

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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A.B.R.A. Agenda :

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March 21, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 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

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

JEANNETTE MOBLEY, Member

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

2 (9:19 p.m.)

3 CHAIRPERSON MILLER: Okay. We're  
4 back on the record to do the Notice of Meeting  
5 Agenda for Wednesday, March 21, 2012.

6 The first item on the agenda is a  
7 review of a manager's application for Cesar  
8 Anibal Baruca. And I recommend that we  
9 approve the application.

10 Do I have a second?

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Do we vote on  
13 this? Okay.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those  
17 opposed? The vote is -- did you vote?

18 MEMBER ALBERTI: Yes.

19 CHAIRPERSON MILLER: Did you vote?

20 MEMBER NOPHLIN: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: Yes, I'm here.

1 CHAIRPERSON MILLER: 6-0.

2 MEMBER ALBERTI: I haven't left  
3 the room. I'm just standing.

4 CHAIRPERSON MILLER: Okay. The  
5 second item on the agenda is a review of a  
6 manager's application for Matty Espichan. I  
7 move that we approve this application.

8 MEMBER NOPHLIN: Second.

9 CHAIRPERSON MILLER: All those in  
10 favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those  
13 opposed? And the vote is 6-0.

14 The next is a review of a letter  
15 from Stephen O'Brien on behalf of the licensee  
16 requesting approval of the reissuance of the  
17 license with a summer garden endorsement,  
18 correcting an error to the existing seating  
19 that was believed to be a sidewalk cafe.

20 Okay. That is in ANC-1C, Southern  
21 Hospitality, License No. 88283.

22 I move that we approve.

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: All those in  
3 favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: Approved 6-0.

6 Next is a review of an application  
7 for a sidewalk cafe for 16 seats for Haydee's  
8 Restaurant, 3102 Mt. Pleasant Street, License  
9 No. 24663. No voluntary agreement.

10 I move that we placard this.

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Okay. Any  
13 discussion? Okay.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those  
17 opposed? And the motion passes to placard  
18 this one, 6-0.

19 And No. 5 on the agenda is a  
20 review of hours application to change hours of  
21 operation, hours of alcoholic beverage  
22 sales/consumption for Fusion Restaurant & Bar

1 on Georgia Avenue, N.W. It's License No.  
2 80957.

3 Okay. Hours basically getting  
4 later from 12:00 to 2:00.

5 I move that we approve.

6 MEMBER NOPHLIN: Second.

7 CHAIRPERSON MILLER: Seconded.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: Okay. It  
11 passes 6-0 to approve.

12 The next is a review of an  
13 entertainment endorsement application to  
14 include entertainment and dancing for Fusion  
15 Restaurant & Bar, same place.

16 I would move that we approve this.

17 MEMBER NOPHLIN: Second.

18 CHAIRPERSON MILLER: Okay. All  
19 those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed? Okay. It passes 6-0.

1                   Next is a review, No. 7, of change  
2 of hours application to change hours of  
3 operation, hours of alcoholic beverage sales.  
4 It's for Craft Wine & Spirits on Blair Road.  
5 It's a Wholesale License 88660 from 9:00 to  
6 5:00 and 5:00 to 11:00 Monday through  
7 Saturday.

8                   I move that we approve.

9                   MEMBER SILVERSTEIN: Second.

10                  CHAIRPERSON MILLER: All those in  
11 favor say aye.

12                  ALL: Aye.

13                  MEMBER MOBLEY: Madam Chair?

14                  CHAIRPERSON MILLER: Yes.

15                  MEMBER MOBLEY: I'm sorry, I think  
16 the record should reflect that delivery can  
17 happen between 5:00 and 6:00, but no sales  
18 before 6:00 p.m.

19                  CHAIRPERSON MILLER: Correct.

20 Thank you very much.

21                  MEMBER MOBLEY: Thank you.

22                  CHAIRPERSON MILLER: Everyone

1 concurs with that, correct?

2 MEMBER ALBERTI: Yes.

3 CHAIRPERSON MILLER: Okay. No. 8,  
4 review of hours application to change  
5 Wednesday and Thursday hours of entertainment.  
6 Okay. They are presently 9:00 to 2:00, they  
7 want to go 6:00 to 2:00. It is Lucky Bar in  
8 ANC-2B on Connecticut Avenue.

9 I move that we approve.

10 MEMBER ALBERTI: Second.

11 CHAIRPERSON MILLER: All those in  
12 favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those  
15 opposed? It passes 6-0.

16 Next is a review of a letter from  
17 Stephen O'Brien requesting approval of an  
18 increase in summer garden seats from 47 seats  
19 to 70 seats for the Four Seasons Hotel on  
20 Pennsylvania Avenue, N.W. No voluntary  
21 agreement. License No. 74900.

