

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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May 8, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

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

(8:08 p.m.)

CHAIRPERSON MILLER: Okay. We are back on the record for our agenda for May 8, 2013.

The first item on the agenda is an application for a substantial change for seating and load capacity increases. And the figures presented, okay, the basement has 92 seats and they want to increase it to 109. Okay. It says -- I'll just read it.

The basement portion of the premises is approved for 92 seats with occupancy of 109. Upon approval by the Board, seating in the basement will increase by 72 to a new total of 164 with new occupancy of 222.

This is for Laughing Man located at 1310 G Street, N.W., License No. 79786 in ANC-2C. There is no settlement agreement and there aren't any outstanding fines or citations and no pending enforcement matters.

I believe this is not near any

1 residences. I would move that we approve the
2 application.

3 Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Any other
6 comments on this? Okay.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The vote is
11 4-0-0 to approve.

12 No. 2 is an application for a
13 class change. This is for El Ray located at
14 1919 U Street, License No. 86604. It is a
15 change from a CR to a CT.

16 As is our practice, I would move
17 that we placard this application for a class
18 change.

19 Do I have a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Mr. Brooks
22 has seconded the motion. Any other comments

1 on this?

2 All those in favor of placarding
3 say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The vote is
7 4-0-0 to placard.

8 No. 3 is a review of a first
9 amendment to a settlement agreement dated June
10 12, 2012 between Hargunn, Inc. t/a Mayfair
11 Liquors in ANC-4A02 and ANC-4A03. Mayfair
12 Liquors is located at 7312 Georgia Avenue,
13 N.W., License No. 60561.

14 I move that we approve this
15 amendment.

16 Do I have a second?

17 MEMBER BROOKS: Second.

18 MEMBER ALBERTI: I have some --

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: -- concerns about
21 this one.

22 CHAIRPERSON MILLER: All Right.

1 MEMBER ALBERTI: And not trying to
2 approve the upgrade now.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER ALBERTI: Do you have a
5 copy there?

6 CHAIRPERSON MILLER: Yes.

7 MEMBER ALBERTI: Let's see, I'm
8 getting there. Okay. Okay. So No. 1, I
9 guess it's Item 2 maybe I'm looking at. Oh,
10 it says, No. 2 says, Mayfair Liquors agrees
11 not to sell single containers or multiple
12 singles of beer or domestic pails, domestic
13 fortified wine, for example, Sysco or MD, malt
14 liquors and wine coolers of less than -- I
15 think that they should delete reference to
16 specific brands, because we can't single out
17 single brands if they can sell it or not, so
18 I think it's all fortified wines that we don't
19 want. I would discourage them from having
20 examples that list specific products.

21 The other issue is -- and I -- No.
22 3, maker of liquor shall have the right to

1 continue to sell craft imported and esoteric
2 beers as single units. I think that, first of
3 all, craft and esoteric beers is not defined
4 in our regulations, while imported is clearly
5 defined, I think, and understood in our
6 regulations. I don't think we can --

7 CHAIRPERSON MILLER: Where is it?

8 MEMBER ALBERTI: They should be
9 able to tell somebody they can sell imported
10 beer in some way and not -- I can't -- they
11 are discriminating against domestic beers
12 here.

13 CHAIRPERSON MILLER: Where is
14 this?

15 MEMBER ALBERTI: Item 3.

16 CHAIRPERSON MILLER: Item 3.
17 Okay.

18 MEMBER ALBERTI: And I think we
19 shouldn't allow them to discriminate against
20 domestic beers or domestic products, I should
21 say.

22 CHAIRPERSON MILLER: So I don't

1 even know what is craft and esoteric beers
2 are.

3 MEMBER ALBERTI: That was my
4 point.

5 CHAIRPERSON MILLER: Oh, I thought
6 you said -- could they be domestic?

7 MEMBER ALBERTI: I said they are
8 domestic.

9 CHAIRPERSON MILLER: They are
10 what?

11 MEMBER ALBERTI: I said they are
12 vague and not defined, so they should get --
13 so they shouldn't be used.

14 CHAIRPERSON MILLER: Maybe the
15 have --

16 MEMBER ALBERTI: The craft
17 shouldn't be --

18 CHAIRPERSON MILLER: Maybe they
19 understand it, but --

20 MEMBER ALBERTI: I don't care.

21 CHAIRPERSON MILLER: We have to--

22 MEMBER ALBERTI: You know, we have

1 to --

2 CHAIRPERSON MILLER: -- enforce
3 it.

4 MEMBER ALBERTI: -- enforce it.
5 Yes.

6 CHAIRPERSON MILLER: Yes.

7 MEMBER ALBERTI: So I think craft
8 and esoteric should not be used. And I don't
9 think -- and by listing -- using the word
10 imported just they are discriminating against
11 domestic beers. And I don't think we should
12 allow them to discriminate against domestic
13 products.

