

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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April 11, 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

HERMAN JONES, Member

CALVIN NOPHLIN, Member

JEANNETTE MOBLEY, Member

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

(8:33 p.m.)

CHAIRPERSON MILLER: We're back on the record with the agenda, the meeting agenda for April 11, 2012.

The first item on our agenda is a review of a request from the licensee to extend safekeeping period for 120 days to allow for the transfer of the license to the new tenant. This is for Garrett's Restaurant in ANC-5C at 3003 M Street, N.W., License No. 15721.

I move that we approve this request for 120 days. Do I have a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Okay.

Comments?

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those opposed?

MEMBER MOBLEY: Point of

1 clarification, Madam Chair, I'm sorry. I'm
2 just noticing this. ANC-5C, 3000 M Street,
3 N.W., I don't believe --

4 MEMBER BROOKS: No.

5 MEMBER MOBLEY: Either the ANC is
6 incorrect or the address. I'm just noticing
7 that.

8 MEMBER BROOKS: That's true.

9 CHAIRPERSON MILLER: Okay. I'm
10 reading it off. That is what has been printed
11 on the agenda.

12 MEMBER ALBERTI: Madam Chair, I
13 recommend that we postpone this item.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER JONES: Refer to licensing?

16 MEMBER ALBERTI: Refer to
17 licensing.

18 CHAIRPERSON MILLER: Okay. Let's
19 do that.

20 MEMBER ALBERTI: I guess that's a
21 fine example for --

22 MEMBER JONES: Yes.

1 MEMBER ALBERTI: -- licensing
2 being available.

3 MEMBER MOBLEY: Sorry I didn't
4 notice it earlier.

5 CHAIRPERSON MILLER: That's okay.

6 MEMBER JONES: That's a good
7 catch, Jen.

8 MEMBER ALBERTI: Thank you for
9 that.

10 MEMBER MOBLEY: I would think this
11 stuff is right.

12 CHAIRPERSON MILLER: Thank you.
13 Okay.

14 The next item on the agenda is a
15 review of a request from licensee to expand to
16 an adjacent warehouse space located at 249
17 Florida Avenue, N.W. This is for Ledroit
18 Wines & Beer, 247 Florida Avenue, N.W.

19 MEMBER MOBLEY: That's --

20 CHAIRPERSON MILLER: Is this a
21 different -- wrong ANC?

22 MEMBER MOBLEY: I'm sorry, Madam

1 Chair. Ledroit -- okay. It might be right,
2 but if it's Ledroit Park, it's not 5C.

3 MEMBER ALBERTI: No, if it's 247
4 Florida Avenue, N.W., it's --

5 MEMBER MOBLEY: If it's 247 --

6 MEMBER ALBERTI: -- not 5C.

7 MEMBER MOBLEY: -- northwest --

8 CHAIRPERSON MILLER: Okay.

9 MEMBER MOBLEY: Part of Florida
10 Avenue is in Ward 5, but I don't think this is
11 5C.

12 CHAIRPERSON MILLER: So why don't
13 we postpone this one as well?

14 MEMBER ALBERTI: Yes, that's only
15 the part of Florida Avenue -- it's actually
16 only the north side of Florida Avenue that is
17 in northeast.

18 MEMBER MOBLEY: Right.

19 MEMBER ALBERTI: So this is not
20 correct.

21 CHAIRPERSON MILLER: Okay. We
22 will postpone this one as well to get that

1 correct.

2 MEMBER JONES: Are we referring
3 this to licensing?

4 CHAIRPERSON MILLER: Yes.

5 MEMBER MOBLEY: You better believe
6 it.

7 CHAIRPERSON MILLER: We are
8 referring it to licensing.

9 The next item on the agenda is a
10 change of hours application to change the
11 hours from the current hours of operation and
12 hours of alcoholic beverage sales are Monday
13 through Thursday 9:00 a.m. to 9:00 p.m.,
14 Friday and Saturday 9:00 a.m. to 10:00 p.m.
15 And the proposal is to change it to Monday
16 through Thursday 9:00 a.m. to 11:00 p.m., and
17 Friday and Saturday 9:00 a.m. to 12:00 a.m.

