

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

Licensing Agenda  
& Legal Agenda

March 19, 2014

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

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

MICHAEL SILVERSTEIN, Member

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

(9:18 a.m.)

CHAIRPERSON MILLER: Licensing agenda and legal agenda for March 19, 2014. We're going to start with the licensing agenda.

The first is an application for a license class change from Class C, Tavern to Class C, Restaurant in Georgetown Moratorium Zone. And this is for El Centro D.F., License Number 000604. And I move that we approve this application. Do I have a second?

MEMBER RODRIGUEZ: Second it.

CHAIRPERSON MILLER: Mr. Rodriguez has seconded the motion. All those in favor say aye.

(Chorus of Ayes)

CHAIRPERSON MILLER: All those opposed, all those abstaining? Motion passes, 4-0-0.

Number 2 is an amended letter from Cowgirl Creamery requesting a cancellation of

1 license. Cowgirl Creamery is located at 919  
2 F Street, NW. License Number 078540. I move  
3 that we approve this application. Do I have  
4 a second?

5 MEMBER SHORT: Second.

6 CHAIRPERSON MILLER: Mr. Short has  
7 seconded the motion. All those in favor say  
8 aye.

9 (Chorus of Ayes)

10 CHAIRPERSON MILLER: All those  
11 opposed, all those abstaining? Motion passes,  
12 4-0-0.

13 Number 3 is the letter from The  
14 Attic requesting an extension of safe keeping  
15 for their license which has been in safe  
16 keeping since November 3rd, 2010. And they  
17 are located at 1841 Columbia Road, NW, License  
18 Number 086065. I move that we have a fact  
19 finding hearing on this license. Do I have a  
20 second?

21 MEMBER RODRIGUEZ: I second it.

22 CHAIRPERSON MILLER: Mr. Rodriguez

1 has seconded the motion. All those in favor  
2 say aye.

3 (Chorus of Ayes)

4 CHAIRPERSON MILLER: All those  
5 opposed, all those abstaining? Motion passes,  
6 4-0-0.

7 Number 5 is a change of hours  
8 application to change hours of operation and  
9 hours of alcoholic beverage sales including a  
10 sidewalk café. And this is for Café Saint-Ex,  
11 located at 1847 14th Street, NW, License  
12 Number 060456. I move that we approve this  
13 request for change of hours. Do I have a  
14 second?

15 MEMBER SIVERSTEIN: Second.

16 CHAIRPERSON MILLER: Mr.  
17 Silverstein has seconded the motion. Any  
18 comments or questions on this application?  
19 Not hearing any, all those in favor then of a  
20 motion to approve say aye.

21 (Chorus of Ayes)

22 CHAIRPERSON MILLER: All those

1       opposed, all those abstaining? Motion passes,  
2       5-0-0.

3                   Number 5 is also a change of hours  
4       application to change hours of operation  
5       affecting Sunday hours only for Wide World of  
6       Wines, located at 2201 Wisconsin Avenue, NW,  
7       License Number 022071. I move we approve this  
8       application. Do I have a second?

9                   MEMBER SIVERSTEIN: Second.

10                   CHAIRPERSON MILLER: Mr.  
11       Silverstein seconded the motion. All those in  
12       favor say aye.

13                   (Chorus of Ayes)

14                   CHAIRPERSON MILLER: All those  
15       opposed, all those abstaining? Motion passes,  
16       5-0-0.

17                   CHAIRPERSON MILLER: Okay, Number  
18       6 is a change of hours application to change  
19       hours of operation and hours of alcoholic  
20       beverage sales. This is for 1412 Liquors,  
21       located at 1412 Pennsylvania Avenue, SE,  
22       wholesale License Number 093947.

1 I move that we deny this  
2 application, because it's requesting hours on  
3 Sunday which is not allowed for it, pursuant  
4 to 25-721. Do I have a second?

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti  
7 has seconded the motion. All those in favor  
8 say aye.

