

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 15, 2013  
The Alcoholic Beverage Control  
Board met in Alcoholic Beverage Control  
Hearing Room, Reeves Building, 2000 14th  
Street N.W., Washington, D.C., Chairperson  
Ruthanne Miller presiding.

PRESENT:  
RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HERMAN JONES, Member  
MICHAEL SILVERSTEIN, Member

ALSO PRESENT:  
LOUISE PHILLIPS, OAG

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

(9:24 p.m.)

CHAIR MILLER: Okay. We're back on the record for the agenda for Wednesday, May 15th, 2013.

(Off the record comments)

CHAIR MILLER: First item on the agenda is a request dated May 1, 2013 from Republic National Distributing Company for approval to provide retailers with products valued at more than \$50 and less than \$500. I move that we approve. Do I have a second?

MEMBER ALBERTI: Second.

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

(Chorus of ayes)

CHAIR MILLER: All those opposed? Those abstaining? 5-0-0. No. 2 is a managed application for Durand Truong. Does somebody else want to make a motion on this? All right, I'll make a motion that we deny the

1 application. Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIR MILLER: Mr. Silverstein has  
4 seconded the motion. All those in favor of  
5 denial?

6 MEMBER ALBERTI: Can I ask why?

7 CHAIR MILLER: It's personnel.  
8 We're not supposed to address it out here.

9 MEMBER ALBERTI: Okay.

10 CHAIR MILLER: A statutory  
11 interpretation is the reason. It's a  
12 manager's application.

13 MEMBER JONES: Did we discuss it  
14 at all?

15 (Crosstalk)

16 CHAIR MILLER: No, we didn't  
17 discuss it at all. That's a good point.

18 (Crosstalk)

19 CHAIR MILLER: No, we really need  
20 to rule on this because we didn't discuss it  
21 in the executive session when we were supposed  
22 to discuss it. So I'm sorry about that.

1 Given the lateness of the hour, we missed  
2 that. So we'll come back to that probably  
3 next week. Same with No. 3.

4 Okay, No. 4 is a change of hours  
5 application to change hours of operation and  
6 hours of alcoholic beverage sales for Wine and  
7 Spirit, located at 333 Hawaii Avenue, N.E., in  
8 ANC 5A. The proposed hours of sales and  
9 service are Sunday through Saturday, 9:00 a.m.  
10 to 12:00 a.m. And previously they had Sunday  
11 through Thursday, 9:00 to 10:00, and Friday  
12 and Saturday, 9:00 a.m. to 12:00 a.m.

13 So it's a two hours difference  
14 here. I believe they have the ANC agreement,  
15 and we have a choice whether to placard this  
16 or approve. I would recommend placarding.

17 MEMBER ALBERTI: May I have a look  
18 over it?

19 CHAIR MILLER: Want to look at it?

20 MEMBER ALBERTI: This is an alter  
21 in the change of hours.

22 CHAIR MILLER: Change of hours.

1 They'll go two hours later until 12:00 a.m.  
2 instead of 10:00.

3 MEMBER ALBERTI: For an A  
4 Establishment?

5 CHAIR MILLER: What?

6 MEMBER ALBERTI: This is for an A  
7 Establishment that wants to go through the  
8 full legal hours.

9 MEMBER SILVERSTEIN: The legal  
10 hours --

11 CHAIR MILLER: Right.

12 MEMBER SILVERSTEIN: -- so  
13 according to the new law.

14 (Crosstalk)

15 MEMBER ALBERTI: There may be some  
16 other change involved in terms of, I don't see  
17 another change here.

18 CHAIR MILLER: I think it's  
19 whether that's a substantial change, whether  
20 it has, to possibly be a concern to the  
21 neighborhood.

22 MEMBER ALBERTI: Well, I say I'm

1 voting in favor of it, I'll tell you that.

2 CHAIR MILLER: Okay. Do you want  
3 to move in favor?

4 MEMBER JONES: Well, there's a  
5 motion on the floor, right?

6 (Crosstalk)

7 MEMBER ALBERTI: It wasn't  
8 seconded.

9 CHAIR MILLER: I will table my  
10 motion.

11 (Crosstalk)

12 MEMBER SILVERSTEIN: I'd like to  
13 move that we approve the application.

14 CHAIR MILLER: Okay.

15 (Off the record comments)

16 MEMBER SILVERSTEIN: Is there a  
17 second to approval?

18 MEMBER JONES: Second.

19 MEMBER ALBERTI: Second.

20 CHAIR MILLER: Okay. All those in  
21 favor then of approval, say aye.

22 (Chorus of ayes)

1 CHAIR MILLER: Okay. All those  
2 opposed? All those abstaining? Passes 5-0-0.  
3 Okay, No. 5 is a change of hours application  
4 to change the hours of operation. This is for  
5 The Exchange, Ltd. in ANC 2A, located at 1730  
6 Pennsylvania Avenue, N.W. They actually want  
7 to change from 10:00 a.m. to begin operations  
8 at 8:00 a.m. so they can serve breakfast. So  
9 I would move that we approve this application.

10 MEMBER SILVERSTEIN: Second.

11 CHAIR MILLER: Mr. Silverstein  
12 seconded the motion. All those in favor, say  
13 aye.

14 (Chorus of ayes)

15 CHAIR MILLER: All those opposed?  
16 All those abstaining? Motion passes 5-0-0.

17 No. 6 is a change of hours  
18 application to change the hours of alcoholic  
19 beverage sales and entertainment hours. It's  
20 for Murphy's of D.C., located at 2604 24th  
21 Street, N.W. Let's see. They want to change,  
22 I believe, to add Sunday sales? Let's see.

1 No, they have Sunday sales. They have Sunday  
2 10:00 to 2:00, and they want to make it 8:00  
3 to 2:00. And they want to add entertainment  
4 Sunday through Saturday, 8:00 to 1:00.

5 This says it's in ANC 3C, but I'm  
6 not sure that, that's right, but maybe. I  
7 don't know. So we have a choice again, here,  
8 of either placarding or approving. If we  
9 don't feel that it will be of concern to the  
10 neighbors.

11 MEMBER SILVERSTEIN: It's indoors?

12 CHAIR MILLER: It's indoors, yes.  
13 No change to the hours of operation for the  
14 sidewalk caf,, and the entertainment is within  
15 its operating hours, I believe. Okay, yes, it  
16 increases its entertainment hours. I would  
17 move approval. Mike, do you know where 2604  
18 24th Street is?

19 MEMBER SILVERSTEIN: That is, I  
20 can check.

21 CHAIR MILLER: Okay.

22 (Off the record comments)

1 CHAIR MILLER: All right, let's  
2 pass on this one, okay? Because I think  
3 there's some wrong information in here,  
4 because, first of all, it says ANC 3C and I  
5 don't believe it is.

6 MEMBER SILVERSTEIN: Yes,  
7 mistakes, they make that all the time. I mean  
8 as long you have the license number --

9 CHAIR MILLER: Okay.

10 MEMBER SILVERSTEIN: -- and Mike  
11 can find it on the map. They're often wrong  
12 on the address.

13 CHAIR MILLER: Actually, I'm not  
14 sure this writeup is correct.

15 MEMBER SILVERSTEIN: Why?

16 CHAIR MILLER: Well, I'm looking  
17 at the notes from the licensing, and it says  
18 to change sidewalk caf,, 8:00 a.m. for inside  
19 premises and sidewalk caf, but --

20 MEMBER SILVERSTEIN: What notes  
21 from licensing?

22 CHAIR MILLER: Licensing Agenda

1 cover sheet, do you see that?

2 MEMBER SILVERSTEIN: Oh.

3 CHAIR MILLER: They mention the  
4 sidewalk caf,, so I want to make sure. If  
5 it's a sidewalk caf,, we usually placard.

6 MEMBER SILVERSTEIN: But that's  
7 not what this says.

8 CHAIR MILLER: I know.

9 MEMBER SILVERSTEIN: Okay, let's  
10 see. Well, what does the application say?  
11 The application's there. I don't care what  
12 licensing says. Their application is there.