14 CHAIRPERSON MILLER: Okay. So
15 then I'm not understanding this then. Because
16 in No. 2 they agree not to sell single
17 containers of beer, correct?

18 MEMBER ALBERTI: Yes, I'm not even
19 going to how clear this was written.

20 CHAIRPERSON MILLER: But then you
21 are saying if they -- it says they can
22 continue to tell some of them, if we take that

1 out, then it sounds like they won't be able to
2 sell of them.

3 MEMBER ALBERTI: Well, you know,
4 they need to deal --

5 CHAIRPERSON MILLER: Should we
6 send it back?

7 MEMBER ALBERTI: They need to
8 figure out what they want.

9 CHAIRPERSON MILLER: Yes.

10 MEMBER ALBERTI: I can only tell
11 them what -- I am only reacting to what is
12 here.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: And they need to
15 then decide what they want, based on what I --
16 my criticism of what is here or our criticism
17 of what's here.

18 CHAIRPERSON MILLER: Okay. Okay.
19 So is it your -- oh, wait a second.

20 MEMBER ALBERTI: First of all,
21 one, my suggestion is that we tell them to
22 eliminate the two examples from Item No. 2.

1 CHAIRPERSON MILLER: Um-hum.

2 MEMBER ALBERTI: They have two
3 examples, e.g., Sysco and MD 2020.

4 CHAIRPERSON MILLER: Can I --

5 MEMBER ALBERTI: And I think they
6 probably should eliminate Item 3 in its
7 entirety because of all the problems I stated
8 with it.

9 CHAIRPERSON MILLER: Okay. I just
10 want to bring your attention that this is an
11 amendment to a settlement agreement that was
12 previously approved. Was it previously
13 approved? Yes, it must have been. I think
14 previously approved by the Board.

15 MEMBER ALBERTI: And what's the --

16 CHAIRPERSON MILLER: And we were
17 not members of that Board. Okay.

18 MEMBER ALBERTI: And what's the
19 amendment?

20 CHAIRPERSON MILLER: And that the
21 underlying provision in the settlement
22 agreement refers to Sysco or MD 2020.

1 MEMBER ALBERTI: What -- okay.
2 It's not clear to me. Can you clarify to me
3 what is being amended?

4 CHAIRPERSON MILLER: It says they
5 have agreed to amend certain provisions of the
6 original agreement to permit Mayfair Liquors
7 business operations to include the retail
8 sales of single containers as well as multiple
9 singles prepackaged by the manufacturer of
10 certain beer, domestic ale, domestic fortified
11 wine, malt liquor and wine cooler containers
12 having two or more units.

13 So it looks like they have amended
14 their underlying provisions somehow on the
15 same topic.

16 MEMBER ALBERTI: Right. And they
17 actually -- those amendments appear to go
18 exactly to the two items that I have problems
19 with.

20 CHAIRPERSON MILLER: Okay. I'm
21 just saying that a previous Board had
22 approved.

1 MEMBER ALBERTI: Right. And it
2 doesn't appear that the previous Board
3 approved those two items, because they are
4 amending how they are -- they are amending the
5 criteria --

6 CHAIRPERSON MILLER: No.

7 MEMBER ALBERTI: -- on the retail
8 sale of single containers, which Item 2
9 addresses, as well as malt and -- as well as
10 certain beer, domestic ale, domestic fortified
11 wine, so it appears that really this amendment
12 is amending 2 and 3. I mean, that's what they
13 are point to in that paragraph, as far as I
14 can tell.

15 And it's not clear to me, is
16 this --

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: -- amended
19 voluntary agreement replacing the other one?

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: It appears to me
22 that it is. I may be wrong.

1 CHAIRPERSON MILLER: Okay. Yes,
2 it looks like those provisions are replacing
3 those other provisions.

4 MEMBER ALBERTI: Right.

5 CHAIRPERSON MILLER: But --

6 MEMBER ALBERTI: It's replacing --
7 my understanding from what I'm reading here is
8 that this voluntary agreement is replacing in
9 its entirety the original. No, no, no, I
10 guess not.

11 CHAIRPERSON MILLER: I have
12 certain provisions, so certain provisions. So
13 do you want to pass on this and give us a
14 little more thought? It isn't very clear on
15 its face exactly what is replacing what.