9 (Chorus of Ayes)

10 CHAIRPERSON MILLER: All those  
11 opposed, all those abstaining? Motion passes,  
12 5-0-0.

13 That completes the licensing  
14 agenda. We do have a supplemental licensing  
15 agenda.

16 Okay, first on the supplemental  
17 licensing agenda is a change of hours  
18 application to change hours of operation,  
19 sales and consumption and hours of live  
20 entertainment. This is for Cities, located at  
21 919 19th Street, NW, License Number 086319.  
22 I move that we placard this application. Do

1 I have a second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON MILLER: Mr. Short has  
4 seconded the motion. All those in favor say  
5 aye.

6 (Chorus of Ayes)

7 CHAIRPERSON MILLER: All those  
8 opposed? All those abstaining? Motion  
9 passes, 6-0-0.

10 Number 2 is a letter from Stephen  
11 O'Brien for requesting summer garden with five  
12 tables and ten seats for Four Seasons Hotel,  
13 located at 2800 Pennsylvania Avenue, NW,  
14 License Number 074900. I move that we refer  
15 this to licensing. Do I have a second?

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Mr. Alberti  
18 seconded the motion. All those in favor say  
19 aye.

20 (Chorus of Ayes)

21 CHAIRPERSON MILLER: All those  
22 opposed, all those abstaining? Motion passes,

1 6-0-0.

2 Number 3 is a change of hours  
3 application from Stephen O'Brien.

4 (Off microphone comment)

5 CHAIRPERSON MILLER: You don't  
6 have it?

7 (Off microphone comment)

8 CHAIRPERSON MILLER: Thank you.  
9 So the first was placard.

10 MALE PARTICIPANT: I can do that.

11 CHAIRPERSON MILLER: You can do  
12 that? Okay. I think we're on three which is  
13 a change of hours application for Chadwick's  
14 located at 3205 K Street, NW, License Number  
15 000927. This is just to begin Saturday and  
16 Sunday hours at 10:00. I move that we approve  
17 this application. Do I have a second?

18 MEMBER RODRIGUEZ: Second.

19 CHAIRPERSON MILLER: Mr. Rodriguez  
20 has seconded the motion. All those in favor  
21 say aye.

22 (Chorus of Ayes)

1 CHAIRPERSON MILLER: All those  
2 opposed? All those abstaining? Motion  
3 passes, 6-0-0.

4 Number 4 is a manufacturer  
5 application requesting a change of hours and  
6 tasting permit. This is for New Columbia  
7 Distillers/Green Hat Gin, located at 1832  
8 Fenwick Street, NE, Manufacturer A License  
9 Number 087725. I move to approve this  
10 application. Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks  
13 has seconded the motion. All those in favor  
14 say aye.

15 (Chorus of ayes)

16 CHAIRPERSON MILLER: All those  
17 opposed, all those abstaining? Motion passes  
18 6-0-0.

19 Number 5 is a manufacturer  
20 application requesting a change of hours and  
21 tasting permit. This is for DC Brau Brewing,  
22 located at 3178 Bladensburg Road, NE,

1 Manufacturer B License Number 085083. I move  
2 we approve this application. Do I have a  
3 second?

4 MEMBER SIVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr.  
6 Silverstein has seconded the motion. All  
7 those in favor say aye.

8 (Chorus of Ayes)

9 CHAIRPERSON MILLER: All those  
10 opposed, all those abstaining? Motion passes,  
11 6-0-0.

12 And Number 6 is a request from  
13 Southern Wine and Spirits and Avenue Brands to  
14 donate products for a retailer event valued at  
15 more than \$50 and less than \$500. It's by  
16 Southern Wine and Spirits, Wholesaler A  
17 License Number 086591. I move we approve this  
18 request. Do I have a second?

19 MEMBER SHORT: Second.

20 CHAIRPERSON MILLER: Mr. Short has  
21 seconded the motion. All those in favor say  
22 aye.

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(Chorus of Ayes)

CHAIRPERSON MILLER: All those opposed, all those abstaining? Motion passes, 6-0-0. That completes the supplemental licensing agenda.

