules don't provide for
21 reinstatement of a canceled license and,
22 therefore, Regal Cuisine can apply for a new

1 license.

2 Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks
5 has seconded the motion. Any other comments?

6 Okay.

7 All those in favor say aye.

8 All: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? Okay. Then
11 the motion to deny passes by a vote of 5-0-0.

12 Okay. I think that concludes our
13 meeting agenda and then we just have some
14 change of hours applications.

15 Okay. We have 15 change of hours
16 applications and all of these change of hours
17 are for legal hours in which there is either
18 no settlement agreement or no conflict with a
19 settlement agreement.

20 It looks like actually these are
21 all -- no, that's right. It's primarily no
22 settlement agreements and there is one with a

1 no conflict.

2 So I would move that we approve,
3 I'll read the names of the establishments:

4 No. 1, Review of Change of Hours
5 Application to change Hours of Operation and
6 Hours of Alcoholic Beverage Sales. Approved
7 Hours of Operation and Hours of Alcoholic
8 Beverage Sales/Service: Monday through
9 Saturday 9am-12am. Proposed Hours of
10 Operation and Hours of Alcoholic Beverage
11 Sales/Service: Sunday 9am-10pm, Monday
12 through Saturday 9am-12am.

13 No pending investigative matters.
14 No pending enforcement matters. No
15 outstanding fines/citations. No settlement
16 agreement. Woodward Liquor - Kay Dee, Inc.
17 t/a Blair Liquors, 6111 Blair Road, N.W.,
18 Retailer's Class A, License No. 86912.

19 No. 2, Review of Change of Hours
20 Application to change Hours of Operation and
21 Hours of Alcoholic Beverage Sales. Approved
22 Hours of Operation and Hours of Alcoholic

1 Beverage Sales/Service: Monday through
2 Saturday 9am-10pm. Proposed Hours of
3 Operation and Hours of Alcoholic Beverage
4 Sales/Service: Sunday 9am-12am. Monday
5 through Saturday 9am-12am.

6 No pending investigative matters.
7 No pending enforcement matters. No
8 outstanding fines/citations. No settlement
9 agreement. Skip's Liquors, LLC t/a Skip's
10 Beer & Wine Shop, 405 61st Street, N.E.,
11 Retailer's Class A, License No. 78204.

12 No. 3, Review of Change of Hours
13 Application to change Hours of Operation and
14 Hours of Alcoholic Beverage Sales (Sunday
15 Hours Only). Approved Hours of Operation and
16 Hours of Alcoholic Beverage Sales/Service:
17 Monday through Thursday 9am-9pm. Friday and
18 Saturday 9am-10pm. Proposed Additional Hours
19 of Operation and Hours of Alcoholic Beverage
20 Sales/Service: Sunday 9am-9pm.

21 No pending investigative matters.
22 No pending enforcement matters. No

1 outstanding fines/citations. No conflict with
2 existing settlement agreement. Y.D.K., Inc.
3 t/a Guilford Liquors, 416 Rhode Island Avenue,
4 N.W., Retailer's Class A, License No. 76393.

5 No. 4, Review of Change of Hours
6 Application to change Hours of Operation and
7 Hours of Alcoholic Beverage Sales. Approved
8 Hours of Operation and Hours of Alcoholic
9 Beverage Sales/Service: Monday through
10 Saturday 9am-10pm. Proposed Hours of
11 Operation and Hours of Alcoholic Beverage
12 Sales/Service: Sunday 7am-12am. Monday
13 through Sunday 7am-12am.

14 No pending investigative matters.
15 No pending enforcement matters. No
16 outstanding fines/citations. No settlement
17 agreement. S & G Enterprises II, LLC t/a S &
18 G Wine & Liquors, 5421 Georgia Avenue, N.W.,
19 Retailer's Class A, License No. 88640.

20 No. 5, Review of Change of Hours
21 Application to change Hours of Operation and
22 Hours of Alcoholic Beverage Sales. Approved

1 Hours of Operation and Hours of Alcoholic
2 Beverage Sales/Service: Monday through
3 Saturday 9am-10pm. Proposed Hours of
4 Operation and Hours of Alcoholic Beverage
5 Sales/Service: Sunday 9am-10pm. Monday
6 through Sunday 9am-12am.

7 No pending investigative matters.
8 No pending enforcement matters. No
9 outstanding fines/citations. No settlement
10 agreement. Metaril, LLC t/a Prego Again, 1617
11 17th Street, N.W., Retailer's Class B, License
12 No. 90326.

13 No. 6, Review of Change of Hours
14 Application to change Hours of Operation and
15 Hours of Alcoholic Beverage Sales (Sunday
16 Hours Only). Approved Hours of Operation and
17 Hours of Alcoholic Beverage Sales/Service:
18 Monday through Saturday 10am-12am. Proposed
19 Hours of Operation and Hours of Alcoholic
20 Beverage Sales/Service: Sunday 10am-12am.
21 Monday through Sunday 10am-12am.