16 MEMBER ALBERTI: I would -- sure
17 we can pass by this.

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

20 MEMBER ALBERTI: Yes.

21 CHAIRPERSON MILLER: All Right.

22 MEMBER ALBERTI: That's fine. We

1 will postpone this.

2 CHAIRPERSON MILLER: All Right.

3 Okay. So No. 3 postpone. Okay.

4 No. 4 is an application for a
5 substantial change for cover charge and
6 dancing. It is for Embassy Suites located at
7 900 10th Street, N.W., License No. 74001. So
8 I think the issue is whether it would have an
9 impact on residents. And it is inside. So I
10 suggest we either approve this or placard.

11 MEMBER BROOKS: Now, this is right
12 across from New York Avenue, I think, isn't
13 it?

14 CHAIRPERSON MILLER: It says 900
15 10th Street.

16 MEMBER BROOKS: Yes, but that's
17 the Embassy Suites off of New York Avenue
18 between New York Avenue and Massachusetts.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: Is that where it
21 is?

22 MEMBER BROOKS: Uh-huh, up from

1 you know --

2 CHAIRPERSON MILLER: Here is a
3 map.

4 MEMBER BROOKS: Right across from
5 where they are building the City Center.

6 CHAIRPERSON MILLER: Right.

7 MEMBER BROOKS: The big complex
8 across from the old convention center.

9 MEMBER ALBERTI: Across from the
10 old convention center?

11 MEMBER BROOKS: Uh-huh. The
12 street comes right up to the old convention
13 center at Mass.

14 CHAIRPERSON MILLER: Um-hum. I
15 have a map here.

16 MEMBER ALBERTI: Oh.

17 MEMBER BROOKS: Yes. So I mean, I
18 don't think anything is down there.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: Well, isn't Vita
21 Lounge down there?

22 MEMBER BROOKS: Huh, who is that?

1 No, no, no, no, that's --

2 MEMBER ALBERTI: Yes, Vita Lounge
3 is right -- is on 9th Street right around the
4 corner.

5 MEMBER BROOKS: Yes, but this is
6 10th Street. Yes. The 900 Block.

7 CHAIRPERSON MILLER: Okay. So
8 then I would move to approve.

9 MEMBER BROOKS: Yes, I would
10 approve it.

11 CHAIRPERSON MILLER: Okay. Do I
12 have a second?

13 MEMBER BROOKS: Second.

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

16 All those in favor say aye.

17 ALL: Aye.

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

21 No. 5 is another application for
22 substantial change for a larger off-premises

1 storage facility for on-line business.

2 MEMBER BROOKS: Oh, yes, that's --

3 CHAIRPERSON MILLER: -- the
4 Federal Spirits --

5 MEMBER BROOKS: Yes.

6 CHAIRPERSON MILLER: -- case,
7 right, located at 1629 K Street, N.W., in ANC-
8 2B. So I don't see an issue with this one.
9 The same address, the address is 1420 U
10 Street, where the storage place would be.

11 Okay. I would move to approve,
12 unless anyone --

13 MEMBER BROOKS: I second.

14 CHAIRPERSON MILLER: Okay. Mr.
15 Brooks has seconded. Any body, any concerns
16 about this? Okay. There is a motion to
17 approve.

18 All those in favor say aye.

19 ALL: Aye.

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

1 No. 6 is a change of hours
2 application to change hours of operation and
3 hours of alcoholic beverage sales. This is
4 for the Four Seasons Hotel located at 2800
5 Pennsylvania Avenue, N.W.

6 Okay. Approved hours of alcoholic
7 beverage sales/services are Sunday 10:00 a.m.
8 to 2:00 a.m. and Monday through Thursday 8:00
9 a.m. to 2:00 a.m. and Friday and Saturday 8:00
10 a.m. to 3:00 a.m. This is for inside.

11 And the summer garden is Sunday
12 10:00 a.m. to 12:00 a.m., Monday through
13 Saturday 8:00 a.m. to 12:00 a.m.

14 So they are proposing no change in
15 the hours of operation, proposing a change in
16 the sales/service to Sunday 8:00 a.m. to 2:00
17 a.m. and Monday through Thursday no change.
18 So it's just to add the Sunday 8:00 a.m. to
19 2:00 a.m. inside. And then outside no change.
20 Okay.