Now, moving on to the legal agenda, Number 1 is a settlement agreement dated September 27th, 2013, between ANC 2E at 1218 Wisconsin, Inc., El Centro. It's between ANC 2E and El Centro, I believe, located at 1218 Wisconsin Avenue, NW. The license number is 84847. I move that we approve the settlement agreement. So I have a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Mr. Brooks has seconded the motion. All those in favor say aye.

(Chorus of Ayes)

CHAIRPERSON MILLER: All those opposed, all those abstaining? Motion passes 6-0-0.

Number 2 is a settlement agreement

1       dated May 30th, 2013, between United  
2       Neighborhood Coalition and Sweet Mango  
3       Corporation. Sweet Mango is located at 3701-  
4       07 New Hampshire Avenue, NW, License Number  
5       72512. I move that we refer this settlement  
6       agreement to legal. Do I have a second?

7                       MEMBER BROOKS: Second.

8                       CHAIRPERSON MILLER: Mr. Brooks  
9       has seconded the motion. All those in favor  
10      say aye.

11                      (Chorus of Ayes)

12                      CHAIRPERSON MILLER: All those  
13      opposed, all those abstaining? Motion passes,  
14      6-0-0.

15                      Number 3 is a motion for  
16      reconsideration of Board order dated March 10,  
17      2014, from Andrew Kline for Melles Hospitality  
18      Group, LLC. The establishment is the Alibi  
19      Restaurant and Lounge, located at 237 Second  
20      Street, NW, License Number 93491. I move that  
21      we postpone consideration of this motion for  
22      a week. Do I have a second?

1 MEMBER SHORT: Second.

2 CHAIRPERSON MILLER: And Mr. Short  
3 has seconded the motion. All those in favor  
4 say aye.

5 (Chorus of Ayes)

6 CHAIRPERSON MILLER: All those  
7 opposed, all those abstaining? Motion passes,  
8 6-0-0.

9 Number 4, the letter dated March  
10 11, 2014, requesting the Board's recognition  
11 of the ANC's withdrawal of its protest against  
12 the renewal of Echostage's license. Echostage  
13 is located at 2135 Queen's Chapel Road, NE,  
14 License Number 90250.

15 I move that we deny this request.  
16 The protest has not been withdrawn as far as  
17 I can determine. Do I have a second?

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON MILLER: Any other  
20 comments? Yes?

21 MEMBER ALBERTI: Yes. I mean,  
22 according to the letter, it says the protest

1 is only withdrawn on the approval of some  
2 document over which the Board has no  
3 authority. So since there is nothing for us  
4 to approve, I interpret that to mean that the  
5 protest is not withdrawn.

6 CHAIRPERSON MILLER: I would also  
7 add that I don't see Echostage's  
8 representation that it's been withdrawn  
9 doesn't make it withdrawn. We don't have any  
10 affirmative evidence from the protestant to  
11 say it's withdrawn.

12 MEMBER ALBERTI: Right. We only  
13 have the letter which I'm interpreting  
14 different than the legal attorney for  
15 Echostage.

16 CHAIRPERSON MILLER: Okay. Any  
17 other comments? Okay, there's a motion that's  
18 been seconded to -- right, who seconded that?

19 MEMBER ALBERTI: I did.

20 CHAIRPERSON MILLER: You did.  
21 It's been seconded by Mr. Alberti to deny.  
22 All those in favor say aye.

1 (Chorus of Ayes)

2 CHAIRPERSON MILLER: All those  
3 opposed, all those abstaining? Motion passes,  
4 6-0-0.

5 Number 5 is a review of four  
6 requests from the E & J Gallo to provide  
7 retail as a prize valued at more than \$50 and  
8 less than \$500. I move that we approve these  
9 requests. Do I have a second?

10 MEMBER RODRIGUEZ: Second.

11 CHAIRPERSON MILLER: Mr. Rodriguez  
12 seconded the motion. All those in favor say  
13 aye.

14 (Chorus of Ayes)

15 CHAIRPERSON MILLER: All those  
16 opposed, all those abstaining? Motion passes,  
17 6-0-0.

18 Number 6 is a review of Final  
19 Rulemaking for East Dupont Moratorium. I move  
20 that we postpone consideration of this  
21 rulemaking for one week. Do I have a second?