18 This is Young's Globe Liquors in
19 ANC-7E, 4520 Benning Road, S.E., License No.
20 77016.

21 I recommend that we approve this
22 application. Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Any comments?

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? Then the vote
7 is 6-0-0.

8 Item 4 is a change of hours
9 application to change hours of operation and
10 hours of alcoholic beverage sales/service from
11 Sunday through Thursday 11:00 a.m. to 2:00
12 a.m., Friday 11:00 a.m. to 3:00 a.m., Saturday
13 6:00 p.m. to 3:00 a.m. to Sunday through
14 Thursday 11:00 a.m. to 1:30 a.m., Friday and
15 Saturday 11:00 a.m. to 2:30 a.m. and the
16 proposed hours of operation and hours of
17 alcoholic beverage sale/service Sunday through
18 Thursday 11:00 a.m. to 2:00 a.m., Friday and
19 Saturday 11:00 a.m. to 3:00 a.m.

20 This is for Bier Baron Hotel &
21 Tavern at 1523 22nd Street, N.W., License No.
22 86093.

1 I would recommend that we approve
2 this application. Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: All those in
5 favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The vote is
9 6-0-0.

10 No. 5 is a letter from Daniel
11 Miller of WestMill Capital Partners inquiring
12 about what type of license to apply for to
13 operate a kiosk offering food, drink and
14 alcoholic beverages in an outdoor space at
15 1300 H Street, N.E.

16 I would move that we hold a Fact-
17 Finding Hearing on this, that there is not
18 enough information provided for us to respond,
19 at this point.

20 Do I have a second?

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Any comments?

1 All those in favor of the motion
2 to schedule a Fact-Finding Hearing in this
3 matter say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? And the vote
7 is 6-0-0.

8 No. 6 is a review of a letter
9 dated February 7, 2012 from Makan Shirafkan
10 requesting permission to store invoices and
11 records at the licensee's remote office
12 storage in Tuxedo, Maryland. The
13 establishment is The Park Place at 14th and
14 it's located at 920 14th Street, N.W., License
15 No. 75548.

16 I would move that we approve this
17 request, provided that copies are kept in the
18 District pursuant to Chapter 12 of our
19 Regulations. Do I have a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Any comments?

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? It passes. The vote is 6-0-0.

4 No. 7 on our agenda is a review of
5 a letter dated March 19, 2012 from Javier
6 Velazquez requesting that the Board waive the
7 fines stemming from 12-AUD-00017, Taberna Del
8 Alabardero, 1776 I Street, N.W., License No.
9 13218.

10 I would move that we deny this
11 request, at this time, but the licensee may
12 request a hearing on it. Do I have a second?

13 MEMBER MOBLEY: Second.

14 CHAIRPERSON MILLER: Any comments?

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 6-0-0.

20 No. 8 is a review of a Motion for
21 Reconsideration of Sentence dated March 20,
22 2012 from Gloria D. Henderson. The

1 establishment is Family Liquors at 710 H
2 Street, N.E., License No. 21877.

3 I believe that I did not
4 participate in this case, so I'm going to
5 abstain from it and suggest that if someone
6 else has a motion that they move it.

7 MEMBER ALBERTI: Madam Chair, I
8 move that we deny the Motion of
9 Reconsideration of Sentence that has been
10 filed by the representative for Family
11 Liquors, License No. 21877. Is there a
12 second?

13 MEMBER BROOKS: Second.

14 MEMBER ALBERTI: How say you, Mr.
15 Nophlin?

16 All those in favor say aye.

17 MEMBER NOPHLIN: Aye.

18 MEMBER BROOKS: Aye.

19 MEMBER ALBERTI: Aye.

20 MEMBER MOBLEY: I abstain, Board
21 Member.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER MOBLEY: I abstain.

2 MEMBER ALBERTI: All those
3 opposed? The vote is 4-0-2.

4 CHAIRPERSON MILLER: Correct.
5 Okay.

6 No. 9 is a petitioner's Motion for
7 Leave to Intervene dated April 4, 2012 from a
8 dismissed Pennsylvania Avenue Market
9 protestant, T. Carlton Richardson. The
10 establishment in the case was Pennsylvania
11 Avenue Market, 1501 Pennsylvania Avenue, S.E.,
12 License No. 79255.