21 So I would move to approve.

22 MEMBER BROOKS: I second.

1 CHAIRPERSON MILLER: Okay. Mr.
2 Brooks has seconded the motion. Any other
3 comments? Okay.

4 All those in favor say aye.

5 ALL: Aye.

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

9 No. 7 is a change of hours
10 application to change hours of operation and
11 hours of alcoholic beverage sales. This is
12 for Lavandou Restaurant located at 3321
13 Connecticut Avenue, N.W., in ANC-3C, License
14 No. 1606.

15 All Right. Their approved hours
16 are Sunday 5:00 p.m. to 10:00 p.m., Monday
17 through Thursday 11:30 a.m. to 10:00 p.m.,
18 Friday 11:00 a.m. to 11:00 p.m., Saturday 5:00
19 p.m. to 11:00 p.m.

20 Okay. Their proposed changes are
21 Sunday 5:00 p.m. to 11:00 p.m., so that's from
22 10:00 to 11:00, and then Monday through

1 Thursday 11:30 a.m. to 11:00 p.m. and that was
2 an hour later also from 10:00 to 11:00, and
3 then Friday 11:30 a.m. to 11:30 p.m., that's
4 a half an hour later, and then Saturday 5:00
5 p.m. to 11:30 p.m., that's another half an
6 hour later.

7 So I'm familiar where this
8 restaurant is. It's on a commercial strip in
9 Cleveland Park and these are all indoor hour
10 changes, it's pretty minimal.

11 So I would move that we approve.

12 MEMBER BROOKS: I'll second.

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

15 All those in favor say aye.

16 ALL: Aye.

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

20 No. 8 is a change of hours
21 application to change hours of operation,
22 hours of alcoholic beverage sales. This is for

1 the Cosmos Club located at 2121 Massachusetts
2 Avenue, N.W., in ANC-2B.

3 Their approved hours of operation
4 are Sunday through Saturday 7:00 a.m. to 11:00
5 p.m., that's operations, and approved hours
6 for sales/service are 11:00 a.m., alcoholic
7 sales/service, through 3:00 p.m., Monday
8 through Saturday 11:00 a.m. to 11:00 p.m.

9 Okay. So they are now proposing
10 Sunday through Saturday 7:00 a.m. to 1:00
11 a.m., that's two hours later, and then Sunday
12 through Saturday 11:00 a.m. to 1:00 a.m.,
13 that's operations and this is for sales/
14 service, also going two hours later.

15 Okay. This is all indoor changes.

16 MEMBER ALBERTI: Behind a big
17 gate.

18 MEMBER BROOKS: Yes.

19 CHAIRPERSON MILLER: Okay. No
20 concerns?

21 MEMBER BROOKS: Indian Embassy.

22 CHAIRPERSON MILLER: All Right.

1 Then I move to approve.

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 4-0-0.

11 No. 9 is also related to the
12 Cosmos Club. They want a -- it's an
13 application for substantial change. They want
14 60 seats in their summer garden and I think
15 that the hours that are presented here are the
16 hours that they had before going to 11:00 p.m.
17 Sunday through Saturday and Sunday 11:00 a.m.
18 to 3:00 p.m. and Monday through Saturday 11:00
19 a.m. to 11:00 p.m.

20 Let's see, now this is outside. I
21 guess it's -- I think this is new. They
22 didn't have outdoor seats, this one.

1 MEMBER BROOKS: Apparently not.

2 MEMBER ALBERTI: It looks that
3 way.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER BROOKS: Yes.

6 CHAIRPERSON MILLER: So the
7 question is then do we placard this or do you
8 feel that it is so surrounded by gates that it
9 is --

10 MEMBER BROOKS: Yes, I --

11 MEMBER ALBERTI: There aren't very
12 many residents.

13 CHAIRPERSON MILLER: You would
14 approve it?

15 MEMBER BROOKS: Yes, I would.

16 MEMBER ALBERTI: I'd approve it.

17 CHAIRPERSON MILLER: Okay. Then I
18 move to approve.

19 Do I have a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Mr. Brooks
22 has seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

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

6 No. 10 is a manager's application
7 for Gary Fernandez.

8 I move that we approve this
9 application.

10 MEMBER BROOKS: Second.

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

13 All those in favor say aye.

14 ALL: Aye.

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

18 Okay. No. 11 is D.C.'s opposition
19 to respondent's Motion to Vacate, Discharge
20 and Dismiss Show Cause dated April 29, 2013.
21 It is related to Lotus located at 1420 K
22 Street, N.W., License No. 75162. I move that

1 we postpone consideration in the event that a
2 reply may be coming in and to provide for that
3 -- the time for that.

