

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 29, 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

MIKE SILVERSTEIN, Member

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

(1:50 p.m.)

CHAIRPERSON MILLER: Okay. We are back on the record to do the meeting agenda for Wednesday, May 29, 2013.

The first item on the agenda is an application for a substantial change to increase the seating capacity in the basement from 49 to 162 and for summer garden endorsement for 21 seats.

I move that we placard.

MEMBER SILVERSTEIN: Is this the Tree House?

CHAIRPERSON MILLER: This -- yes, that's right. I'm sorry, Tree House, 1006 Florida Avenue, N.W., License No. 91618 in ANC-5D.

MEMBER SILVERSTEIN: I second the motion to placard.

CHAIRPERSON MILLER: Okay. Mr. Silverstein has seconded the motion.

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 to placard.

5 No. 2 is an application for a
6 license in safekeeping. It is Balletto Dining
7 Lounge located at 1050 17th Street, N.W.,
8 License No. 14073.

9 I move that we put this license in
10 safekeeping for six months or keep it in
11 safekeeping, let me see, for six months.

12 MEMBER BROOKS: Second.

13 MEMBER SILVERSTEIN: Madam Chair?

14 CHAIRPERSON MILLER: Yes?

15 MEMBER SILVERSTEIN: I would --

16 CHAIRPERSON MILLER: Let me just
17 double check this to see --

18 MEMBER SILVERSTEIN: -- point out,
19 while I am in support of this, that this
20 license renewal is being protested.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER SILVERSTEIN: That there

1 was a shooting at this establishment. And
2 that there are other allegations involving its
3 operation. And the safekeeping does not, in
4 any way, indicate any final disposition of
5 those particular situations.

6 CHAIRPERSON MILLER: Okay. And
7 this is an application for a safekeeping. And
8 I would also say that this will be placarded
9 when it comes out of safekeeping.

10 Okay. So the motion is to put it
11 in safekeeping for six months.

12 Do I have a second?

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks
15 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 Item No. 3 is an application for a
22 change of hours for Sunday only. Proposed

1 hours of operation and hours of sales would be
2 Sunday through Thursday 10:00 a.m. to 2:00
3 a.m. and Friday -- it's only different for
4 Sunday. Sunday entertainment 10:00 a.m. to
5 2:00 a.m. This is for Red Lounge located at
6 2013 14th Street, N.W., License No. 76011.

7 I move that we approve the change
8 of hours to add Sunday.

9 Do I have a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr.

12 Silverstein 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 No. 4 is an application for
19 license in safekeeping. This is for Roc Bar
20 located at 1426 L Street, N.W., License No.
21 89818 in ANC-2F.

22 I move that we grant this

1 application for six months.

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. 5 is an application for change
12 of hours for Georgetown Wine & Spirits located
13 at 1500 27th Street, N.W., License No. 85209
14 in ANC-2E.

15 I move that we approve the change
16 of hours.

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: The motion
19 has been seconded.

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 No. 6 is a request of DC Street
4 Food, the corporate parent of TaKorean at
5 Union Market, LLC located at 1309 5th Street,
6 N.E., dated May 13, 2013, have checks for
7 alcohol purchases drawn on the account of DC
8 Street Food rather than the licensee,
9 TaKorean. And they are 100 percent ownership
10 and I move that we approve this request.

11 Do I have a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr.

14 Silverstein has seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

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

20 No. 7 is a manager's license
21 application of Elise M. Lane.

22 I move that we approve this

1 application.

2 Do I have a second?

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON MILLER: Mr.

5 Silverstein 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. 8 is an application for
12 substantial change to add a summer garden with
13 43 seats. This is for Cause DC located at
14 1926 9th Street, N.W., License No. 90192 in
15 ANC-1B.

16 I move that we placard this
17 application.

18 Do I have a second?

19 MEMBER BROOKS: Second.

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

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. 9 is a request dated May 14th
6 and 17th of 2013 from E & J Gallo Winery for
7 approval to provide retailers with products at
8 more than \$50 and less than \$500.

9 I move that we approve these
10 requests.

11 Do I have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks
14 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. 10 is a request for off-site
21 storage of books and records for Ghubellina
22 located at 1610 14th Street, N.W., License No.

1 88785 and the storage place will still be
2 within the District.

3 I move that we approve this
4 request.

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. 11 is a request for trade name
15 change to El Centro from the name The
16 Taqueria, which is located at 1218 Wisconsin
17 Avenue, N.W., License No. 604 in ANC-2E.