13 CHAIR MILLER: Change of hours  
14 application.

15 MEMBER SILVERSTEIN: That was  
16 paged through my electronic version to find  
17 out on the map.

18 CHAIR MILLER: Okay.

19 MEMBER SILVERSTEIN: Okay, where  
20 are we at?

21 CHAIR MILLER: Multiple change of  
22 hours. It's a sidewalk and entertainment

1 endorsement. Wait a second. I think they're  
2 adding Sunday. You want to look at it?

3 MEMBER SILVERSTEIN: No. I want  
4 to see the application.

5 CHAIR MILLER: So I would suggest  
6 we placard. But here it is. Oh, you're  
7 looking in there? Because I have a hard copy  
8 here.

9 MEMBER SILVERSTEIN: Okay, so what  
10 does it say?

11 CHAIR MILLER: Well, here it says,  
12 8:00 to 2:00.

13 MEMBER SILVERSTEIN: Hours of  
14 entertainment. There's nothing here about a  
15 sidewalk caf,.

16 CHAIR MILLER: I thought I saw --  
17 sidewalk is checked.

18 MEMBER SILVERSTEIN: Yes, but they  
19 had a sidewalk but they're not --

20 CHAIR MILLER: Change of hours  
21 request for a sidewalk.

22 MEMBER SILVERSTEIN: Change of

1 hours request --

2 CHAIR MILLER: For a sidewalk, so  
3 that's the sidewalk caf,.

4 MEMBER SILVERSTEIN: Okay, and  
5 that --

6 CHAIR MILLER: This looks like the  
7 change.

8 MEMBER SILVERSTEIN: Okay, 8:00 to  
9 --

10 CHAIR MILLER: Sunday 8:00 to  
11 2:00.

12 MEMBER SILVERSTEIN: 8:00 to 2:00,  
13 and this is for Murphy's of D.C.? Maybe this  
14 writeup is wrong.

15 MEMBER ALBERTI: In which case --

16 CHAIR MILLER: Yes.

17 MEMBER SILVERSTEIN: I don't know,  
18 proposed hours of sidewalk.

19 CHAIR MILLER: List requested  
20 hours.

21 MEMBER ALBERTI: It says, no  
22 change.

1 CHAIR MILLER: In our writeup,  
2 correct. But in the application --

3 MEMBER ALBERTI: Okay, what's the  
4 application say?

5 CHAIR MILLER: It says, 8:00 to  
6 2:00 on Sunday as requested.

7 MEMBER ALBERTI: And Saturdays and  
8 Fridays would be the same on Sunday?

9 CHAIR MILLER: Sunday they already  
10 have 10:00 to 2:00, and so they're requesting  
11 two hours earlier, 8:00 to 2:00.

12 MEMBER ALBERTI: That's the  
13 approved, that's --

14 CHAIR MILLER: That's the request,  
15 to add two hours earlier.

16 MEMBER ALBERTI: From Sunday  
17 through Thursday it's 8:00 to 2:00 there, it  
18 says, and Friday and Saturday it says what?

19 CHAIR MILLER: 8:00 to 3:00.

20 MEMBER ALBERTI: Well, that's  
21 what's been approved already.

22 CHAIR MILLER: Right.

1                   MEMBER ALBERTI: And I think  
2                   that's what's been approved. Is that the  
3                   application?

4                   CHAIR MILLER: Yes. This says  
5                   8:00 to 2:00.

6                   MEMBER ALBERTI: I don't know if  
7                   that's the application or if that's been done  
8                   already. I don't know. Change of hours  
9                   application, multiple change of hours  
10                  application. So I don't know. I mean, I  
11                  don't know whether they already have these  
12                  approved hours or not.

13                  CHAIR MILLER: No, I don't think  
14                  so. I mean, here are the requested hours.  
15                  Here is what they have.

16                  MEMBER ALBERTI: Oh, this is what  
17                  they have and this is what they request.

18                  CHAIR MILLER: Yes. Approved  
19                  hours and requested hours.

20                  MEMBER ALBERTI: Okay. Approved  
21                  hours.

22                  CHAIR MILLER: Right.

1                   MEMBER ALBERTI:   Okay.  Hours,  
2   okay.  And then --

3                   CHAIR MILLER:   Because of this --

4                   MEMBER ALBERTI:   -- requested  
5   hours are going to Sunday.

6                   CHAIR MILLER:   They have now 10:00  
7   a.m. to 2:00 a.m.

8                   MEMBER ALBERTI:   Oh, --

9                   CHAIR MILLER:   And they want to go  
10  to 8:00 a.m.

11                  MEMBER ALBERTI:   -- they want two  
12  hours on Sunday.

13                  CHAIR MILLER:   Right.

14                  MEMBER ALBERTI:   Oh.

15                  CHAIR MILLER:   That's one of the  
16  things they want.

17                  MEMBER ALBERTI:   Yes.  This  
18  writeup is wrong.

19                  CHAIR MILLER:   Yes, the writeup is  
20  wrong.

21                  MEMBER ALBERTI:   The writeup is  
22  wrong.

1 CHAIR MILLER: Right.

2 MEMBER ALBERTI: I think we need  
3 to pass over it. It says, no change, here on  
4 this writeup.

5 CHAIR MILLER: That's right.  
6 Okay, so they'll have to redo that. Okay,  
7 postpone. That's --

8 MEMBER ALBERTI: I wonder how many  
9 of those other ones were wrong that we didn't  
10 look at?

11 CHAIR MILLER: Well, no, I usually  
12 look. That's why that was perplexing. Okay,  
13 No. 7. We're going to postpone No. 6.

14 No. 7 is another change of hours  
15 application to change hours of operation and  
16 hours of alcoholic beverage sales. The  
17 approved hours of operation and sales are a  
18 Sunday, Tuesday through Saturday, 12:00 p.m.  
19 to 2:00 a.m., and the proposed hours of  
20 operation and sales are Sunday through  
21 Saturday, 10:00 a.m. to 2:00 a.m.

22 So another one where they want to

1 start two hours earlier. And this is for  
2 Hitching Post Restaurant, 200 Upshur Street,  
3 in ANC 4C. So I would move that we approve  
4 this one. This is two hours earlier, but they  
5 want to go from 12:00 p.m. to 10:00 a.m. So  
6 it doesn't seem to me to be a substantial  
7 change, and this is indoors.

8 MEMBER JONES: What are they  
9 trying to do, what, open earlier?

10 CHAIR MILLER: Open earlier, from  
11 12:00 down to 10:00.

12 MEMBER JONES: P.m.?

13 MEMBER ALBERTI: They're at 12:00  
14 noon --

15 CHAIR MILLER: A.m.

16 MEMBER JONES: -- and they want,  
17 no, they want to go from 12:00 noon to 10:00  
18 a.m.

19 CHAIR MILLER: 12:00 to 10:00.  
20 Okay. Does anybody have a problem with that?

21 All right.

22 MEMBER ALBERTI: Shouldn't we have

1 a motion?

2 CHAIR MILLER: No, I would move to  
3 approve. Do we have a second?

4 MEMBER BROOKS: Second.

5 CHAIR MILLER: Okay. Mr. Brooks  
6 has seconded the motion. All those in favor,  
7 say aye.

8 (Chorus of ayes)

9 CHAIR MILLER: All those opposed?  
10 All those abstaining? You might want to look  
11 this one up, Mike. It's the same one,  
12 Hitching Post Restaurant. Also in No. 8 it  
13 has an application for a summer garden for 20  
14 seats. They have down here written that the  
15 approved hours of operations is 12:00 to 2:00,  
16 but we just approved from 10:00 to 2:00 in No.  
17 7.

18 MEMBER ALBERTI: For the summer  
19 garden?

20 CHAIR MILLER: No, it's just in  
21 general, but the --

22 MEMBER ALBERTI: Well, this is for

1 the summer garden and they have different  
2 hours than the other.

3 CHAIR MILLER: That's true, too.  
4 Okay. They were saying this is what they are  
5 approved for now, though. This writeup is  
6 saying what they are approved for now. But  
7 the proposed hours for the summer garden, or  
8 for the, down here it says Sunday through  
9 Thursday. I mean, Sunday through Saturday  
10 10:00 a.m. to 12:00 a.m.

11 MEMBER ALBERTI: This is a brand  
12 new one, right?

13 CHAIR MILLER: This is No. 8. No.  
14 7, Hitching Post, asked for a change of hours  
15 for two hours earlier for 10:00 to 2:00.