13 I would move that we deny this
14 motion and I would note that there is already
15 a voluntary agreement approved in this case,
16 so this case is closed. Do I have a second to
17 deny the motion?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Any other
20 comments?

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The vote is
3 6-0-0 to deny the motion.

4 Okay. No. 10 on our agenda is a
5 review of a request for a single sales
6 moratorium exception for JJ Mutt Wine &
7 Spirits dated March 28, 2012. ANC-6B supports
8 the request. And it's for JJ Mutt Wine &
9 Spirits, 643 Pennsylvania Avenue, S.E.,
10 License No. 25523.

11 I would move that we approve this
12 request.

13 MEMBER MOBLEY: Second.

14 CHAIRPERSON MILLER: Any comments?

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The vote is
19 6-0-0.

20 No. 11 is a review of a voluntary
21 agreement dated March 12, 2012 between
22 Willie's Sports Brew & Que and ANC-6D. The

1 establishment is Willie's Sports Brew & Que
2 located at 300 Tingey Street, S.E., License
3 No. 89141.

4 I would recommend that we postpone
5 consideration of this. The placard period has
6 not ended yet and that we postpone this until
7 May 23, 2012. Do we have to vote on the
8 postponement?

9 MEMBER ALBERTI: Until May 23rd?
10 Until May 23rd?

11 CHAIRPERSON MILLER: That's right.

12 MEMBER ALBERTI: Oh, that's when
13 the placard period -- excuse me, never mind.

14 CHAIRPERSON MILLER: Do we need to
15 vote on the postponement?

16 MEMBER ALBERTI: No, we don't need
17 to vote on postponements.

18 CHAIRPERSON MILLER: Okay. Okay.
19 So No. 13 is a review of a voluntary agreement
20 dated April 2, 2012 between Blue Gin, ANC-2E
21 and the Citizens Association of Georgetown.
22 Blue Gin is the establishment located at 1206

1 Wisconsin Avenue, N.W., License No. 17458.

2 I move that we approve with a
3 modification to ^U 4.

4 MEMBER MOBLEY: Second.

5 CHAIRPERSON MILLER: Any comments?

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The motion
10 passes 6-0-0.

11 MEMBER ALBERTI: You skipped --

12 MEMBER MOBLEY: Madam Chair, we
13 skipped 12.

14 MEMBER ALBERTI: Yes, okay.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: We did.

17 CHAIRPERSON MILLER: I'm going
18 back to --

19 MEMBER ALBERTI: Thank you.

20 CHAIRPERSON MILLER: -- No. 12,
21 which I apparently skipped. A review of a
22 voluntary agreement dated February 13, 2012

1 between Park Tavern and ANC-6D. Park Tavern
2 is located at 202 M Street, S.E., License No.
3 89126.

4 I would recommend that this one
5 also be postponed until May 9, 2012.

6 All right. We'll move to 14. Is
7 it Glover Park?

8 MEMBER ALBERTI: Yes.

9 CHAIRPERSON MILLER: No. 14 is a
10 review of the Glover Park Moratorium Zone
11 Emergency and Proposed Rulemaking. And I want
12 to say a few words on this one.

13 Pursuant to D.C. Official Code 25-
14 354, the Board held a public hearing on March
15 21, 2012 at the joint request of ANC-3B and
16 the Glover Park Citizens Association to renew
17 the existing moratorium for three years with
18 some modification.

19 The modification allows for an
20 increase in the number of Retailer Class CR
21 restaurant licenses from the current 12
22 licenses to 14 licenses and the elimination of

1 the moratorium on Retailer Class B Licenses.

2 In addition to the joint ANC-3B
3 and GPCA resolution, the Board received both
4 oral and written testimony and support from
5 licensees and area residents who believe the
6 moratorium has allowed for managed growth and
7 a stable economy.

8 The Board also received written
9 correspondence in opposition to this request
10 from Glover Park residents who would like to
11 see the moratorium lifted in its entirety.

12 These residents believe that the
13 existing moratorium stifles diversity and does
14 not allow for growth in the Commercial
15 District.