18 I move that we approve this
19 request for a trade name change.

20 Do I have a second?

21 MEMBER BROOKS: 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 No. 12 is an application for a
8 change of hours. And this is for The Silver
9 Spork located at 301 7th Street, S.E., related
10 to their DR License No. 88503 in ANC-6B.

11 I move that we refer this one to
12 legal.

13 Do I have a second?

14 MEMBER BROOKS: Second.

15 MEMBER SILVERSTEIN: Second.

16 CHAIRPERSON MILLER: Mr.

17 Silverstein 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 to refer to legal.

1 No. 13 on the agenda is also for
2 The Silver Spork, but it's with respect to
3 their B License and it's an application for a
4 change of hours. Proposed hours on Sunday
5 will be 7:00 a.m. to 9:00 p.m. operation and
6 Monday through Saturday 7:00 a.m. to 11:00
7 p.m. and sales would be 9:00 a.m. to 9:00 p.m.
8 on Sunday and Monday through Saturday 9:00
9 a.m. to 11:00 p.m.

10 So I move that we approve this
11 change of house, these change of hours.

12 Do I have a second?

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks
15 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 The next item No. 14 is a cover
22 charge endorsement for Black Whiskey located

1 at 1410 14th Street, N.W., License No. 91434
2 in ANC-2F. This establishment has approved
3 hours of entertainment Monday through Thursday
4 6:00 p.m. to 1:45 a.m. and Saturday 6:00 p.m.
5 to 2:45 a.m.

6 I move that we approve the
7 application for the cover charge endorsement.

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 Next is a request for a stipulated
18 license for a new license for Masai Mara
19 Restaurant & Lounge located at 1200 Kennedy
20 Street, N.W. It's a Class CR with summer
21 garden and entertainment endorsement.

22 I move that we approve the

1 stipulated license, which is supported by ANC-
2 4C.

3 All those in favor say aye.

4 ALL: Aye.

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

8 No. 16 is a request for a license
9 in safekeeping for Rugby Cafe located at 1065
10 Wisconsin Avenue, N.W., License No. 75703.

11 I move that we approve the
12 safekeeping for this license for six months.

13 Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion.

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. 17 is another request for a

1 license in safekeeping for Pizzeria Uno
2 located at 3211 K Street, N.W., License No.
3 3854.

4 I move that we approve this for a
5 six month period.

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 No. 18 another request for
16 a license in safekeeping for D'Vines located
17 at 3103 14th Street, N.W., License No. 77775
18 in ANC-1A. And this licensee -- this
19 applicant is looking for a buyer.

20 I move that we approve for a six
21 month period.

22 Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein 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 Next is a request for an extension
10 of license in safekeeping from Come to Eat,
11 3222 O Street, N.W., License No. 85370 in ANC-
12 2E.

13 I move that we schedule a Fact-
14 Finding on this case to get more information.

15 Do I have a second?

16 MEMBER BROOKS: Second.

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

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. 20 is a request for a license
3 in safekeeping for Zula Restaurant located at
4 1933 9th Street, N.W., License No. 60547 in
5 ANC-1B. This is a case involving a lease that
6 expired.

7 I move that we grant the request
8 for a six month period.

9 Do I have a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr.

12 Silverstein has seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

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

18 No. 21 is an application for an
19 entertainment endorsement for Vapiano located
20 at 1800 M Street, N.W., License No. 76388 in
21 ANC-2B.

22 I move that we grant this

1 application.

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr.

4 Silverstein has seconded the motion. Yes,
5 this is in a pretty commercial area. Okay.

6 All those in favor say aye.

7 ALL: Aye.

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

11 No. 22 is a request dated May 20,
12 2013 from E & J Gallo Winery for approval to
13 provide retailers with products valued at more
14 than \$50 and less than \$500.

15 I move that we approve this
16 request.

17 Do I have a second?

18 MEMBER BROOKS: Second.

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

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposing? All those abstaining? The motion
3 passes to approve 4-0-0.

4 No. 23 is a request for off-site
5 storage of books and records for Satellite
6 Room located at 2047 9th Street, N.W., License
7 No. 87296.

8 I move that we approve.

9 Do I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks
12 has seconded the motion. The off-site storage
13 is going to be within the District.