4 Do I have a second?

5 MEMBER BROOKS: Second.

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

8 All those in favor say aye.

9 ALL: Aye.

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

13 No. 12 is a letter dated April 19,
14 2013 from Abeba Beyane providing details about
15 the proposed changes to Vita Restaurant and
16 Lounge/Penthouse Nine. Vita Restaurant and
17 Lounge/Penthouse Nine, formerly Mood Lounge,
18 is located at 1318 9th Street, N.W., Retailer
19 CT02, License No. 86037.

20 A lot of this is FYI, though I
21 know in that letter she has expressed concerns
22 about the restriction on being able to use

1 promoters.

2 In any event, I would move that we
3 take this letter under advisement.

4 Do I have a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Okay. Mr.
7 Brooks has seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? Okay. We
12 will take it under advisement and then there
13 will be a response at some point.

14 No. 13 is an e-complaint from
15 Islander Caribbean Restaurant and Lounge
16 located at 1201 U Street, N.W., License No.
17 24599, complaining that the residents in the
18 neighborhood are stealing placards and
19 harassing the owners.

20 I move that we refer this e-
21 complaint to our Director, Mr. Moosally.

22 Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Okay. Mr.

3 Brooks has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

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

9 No. 14 is a petition to terminate
10 a settlement agreement dated March 25, 2013
11 from Ghana Cafe. Ghana Cafe is located at
12 1336 14th Street, N.W., License No. 82571.

13 I move that we placard this.

14 Do I have a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks
17 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 4-0-0.

1 Next is a petition to terminate
2 settlement agreement dated April 24, 2013 from
3 Radius. Radius is located at 3155 Mount
4 Pleasant Street, N.W., License No. 90797.

5 I move that we placard this.

6 Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks
9 has 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 4-0-0.

15 Next is a petition to terminate or
16 amend the settlement agreement dated March 29,
17 2013 for Rice Restaurant & Bar. Rice
18 Restaurant & Bar is located at 1608 14th
19 Street, N.W., License No. 60730.

20 I move that we postpone
21 consideration of this petition for further
22 review by legal.

1 Do I have a second?

2 MEMBER BROOKS: Second.

3 CHAIRPERSON MILLER: Mr. Brooks
4 has seconded the motion to postpone.

5 All those in favor say aye.

6 ALL: Aye.

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

10 No. 17 is a settlement agreement
11 dated April 10, 2013 between Rice Restaurant
12 & Bar and ANC-2F. Rice Restaurant & Bar is
13 located at 1608 14th Street, N.W., License No.
14 60730.

15 I move that we approve this
16 agreement.

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks
19 has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 4-0-0.

3 Next is a settlement agreement
4 dated April 25, 2013 between World Liquors and
5 ANC-6B. World Liquors is located at 1453
6 Pennsylvania Avenue, S.E., License No. 76.

7 I move that we postpone
8 consideration of this settlement agreement for
9 further consideration by legal.

10 Do I have a second?

11 MEMBER BROOKS: I'll second.

12 CHAIRPERSON MILLER: Mr. Brooks
13 has 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 3-0-0.

19 No. 19 is a settlement agreement
20 dated April 9, 2013 between Acqua al 2/Suna/
21 Harold Black Bar and ANC-6B. Acqua al 2/Suna/
22 Harold Black Bar is located at 212 7th Street,

1 S.E., License No. 80056.

2 I move that we postpone this
3 review of the settlement agreement as well.

4 Do I have a second?

5 MEMBER BROOKS: Second.

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

8 All those in favor say aye.

9 ALL: Aye.

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

13 No. 20 is a -- well, I'm going to
14 put the next two together.

15 No. 20 and 21 are two settlement
16 agreements. 20 is between We, The Pizza, and
17 ANC-6B. We, The Pizza, is located at 305
18 Pennsylvania Avenue, License No. 82062. And
19 21 is also a settlement agreement dated April
20 3, 2013 between Autish On the Hill and ANC-6B.
21 Autish On the Hill is located at 609
22 Pennsylvania Avenue, S.E., License No. 25153.

1 And I move that we postpone both
2 of these as well.

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 4-0-0.

12 No. 22 is a settlement agreement
13 dated March 14, 2013 between Angelica Pizzeria
14 & Cafe and ANC-3E. Angelica Pizzeria & Cafe
15 is located at 4529 Wisconsin Avenue, N.W.,
16 License No. 60711.

17 I move that we approve this
18 settlement agreement with the modification
19 that would eliminate Paragraph No. 14, which
20 states "Any contemplated changes to
21 applicant's operation will be brought to the
22 attention of the ANC prior to implementation

1 and will be implemented only after ANC
2 approval."