16 I was particularly impressed at
17 the hearing by the way the business and
18 community organizations appeared to be working
19 well together and addressing tensions that
20 arise between licensees and residents.

21 In reaching its decision, the
22 Board gave great weight to the written

1 resolution of ANC-3B, as required by ^U
2 13(b)(3) of the Advisory Neighborhood
3 Council's Act of 1975.

4 The Board would like to commend
5 ANC-3B for taking the initiative to examine
6 and evaluate the impact of the moratorium on
7 their community and to recommend some positive
8 changes and a gradual easing of the moratorium
9 as a result.

10 Given the testimony and the
11 written recommendation from ANC-3B and the
12 Glover Park Citizens Association, it's my
13 recommendation that effective April 18, 2012,
14 the Board approve the reauthorization of the
15 Glover Park Moratorium for three years,
16 increase the number of restaurant licenses by
17 two from the existing 12 to 14 licenses and
18 that the moratorium on Class B Licenses be
19 eliminated.

20 At this point, that's my
21 recommendation. I would ask now if my
22 recommendation has a second?

1 MEMBER MOBLEY: Second.

2 CHAIRPERSON MILLER: Any other
3 comments?

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The vote is
8 6-0-0.

9 Also, I would like to announce
10 that the Board -- that the ABRA Offices will
11 be open at 8:30 a.m. on Tuesday, April 18,
12 2012 to receive -- April 17th? I think
13 Tuesday is the 17th, sorry. Tuesday, April
14 17th to receive new license applications for
15 the Glover Park Moratorium Zone.

16 And I need to correct, I believe,
17 the effective date is April 17th as well,
18 that's Tuesday, April 17th. Okay.

19 The next item on the agenda is a
20 review of the West Dupont Circle Moratorium
21 Zone Final Rulemaking.

22 I would move that we approve that.

1 Do I have a second?

2 MEMBER BROOKS: Second.

3 CHAIRPERSON MILLER: Any comments?

4 Okay. All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? Then the vote
8 is 6-0-0 to approve that rulemaking.

9 So I think we are now moving onto
10 the supplemental agenda or the cancellations.

11 MEMBER ALBERTI: Either one.

12 CHAIRPERSON MILLER: Oh.

13 MEMBER ALBERTI: We have
14 cancellations, but we have 15?

15 CHAIRPERSON MILLER: We just did
16 15.

17 MEMBER MOBLEY: We might as well
18 do the supplemental.

19 CHAIRPERSON MILLER: Yes, that's
20 what I thought and then do the cancellations.

21 Okay. No. 1 on our supplemental
22 agenda is a letter from Paul Pascal on behalf

1 of licensee requesting that the renewal
2 application and final approval of the transfer
3 application for a Wholesaler Class A License
4 be approved without the issuance of a
5 Certificate of Occupancy.

6 I would move that we deny this
7 request. Mr. Pascal's representations in his
8 letter about the difficulty of getting such a
9 Certificate of Occupancy, but my understanding
10 is staff has talked with DCRA and it is
11 possible. So I would move that we deny that
12 request and that Mr. Pascal submit the
13 required Certificate of Occupancy. Do I have
14 a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Any other
17 comments?

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The vote is
22 6-0-0.

1 Next is a review of a Motion for
2 Continuance of Status Show Cause Hearing dated
3 April 5, 2012 from Andrew Kline with respect
4 to the case of the establishment of DC Star
5 located at 2135 Queens Chapel Road, N.E.,
6 License No. 78881.

7 MEMBER ALBERTI: Madam Chair, I
8 move that we deny the Motion for Continuance
9 and that we then move this case to a Show
10 Cause Hearing, which is scheduled for May 9,
11 2012.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER ALBERTI: Is there a
14 second?

15 MEMBER MOBLEY: Second.

16 CHAIRPERSON MILLER: Any comments?

17 All those in favor say aye.

18 FIVE MEMBERS: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? Then the vote
21 is 5-1-0 to approve the motion and deny the
22 request.

1 The next item on the agenda is a
2 review of voluntary agreement amendment dated
3 March 12, 2012 between Patriot II and ANC-6D.
4 Patriot II is located at 100 Potomac Avenue,
5 S.E., License No. 84405.