16 MEMBER ALBERTI: I got you.

17 (Crosstalk)

18 CHAIR MILLER: Okay, and now  
19 they're applying for a summer garden and  
20 they're proposing this at the hours 10:00 a.m.  
21 to 12:00 a.m.

22 MEMBER ALBERTI: Every day of the

1 week?

2 CHAIR MILLER: Sunday through  
3 Saturday, right. And we normally placard for  
4 summer gardens. It's depending upon whether  
5 or not there's a residence nearby. I don't  
6 know.

7 MEMBER SILVERSTEIN: This appears  
8 to be a mixed-use neighborhood. This  
9 particular area, Madam Chair, is mostly  
10 business but there may be --

11 MEMBER ALBERTI: there's some  
12 residence. I'll look at it, Mike. There's  
13 some residents right behind it.

14 CHAIR MILLER: All right, --

15 MEMBER SILVERSTEIN: Exactly.

16 CHAIR MILLER: -- so why don't we  
17 placard it?

18 MEMBER SILVERSTEIN: I agree. I  
19 looked.

20 CHAIR MILLER: All right, I move  
21 to placard. A second?

22 MEMBER BROOKS: I second.

1 CHAIR MILLER: Okay, Mr. Brooks

2 seconded. All those in favor, say aye.

3 (Chorus of ayes)

4 CHAIR MILLER: All those opposed?

5 All those abstaining? Motion passes 5-0-0.

6 Okay. No 9. This is an application for an  
7 entertainment endorsement for The Getaway  
8 located at 0 Meridian Place, N.W., and it's in  
9 ANC 1A. Its hours of operation are Sunday,  
10 9:00 a.m. to 2:00 a.m., Monday through Friday,  
11 10:00 a.m. to 2:00 a.m., Saturday 9:00 a.m. to  
12 3:00 a.m. And its approved sale of alcohol is  
13 Sunday through Thursday, 10:00 a.m. to 2:00  
14 a.m., Friday, 10:00 a.m. to 3:00 a.m. and  
15 Saturday, 9:00 a.m. to 3:00 a.m.

16 Okay, it has a summer garden,  
17 sidewalk caf,, but we don't need to get into  
18 that. Okay the proposed hours for  
19 entertainment are Sunday through Thursday,  
20 6:00 p.m. to 2:00 a.m., Friday and Saturday,  
21 6:00 p.m. to 3:00 a.m. They don't have a  
22 settlement agreement or any pending

1 enforcement matters or outstanding fines or  
2 citations.

3 MEMBER ALBERTI: I think we should  
4 placard it.

5 CHAIR MILLER: Really? Why?

6 MEMBER ALBERTI: I looked at this  
7 on the map and there's something about it  
8 that's just, 0 Meridian Place. I don't know -  
9 -

10 CHAIR MILLER: You going to look  
11 at that one?

12 MEMBER ALBERTI: -- where that  
13 was.

14 MEMBER BROOKS: Meridian Place is  
15 off of E Street.

16 (Crosstalk)

17 CHAIR MILLER: Yes, exactly.

18 MEMBER ALBERTI: Yes, this is  
19 right next to the park and there's a bunch of  
20 houses, yes. It's mixed in with a lot of  
21 residences right there.

22 CHAIR MILLER: Okay.

1                   MEMBER ALBERTI:  It's right next  
2                   to Rock Creek Park.

3                   CHAIR MILLER:  Not Rock Creek  
4                   Park.

5                   MEMBER BROOKS:  Meridian Park.  
6                   (Crosstalk)

7                   MEMBER BROOKS:  It's near there.  
8                   It runs off of 14th Street.

9                   CHAIR MILLER:  0 Meridian.  
10                  (Crosstalk)

11                  CHAIR MILLER:  Okay, so shall we  
12                  placard?

13                  MEMBER BROOKS:  Yes.  Want to  
14                  placard?

15                  MEMBER JONES:  I do.

16                  MEMBER BROOKS:  Okay, I'll  
17                  placard.

18                  CHAIR MILLER:  Okay.  All right.  
19                  I move to placard.  Second?

20                  MEMBER BROOKS:  Second.

21                  CHAIR MILLER:  Okay, Mr. Brooks  
22                  seconded the motion.  All those in favor, say

1 aye.

2 (Chorus of ayes)

3 CHAIR MILLER: All those opposed?

4 All those abstaining? 5-0-0, it passes.

5 Number 10 is another change of hours

6 application to change hours of operation and

7 hours of alcoholic beverage sales for a

8 sidewalk caf,. This is for James Hoban's at

9 1 Dupont Circle --

10 MEMBER BROOKS: Hoban's.

11 CHAIR MILLER: Hoban's?

12 MEMBER BROOKS: Hoban. James

13 Hoban's, I meant.

14 CHAIR MILLER: Oh, I --

15 MEMBER SILVERSTEIN: There's an

16 apartment house directly behind it.

17 MEMBER ALBERTI: These are full

18 hours. These are full hours on the outside.

19 You better be sure there's no residents around

20 the park.

21 MEMBER SILVERSTEIN: There is.

22 There's Bristol House directly behind it. I

1 think we should placard --

2 CHAIR MILLER: I have --

3 MEMBER SILVERSTEIN: -- in

4 allowing the ANC --

5 CHAIR MILLER: Okay. I have in my

6 notes, you might want to get back to this,

7 that we approved the settlement agreement for

8 this.

9 MEMBER ALBERTI: A settlement

10 agreement is fine with the applicant.

11 MEMBER SILVERSTEIN: The

12 settlement agreement says --

13 CHAIR MILLER: Here it is. Oh,

14 but there's a letter in the file that says

15 that, "You approved an amendment to a

16 settlement agreement between the applicant and

17 Advisory Neighborhood Commission 2B by order

18 dated April 24th, 2013. Contained in the

19 amendment is a provision allowing the

20 applicant to operate its sidewalk caf, for

21 later hours."

22 "We are respectfully requesting

1       that the alcoholic beverage license for James  
2       Hoban's be revised to reflect the sidewalk  
3       caf, hours agreed upon as follows."

4                   MEMBER SILVERSTEIN:  I still think  
5       we ought to placard it.  I think we ought to  
6       placard it.

7                   MEMBER JONES:  Okay, I'll placard  
8       it.  I'll support it.  I hadn't thought about  
9       that.

10                  MEMBER SILVERSTEIN:  Well, here's  
11       the situation --

12                  CHAIR MILLER:  Yes.

13                  MEMBER SILVERSTEIN:  -- over across  
14       the street from there, which is The Front Page  
15       and they have full hours.

16                  CHAIR MILLER:  Oh, really?  That's  
17       where it is?

18                  MEMBER SILVERSTEIN:  But, behind  
19       this place is an apartment house, but there's  
20       a full building.  It's a giant --

21                  MEMBER BROOKS:  And right across  
22       the street is Front Page?

1 MEMBER SILVERSTEIN: Yes.

2 MEMBER BROOKS: And they've got,  
3 their sidewalk caf, that goes until 3:00 a.m.?

4 MEMBER SILVERSTEIN: And they've  
5 had that for a long time, yes.

6 MEMBER ALBERTI: All right.

7 MEMBER SILVERSTEIN: My feeling is

8 -- MEMBER ALBERTI: I'm okay.

9 MEMBER SILVERSTEIN: -- if the  
10 ANC, I give them the green light.

11 CHAIR MILLER: Right.

12 MEMBER ALBERTI: With the  
13 surrounding businesses in the ANC I won't  
14 question it.

15 CHAIR MILLER: Okay. All right.

16 MEMBER ALBERTI: So we haven't  
17 heard anything on The Front Page. No one's  
18 complained so --

19 CHAIR MILLER: All right, so I'll  
20 move to approve. Second? Is there a second?

21 MEMBER BROOKS: Second.

22 CHAIR MILLER: Okay, Mr. Brooks

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

3 (Chorus of ayes)

4 CHAIR MILLER: Those opposed? All  
5 those abstaining? Passes 5-0-0. Okay, No. 11  
6 is an application for a sidewalk caf,  
7 endorsement. This is for Kruba, located at  
8 301 Tingey Street, S.E. Proposed hours of  
9 operation and approved hours of alcoholic  
10 beverage sale/service for the sidewalk caf,,  
11 Sunday through Thursday, 11:00 a.m. to 10:00  
12 p.m., Friday and Saturday, 11:00 a.m. to 10:00  
13 p.m.