14 So all those in favor say aye.

15 ALL: Aye.

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

19 No. 24 is a letter dated May 13,
20 2013 from Commissioner Karen Wirt of ANC-6C
21 informing the Board of the illegal parking of
22 tour buses in front of Armand's Chicago

1 Pizzeria located at 226 Massachusetts Avenue,
2 N.W., License No. 75464.

3 MEMBER SILVERSTEIN: FYI.

4 CHAIRPERSON MILLER: Is this an
5 FYI?

6 MEMBER SILVERSTEIN: Um-hum.

7 CHAIRPERSON MILLER: Okay. She
8 seems to ask that we communicate something to
9 Armand's, the license holder, but this isn't
10 really within our jurisdiction to do anything
11 about buses in front of establishments.

12 So we can treat this as an FYI.
13 Is that what you would move?

14 MEMBER SILVERSTEIN: Move it's an
15 FYI. We cannot enforce parking.

16 CHAIRPERSON MILLER: Okay. So Mr.
17 Silverstein has made a motion to treat this as
18 an FYI. Okay. I'll second that.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: Okay. All
22 those opposing? All those abstaining? The

1 motion passes 4-0-0. Okay. 4-0-0, we'll
2 treat this as an FYI.

3 Okay. No. 25 is a Response to
4 Complaints and Motion to Dismiss dated May 15,
5 2013 from Ely Hurwitz of Bistro 18 located at
6 2420 18th Street, N.W., License No. 86876.

7 However, as Mr. Hurwitz has not
8 identified a case that this is actually
9 related to, I don't believe any action is
10 required on the part of the Board, at this
11 time. So if he wants action from the Board,
12 he is going to have to identify what case this
13 is actually related to.

14 Okay. No. 26 is a motion for
15 reconsideration dated May 20, 2013 from
16 MaryEva Condon for Margarita's Mexican Cafe
17 located at 2317 Wisconsin Avenue, N.W.,
18 License No. 16488.

19 This is a reconsideration asking
20 the Board to reconsider the cancellation of
21 the cafe's license, which had been in
22 safekeeping in which the Board had determined

1 that they canceled -- I was in the minority on
2 this, so I must be careful how I characterize
3 it, but I think because the applicant or the
4 licensee did not find the -- a new owner or
5 resolve how to use the license soon enough and
6 I'll let others characterize it, if I did
7 characterize it improperly.

8 Anyway, I would move to grant the
9 Motion for Reconsideration. Of course, I was
10 on the other side of this order, because she
11 has provided documentation that they are
12 working with Papadopoulos Properties and that
13 in that letter it says that they have
14 identified a purchaser, though that purchaser
15 is not identified in the letter and they are
16 negotiating, at this time.

17 Do I have a second? Okay. Not
18 hearing any, my motion to grant dies for lack
19 of a second.

20 Does somebody else have a motion?

21 MEMBER ALBERTI: I move that we
22 deny the Motion for Reconsideration.

1 CHAIRPERSON MILLER: Okay. Mr.

2 Alberti --

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Okay. Mr.

5 Alberti has moved to deny and Mr. Brooks has

6 seconded. Further discussion? All right.

7 All those in favor of the motion

8 to deny say aye.

9 MEMBER BROOKS: Aye.

10 MEMBER ALBERTI: Aye.

11 MEMBER SILVERSTEIN: Aye.

12 CHAIRPERSON MILLER: All those

13 opposed? Opposed. All those abstaining? The

14 motion to deny passes by a vote of 3-1-0.

15 No. 27 is a letter dated May 15,

16 2013 from Commissioner Jackie Blumenthal of

17 the ANC-3B regarding JP's located at 2412

18 Wisconsin Avenue, N.W., License No. 8511.

19 I move that we postpone our

20 consideration of this request until next week.

21 Do I have a second?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Okay. Mr.
2 Brooks has seconded the motion to postpone for
3 a week.

4 All those in favor say aye.

5 MEMBER BROOKS: Aye.

6 CHAIRPERSON MILLER: Aye.

7 MEMBER SILVERSTEIN: Aye.

8 CHAIRPERSON MILLER: All those
9 opposing? All those abstaining?

10 MEMBER ALBERTI: Abstain.

11 CHAIRPERSON MILLER: So the motion
12 passes 3-0-1 and Mr. Alberti is the abstaining
13 Member. Okay.

14 No. 28 is a petition to terminate
15 or amend settlement agreement dated April 9,
16 2013 for Sisy's. The petition was untimely
17 filed. Wait that may be a mistake. I'm not
18 sure if that's correct.