3 Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks
6 has seconded the motion. Any other comments?
7 I would just comment that they are going to be
8 redoing this agreement, they might replace the
9 voluntary agreement reference with settlement
10 agreement.

11 Okay. Then there is a motion to
12 approve with modification to eliminate No. 14.
13 Is there a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Okay. The
16 motion has been seconded.

17 All those in favor say aye.

18 ALL: Aye.

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

22 No. 23 is a settlement agreement

1 dated April 17, 2013 between Lalibela
2 Ethiopian Restaurant and the Rockingham
3 Condominium Association. Lalibela Ethiopian
4 Restaurant is located at 1415 14th Street,
5 License No. 23745.

6 I move that we approve this
7 settlement agreement.

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks
10 has seconded the motion.

11 MEMBER ALBERTI: I --

12 CHAIRPERSON MILLER: Do you have--

13 MEMBER ALBERTI: -- suggest that
14 we --

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: -- ask them to
17 amend Item 7 by striking the last sentence of
18 Item 7, which is "Any change in this plan
19 shall require notice and opportunity for
20 comment by the ANC and approval by the ABC
21 Board." So it's the portion that requires
22 them to provide notice to the ANC that I would

1 like them to strike.

2 CHAIRPERSON MILLER: All Right.

3 Okay. I didn't really have a problem with
4 that, but --

5 MEMBER ALBERTI: Well, I'll make a
6 motion.

7 CHAIRPERSON MILLER: You can --
8 huh? Yes.

9 MEMBER ALBERTI: I move that we
10 approve this VA with modification to Item 7.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: That modification
13 would be striking the last sentence of Item 7.

14 CHAIRPERSON MILLER: Okay. Is
15 there a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Mr. Brooks
18 has seconded the motion. Any other comments?
19 Okay.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: Okay. All

1 those opposed? All those abstaining? All
2 Right. Then the motion passes to approve
3 modification to No. 7 striking last sentence.

4 Okay. That concludes our meeting
5 agenda. We have a supplemental agenda to do
6 next.

7 Okay. The first item on our
8 agenda is a letter dated May 6, 2013 from
9 Michael Hibey requesting a 60-day extension to
10 finalize the paperwork necessary to renew and
11 transfer License No. ABRA-060545. The
12 establishment is Fino located at 3011 M
13 Street, N.W., License No. 60545.

14 I move that we approve this
15 request.

16 Do I have a second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Any comments?

19 All those in favor say aye.

20 ALL: Aye.

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

1 passes 4-0-0.

2 No. 2 is a Motion for
3 Reconsideration dated May 6, 2013 from Richard
4 Kim for Board Order No. 2013-076, Town Square
5 Gourmet located at 4418 MacArthur Boulevard,
6 N.W., License No. 78664.

7 I believe this is a second Motion
8 for Reconsideration, based on our order
9 previously denying the Motion for
10 Reconsideration.

11 I move that we deny this Motion
12 for Reconsideration.

13 Do I have a second?

14 MEMBER BROOKS: Second.

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

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes to deny the Motion for Reconsideration

1 by a vote of 4-0-0.

2 No. 3 is a request for
3 reinstatement dated May 2, 2013 from Gary
4 Silversmith for the Sequoia Presidential Yacht
5 Group's application. The Sequoia Presidential
6 Yacht Group was dismissed at the Roll Call
7 Hearing for failure to appear. The
8 establishment is The Sequoia Presidential
9 Yacht Group located at 600 Water Street, S.W.,
10 License No. 90850.

11 I would move that we deny the
12 request, but that would allow the licensee to
13 reapply and I believe he has the support of
14 the ANC and so he could seek a stipulated
15 license, if that is the better procedure in
16 this case.

17 Do I have a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks
20 has seconded the motion. Any other comments?
21 Okay.

22 All those in favor say aye.

1 ALL: Aye.

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

5 No. 4 is a petition to terminate a
6 settlement agreement dated April 1, 2013 from
7 Bourbon. Bourbon is located at 2348 Wisconsin
8 Avenue, N.W., License No. 60605.

9 I move that we placard this.

10 Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks
13 has 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 4-0-0.

19 No 5 is a letter dated May 3, 2013
20 from Erica Mueller requesting that the Board
21 continue with the Protest Hearing scheduled
22 for May 8, 2013. Watergate Hotel is located

1 at 2650 Virginia Avenue, N.W., License No.
2 91162.

3 I move that we deny this letter as
4 we did deny the request at the hearing.

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 4-0-0.