6 I move that this review be --
7 well, I would recommend that this be postponed
8 until April 18, 2012. Do I have a second?

9 MEMBER MOBLEY: Second.

10 CHAIRPERSON MILLER: Any comments?
11 Okay. So this will -- well, I guess we'll do
12 it as a motion I did. It's just a
13 postponement.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? Okay. All right. That completes
18 our agenda items.

19 We have a few cancellations to
20 consider. Let's see, we have one
21 cancellation.

22 MEMBER MOBLEY: Correct.

1 CHAIRPERSON MILLER: Okay. There
2 is a request for cancellation of ABRA No.
3 074132, Wasabi located at 906 17th Street,
4 N.W.

5 I move that we approve this
6 cancellation. Is there a second?

7 MEMBER MOBLEY: Second.

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Any comments?

10 All those in favor say aye.

11 ALL: Aye.

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

15 Okay. So that completes all the
16 items on our meeting agenda for April 11,
17 2012.

18 And I just need to close the
19 meeting. Do you have some dates for me?

20 MEMBER ALBERTI: Oh, just one
21 moment, I have to pull them up real quick.

22 CHAIRPERSON MILLER: Okay. I've

1 got to get this anyway.

2 MEMBER ALBERTI: What's today, the
3 11th.

4 CHAIRPERSON MILLER: Today is the
5 11th.

6 MEMBER ALBERTI: So that will be
7 the 18th, the 18th and the 13th probably. I'll
8 double check that, but Friday should be the
9 13th, yes.

10 CHAIRPERSON MILLER: Okay. Thank
11 you. As Chairperson of the Alcoholic Beverage
12 Control Board for the District of Columbia and
13 in accordance with ^U 405 of the Open Meetings
14 Amendment Act of 2010, I move that the ABC
15 Board hold a closed meeting on April 18, 2012
16 for the purpose of seeking legal advise from
17 our counsel on the matters identified on the
18 Board's agenda for April 18, 2012 as published
19 in the DC Register on April 13, 2012.

20 Is there a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: I'll now take

1 our roll call on the motion that has now been
2 seconded.

3 Mr. Nophlin?

4 MEMBER NOPHLIN: I agree.

5 CHAIRPERSON MILLER: Mr. Brooks?

6 MEMBER BROOKS: I agree.

7 CHAIRPERSON MILLER: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON MILLER: Ms. Miller
10 agrees. Ms. Mobley?

11 MEMBER MOBLEY: I agree.

12 CHAIRPERSON MILLER: Mr. Jones?

13 MEMBER JONES: I agree.

14 CHAIRPERSON MILLER: The vote is
15 6-0-0.

16 I hereby give notice that the ABC
17 Board will hold this aforementioned closed
18 meeting pursuant to the Open Meetings
19 Amendment Act of 2010. Notice will also be
20 posted on the ABC Board hearing room bulletin
21 board, placed on the electronic calendar on
22 ABRA's website and published in the DC

1 Register in as timely a manner as practicable.

2 As Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia and in accordance with ^U 405 of the
5 Open Meetings Amendment Act of 2010, I move
6 that the ABC Board hold a closed meeting on
7 April 18, 2012 for the purpose of discussing
8 and hearing reports concerning ongoing or
9 planned investigations of alleged criminal or
10 civil misconduct or violations of law or
11 regulations and seeking legal advice from our
12 counsel on the Board's investigative agenda
13 for April 18, 2012 as published in the DC
14 Register on April 13, 2012.

15 Is there a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: I'll now take
18 a roll call vote on the motion now that it has
19 been seconded.

20 Mr. Nophlin?

21 MEMBER NOPHLIN: I agree.

22 CHAIRPERSON MILLER: Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON MILLER: Ms. Miller

5 agrees. Ms. Mobley?

6 MEMBER MOBLEY: I agree.

7 CHAIRPERSON MILLER: Mr. Jones?

8 MEMBER JONES: I agree.

9 CHAIRPERSON MILLER: The motion
10 passes 6-0-0.

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

19 And that concludes our business
20 for April 11, 2012.

21 (Whereupon, the hearing was
22 concluded at 8:56 p.m.)

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