14 MEMBER ALBERTI: Can we go back a  
15 second?

16 CHAIR MILLER: Yes.

17 MEMBER ALBERTI: Just, I think  
18 there's another piece of business on James  
19 Hoban. Did you say that there was a letter  
20 here from the ANC?

21 CHAIR MILLER: Yes, a letter here  
22 from Mr. Kline cc:ing the ANC and Will Stevens

1 at Patrick Leland, in which he represents that  
2 they have come to a settlement agreement which  
3 reflects the later hours.

4 (Off the record comments)

5 MEMBER ALBERTI: Okay, so the  
6 April 24th settlement agreement, which we  
7 approved, has those hours in it? Is that what  
8 the deal is, which I haven't looked at.

9 CHAIR MILLER: That's what this  
10 letter says.

11 MEMBER ALBERTI: Yes, I know what  
12 the letter says.

13 CHAIR MILLER: I don't have the --

14 MEMBER ALBERTI: I want to make  
15 sure that's what the settlement agreement  
16 says. Okay. Here it goes. Okay, so what  
17 sidewalk caf, are we talking about, here?

18 CHAIR MILLER: Are you back to No.  
19 11?

20 MEMBER ALBERTI: I'm back to No.  
21 10 because the settlement agreement --

22 (Off the record comments)

1                   MEMBER ALBERTI: I have no idea  
2 what the settlement agreement is talking  
3 about.

4                   CHAIR MILLER: As I said, I have a  
5 copy of it right here and it has the hours.

6                   MEMBER ALBERTI: I know. I'm  
7 looking at it. But I don't know. It looks  
8 like they're not dictating hours on that other  
9 side. Fine. I'm okay. We can move on. Just  
10 wanted to make sure.

11                  CHAIR MILLER: All right, so we  
12 have an application for a sidewalk caf,  
13 endorsement at Tingey Street, S.E. Usually  
14 for sidewalk cafes, I think we placard unless  
15 we're convinced it's a commercial strip.

16                  MEMBER JONES: Is that down by the  
17 stadium? I don't know where that is.

18                  CHAIR MILLER: Can you find it,  
19 Mike?

20                  MEMBER ALBERTI: This is  
21 Southeast, it is, but it's actually down by  
22 some condominiums that are going in there.

1 CHAIR MILLER: Oh, is it? Okay.

2 MEMBER BROOKS: So placard it?

3 CHAIR MILLER: So we should  
4 placard it then, if it's near, wait, near  
5 condominiums that are --

6 MEMBER ALBERTI: I think they're  
7 there and they're going to be planned there.  
8 I mean, I think we should placard. It's 80  
9 seats.

10 MEMBER BROOKS: Eighty? Oh, yes.

11 MEMBER ALBERTI: Eighty seats.  
12 That's a big sidewalk cafe.

13 CHAIR MILLER: I see 120. Oh,  
14 yes, sidewalk cafe, 80. Yes, the  
15 establishment has 120. No, you're right.

16 MEMBER BROOKS: I move that we  
17 placard.

18 CHAIR MILLER: Okay. Mr. Brooks  
19 moves to placard. I second. All those in  
20 favor, say aye.

21 (Chorus of ayes)

22 CHAIR MILLER: 5-0-0. All right.

1 No. 12 is application for an entertainment  
2 endorsement from Manchester Bar and  
3 Restaurant, located at 944 Florida Avenue,  
4 N.W., in ANC 1B. They have approved hours of  
5 operation from 8:00 to 1:00 a.m., and service  
6 of alcohol from Sunday through Thursday, 10:00  
7 a.m. to 12:00 a.m, and Friday and Saturday,  
8 10:00 a.m. to 1:00 a.m.

9 MEMBER ALBERTI: Actually, going  
10 back to 11, the settlement agreement approves  
11 it for those hours.

12 MR. BROOKS: Okay, so we back up  
13 then?

14 MEMBER ALBERTI: We can continue  
15 and still placard it even though it looks like  
16 they have ANC approval for it, which we --

17 CHAIR MILLER: We approved this  
18 settlement agreement in 11?

19 MEMBER ALBERTI: Yes, we approved  
20 the settlement agreement. I don't know when.  
21 It was probably recently.

22 CHAIR MILLER: Let me just double-

1 check that.

2 MEMBER ALBERTI: Recently, let me  
3 look at this. Well, I see it last June.

4 CHAIR MILLER: Okay. They were  
5 actually on notice from DDOT about the  
6 sidewalk caf,. Let's see.

7 MEMBER ALBERTI: And they said the  
8 applicant's outdoor seating garden shall be as  
9 follows. And I hope it gives those hours  
10 consistent with what they've applied for.  
11 Yes, it does. I would approve it. I say  
12 approve. This ANC's okay down there.

13 CHAIR MILLER: So let me just make  
14 sure. This says summer garden as opposed to  
15 sidewalk caf,, though.

16 MEMBER ALBERTI: Outdoor seating.  
17 Oh, outdoor summer variance. It says outdoor  
18 summer variance.

19 CHAIR MILLER: Yes.

20 MEMBER ALBERTI: Well, this says  
21 sidewalk caf,. Let's just placard. It's  
22 different, and who knows? Just to be safe.

1 CHAIR MILLER: Yes. Okay.

2 MEMBER ALBERTI: All right. We'll  
3 continue on.

4 CHAIR MILLER: So we're back to  
5 No. 12, which is an application for an  
6 entertainment endorsement. And they represent  
7 they want to have a DJ and occasional live  
8 jazz. And the proposed hours of entertainment  
9 would be Sunday through Thursday, 3:00 p.m. to  
10 11:00 p.m., Friday and Saturday, 3:00 p.m to  
11 12:00 a.m. I would move approval of this.

12 Would somebody have concerns about  
13 this? Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIR MILLER: Okay, Mr. Brooks  
16 has seconded the motion. All those in favor,  
17 say aye.

18 (Chorus of ayes)

19 CHAIR MILLER: All those opposed?  
20 All those abstaining? Pass with 5-0-0. No.  
21 13 is a change of hours application to change  
22 hours of operation and hours of alcoholic

1 beverage sales for One Fish Two Fish, located  
2 at 2423 Pennsylvania Avenue, N.W. And they  
3 want to change the hours of operation and  
4 sales ending at 9:30 to ending at 11:30, I  
5 believe. Sunday, Monday through Thursday.  
6 Yes, that's basically it.

7 So does anybody have a concern  
8 with this? I think this is near GW. I think  
9 this is in a --

10 MEMBER SILVERSTEIN: It's at  
11 Washington Circle, I think.

12 CHAIR MILLER: Yes, a commercial  
13 area. And this is just changing from 9:30 to  
14 11:30, as far as I can see. All right. I  
15 would move to approve. Okay --

16 MEMBER BROOKS: Second.

17 CHAIR MILLER: Mr. Brooks has  
18 seconded the motion. All those in favor, say  
19 aye.

20 (Chorus of ayes)

21 CHAIR MILLER: All those opposed?  
22 All those abstaining? Motion passes 5-0-0.

1 No. 14 is a change of hours application to  
2 change hours of operation and hours of  
3 alcoholic beverage sales for Gloria's  
4 Restaurant, located at 3411 14th Street, N.W.  
5 The approved hours are Sunday, 9:00 a.m. to  
6 1:00 a.m. for operation and sales, and Monday  
7 through Thursday, 6:00 a.m. to 11:00, and  
8 Friday and Saturday, 9:00 to 1:00.

9 The proposed hours of operation  
10 would be 6:00 a.m. to 1:00 a.m. So they're  
11 going, let's see, Monday through Thursday.  
12 Yes, it looks like early. Oh, going later,  
13 two hours later, from 11:00 to 1:00. Okay.

14 MEMBER BROOKS: I'm out of here.

15 CHAIR MILLER: Monday through  
16 Thursday, 6:00 p.m. to 12:00. That's an hour  
17 later. And then Friday and Sunday, 6:00 a.m.  
18 to 1:00. That's the earlier. Okay. Does  
19 anybody have a problem with these changes?