14 No. 6 is a letter dated April 30,
15 2013 from Michael Walsh objecting to the
16 submitted settlement agreement for the
17 Watergate Hotel. Okay. I think Mr. Walsh has
18 asked that his letter be made a part of the
19 record and we can certainly do that. Let's
20 see, let me make sure. Okay.

21 So I move that we grant Mr.
22 Walsh's request that his objection be made a

1 part of the record.

2 MEMBER ALBERTI: What?

3 CHAIRPERSON MILLER: We are not
4 granting his objection.

5 MEMBER ALBERTI: The objection was
6 submitted by and so we make it part of the --
7 part of what record?

8 CHAIRPERSON MILLER: Let's see --

9 MEMBER ALBERTI: I mean, it's part
10 of the record since it's submitted.

11 CHAIRPERSON MILLER: In the
12 licensee's file.

13 MEMBER ALBERTI: It is kind of an
14 FYI, but I don't think it should --

15 CHAIRPERSON MILLER: Right.

16 MEMBER ALBERTI: -- not go into --

17 CHAIRPERSON MILLER: Exactly.

18 MEMBER ALBERTI: -- this
19 licensee's record with the settlement
20 agreement. I don't think it has any place in
21 this licensee's file to accompany the
22 settlement agreement.

1 CHAIRPERSON MILLER: I think it
2 just will be a part of the file as a letter
3 that came in related to the case. We really
4 don't even have to take action on it. I mean,
5 it is where do we go?

6 MEMBER JONES: It wouldn't be any
7 more than just FYI.

8 MEMBER ALBERTI: Right.

9 CHAIRPERSON MILLER: We can treat
10 it as FYI.

11 MEMBER ALBERTI: Right.

12 CHAIRPERSON MILLER: I mean, it's
13 kind of in. Okay. I recognize that it has
14 come in to this.

15 MEMBER ALBERTI: Right.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: We are in receipt
18 of it.

19 CHAIRPERSON MILLER: All Right.
20 So we don't even have to vote on that, I don't
21 believe. Okay. All Right. That's better.

22 Okay. No. 7 is the settlement

1 agreement dated May 1, 2013 between Watergate
2 Hotel and a group of five or more. Okay. We
3 already said the Watergate Hotel is located at
4 2650 Virginia Avenue, N.W. It's License No.
5 91162.

6 I move that we approve the
7 settlement agreement.

8 Do I have a second?

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: Mr. Brooks
11 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 4-0-0.

17 Okay. I think we have one more
18 item that is our change of hours. No, No. 8
19 on the settlement agreement is also a letter
20 dated May 8, 2013 from Barbara Rohde objecting
21 to the signed settlement agreement for the
22 Watergate Hotel. And this one I also think we

1 can treat as an FYI.

2 MEMBER ALBERTI: Yes.

3 CHAIRPERSON MILLER: Okay. Next
4 is change of hours. We have four change of
5 hours applications. I'm going to read each
6 one, but I think that we can vote on all of
7 them together, because I'm going to move that
8 we approve all of them. So the first one:

- 9 1. Review of change of hours
10 application to change hours of
11 operation and hours of alcoholic
12 beverage sales. Approved hours of
13 operation and approved hours of
14 alcoholic beverage sales/service:
15 Monday through Thursday 9:00 a.m.
16 to 9:00 p.m.; Friday and Saturday
17 9:00 a.m. to 10:00 p.m. Proposed
18 hours of operation and proposed
19 hours of alcoholic beverage sales/
20 service Sunday 12:00 p.m. to 8:00
21 p.m.; Monday through Thursday 9:00
22 a.m. to 10:00 p.m.; Friday and

1 Saturday 9:00 a.m. to 11:00 p.m.
2 No pending investigative matters.
3 No pending enforcement matters.
4 No outstanding fines/citations.
5 No settlement agreement. ANC-4D,
6 SMD 4D01, Joung's Jefferson, Inc.
7 t/a Jefferson Liquors, 5307
8 Georgia Avenue, N.W., Retailer's
9 Class A License, License No.
10 074373.
11
12 2. Review of change of hours
13 application to change hours of
14 operation and hours of alcoholic
15 beverage sales. Approved hours of
16 operation and approved hours of
17 alcoholic beverage sales/service:
18 Monday through Saturday 9:00 a.m.
19 to 12:00 a.m. Proposed hours of
20 operation and proposed hours of
21 alcoholic beverage sales/service:
22 Sunday through Saturday 7:00 a.m.

1 to 12:00 a.m. No pending
2 investigative matters. No pending
3 enforcement matters. No
4 outstanding fines/citations. No
5 conflict with Settlement
6 Agreement. ANC-1A, SMD 1A08,
7 Giant Enterprises, Inc. t/a Giant
8 Liquors, 3504 Georgia Avenue,
9 N.W., Retailer's Class A, License
10 No. 074791.