22 I move that we approve.

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: All those in  
3 favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those  
6 opposed? It passes 6-0.

7 No. 10, review of a letter dated  
8 March 5, 2012 from Brenda Keys requesting  
9 permission to let her sister manage the store  
10 while she is healing from a hip replacement.  
11 That's B & M Food Store, 250 New York Avenue,  
12 N.W., License No. 1213.

13 I move that we deny, that an ABC  
14 Manager has to be present. Do I have a  
15 second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Any comments?  
18 Okay.

19 All those in favor of the motion  
20 to deny say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1       opposed? Then the motion to deny passes 6-0.

2                       Next is 11, a review of  
3       correspondence dated March 7, 2012 from  
4       Michelle Jensen requesting permission to  
5       distribute Svedka grills to retailers to use  
6       as promotional displays. The grills are worth  
7       \$80 and will be removed from the retail  
8       account after the advertisement is complete.

9                       I move that we approve. Do I have  
10       a second?

11                      MEMBER ALBERTI: Second.

12                      MEMBER BROOKS: Second.

13                      CHAIRPERSON MILLER: All those in  
14       favor say aye.

15                      ALL: Aye.

16                      CHAIRPERSON MILLER: All those  
17       opposed? It's approved 6-0.

18                      No. 12 is a review of a letter  
19       dated March 6, 2012 from Andrew Kline  
20       requesting that the Board issue subpoenas to  
21       compel the Office of Unified Communications to  
22       provide information. This relates to Rumors

1 Restaurant on 1900 M Street, N.W., License No.  
2 71717.

3 I move that we postpone this  
4 request. He has a FOIA request pending and  
5 the hearing is not until June.

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Okay. Any  
8 other comments? Okay.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those  
12 opposed? It passes by a vote of 6-0. Okay.

13 No. 13 is a review of a letter  
14 dated March 6, 2012 from Emanuel Mpras  
15 requesting a motion for continuance for Garden  
16 of Eden's Show Cause Hearing Eye Bar/Garden of  
17 Eden, 17161 I Street, N.W., License No. 83133.

18 I move that we approve.

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: All those in  
21 favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those  
2 opposed? The motion passes to approve 6-0.

3 No. 14 is a review of a request  
4 for renewal of the single sales moratorium  
5 exception for Continental Wine and Liquor  
6 dated March 7, 2012. This is supported by  
7 ANC-2F for Continental Wine and Liquor,  
8 Vermont Avenue, License No. 78964.

9 Okay. I would move that we  
10 approve this request.

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Second?

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: All those in  
15 favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those  
18 opposed? The motion passes then to approve by  
19 a vote of 6-0.

20 No. 15 is a review of voluntary  
21 agreement dated March 9, 2012 between Mad  
22 Momos and ANC-1A. Mad Momos is at 3605 14th

1 Street, N.W., License No. 88409.

2 I move that we approve the  
3 modification to ^U 11, so that it is consistent  
4 with 25-446.

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Okay. Any  
7 other comments?

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those  
11 opposed? The motion passes by a vote of 6-0.

12 No. 16 is a review of a voluntary  
13 agreement dated March 8, 2012 between DC  
14 Conscious Cafe and ANC-6A. DC Conscious Cafe  
15 is located at 1413 H Street, N.E., License No.  
16 88623.

17 MEMBER ALBERTI: Board Member  
18 Alberti recuses himself from that matter.

19 CHAIRPERSON MILLER: Okay. I move  
20 that we approve with a modification to ^U 2(i),  
21 2(j) and 3(d). Do I have a second?

22 MEMBER BROOKS: Second.

1 MEMBER MOBLEY: Second.

2 CHAIRPERSON MILLER: Okay. Any  
3 comments?

4 All those in favor say aye.

5 FIVE MEMBERS: Aye.

6 CHAIRPERSON MILLER: All those  
7 opposed? The motion passes by a vote of 5-0.

8 Review of voluntary agreement  
9 dated March 8, 2012 between Chateau, Inc. and  
10 ANC-7D. Chateau, Inc. is at 3439 Benning  
11 Road, N.E., License No. 10574.

12 I move that we approve with  
13 modifications to ^U 16809.

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Okay. All  
16 those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those  
19 opposed? The motion passes by a vote of 6-0.

20 We have a few items on our  
21 Supplemental Agenda.

22 The first is with respect to

1 Cleveland Park Bar & Grill. There was a  
2 question whether they made their payment,  
3 their second year payment and they have made  
4 their payment. And so I want to reflect for  
5 the record that that has been done and that no  
6 cease and desist be issued.