20 (Off the record comments)

21 CHAIR MILLER: Does anybody have a  
22 problem with Gloria's proposed changes of

1 hours?

2 MEMBER ALBERTI: No.

3 CHAIR MILLER: Okay. And all  
4 inside. So I move that we approve. Is there  
5 a second? Do you want to second? Or do you  
6 have concerns with Gloria's?

7 MEMBER ALBERTI: No, I don't have  
8 any concerns.

9 CHAIR MILLER: I need a second.

10 MEMBER SILVERSTEIN: Second.

11 CHAIR MILLER: Okay. All those in  
12 favor, say aye.

13 (Chorus of ayes)

14 CHAIR MILLER: All those opposed?  
15 Abstaining? It passes to approve, 4-0-0. No.  
16 15 is an application for an entertainment  
17 endorsement for Pulpo, located at 3407,  
18 Connecticut Avenue, N.W.

19 They have approved hours of  
20 operation, Sunday through Thursday, 6:00 a.m.  
21 to 2:00 a.m., Friday and Saturday, 6:00 a.m.  
22 to 3:00 a.m., and approved hours for alcoholic

1 beverage sales, Sunday through Thursday, 10:00  
2 a.m. to 1:00 a.m., and Friday and Saturday  
3 10:00 a.m. to 2:00 a.m.

4 The proposed hours of  
5 entertainment would be Sunday through  
6 Thursday, 6:00 p.m. to 1:00 a.m., and Friday  
7 and Saturday 6:00 p.m. to 2:00 a.m. Okay. I  
8 don't see a problem. I believe they're on --

9 MEMBER ALBERTI: Where is this  
10 located?

11 CHAIR MILLER: Connecticut Avenue,  
12 3407.

13 MEMBER ALBERTI: Does anyone know  
14 what's around there?

15 (Crosstalk)

16 MEMBER SILVERSTEIN: I checked it  
17 and it's Cleveland Park.

18 CHAIR MILLER: Cleveland Park, oh,  
19 I know this. Yes, this is the commercial  
20 strip. This is the commercial strip on  
21 Connecticut Avenue. It's surrounded by other  
22 little restaurants, basically.

1                   MEMBER SILVERSTEIN: So do you  
2 think everyone's up there going to be --

3                   MEMBER ALBERTI: It's that little  
4 strip with the --

5                   CHAIR MILLER: Do I think they  
6 want to weigh in?

7                   MEMBER SILVERSTEIN: Yes.

8                   MEMBER ALBERTI: -- with the  
9 access road or the service road alongside.

10                  CHAIR MILLER: And what's that on  
11 the other side? Do you see? MEMBER ALBERTI:  
12 I'll get it for you in a moment.

13                  CHAIR MILLER: This is --

14                  MEMBER ALBERTI: It's between  
15 Ordway and Newark.

16                  CHAIR MILLER: -- entertainment  
17 endorsement. All right, well, you're right.  
18 They may be concerned in Cleveland Park. Let  
19 me look at this.

20                  MEMBER SILVERSTEIN: I was just  
21 thinking that --

22                  CHAIR MILLER: No, you're right.

1                   MEMBER SILVERSTEIN:  -- in Upper  
2 Northwest.

3                   CHAIR MILLER:  Yes, they do get  
4 concerned about these things.

5                   MEMBER SILVERSTEIN:  This is  
6 almost across the street from the --

7                   MEMBER ALBERTI:  Was that Super  
8 Rubia or Upper Caucasia?  What the heck was  
9 it?

10                  MEMBER SILVERSTEIN:  Remember that  
11 from the City paper?

12                  CHAIR MILLER:  My, you --

13                  MEMBER SILVERSTEIN:  This is  
14 almost across the street from the Uptown  
15 Theater.

16                  CHAIR MILLER:  Right.

17                  MEMBER SILVERSTEIN:  So this is  
18 Upper Caucasia.

19                  CHAIR MILLER:  Yes, I know exactly  
20 where it is.  Okay.

21                  MEMBER SILVERSTEIN:  It's right by  
22 the Firehook.

1 (Off the record comments)

2 CHAIR MILLER: I don't know how  
3 late -- wait, they already have approved hours  
4 to -- let me see, were the -- yes, when in  
5 doubt maybe we should placard.

6 MEMBER SILVERSTEIN: I'm fine with  
7 it.

8 CHAIR MILLER: Their approved  
9 hours, though, well, yes, their approved hours  
10 are Friday and Saturday until 3:00 a.m., and  
11 Sunday through Thursday, 2:00 a.m.

12 MEMBER ALBERTI: The question is,  
13 is everyone going to be there jiggy with  
14 entertainment? I don't know. I don't know  
15 the neighborhood.

16 (Crosstalk)

17 CHAIR MILLER: You're right, I  
18 think I do know the neighborhood, yes.

19 (Crosstalk)

20 CHAIR MILLER: They did the whole  
21 settlement agreement. Remember, with a  
22 Mexican, Alero's where you could only be

1 dancing for a couple days a week?

2 MEMBER ALBERTI: You had better  
3 placard then, man.

4 CHAIR MILLER: Yes, all right.  
5 I'll vote to placard it.

6 (Off the record comments)

7 CHAIR MILLER: All right. I have  
8 moved to placard. Do I have a second? Aren't  
9 you going to second?

10 MEMBER SILVERSTEIN: Is this for  
11 Pulpo?

12 CHAIR MILLER: Pulpo. I've got to  
13 leave soon.

14 MEMBER ALBERTI: Are they a full  
15 service?

16 CHAIR MILLER: A full service  
17 what?

18 MEMBER SILVERSTEIN: Octopus,  
19 isn't that what Pulpo means?

20 CHAIR MILLER: I don't know. Do I  
21 have a second to placard?

22 MEMBER ALBERTI: Do you want to

1 second this, Mike?

2 MEMBER SILVERSTEIN: No.

3 CHAIR MILLER: No. Are you?

4 MEMBER JONES: No.

5 CHAIR MILLER: You're not? Okay.

6 Are you?

7 MALE PARTICIPANT No.

8 CHAIR MILLER: No, Okay. So

9 motion fails for lack of a second.

10 MEMBER ALBERTI: I'm a squid. I'm  
11 sorry.

12 CHAIR MILLER: Okay, so does  
13 somebody else want to make a motion?

14 MEMBER SILVERSTEIN: I move that  
15 we approve.

16 CHAIR MILLER: Okay, Silverstein  
17 moves to approve. Does he have a second?

18 MEMBER SILVERSTEIN: You have a  
19 second to approve? If we're not going to  
20 approve, then what are we doing to do, deny  
21 it?

22 MEMBER ALBERTI: I don't want to

1       commit.

2                   CHAIR MILLER:  As chairman I'll  
3       second it.

4                   MEMBER JONES:  Cool.  Okay.

5                   CHAIR MILLER:  Okay, all those in  
6       favor, say aye.

7                   (Chorus of ayes)

8                   CHAIR MILLER:  All right.  But do  
9       we have 3 to 1?

10                  MEMBER ALBERTI:  I oppose.

11                  CHAIR MILLER:  I know it.  That's  
12       you.  3 to 1 to 0?

13                  MEMBER JONES:  No, 2.  I abstain.  
14       So it's 2 to 1, it passes.

15                  CHAIR MILLER:  2 to 1 to 1?

16                  MEMBER JONES:  It passes.

17                  CHAIR MILLER:  2 to 1 to 1.  Okay,  
18       I've got to get the names, here.  Miller,  
19       Silverstein.  Alberti opposes, and Jones  
20       abstains.  Wait, I --

21                  MEMBER ALBERTI:  So if your  
22       neighbor's have problems, we're going to tell

1       them --

2                   CHAIR MILLER:  I know.  I'm going  
3       to move to reconsider, I guess.

4                   MEMBER ALBERTI:  Then move to  
5       reconsider, because you know I'm going to vote  
6       to --

7                   CHAIR MILLER:  I'm just trying to  
8       get action on this item.

9                   MEMBER ALBERTI:  Why don't you  
10      postpone it until next week until Mr. Brooks  
11      gets back?