19 Okay. Let me back up. This is a
20 petition to terminate or amend a settlement
21 agreement dated April 9, 2013 for Sisy's
22 located at 3911 14th Street, N.W., License No.

1 76125.

2 I move that we placard this
3 petition.

4 Do I have a second?

5 MEMBER SILVERSTEIN: Second.

6 CHAIRPERSON MILLER: Mr.

7 Silverstein has seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

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

13 No. 29 is a petition to terminate
14 settlement agreement dated March 25, 2013 from
15 Ghana Cafe located at 1336 14th Street, N.W.,
16 License No. 82571.

17 I move that we deny this petition
18 because it is too early. It hasn't been four
19 years as required.

20 Is there a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion to deny.

2 All those in favor say aye.

3 ALL: Aye.

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

7 No. 30 and 31 are related to
8 Farmers & Fishers, 3000 K Street, N.W, License
9 No. 74934. Actually, 31 is a settlement
10 agreement dated April 8, 2013 between Farmers
11 & Fishers, ANC-2E, Washington Harbor
12 Condominium Association and the Citizens
13 Association of Georgetown.

14 I move that we approve that
15 settlement agreement in No. 31.

16 Do I have a second?

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 opposing? All those abstaining? The motion
2 passes to approve 4-0-0.

3 And that renders moot No. 30,
4 which is the petition to terminate or amend
5 the settlement agreement for Farmers &
6 Fishers. And no action is required on No. 30.

7 No. 32 through 35 are all
8 settlement agreements that to can vote on as
9 a group, unless somebody disagrees.

10 But 32 is Sol Mexican Grill
11 located at 1251 H Street, N.E., 88292 is the
12 license number in ANC-6A. These are all
13 settlement agreements.

14 No. 33 is a settlement agreement
15 between Khan's and ANC-6A, located at 1125 H
16 Street, N.E., License No. 84082.

17 No. 34 is a settlement agreement
18 between Old Glory, ANC-2E and the Citizens
19 Association of Georgetown. Old Glory is
20 located at 3139 M Street, N.W., License No.
21 76435.

22 And No. 35 is a settlement

1 agreement dated May 19, 2013 between Black
2 Cat, Allen Rotz, Edward Szrom and Andrew King.
3 Black Cat is located at 1811 14th Street,
4 N.W., License No. 60476.

5 I move that we approve all of
6 these settlement agreements, that is now 32
7 through 35.

8 Do I have a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr.

11 Silverstein has seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

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

17 Okay. That completes our meeting
18 agenda. We have a supplemental meeting
19 agenda. Okay.

20 No. 1 on the supplemental agenda
21 is an application for a stipulated license for
22 Rocklands Barbeque and Grilling Company

1 located at 1271 1st Street, S.E., License No.
2 91974. And it would be Sunday through
3 Saturday 9:30 a.m. to 12:00 a.m. days of
4 Nationals' home games.

5 I move that we approve this
6 application.

7 Do I have a second?

8 MEMBER BROOKS: Second.

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

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposing? All those abstaining? The motion
15 passes 4-0-0.

16 No. 2 is an application for change
17 of hours for Cashion's East Place located at
18 1819 Columbia Road, N.W., License No. 77276 in
19 ANC-1C.

20 The proposed hours of operation
21 Sunday through Thursday 10:00 a.m. to 1:00
22 a.m., Friday and Saturday 10:00 a.m. to 3:00

1 a.m. Proposed hours of alcoholic beverage
2 sales/service Sunday through Thursday 10:00
3 a.m. to 1:00 a.m., Friday and Saturday 10:00
4 a.m. to 2:30 a.m. Sidewalk Sunday through
5 Saturday 10:00 a.m. to 12:30 a.m.
6 Entertainment Sunday through Thursday 6:00
7 p.m. to 11:00 p.m., and Friday and Saturday
8 6:00 p.m. to 2:00 a.m.

9 Okay. I move that we approve the
10 change of hours.

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 opposing? All those abstaining? The motion
18 passes 3-0-0.

19 No. 3 is an FYI regarding an
20 application for a new license for El Atardecer
21 Restaurant located at 3475 14th Street, N.W.,
22 License No., I don't know the license number

1 yet. Okay. So this is just an FYI. And no
2 action is required.

3 No. 4 is a request for a
4 stipulated license for Pizza, 1250 U Street,
5 N.W., License No. 92159. ANC-1B has approved
6 this.