22 No pending investigative matters.

1 No pending enforcement matters. No
2 outstanding fines/citations. No settlement
3 agreement. Kamus, LLC t/a Van Ness Liquors,
4 4201 Connecticut Avenue, N.W., Retailer's
5 Class A, License No. 75512.

6 No. 7, Review of Change of Hours
7 Application to change Hours of Operation and
8 Hours of Alcoholic Beverage Sales. Approved
9 Hours of Operation and Hours of Alcoholic
10 Beverage Sales/Service: Sunday through
11 Saturday 8am-10pm. Proposed Hours of
12 Operation and Hours of Alcoholic Beverage
13 Sales/Service: Sunday through Saturday 7am-
14 12am.

15 No pending investigative matters.
16 No pending enforcement matters. No
17 outstanding fines/citations. No settlement
18 agreement. Lideta, LLC t/a Fort Carroll
19 Market, 3205 Martin Luther King, Jr. Avenue,
20 Retailer's Class B, License No. 91423.

21 No. 8, Review of Change of Hours
22 Application to change Hours of Operation and

1 Hours of Alcoholic Beverage Sales (Sunday
2 Only). Approved Hours of Operation and Hours
3 of Alcoholic Beverage Sales/Service: Monday
4 through Saturday 9am-9pm. Proposed Hours of
5 Operation and Hours of Alcoholic Beverage
6 Sales/Service: Sunday 9am-9pm. Monday
7 through Saturday 9am-9pm.

8 No pending investigative matters.
9 No pending enforcement matters. No
10 outstanding fines/citations. No settlement
11 agreement. UNCHA, Inc. t/a Wetteman's Liquor,
12 3938 Minnesota Avenue, S.E., Retailer's Class
13 A, License No. 82076.

14 No. 9, Review of Change of Hours
15 Application to change Hours of Operation and
16 Hours of Alcoholic Beverage Sales (Sunday
17 Only). Approved Hours of Operation and Hours
18 of Alcoholic Beverage Sales/Service: Monday
19 through Saturday 10am-9pm. Proposed Hours of
20 Operation and Hours of Alcoholic Beverage
21 Sales/Service: Sunday 10am-9pm. Monday
22 through Saturday 10am-9pm.

1 No pending investigative matters.

2 No pending enforcement matters. No
3 outstanding fines/citations. No settlement
4 agreement. Bowen Enterprise, Inc. t/a Bowen
5 Liquors, 1510 Bowen Road, S.E., Retailer's
6 Class A, License No. 73781.

7 No. 10, Review of Change of Hours
8 Application to change Hours of Operation and
9 Hours of Alcoholic Beverage Sales (Sunday
10 Only). Approved Hours of Operation and Hours
11 of Alcoholic Beverage Sales/Service: Monday
12 through Saturday 9am-12am. Proposed Hours of
13 Operation and Hours of Alcoholic Beverage
14 Sales/Service: Sunday 9am-12am. Monday
15 through Saturday 9am-12am.

16 No pending investigative matters.

17 No pending enforcement matters. No
18 outstanding fines/citations. No settlement
19 agreement. 6220 Georgia LLC t/a Victor's
20 Liquors, 6220 Georgia Avenue, N.W., Retailer's
21 Class A, License No. 88173.

22 No. 11, Review of Change of Hours

1 Application to change Hours of Operation and
2 Hours of Alcoholic Beverage Sales (Sunday
3 Only). Approved Hours of Operation and Hours
4 of Alcoholic Beverage Sales/Service: Monday
5 through Saturday 10am-10pm. Proposed Hours of
6 Operation and Hours of Alcoholic Beverage
7 Sales/Service: Sunday 10am-10pm. Monday
8 through Saturday 10am-10pm.

9 No pending investigative matters.

10 No pending enforcement matters. No
11 outstanding fines/citations. No settlement
12 agreement. The Fischer Corporation t/a
13 Riverside Liquors, 2123 E Street, N.W.,
14 Retailer's Class A, License No. 00037.

15 No. 12, Review of Change of Hours
16 Application to change Hours of Operation and
17 Hours of Alcoholic Beverage Sales (Sunday
18 Only). Approved Hours of Operation and Hours
19 of Alcoholic Beverage Sales/Service: Monday
20 through Thursday 9am-9pm. Friday and Saturday
21 9am-10pm. Proposed Hours of Operation and
22 Hours of Alcoholic Beverage Sales/Service:

1 Sunday 9am-9pm. Monday through Thursday 9am-
2 9pm. Friday and Saturday 9am-10pm.

3 No pending investigative matters.
4 No pending enforcement matters. No
5 outstanding fines/citations. No settlement
6 agreement. Strand Liquors, 605 Division
7 Avenue, N.E., Retailer's Class A, License No.
8 09272.

9 No. 13, Review of Change of Hours
10 Application to change Hours of Operation and
11 Hours of Alcoholic Beverage Sales. Approved
12 Hours of Operation and Hours of Alcoholic
13 Beverage Sales/Service: Monday through
14 Saturday 7am-9pm. Proposed Hours of Operation
15 and Hours of Alcoholic Beverage Sales/Service:
16 Sunday 7am-12am. Monday through Saturday 7am-
17 12am.

