

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION

ADMINISTRATION BOARD

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IN THE MATTER OF: :

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A.B.R.A. MEETING AGENDA :

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MAY 9, 2012

The Alcoholic Beverage Control Board met in Suite 400S, 2000 14th Street, Northwest, Washington, D.C. 20009 Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

JEANETTE MOBLEY, Member

HERMAN JONES, Member

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

4:33 p.m.

CHAIRPERSON MILLER: We're back on the record for the Board's Meeting Agenda for Wednesday, May 9th.

The first item on our agenda is review of a manger's application for Patrick Benson. I move that we approve the application. Do I have a second?

MEMBER ALBERTI: Second.

CHAIRPERSON MILLER: Any comments?

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those opposed?

All those abstaining?

Then the vote is seven-zero-zero to approve.

Number 2 is a review of a request from Paul Pascal on behalf of Licensee to expand licensed premises to adjacent

1 warehouse space consisting of 4,950 square  
2 feet. There's no pending investigative  
3 matters. No outstanding citations, no  
4 fines, no Voluntary Agreement. It's in ANC  
5 5A. The establishment is DC Brau Brewing at  
6 3178-B Bladensburg Road Northeast, and the  
7 License No. is 85083.

8 I move that we approve this  
9 application. Do I have a second?

10 MEMBER MOBLEY: Second.

11 CHAIRPERSON MILLER: Any  
12 comments?

13 All those in favor of the motion  
14 to approve, say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those  
17 opposed?

18 All those abstaining?

19 The vote is seven-zero-zero to  
20 approve.

21 Number 3 is request from Paul  
22 Pascal on behalf of Licensee to approve to

1 approve the addition of an entertainment  
2 endorsement to have non-amplified musical  
3 performance. No pending investigative  
4 matters. No outstanding citations/fines, no  
5 Voluntary Agreement. It's in ANC 6B. The  
6 establishment is Marvelous Market at 301  
7 7th Street Southeast, License No. 88503.

8 Okay. In this case they have  
9 been doing this entertainment and the hours  
10 from 5:00 to 8:00, so I would recommend that  
11 we approve the application. Is there a  
12 second.

13 MEMBER NOPHLIN: Second.

14 CHAIRPERSON MILLER: Any  
15 comments?

16 Okay. The motion to approve has  
17 been seconded. All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those  
20 opposed?

21 All those abstaining.

22 CHAIRPERSON MILLER: The vote is

1 seven-zero-zero to approve.

2 Number 4 is a request from  
3 Stephen O'Brien on behalf of Licensee Atomic  
4 Billiards, located at 3427 Connecticut  
5 Avenue Northwest, License No. 19007 to  
6 extend the hours of alcoholic beverage sales  
7 and consumption from 1:30 to 2:00 a.m.  
8 Sunday through Thursday and 2:30 to 3:00  
9 a.m. Friday and Saturday. And to commence  
10 hours of operations sales and consumption at  
11 8:00 a.m. daily. There's no pending  
12 investigative matters, no outstanding  
13 citations and fines, no Voluntary Agreement.

14 I would recommend that we approve  
15 this request. Is there a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Okay.

18 Comments. Okay.

19 There's been a motion to approve  
20 that's been seconded. All those in favor  
21 say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those  
2 opposed?

3 All those abstaining?

4 CHAIRPERSON MILLER: The vote is  
5 seven-zero-zero to approve.

6 Number 5 is a request from  
7 Michael Fonseca on behalf of Washington  
8 Courtyard by Marriott, located at 1900  
9 Connecticut Avenue Northwest, License No.  
10 17144 for approval of summer garden  
11 endorsement with 62 seats ont he second  
12 floor terrace and pool deck. There's no  
13 pending investigative matters, no  
14 outstanding citations and fines, no  
15 Voluntary Agreement. And the hours are  
16 going to be from 10:00 a.m. to 10:00 p.m.  
17 Sundays a week.

18 I would move that we approve this  
19 application. Do I have a second?

20 MEMBER ALBERTI: Second.

21 CHAIRPERSON MILLER: Any  
22 comments?

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those  
4 opposed?