7 Okay. So my motion is that no  
8 cease and desist be issued. Is there a  
9 second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: All those in  
12 favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those  
15 opposed? The vote passes 6-0.

16 No. 2, a request for reinstatement  
17 of license subsequent to a cancellation. This  
18 is for Young Won, 1336 5th Street, N.E.,  
19 License No. 78871.

20 I move that we approve.

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Do I have --

1       okay, I have a second.

2                   All those in favor say aye.

3                   ALL:   Aye.

4                   CHAIRPERSON MILLER:   All those

5       opposed?   The motion passes 6-0.

6                   And No. 3 is a review of a request

7       from licensee for approval of a stipulated

8       license and letter of support from ANC-2C.

9       That is Fuel Pizza & Wings at 600 F Street,

10      N.W., License No. 88727.

11                   I move that we approve the

12      stipulated license.

13                   MEMBER BROOKS:   Second.

14                   CHAIRPERSON MILLER:   It has been

15      seconded.

16                   All those in favor say aye.

17                   ALL:   Aye.

18                   CHAIRPERSON MILLER:   All those

19      opposed?   And the motion passes to approve by

20      a vote of 6-0.

21                   I need to get my instructions for

22      closing.

1 MEMBER ALBERTI: Okay.

2 CHAIRPERSON MILLER: Be right  
3 back.

4 (Whereupon, at 9:30 p.m. a recess  
5 until 9:31 p.m.)

6 CHAIRPERSON MILLER: As  
7 Chairperson of the Alcoholic Beverage Control  
8 Board for the District of Columbia and in  
9 accordance with ^U 405 of the Open Meetings  
10 Amendment Act of 2010, I move that the ABC  
11 Board hold a closed meeting on March 28, 2012  
12 for the purpose of seeking legal advice from  
13 our counsel in the matters identified on the  
14 Board's agenda for March 28, 2012 as published  
15 in the DC Register on March 23, 2012.

16 Is there a second?

17 MEMBER ALBERTI: Second.

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: I'll take the  
20 roll call on the motion before us now that it  
21 has been seconded.

22 Mr. Nophlin?

1 MEMBER NOPHLIN: I agree.

2 CHAIRPERSON MILLER: Mr. Brooks?

3 MEMBER BROOKS: I agree.

4 CHAIRPERSON MILLER: Mr. Alberti?

5 MEMBER ALBERTI: I agree.

6 CHAIRPERSON MILLER: Ms. Miller

7 agrees. Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRPERSON MILLER: Ms. Mobley?

10 MEMBER MOBLEY: I agree.

11 CHAIRPERSON MILLER: Okay. It

12 appears that the motion has passed, I hereby

13 give notice that the ANC Board will hold its

14 aforementioned closed meeting.

15 Pursuant to the Open Meetings

16 Amendment Act of 2010, notice will also be

17 posted on the ABC Board hearing bulletin

18 board, placed on the electronic calendar on

19 ABRA's website and published in the DC

20 Register in as timely a manner as practicable.

21 As Chairperson of the Alcoholic

22 Beverage Control Board for the District of

1 Columbia and in accordance with ^U 405 of the  
2 Open Meetings Amendment Act of 2010, I move  
3 that the ABC Board will hold a closed meeting  
4 on March 28, 2012 for the purpose of  
5 discussing and hearing reports concerning  
6 ongoing or planned investigations of alleged  
7 criminal or civil misconduct or violations of  
8 law or regulation and seeking legal advice  
9 from our counsel on the Board's Investigative  
10 Agenda from March 28, 2012, as published in  
11 the DC Register on March 23, 2012.

12 Is there a second?

13 MEMBER BROOKS: Second.

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

17 Mr. Nophlin?

18 MEMBER NOPHLIN: I agree.

19 CHAIRPERSON MILLER: Mr. Brooks?

20 MEMBER BROOKS: I agree.

21 CHAIRPERSON MILLER: Mr. Alberti?

22 MEMBER ALBERTI: I agree.

1 CHAIRPERSON MILLER: Ms. Miller  
2 agrees. Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: Ms. Mobley?

5 MEMBER MOBLEY: I agree.

6 CHAIRPERSON MILLER: As it appears  
7 that the motion has passed now by a vote of 6-  
8 0, I hereby give notice that the ABC Board  
9 will hold this aforementioned closed meeting  
10 pursuant to the Open Meetings Amendment Act of  
11 2010.

12 Notice will also be posted on the  
13 ABC Board hearing room bulletin board, placed  
14 on the electronic calendar on ABRA's website  
15 and posted in the DC Register in as timely  
16 matter as practicable.

17 That concludes our meeting for the  
18 day. Thank you.

19 (Whereupon, the A.B.R.A. Agenda  
20 was concluded at 9:33 p.m.)

21  
22



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