12                  CHAIR MILLER:  Oh, did he leave?  
13      Do  you know?

14                  MEMBER ALBERTI:  Yes, he did.

15                  CHAIR MILLER:  I'm leaving  
16      shortly, also.  Okay, I'm going to move to  
17      reconsider.

18                  MEMBER SILVERSTEIN:  We can  
19      reconsider that next week.

20                  CHAIR MILLER:  Yes, move to  
21      reconsider next week.  Okay.

22                  MEMBER ALBERTI:  I'll second that

1 motion.

2 CHAIR MILLER: Okay.

3 MEMBER ALBERTI: Do we have a  
4 vote?

5 CHAIR MILLER: All those in favor,  
6 say aye.

7 (Chorus of ayes)

8 CHAIR MILLER: All those opposed?  
9 Okay. And so it's 4. Okay, I've got just a  
10 few more minutes here. All right, No. 16.  
11 All right, application for license for class  
12 change from CR to CT for El Sauce Restaurant  
13 and Carry Out, 1227 11th Street, N.W. So I  
14 would move that we placard, as is our policy  
15 for class changes.

16 MEMBER SILVERSTEIN: Second.

17 CHAIR MILLER: Mr. Silverstein has  
18 seconded. All those in favor, say aye.

19 (Chorus of ayes)

20 CHAIR MILLER: All those opposed?

21 All those abstaining? Alberti, did you --

22 MEMBER ALBERTI: I agree.

1 CHAIR MILLER: Okay.

2 MEMBER ALBERTI: I agree with  
3 placarding.

4 CHAIR MILLER: 4-0-0. Okay. 17  
5 is a change of hours application to change  
6 hours of operation and hours of alcoholic  
7 beverage sales for Takeateasy, located at 1900  
8 M. Street, N.W. in ANC 2B.

9 The proposed hours of alcoholic  
10 beverage sales/service are Sunday through  
11 Thursday, 8:00 a.m. to 2:00 a.m., and Friday  
12 and Saturday, 8:00 a.m. to 3:00 a.m.  
13 Currently, they have approved hours of sales,  
14 11:00 a.m. to 11:00 p.m. on Sunday, and Monday  
15 through Wednesday, 6:30 a.m. to 12:00 a.m.,  
16 Thursday, 6:30 a.m. to 4:00 a.m., and Friday  
17 and Saturdays 6:30 a.m. to 5:30 a.m. So  
18 that's operation.

19 Anyway, I'm not going read all  
20 this into the record. It's here. I know that  
21 this is in a very commercial block of business  
22 blocks.

1                   MEMBER SILVERSTEIN: You would  
2 know that.

3                   CHAIR MILLER: Having been there,  
4 near there, yes, having worked near there, so  
5 I would move that we approve it. I don't see  
6 any reason not to. There's no conflict with  
7 the settlement agreement. I move to approve.  
8 Do I have a second?

9                   MEMBER SILVERSTEIN: I second. I  
10 agree, Madam Chair. The only people who would  
11 be disturbed are those who are going to  
12 McDonald's next door.

13                  CHAIR MILLER: Exactly. All  
14 right. All those in favor, say aye.

15                               (Chorus of ayes)

16                  CHAIR MILLER: All those opposed?  
17 All those abstaining? Okay. 18 is an  
18 application for license in safekeeping. This  
19 is for Food Corner Kabob, located at 2029 P  
20 Street, N.W., and doesn't conflict with a  
21 settlement agreement.

22                  MEMBER ALBERTI: Is it a new

1 application, or is it a renewal?

2 CHAIR MILLER: I think it's new.  
3 I think they haven't been able to sell any  
4 liquor, right now. He said something about he  
5 doesn't have permanent employees yet. Let me  
6 make sure this is the right one. Yes,  
7 therefore he wants to put it in safekeeping  
8 until he has hired a more permanent staff  
9 that's more properly trained.

10 MEMBER SILVERSTEIN: I know one  
11 thing for certain --

12 CHAIR MILLER: Yes.

13 MEMBER SILVERSTEIN: -- if this is  
14 2029 P Street, it cannot possibly be ANC 2F.

15 CHAIR MILLER: Yes, they messed  
16 that up.

17 MEMBER SILVERSTEIN: It's 2B.

18 MEMBER ALBERTI: So why should  
19 that surprise you, Mike. They make so many  
20 mistakes on those things it's mind boggling.

21 CHAIR MILLER: All right. And  
22 this is one where they indicated they want us

1 to know that this one's been sitting for a  
2 long time, that they filed it in February,  
3 February 26th, I believe.

4 So I would move to approve this  
5 application to put the license in safekeeping.  
6 Then we could decide for how long. I guess  
7 our standard has been six months. Yes, so  
8 that's what I would move at this point, and  
9 then we can, you know, review. If he needs  
10 longer, he can ask again.

11 So I would move to put it in  
12 safekeeping for six months.

13 MEMBER SILVERSTEIN: Second.

14 CHAIR MILLER: Okay, Mr.  
15 Silverstein's seconded. All those in favor,  
16 say aye.

17 (Chorus of ayes)

18 CHAIR MILLER: All those opposed?  
19 All those abstaining? Mr. Jones, are you  
20 approving?

21 MEMBER JONES: I was a aye. I  
22 apologize.

1                   CHAIR MILLER: Okay. Four and the  
2 motion passes, 4-0-0. No. 19. It's a letter  
3 from Christopher Wells related to Sultra  
4 Lounge/Viet-Thai, located at 2406 18th Street.  
5 I move that we postpone consideration of this  
6 letter until next week.

7                   All right, I move, in fact, that  
8 we postpone consideration of items 20 through  
9 28 until next week. They're settlement  
10 agreements.

11                   MEMBER SILVERSTEIN: Second.

12                   CHAIR MILLER: Okay. Mr.  
13 Silverstein has seconded the motion. All  
14 those in favor, say aye.

15                   (Chorus of ayes)

16                   CHAIR MILLER: All those opposed?  
17 All those abstaining? Motion passes to  
18 postpone consideration of Items 20 through 28  
19 until next week.

20                   Okay. That completes our meeting  
21 agenda. We do have a supplemental agenda to  
22 do. Okay, No. 1 is also, is an amendment to

1 a voluntary settlement agreement, and I move  
2 that we also postpone that until next week.  
3 Do I have a second?

4 MEMBER SILVERSTEIN: Second.

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

8 (Chorus of ayes)

9 CHAIR MILLER: All those opposed?  
10 All those abstaining? Passes 4-0-0. Okay.  
11 No. 2 is District of Columbia's opposition to  
12 respondent's motion to vacate, discharge and  
13 dismiss show of cause, dated April 29th, 2013  
14 from Louise Phillips. It's related to the  
15 Lotus case. Lotus is located at 1420 K.  
16 Street, N.W., License No. 75162.

17 We had postponed consideration of  
18 this in the event that the respondent might  
19 want to file a reply, and my understanding is  
20 that the reply has not come in. And so we are  
21 ready to rule on this. And I would move that  
22 we deny the motion to vacate, discharge and

1 dismiss show of cause, and that this case be  
2 set for a show of cause hearing. Do I have a  
3 second?

4 MEMBER SILVERSTEIN: I second  
5 that, Madam Chair.

6 CHAIR MILLER: Thank you. All  
7 those in favor, say aye.

8 (Chorus of ayes)

9 MEMBER ALBERTI: We're denying the  
10 underlying motion from the licensee.

11 CHAIR MILLER: Correct, the motion  
12 to vacate. Okay. So that passes 4 to 0 to 0.  
13 Okay, I, likewise, am going to move that we  
14 postpone consideration of the settlement of  
15 agreement set forth in 3, 4, 5 and 6, Items 3,  
16 4, 5 and 6 as we have done the other  
17 settlement agreements. Do I have a second?

18 MEMBER SILVERSTEIN: Second.

19 MEMBER SILVERSTEIN: Okay, Mr.  
20 Silverstein has seconded the motion. All  
21 those in favor, say aye.

22 (Chorus of ayes)

1 CHAIR MILLER: All those opposed?

2 All those abstaining? Motion passes 4-0-0.

3 No. 7 is a request for reinstatement, dated

4 May 13th, 2013 from Andy Lipsky of ANC 6D,

5 because the ANC was dismissed as a protestant

6 in the roll call hearing for failure to

7 appear. This is for the application of The

8 Sequoia Presidential Yacht Group, located at

9 600 Water Street, S.W.