5 All those abstaining?

6 The vote is seven-zero-zero to  
7 approve the request.

8 Number 6 is a request from the  
9 Licensee Mintwood Place, located at 1811  
10 Columbia Road Northwest, Licence No. 85865  
11 to correct the license to reflect a summer  
12 garden endorsement. The Licensee  
13 incorrectly applied and was placarded for a  
14 sidewalk caf, endorsement. There's no  
15 pending investigative matters, no  
16 outstanding citations and fines, and no  
17 conflict with an existing Voluntary  
18 Agreement

19 I move that we grant this  
20 application. Actually our regulation 1005  
21 applies to sidewalk caf's and summer garden  
22 applications equally, the same. I don't

1 think that there's any problem here. So I  
2 move to grant the application.

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Okay. Any  
5 comments? Okay.

6 There's a motion to approve  
7 that's been seconded. All those in favor  
8 say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those  
11 opposed?

12 All those abstaining?

13 And the vote is seven-zero-zero  
14 to approve.

15 Number 7 is a request from  
16 Stephen O'Brien on behalf of Bedrock  
17 Billiards, located at 1841 Columbia Road  
18 Northwest, License No 19008 in ANC 1C to  
19 extend the hours of alcoholic beverage sales  
20 and consumption to 2:00 a.m. Sunday through  
21 Thursday and 3:00 a.m. Friday and Saturday,  
22 and to commence hours of operation of sales

1 and consumption at 8:00 a.m. daily. There's  
2 no pending investigative matters, no  
3 outstanding citations or fines, however  
4 there is a conflict with the existing  
5 Voluntary Agreement. Okay.

6 So, I would recommend that we  
7 deny the application because of the  
8 conflict.

9 MEMBER NOPHLIN: Second.

10 CHAIRPERSON MILLER: Okay.

11 There's a motion to deny that's been  
12 seconded.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those  
16 opposed?

17 All those abstaining?

18 The motion passes to deny the  
19 application by a vote of seven-zero-zero.

20 Number 8 is an entertainment  
21 endorsement application to have  
22 entertainment in the form of a solo guitar

1 player and violinist. This is for  
2 Ristorante Riccolo at 1068 31st Street  
3 Northwest, License No. 14125 in ANC 2E. The  
4 current hours of operation and hours of  
5 alcoholic beverage sales/consumption are  
6 Monday through Friday 11:30 a.m. to 11:00  
7 p.m., Saturday and Sunday 11:30 a.m. to  
8 12:00 a.m. The proposed hours of  
9 entertainment are Monday through Saturday  
10 6:00 p.m. to 11:00 p.m.. There's no pending  
11 investigative matters, no outstanding  
12 citations and fines, no conflict with  
13 existing Voluntary Agreement. So I would  
14 move that we grant this request. Do I have  
15 a second.

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Okay. Any  
18 comments? Okay.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed?

1 All those abstaining?

2 And the vote is seven-zero-zero  
3 to approve the request for the entertainment  
4 endorsement.

5 Number 9 is a letter, dated April  
6 26, 2012, from Ashok Bajaj requesting  
7 permission to store records of site. The  
8 records will be stored in Washington, D.C.  
9 The establishment is Rasika West End, 1177  
10 22nd Avenue Northwest, License No. 87042.

11 MEMBER SILVERSTEIN: 22nd Street.

12 CHAIRPERSON MILLER: Yes, we  
13 don't have avenues. Okay.

14 I would move that we approve the  
15 application and that our regulations provide  
16 that records be kept in a location in the  
17 District of Columbia. And if it's at a  
18 premises other than the licensed premises,  
19 that they can do that with the approval of  
20 Board. Do I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Okay. Any

1       comments? Okay.

2                   All those in favor say aye.

3                   ALL: Aye.

4                   CHAIRPERSON MILLER: All those  
5       opposed?

6                   All those abstaining?

7                   And the vote is seven-zero-zero  
8       to approve the request.

9                   Number 10 is a Motion to  
10       Reconsider, dated April 17, 2012 from Francis  
11       Brogan, III for Mason Inn. Mason Inn is at  
12       2408 Wisconsin Avenue Northwest, License No.  
13       79644.

14                   I didn't participate in that  
15       decision or in view of that motion, so  
16       another Board Member needs to address that  
17       one. Does another Board Member want to  
18       address the Motion to Reconsider in the  
19       Mason Inn case?