22 MEMBER SIVERSTEIN: Second.

1 CHAIRPERSON MILLER: Mr.  
2 Silverstein seconded the motion. All those in  
3 favor say aye.

4 (Chorus of Ayes)

5 CHAIRPERSON MILLER: All those  
6 opposed, all those abstaining? Motion passes  
7 6-0-0.

8 Okay, we have a supplemental legal  
9 agenda. Number 1 on the supplemental legal  
10 agenda is a request for reconsideration of  
11 Board Order Number 2014-75 dated March 11,  
12 2014, from Sami Ghulias of Sami Restaurant.  
13 It's Bistro 18, located at 2420 18th Street,  
14 NW, License Number 86876.

15 And Number 2 is related to Number  
16 1. It's a consideration of the District's  
17 response to the request to reconsider ABRA's  
18 decision. And that's from Stephanie Latour.

19 Okay. Would someone like to make  
20 a motion on that one?

21 MEMBER SIVERSTEIN: Which one is  
22 this?

1                   CHAIRPERSON MILLER: This is  
2                   Number 1, the motion for reconsideration. And  
3                   I was the dissent --

4                   MEMBER ALBERTI: We're on the  
5                   supplemental legal?

6                   CHAIRPERSON MILLER: No, we're on  
7                   the request for -- yes, we're on the  
8                   supplemental legal agenda.

9                   MEMBER ALBERTI: Is this --

10                  MEMBER SIVERSTEIN: I move to  
11                  deny.

12                  MEMBER ALBERTI: Thank you. I  
13                  second the motion.

14                  CHAIRPERSON MILLER: Okay. All  
15                  those in favor -- oh, Mr. Alberti has seconded  
16                  the motion. All those in favor of the motion  
17                  to deny say aye.

18                  (Chorus of Ayes)

19                  CHAIRPERSON MILLER: All those  
20                  opposed -- opposed.

21                  MEMBER ALBERTI: Yes. I think  
22                  it's really only the four of us voting on

1 this.

2 CHAIRPERSON MILLER: Oh, yes,  
3 correct.

4 MEMBER ALBERTI: Because Mr. Short  
5 wasn't --

6 CHAIRPERSON MILLER: Did you say  
7 something, Mr. Short?

8 (Off the record comments)

9 CHAIRPERSON MILLER: Okay, let's  
10 do it again then. Mr. Silverstein has moved  
11 to deny. And that's been seconded by Mr.  
12 Alberti. All those in favor of the motion to  
13 deny say aye.

14 (Chorus of Ayes)

15 CHAIRPERSON MILLER: All those  
16 opposed? Opposed. The motion passes three to  
17 one.

18 MEMBER ALBERTI: We had Mr. Short  
19 and Mr. Rodriguez abstaining.

20 CHAIRPERSON MILLER: They were not  
21 participating.

22 MEMBER ALBERTI: Not

1 participating. Okay, just for the record.

2 CHAIRPERSON MILLER: Mr. Rodriguez  
3 has stepped out.

4 MEMBER ALBERTI: Well, I know. But  
5 --

6 CHAIRPERSON MILLER: Okay. And  
7 Mr. Jones is not here.

8 MEMBER ALBERTI: -- for the record  
9 that he's here.

10 CHAIRPERSON MILLER: Okay. You  
11 don't need to capture all that. So the vote,  
12 oh, the vote is -- we'll capture it there.  
13 The vote is three to one to zero, with Miller  
14 dissenting.

15 Okay. All right, Number 2. No  
16 action is required, because it was just  
17 considered with Number 1.

18 All right. That concludes our  
19 agendas for March 19th, 2014. And we will  
20 just take our vote on our closed meetings for  
21 next week.