10 This is moved, now. We have

11 dismissed that application in an order today,

12 and I expect that the applicant will reapply,

13 in which case ANC 6D can also then participate

14 in that case. So it's moot.

15 All right, No. 8. No. 8 is a

16 letter dated May 14th, 2013 from Riverfront at

17 the Ballpark requesting a stipulated license.

18 ANC 6D supports the request. The

19 establishment is Riverfront at the Ballpark,

20 25 Potomac Avenue, S.E., license No. 92040.

21 I move that we approve the stipulated license.

22 Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIR MILLER: Mr. Silverstein  
3 seconded the motion. All those in favor, say  
4 aye.

5 (Chorus of ayes)

6 CHAIR MILLER: All those opposed?  
7 All those abstaining? The motion passes 4-0-  
8 0. No. 9 is a petition to terminate or amend  
9 the settlement agreement, dated March 29th,  
10 2013 for Rice Restaurant and Bar, located at  
11 1608 14th Street, N.W. This one is also moot.  
12 There's an amended settlement agreement that's  
13 come in.

14 All right. I would move that we  
15 postpone No. 10. I was missing some papers in  
16 my file on this one. Do I have second for  
17 postponing this one? And it's 10:12 at night.

18 MEMBER SILVERSTEIN: Second.

19 CHAIR MILLER: Okay. Motion to  
20 postpone has been seconded. All those in  
21 favor, say aye.

22 (Chorus of ayes)

1                   CHAIR MILLER: Okay. That's 4-0-  
2                   0. The motion passes. Okay, No. 11 is a new  
3                   application pursuant to D.C. Official Code 25-  
4                   405.1 and 23 DCMR 199 for a Class B full-  
5                   service grocery store license. And this is  
6                   for Wagshal's, located at 3201 New Mexico  
7                   Avenue, N.W.

8                   I move that we ask our director to  
9                   indicate to them that we will need drawings  
10                  from them and indications how they meet this  
11                  test. And also that we schedule a fact-  
12                  finding hearing on this case. Do I have a  
13                  second?

14                  MEMBER SILVERSTEIN: Second.

15                  CHAIR MILLER: Mr. Silverstein has  
16                  seconded the motion. All those in favor, say  
17                  aye.

18                  MEMBER JONES: Unreadiness.

19                  CHAIR MILLER: Yes?

20                  MEMBER JONES: Unreadiness. My  
21                  understanding was that we were to get the  
22                  documentation, review the documentation, and

1 if upon review we felt as if a fact-finding  
2 was necessary, we would then schedule. I  
3 didn't know that we were going to make that  
4 decision at this point to have a fact-finding  
5 right now, given we haven't received the  
6 documentation.

7 CHAIR MILLER: Okay. That's true,  
8 in general. But I heard with respect to this  
9 case where there are some other issues, as  
10 well. There are a couple of different  
11 licenses they're interested in or something.

12 MEMBER JONES: Okay.

13 CHAIR MILLER: And that --

14 MEMBER ALBERTI: I'm not sure we  
15 need a fact-finding. Those are administrative  
16 matters that can be sorted out by researching  
17 our records.

18 CHAIR MILLER: Okay, would you --

19 MEMBER ALBERTI: I didn't hear  
20 that those were exempt, that we needed to  
21 question the licensee about.

22 CHAIR MILLER: Okay, that's what I

1 thought I heard, but if the majority would  
2 like us just to have them submit the papers  
3 first, and then if we decide that a fact-  
4 finding would be advisable we could go that  
5 route.

6 MEMBER JONES: I stated my  
7 unreadiness. There's a motion on the floor  
8 that has been properly seconded, and I think  
9 the vote has been called for.

10 MEMBER SILVERSTEIN: No, it has  
11 not been called for.

12 CHAIR MILLER: I haven't called  
13 for a vote. I was opening up for comments.

14 MEMBER SILVERSTEIN: Now let's  
15 talk this thing through.

16 CHAIR MILLER: That's what I had  
17 heard from staff was that there were some  
18 other issues that it would be advisable to  
19 have an effect on a hearing. But, if that's  
20 too vague at this point, or no, you're not  
21 uncomfortable with that?

22 MEMBER ALBERTI: I didn't hear the

1 staff advise as fact-finding. I heard that  
2 they said that there were some other issues  
3 with licensing that they needed to research  
4 and I think that's --

5 CHAIR MILLER: Okay.

6 (Crosstalk)

7 MALE PARTICIPANT: Refer to legal  
8 for a week?

9 MEMBER SILVERSTEIN: Well, I think  
10 we should take two actions. As Herman said,  
11 we refer to legal, and we also ask them to  
12 submit information.

13 CHAIR MILLER: We definitely want  
14 them to submit information so that we can move  
15 the process along.

16 MEMBER SILVERSTEIN: I think  
17 that's all we do right now.

18 CHAIR MILLER: Okay. And they  
19 will be drawings and perhaps some other  
20 information in consultation with the director  
21 and legal.

22 MEMBER SILVERSTEIN: Consultation

1 will be directed by Sally.

2 CHAIR MILLER: Okay. All right.  
3 It's been seconded then, as modified. All  
4 those in favor, say aye.

5 (Chorus of ayes)

6 CHAIR MILLER: Okay. All those  
7 opposed? Okay, all those abstaining? All  
8 right. There --

9 MEMBER ALBERTI: What did we did  
10 with 10 and 11?

11 CHAIR MILLER: We skipped 11 by  
12 mistake, but we postponed No. 10.

13 MEMBER ALBERTI: Because?

14 CHAIR MILLER: Because I did not  
15 have information on this in my case.

16 MEMBER ALBERTI: Oh, yes, it's not  
17 in there. The application's not in there?

18 CHAIR MILLER: You know, it's very  
19 late and I think I would like to actually move  
20 that we postpone No. 11, as well. I think I  
21 would like to question the staff on that one.

22 MEMBER ALBERTI: Okay. And No.

1 11?

2 CHAIR MILLER: That's what I mean,  
3 on No. 11.

4 MEMBER ALBERTI: They want to  
5 question staff on this one?

6 CHAIR MILLER: Yes.

7 MEMBER ALBERTI: They want us to  
8 waive the \$600 fee for filing a renewal  
9 application late? We generally don't waive  
10 applications.

11 CHAIR MILLER: I know. We  
12 generally don't. Let's see if this had any  
13 issues. Oh, yes.

14 MEMBER JONES: I'm not necessarily  
15 in favor of postponing that if that's the  
16 motion that's on the table, or on the floor,  
17 excuse me.

18 MEMBER ALBERTI: Yes, we've since  
19 learned that our registered agent, Veritas,  
20 that's Mr. Kline's firm, generally makes his  
21 clients aware of what the license deadlines.  
22 However, we received no communication

1 regarding the liquor license renewal from  
2 Veritas. So it didn't have the benefit of the  
3 primary ABRA or secondary sources for renewal  
4 information.

5 So they were relying on their non-  
6 attorney representative to tell them, and  
7 that's their tough luck.

8 CHAIR MILLER: Yes, but I think  
9 it's --

10 MEMBER ALBERTI: It's not our  
11 responsibility. They should know, or have a  
12 system to remind them of when licensing fees  
13 are due, and their system failed them.

14 CHAIR MILLER: But I think this  
15 also had another wrinkle in it. They paid  
16 five months earlier in December, and then all  
17 of a sudden they were up for renewal very soon  
18 thereafter in April 15.

19 MEMBER ALBERTI: Right. And they  
20 should have known they were up for renewal and  
21 they relied on someone to tell them, who  
22 failed them. It's not ABRA's responsibility.

1 I move --

2 CHAIR MILLER: But it is Veritas -

3 -

4 MEMBER ALBERTI: I move that we  
5 deny the request.

6 CHAIR MILLER: Okay, it is  
7 unusual, you know --

8 MEMBER JONES: Seconded.

9 CHAIR MILLER: Okay. At least I  
10 think it is somewhat unusual, you know, to be  
11 up for renewal so soon. And I understand  
12 that's the way --

13 MEMBER ALBERTI: Like those and a  
14 couple dozen other establishments in the city  
15 that I'm aware of --

16 CHAIR MILLER: All right. Then,  
17 is there a motion?

18 MEMBER ALBERTI: -- that seem to  
19 pay their fees on time. So do we have a  
20 second?

21 MEMBER JONES: If there's a  
22 question, you can always pay and deal with it

1 as opposed to having to pay a late fee.