20                   MEMBER ALBERTI: I'm not sure.

21       This is Number 10?

22                   CHAIRPERSON MILLER: Yes.

1 MEMBER MOBLEY: Correct.

2 MEMBER ALBERTI: Okay. Madam  
3 Chair, I move that we deny the Motion for  
4 Reconsideration in the matter regarding  
5 Mason Ill, License No. 79644.

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Any comments  
8 on that?

9 CHAIRPERSON MILLER: Okay.  
10 There's a motion to deny the Motion for  
11 Reconsideration that has been seconded. All  
12 those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those  
15 opposed?

16 All those abstaining?

17 So how many approve? Five.

18 MEMBER NOPHLIN: I believe five.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER NOPHLIN: Five persons  
21 approved this.

22 CHAIRPERSON MILLER: Okay. Ms.

1 Mobley and I didn't participate. So denied  
2 five-to zero. Okay.

3 Number 11 on the agenda is review  
4 of Protestants' Motion to Dismiss or in the  
5 Alternative, for a continuance, dated April  
6 24, 2012 from Anrea Ferster. The  
7 establishment is to be determined (HGH),  
8 1610, LLC, located at 1610 14th Street  
9 Northwest, License No. 88785.

10 And we also have a response to  
11 that Motion to Dismiss and also a reply.

12 So my understanding is that in  
13 this case the Motion to Dismiss has been  
14 withdrawn but there is a Motion for a  
15 Continuance before the Board in light of a  
16 change of ownership that's occurred. So I  
17 move that we grant the Motion for  
18 Continuance and that we will reschedule a  
19 mediation and hearing. I believe a  
20 approximately a two week continuance.

21 Okay. Any other comments?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Okay. Any  
2 comments? Okay.

3 All those in favor say in favor  
4 say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 All those abstaining?

9 And the vote is seven-zero-zero  
10 to grant a continuance of approximately two  
11 weeks and then our staff will get back to  
12 the parties on the exact dates.

13 Number 13 is a review of a  
14 Voluntary Agreement, dated February 13, 2012  
15 between Park Tavern and ANC 6D. Park Tavern  
16 is located at 2020 M Street Southeast,  
17 License No. 89126.

18 Well, I would move that we  
19 approve with certain modifications. Okay.

20 Okay. I'm going to start with  
21 the fourth paragraph at the "whereas" clause  
22 which says "That any change from this model

1 shall be considered by both parties to be a  
2 substantial change and in operation of great  
3 concern to residents," et cetera. And I  
4 believe that it's been the policy of the  
5 Board that substantial change is to be  
6 determined by the Board. So that language  
7 should be changed.

8           Section 3 on page 2 seems to have  
9 a typographical error, and so I'm sure they  
10 mean "hours of entertainment shall be Sunday  
11 to Saturday 11:00 a.m. to 12:00 a.m. But in  
12 any event that should be it just has an M  
13 there. We need to fix that.

14           Second -- okay. Section 8 has  
15 language requiring the Licensee to hire a  
16 Board approved, training an employee on site  
17 to monitor and address the use of illegal  
18 drugs, and that's not within the Board's  
19 jurisdiction to approve or train an employee  
20 in that area. So that language should come  
21 out.

22           So I would be in favor of

1 approving the Voluntary Agreement subject to  
2 those coming out. There are a couple of  
3 other areas. I can highlight them. I don't  
4 personally think they need to come out, but  
5 it's been the policy of the Board to take  
6 them out. That would be the third "whereas"  
7 clause in which the Applicant is to send a  
8 representative to an ANC meeting and deal in  
9 good faith with issues raised under the  
10 agreement.

11 And then Section 7 dealing with  
12 providing proof of rat and vermin control to  
13 the ANC.

14 So unless there's been a shift in  
15 others, you know don't -- if you're in the  
16 same position as I am that they don't need  
17 to come out, I'm just going to move that we  
18 modify -- that we approve the Voluntary  
19 Agreement with all those modifications.

20 MEMBER MOBLEY: I second.

21 CHAIRPERSON MILLER: Okay.

22 Anybody else have any other

1        comments?    Okay. All right.