22 (Pause)

1                   CHAIRPERSON MILLER:  As the  
2                   Chairperson of the Alcoholic Beverage Control  
3                   Board for the District of Columbia, in  
4                   accordance with D.C. Official Code Section 2 -  
5                   574(b) of the Open Meetings Act, I move that  
6                   the ABC Board hold a closed meeting --

7                                 (Off the record comments)

8                   CHAIRPERSON MILLER:  As the  
9                   Chairperson of the Alcoholic Beverage Control  
10                  Board for the District of Columbia, in  
11                  accordance with D.C. Official Code Section 2 -  
12                  574(b) of the Open Meetings Act, I move that  
13                  the ABC Board hold a closed meeting on March  
14                  26, 2014, for the purpose of seeking legal  
15                  advice from our Counsel on the matters  
16                  identified on the Board's agenda for March  
17                  26th, 2014, as published in the D.C. Register  
18                  on March 21, 2014.  Is there a second?

19                                MEMBER BROOKS:  Second.

20                                CHAIRPERSON MILLER:  Mr. Brooks  
21                                has seconded the motion.  I'll now take a roll  
22                                call vote on the motion now that it's been

1 seconded. Mr. Brooks?

2 MEMBER BROOKS: I agree.

3 CHAIRPERSON MILLER: Mr. Alberti?

4 MEMBER ALBERTI: I agree.

5 CHAIRPERSON MILLER: Mr.

6 Rodriguez?

7 MEMBER RODRIGUEZ: I agree.

8 CHAIRPERSON MILLER: Ms. Miller

9 agrees. Mr. Silverstein?

10 MEMBER SIVERSTEIN: I agree.

11 CHAIRPERSON MILLER: Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON MILLER: It appears

14 that the motion has passed by a 6-0-0 vote.

15 I hereby give notice that the ABC Board will

16 hold this aforementioned closed meeting.

17 Pursuant to the Open Meetings Act,

18 notice will be posted on the ABC Board Hearing

19 Room bulletin board, placed on the electronic

20 calendar at ABRA's Website and published in

21 the D.C. Register in as timely a manner as

22 practicable.

1                   As Chairperson of the Alcoholic  
2 Beverage Control Board for the District of  
3 Columbia and in accordance with D.C. Official  
4 Code Section 2-574(b) and 2-574 of the Open  
5 Meetings Act, I move that the ABC Board hold  
6 a closed meeting on March 26th, 2014, for the  
7 purpose of discussing and hearing reports  
8 concerning ongoing or planned investigations  
9 of alleged criminal or civil misconduct, or  
10 violations of law or regulations and seeking  
11 legal advice from our Counsel on the Board's  
12 investigative agenda for March 26, 2014, as  
13 published in D.C. Register on March 21, 2014.  
14 Is there a second?

15                   MEMBER BROOKS: Second.

16                   CHAIRPERSON MILLER: I'll now take  
17 a roll call vote on the motion now before us  
18 now that it's been seconded. Mr. Brooks?

19                   MEMBER BROOKS: I agree.

20                   CHAIRPERSON MILLER: Mr. Alberti?

21                   MEMBER ALBERTI: I agree.

22                   CHAIRPERSON MILLER: Mr.

1       Rodriguez?

2                   MEMBER RODRIGUEZ:   I agree.

3                   CHAIRPERSON MILLER:   Ms. Miller  
4 agrees.   Mr. Silverstein?

5                   MEMBER SIVERSTEIN:   I agree.

6                   CHAIRPERSON MILLER:   Mr. Short?

7                   MEMBER SHORT:   I agree.

8                   CHAIRPERSON MILLER:   And it  
9 appears that the motion has passed by a 6-0-0  
10 vote.   I hereby give notice that the ABC Board  
11 will hold this aforementioned closed meeting.

12                   Pursuant to the Open Meetings Act,  
13 notice will also be posted on the ABC Board  
14 Hearing Room bulletin board, placed on the  
15 electronic calendar on ABRA's Website and  
16 published in the D.C. Register in as timely a  
17 manner as practicable.

18                   And it's 9:37 p.m.   And that  
19 concludes the business of the Board for March  
20 19th, 2014.   And we are adjourned.

21                   (Whereupon, the above-entitled  
22 matter was concluded at 9:37 p.m.)

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