- 11
- 12 3. Review of change of hours
13 application to change hours of
14 operation and hours of alcoholic
15 beverage sales (Sunday only):
16 Approved hours of operation and
17 approved hours of alcoholic
18 beverage sales/service: Sunday
19 9:00 a.m. to 9:00 p.m.; Monday
20 through Thursday 9:00 a.m. to
21 10:00 p.m.; Friday and Saturday
22 9:00 a.m. to 11:00 p.m. Proposed

1 hours of operation and hours of
2 alcoholic beverage sales/service:
3 Sunday 10:00 a.m. to 8:00 p.m.;
4 Monday through Thursday 9:00 a.m.
5 to 10:00 p.m.; Friday and Saturday
6 9:00 a.m. to 11:00 p.m. No
7 pending investigative matters. No
8 pending enforcement matters. No
9 outstanding fines/citations. No
10 settlement agreement. ANC-8C, SMD
11 8C02, D.J. Jackson, Inc. t/a Mart
12 Liquors, 2931 Martin Luther King,
13 Jr. Avenue, S.E., Retailer Class
14 A, License No. 090154.

15
16 4. Review of change of hours
17 application to change hours of
18 operation and hours of alcoholic
19 beverage sales. Approved hours of
20 operation and approved hours of
21 alcoholic beverage sales/service:
22 Monday through Saturday 9:00 a.m.

1 to 12:00 a.m. Proposed hours of
2 operation and proposed hours of
3 alcoholic beverage sales/service:
4 Sunday through Saturday 7:00 a.m.
5 to 12:00 a.m. No pending
6 investigative matters. No pending
7 enforcement matters. No
8 outstanding fines/citations. No
9 conflict with settlement
10 agreement. ANC-3C, SMD 3C03, In
11 Soon Park t/a Cathedral Liquors,
12 3000 Connecticut Avenue, N.W.,
13 Retailer's Class A, License No.
14 016425.

15 And all four of these don't have
16 any conflict with the settlement agreement or
17 outstanding fines/citations, no pending
18 enforcement matters or investigative matters.

19 Okay. So I move that we approve
20 change of hours for these four establishments.

21 MEMBER BROOKS: I'll second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

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

7 Okay. That concludes our matters
8 on the agenda for May 8, 2013.

9 We will now just take a vote to
10 have some closed meetings on our agenda and
11 investigative matters.

12 As Chairperson of the Alcoholic
13 Beverage Control Board for the District of
14 Columbia and in accordance with Section 405 of
15 the Open Meetings Amendment Act of 2010, I
16 move that the ABC Board hold a closed meeting
17 on May 15, 2013 for the purpose of seeking
18 legal advice from our counsel on the matters
19 identified on the Board's agenda for May 15,
20 2013 as published in the DC Register on May
21 10, 2013.

22 Is there a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks
3 has seconded the motion. I'll now take a roll
4 call vote.

5 Mr. Brooks?

6 MEMBER BROOKS: I agree.

7 CHAIRPERSON MILLER: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON MILLER: Ms. Miller
10 agrees.

11 Mr. Jones?

12 MEMBER JONES: I agree.

13 CHAIRPERSON MILLER: It appears
14 the motion has passed by a vote of 4-0-0.

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

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with Section 405 of
4 the Open Meetings Amendment Act of 2010, I
5 move that the ABC Board hold a closed meeting
6 on May 15, 2013 for the purpose of discussing
7 and hearing reports concerning ongoing or
8 planned investigations of alleged criminal or
9 civil misconduct or violations of law or
10 regulations and seeking legal advice from our
11 counsel on the Board's investigative agenda
12 for May 15, 2013 as published in the DC
13 Register on May 10, 2013.

14 Is there a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks
17 has seconded the motion. I'll now take a roll
18 call vote.

19 Mr. Brooks?

20 MEMBER BROOKS: I agree.

21 CHAIRPERSON MILLER: Mr. Alberti?

22 MEMBER ALBERTI: I agree.

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CHAIRPERSON MILLER: Ms. Miller

agrees.

Mr. Jones?

MEMBER JONES: I agree.

CHAIRPERSON MILLER: It appears
the motion has passed by a vote of 4-0-0.

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

And that concludes our business
for May 8, 2013. And the Board is adjourned.
Thank you.

(Whereupon, the ABRA Agenda in the
above-entitled matter was concluded at 8:53
p.m.)

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