2                    Then all those in favor of  
3        approving that Voluntary Agreement with the  
4        referenced modifications say aye.

5                    ALL:    Aye.

6                    CHAIRPERSON MILLER:    All those  
7        opposed?

8                    All those abstaining?

9                    And then the motion passes by a  
10       vote is seven-zero-zero.

11                   Okay.    Then we have a  
12        cancellation to approve os ABRA No. 071768  
13        of San & Harry's, located at 1200 19th  
14        Street Northwest.    I would move that we  
15        approve cancellation of this license.    Do I  
16        have a second?

17                    MEMBER MOBLEY:    I second.

18                    CHAIRPERSON MILLER:    Any comments?

19                    All those in favor say aye.

20                    ALL:    Aye.

21                    CHAIRPERSON MILLER:    All those  
22        opposed?

1 All those abstaining?

2 The vote passes to approve the  
3 cancellation seven-zero-zero.

4 I believe that concludes the  
5 Agenda for this afternoon. And I will just  
6 do our closing. Where is it?

7 As Chairperson of the Alcoholic  
8 Beverage Control Board for the District of  
9 Columbia and in accordance with Section 405  
10 of the Open Meetings Amendment Act of 2010,  
11 I move that the ABC Board hold a closed  
12 meeting on May 16, 2012 for the purpose of  
13 seeking legal advice from our counsel on the  
14 matters identified on the Board's Agenda for  
15 May 16, 2012 as published in the D.C.  
16 Register on May 11, 2012.

17 Is there a second?

18 MEMBER NOPHLIN: Second.

19 CHAIRPERSON MILLER: I'll take a  
20 Roll Call vote on the motion before us now  
21 that it's been seconded.

22 CHAIRPERSON MILLER: 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.

8 Mr. Mobley?

9 MEMBER MOBLEY: I agree.

10 CHAIRPERSON MILLER: Mr. Jones.

11 MEMBER JONES: I agree.

12 The vote is six-zero-zero to --

13 and the motion passes to have the closed

14 meeting.

15 Pursuant to the Open Meetings  
16 Amendment Act of 2010 notice will also be  
17 posted on the ABC Board Room bulletin board,  
18 placed on the electronic calendar on ABRA's  
19 website, and published in the D.C. Register  
20 in as timely a manner as possible.

21 As Chairman of the Alcoholic  
22 Beverage Control Board for the District of

1 Columbia and in accordance with Section 405  
2 of the Open Meetings Amendment Act of 2010 I  
3 move that the ABC Board hold a closed  
4 meeting on May 16, 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  
8 of law or regulations, and seeking legal  
9 advice from our counsel on the Board's  
10 investigative agenda for May 16, 2012 as  
11 published in the D.C. Register on May 11,  
12 2012.

13 Is there a second?

14 MEMBER NOPHLIN: Second.

15 CHAIRPERSON MILLER: And I'll  
16 take a Roll Call vote on the motion before  
17 us now that it has been seconded.

18 Mr. Nophlin?

19 MEMBER NOPHLIN: I agree.

20 CHAIRPERSON MILLER: Mr. Brooks?

21 MEMBER BROOKS: I agree.

22 CHAIRPERSON MILLER: Mr. Alberti?

1 MEMBER ALBERTI: I agree.

2 CHAIRPERSON MILLER: Ms. Miller  
3 agrees.

4 Ms. Mobley?

5 MEMBER MOBLEY: I agree.

6 CHAIRPERSON MILLER: Mr. Jones.

7 MEMBER JONES: I agree.

8 CHAIRPERSON MILLER: The motion  
9 passed by a vote of six-zero-zero.

10 And I hereby give notice that the  
11 ABC Board will hold this aforementioned  
12 closed meeting. Pursuant to the Open  
13 Meetings Amendment Act of 2010, notice will  
14 be posted on the ABC Board Hearing Room  
15 bulletin board, placed on the electronic  
16 calendar on ABRA's website and published in  
17 the D.C. Register in as timely a manner as  
18 practicable.

19 And that concludes today's  
20 proceedings of May 9, 2012.

21 (Whereupon, at 4:56 p.m. the  
22 Board's Meeting Agenda was adjourned.)

A		B		
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