18 No pending investigative matters.
19 No pending enforcement matters. No
20 outstanding fines/citations. No settlement
21 agreement. Lucky 7 LLC t/a Lucky 7 Liquors,
22 2317 Rhode Island Avenue, N.E, Retailer's

1 Class A, License No. 90270.

2 No. 14, Review of Change of Hours
3 Application to change Hours of Operation and
4 Hours of Alcoholic Beverage Sales. Approved
5 Hours of Operation and Hours of Alcoholic
6 Beverage Sales/Service: Monday through
7 Thursday 9am-9pm. Friday and Saturday 9am-
8 10pm. Proposed Hours of Operation and Hours
9 of Alcoholic Beverage Sales/Service: Sunday
10 7am-12am. Monday through Saturday 7am-12am.

11 No pending investigative matters.
12 No pending enforcement matters. No
13 outstanding fines/citations. No settlement
14 agreement. DK Corporation t/a Joe Caplan
15 Liquors, 1913 7th Street, N.W., Retailer's
16 Class A, License No. 60351.

17 And No. 15, Review of Change of
18 Hours Application to change Hours of Operation
19 and Hours of Alcoholic Beverage Sales (Sunday
20 Only). Approved Hours of Operation and Hours
21 of Alcoholic Beverage Sales/Service: Monday
22 through Saturday 9am-12am. Proposed Hours of

1 Operation and Hours of Alcoholic Beverage
2 Sales/Service: Sunday 9am-12am. Monday
3 through Saturday 9am-12am.

4 No pending investigative matters.
5 No pending enforcement matters. No
6 outstanding fines/citations. No settlement
7 agreement. Lion's Gate, Inc. t/a Lion's Fine
8 Wine & Spirits, 2614 Georgia Avenue, N.W.,
9 Retailer's Class A, License No. 88221.

10 So I move to approve all these
11 change of hours.

12 Do I have a second?

13 MEMBER BROOKS: Second.

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

16 All those in favor say aye.

17 All: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? Then the
20 motion to approve the change of hours passes
21 by a vote of 5-0-0.

22 Okay. As Chairperson of the

1 Alcoholic Beverage Control Board for the
2 District of Columbia and in accordance with
3 Section 405 of the Open Meetings Amendment Act
4 of 2010, I move that the ABC Board hold a
5 closed meeting on March 20, 2013 for the
6 purpose of seeking legal advice from our
7 counsel on the matters identified on the
8 Board's agenda for March 20, 2013 as published
9 in the DC Register on March 15, 2013.

10 Is there a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks
13 has seconded the motion. I'll take a roll
14 call.

15 Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Ms. Miller
20 agrees.

21 Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Mr. Jones?

2 MEMBER JONES: I agree.

3 CHAIRPERSON MILLER: As it appears
4 the motion has passed by a vote of 5-0-0, I
5 hereby give notice that the ABC Board will
6 hold this aforementioned closed meeting
7 pursuant to the Open Meetings Amendment Act of
8 2010. Notice will also be posted on the ABC
9 Board hearing room bulletin board, placed on
10 the electronic calendar on ABRA's website and
11 published in the DC Register in as timely a
12 manner as practicable.

13 As Chairperson of the Alcoholic
14 Beverage Control Board for the District of
15 Columbia and in accordance with Section 405 of
16 the Open Meetings Amendment Act of 2010, I
17 move that the ABC Board hold a closed meeting
18 on March 20, 2013 for the purpose of
19 discussing and hearing civil reports
20 concerning ongoing or planned investigations
21 of alleged criminal or civil misconduct or
22 violations of law or regulations and seeking

1 legal advice from our counsel on the Board's
2 investigative agenda for March 20, 2013, as
3 published in the DC Register on March 15,
4 2013.

5 Is there a second?

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Mr.

8 Silverstein has seconded the motion. I'll
9 take a roll call vote on the motion for us now
10 that it has been seconded.

11 Mr. Alberti?

12 MEMBER ALBERTI: I agree.

13 CHAIRPERSON MILLER: Ms. Miller
14 agrees.

15 Mr. Silverstein?

16 MEMBER SILVERSTEIN: I agree.

17 CHAIRPERSON MILLER: Mr. Brooks?

18 MEMBER BROOKS: I agree.

19 CHAIRPERSON MILLER: Mr. Jones?

20 MEMBER JONES: I agree.

21 CHAIRPERSON MILLER: As it appears
22 the motion has passed by a vote of 5-0-0, I

1 hereby give notice that the ABC Board will
2 hold this aforementioned closed meeting
3 pursuant to the Open Meetings Amendment Act of
4 2010. Notice will also be posted on the ABC
5 Board hearing room bulletin board, placed on
6 the electronic calendar on ABRA's website and
7 published in the DC Register in as timely a
8 manner as practicable.

9 And that concludes our business
10 for March 13, 2013 and we are adjourned.

11 Thank you.

12 (Whereupon, the A.B.R.A. Agenda in
13 the above-entitled matter was concluded at
14 7:32 p.m.)

A					
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