2 MEMBER ALBERTI: Or find somebody  
3 reliable to remind you.

4 CHAIR MILLER: Okay, let's go. Is  
5 there a motion that was made?

6 MEMBER JONES: Motions are made  
7 and properly seconded.

8 CHAIR MILLER: Okay. All those in  
9 favor, say aye.

10 (Chorus of ayes)

11 CHAIR MILLER: All those opposed?  
12 Opposed. The motion passes 3 to 1 to 0. All  
13 right, we'll go along then to No. 13, which is  
14 another application for a Class B full-service  
15 grocery store license for Natural Market,  
16 located at 2400 14th Street, N.W.

17 I would move that this applicant  
18 also provide drawings and information  
19 responsive to meeting the test in the new  
20 regulation. And we're directed to consult  
21 with Mr. Moosally on this.

22 Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIR MILLER: Okay. Any other  
3 comments? All those in favor, say aye.

4 (Chorus of ayes)

5 CHAIR MILLER: All those opposed?  
6 Those abstaining? Motion passes 4-0-0. No.  
7 14 is the application for a Class B full-  
8 service grocery store license of Smucker Farms  
9 of Lancaster County, 2118 14th Street, N.W.

10 I move that we postpone  
11 consideration of this application until next  
12 Wednesday upon consideration of further  
13 documentation submitted by Smucker's. And  
14 that information will be communicated to  
15 Smucker's by director Mr. Moosally.

16 Do I have a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIR MILLER: All right, Mr.  
19 Silverstein has seconded the motion. All  
20 those in favor, say aye.

21 (Chorus of ayes)

22 CHAIR MILLER: All those opposed?

1 And the motion passes 4-0-0. Finally, there's  
2 a letter dated August 17th, 2009 from Andrew  
3 Kline on behalf of Ventnor Group trading as  
4 Ventnor Sports Caf,, requesting an amendment  
5 to Class CR license to reflect change in  
6 occupancy to 69 seats, with occupancy load  
7 remaining at 86. It's in ANC 1C, located at  
8 2311 18th Street, N.W. And in fact, this  
9 isn't a request. This is an FYI in which Mr.  
10 Kline has submitted the amended certificate of  
11 occupancy, which reflects those numbers.

12 MEMBER ALBERTI: Is he asking for  
13 a change on the license? Because the license  
14 will reflect the number of seats.

15 CHAIR MILLER: The letter of  
16 August 17th, which I have right in front of  
17 me, says, "Enclosed is an amended certificate  
18 of occupancy for the above-captioned  
19 establishment. The certificate of occupancy  
20 was amended to reflect the actual number of  
21 seats in the establishment, 69, the occupant  
22 load. The total capacity remains at 86.

1 Please adjust your records accordingly. Thank  
2 you."

3 "The license will be filing as  
4 quarterly food sales reports based upon the  
5 seated occupancy of 69." It seems like an  
6 administrative thing, but --

7 MEMBER ALBERTI: I think they're  
8 asking to change the number of seats on the  
9 license.

10 CHAIR MILLER: Yes.

11 MEMBER ALBERTI: I recommend that  
12 we approve the change the number of seats --

13 CHAIR MILLER: Okay.

14 MEMBER ALBERTI: -- on the license  
15 as requested in the request.

16 CHAIR MILLER: Second. All those  
17 in favor, say aye.

18 (Chorus of ayes)

19 CHAIR MILLER: All those opposed?  
20 Okay. Motion passes 4-0-0. I think I'm going  
21 to see if someone else would like to do the  
22 change of hours, because I need to leave at

1 10:25. I will pull it. Oh, no, it's short.

2 I can do this.

3 All right. We have a notice of  
4 change of hours. There are three change of  
5 hours applications. One is for JY Rigg's  
6 Liquor, Inc. trading as Ray's Liquor, located  
7 at 5581 South Dakota Avenue, N.E., license No.  
8 060532. Second is Manee Enterprises, Inc.  
9 trading as Takoma Park Liquors, located at  
10 6200 Eastern Avenue, N.E, license No. 019598.  
11 And Brentwood Road Beverage, LLC trading as  
12 Woodridge Vets Liquor, located at 1358  
13 Brentwood Road.

14 None of these have pending  
15 enforcement matters or outstanding fines or  
16 citations, or a conflict with any settlement  
17 agreements. All right, I would move that we  
18 enter the request to changes into the record,  
19 and approve the three, in one motion.

20 Do I have a second?

21 MEMBER SILVERSTEIN: Second.

22 CHAIR MILLER: Mr. Silverstein has

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

3 (Chorus of ayes)

4 CHAIR MILLER: All those opposed?  
5 All those abstaining? Three change of hours  
6 applications are approved. That completes our  
7 business for May 15th, 2013.

8 (Off the record comments)

9 CHAIR MILLER: As Chairperson of  
10 the Alcoholic Beverage Control Board for the  
11 District of Columbia, in accordance with  
12 Section 405 of the Open Meetings Adjournment  
13 Act of 2010, I move that the ABC Board hold a  
14 closed meeting on May 22nd, 2013 for the  
15 purpose of seeking legal advice from my  
16 counsel on the matters identified in the  
17 Board's agenda for May 22nd, 2013, as  
18 published in the D.C. Register on May 17th,  
19 2013. Is there a second?

20 MEMBER ALBERTI: Second.

21 CHAIR MILLER: I'll take a roll  
22 call vote on the motion now that it has been

1 seconded. Mr. Alberti?

2 MEMBER ALBERTI: Aye.

3 CHAIR MILLER: Ms. Miller

4 approves. Mr. Silverstein?

5 MEMBER SILVERSTEIN: Aye.

6 CHAIR MILLER: Mr. Jones?

7 MEMBER JONES: Aye.

8 CHAIR MILLER: Motion passes 4-0-

9 0. It appears now that the motion has passed,  
10 so I'll give notice that the ABC Board will  
11 hold this aforementioned closed meeting  
12 pursuant to the Open Meetings Amendment Act of  
13 2010. Notice will also be posted on the ABC  
14 Board hearing room bulletin board, placed on  
15 the electronic calendar and office website,  
16 and published in the D.C. Register in as  
17 timely a manner as practicable.

18 Chairperson of the Alcoholic  
19 Beverage Control Board for the District of  
20 Columbia, and in accordance with Section 405  
21 of the Open Meetings Amendment Act of 2010, I  
22 move that the ABC Board hold a closed meeting

1 on May 22nd, 2013 for the purpose of  
2 discussing and hearing reports concerning  
3 ongoing or planned investigations of alleged  
4 criminal or civil misconduct, or violations of  
5 the law or regulations, and seeking legal  
6 advice from our counsel on the Board's  
7 investigative agenda for May 22nd, 2013, as  
8 published in the D.C. Register on May 17th,  
9 2013. Is there a second?

10 MEMBER ALBERTI: Second.

11 CHAIR MILLER: I'll take a roll  
12 call vote on the motion now that it has been  
13 seconded. Mr. Alberti?

14 MEMBER ALBERTI: Aye.

15 CHAIR MILLER: Ms. Miller  
16 approves. Mr. Silverstein?

17 MEMBER SILVERSTEIN: Aye.

18 CHAIR MILLER: And Mr. Jones.

19 MEMBER JONES: Aye.

20 CHAIR MILLER: Motion passes 4-0-  
21 0. I hereby give notice that the ABC Board  
22 will hold this aforementioned closed meeting

1       pursuant to the Open Meetings Amendment Act of  
2       2010. Notice will also be posted on the ABC  
3       Board here on the bulletin board, placed on  
4       the electronic calendar and office website,  
5       and published in the D.C. Register in as  
6       timely a manner as practicable.

7                       And that concludes our business  
8       for May 15th, 2013. And we're adjourned.  
9       Thank you.

10                      (Whereupon, the foregoing matter  
11       went off the record at 10:28 p.m.)

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