7 I move that we approve the
8 stipulated license.

9 Do I have a second?

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 opposing? All those abstaining? The motion
17 passes 3-0-0.

18 No. 5 is an application for
19 expansion of a summer garden with 30 seats for
20 Buffalo and Bergen located at 1309 5th Street,
21 N.E., License No. 90397 in ANC-5D. This is at
22 Union Market.

1 I move that we approve this
2 application.

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 opposing? All those abstaining? The motion
11 passes 3-0-0.

12 No. 6 is a review of a request for
13 a stipulated expansion of summer garden
14 endorsement with 20 seats. This is for The
15 Sea Catch located at 1054 31st Street, N.W.,
16 License No. 10810. The hours would be Sunday
17 through Saturday 11:30 a.m. to 10:00 p.m. and
18 it is stipulated, so the ANC-2E has agreed to
19 this.

20 I move that we approve.

21 Do I have a second?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Mr. Brooks
2 has seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposing? All those abstaining? The motion
7 passes 3-0-0.

8 No. 7 is a request dated May 23,
9 2013 from E & J Gallo Winery for approval to
10 provide retailers with products valued at more
11 than \$50 and less than \$500.

12 I move that we approve this
13 request.

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 opposing? All those abstaining? The motion
22 passes 3-0-0.

1 Okay. No. 8 and 9 go together.
2 No. 8 is a Motion for Reconsideration dated
3 May 15, 2013 from Richard Kim from Board Order
4 No. 2013-092, Town Square Gourmet located at
5 4418 MacArthur Boulevard, License No. 78664.

6 And No. 9 is ANC-3D's opposition
7 to this Motion for Reconsideration dated May
8 24, 2013 from Commissioner Stuart Ross related
9 to Town Square Gourmet.

10 So I would move that we deny the
11 Motion for Reconsideration.

12 Do I have a second?

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks
15 has seconded the motion. The motion alleges
16 that we discriminated unfairly against this
17 licensee and I would argue that we don't.
18 That we had evidence that he was convicted of
19 a misdemeanor bearing on his qualification for
20 licensure and that the statute requires that
21 his license not be renewed.

22 So any further comments? Okay.

1 There is a motion that has been seconded then
2 to deny the Motion for Reconsideration.

3 All those in favor of the motion
4 to deny say aye.

5 MEMBER BROOKS: Aye.

6 CHAIRPERSON MILLER: Aye.

7 All those opposing?

8 MEMBER ALBERTI: Oppose.

9 CHAIRPERSON MILLER: Mr. Alberti
10 opposes. All those abstaining? The motion to
11 deny passes by a vote of 2-1-0.

12 Okay. That completes our
13 supplemental agenda. And then we have two
14 items on a change of hours agenda.

- 15 1. Review of change of hours
16 application to change hours of
17 operation and hours of alcoholic
18 beverage sales. Approved hours of
19 operation: Sunday through Saturday
20 7:00 a.m. to 10:00 p.m. Approved
21 hours of alcoholic beverage sales/
22 service: Monday through Saturday

1 9:00 a.m. to 10:00 p.m. Proposed
2 hours of operation and proposed
3 hours of alcoholic beverage sales/
4 service: Sunday through Saturday
5 7:00 a.m. to 10:00 p.m. No
6 pending investigative matters. No
7 pending enforcement matters. No
8 outstanding fines/citations. No
9 conflict with settlement
10 agreement, ANC-6A, SMD-6A03, for 7
11 River, LLC t/a River Mart located
12 at 250 11th Street, N.E., License
13 No. 089591.
14 I move that we grant the change.
15 Do I have a second?
16 MEMBER BROOKS: Second.
17 CHAIRPERSON MILLER: Mr. Brooks
18 has seconded the motion.
19 All those in favor say aye.
20 ALL: Aye.
21 CHAIRPERSON MILLER: All those
22 opposing? All those abstaining? The motion

1 passes 3-0-0.

2

3

2. Review of change of hours

4

application to change hours of

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operation and hours of alcoholic

6

beverage sales (Sunday only).

7

Approved hours of operation and

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hours of hours of alcoholic

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beverage sales/service: Monday

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through Saturday 9:00 a.m. to

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10:00 p.m. Proposed hours of

12

operation and proposed hours of

13

alcoholic beverage sales/service:

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Sunday through Saturday 9:00 a.m.

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to 10:00 p.m. No pending

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investigative matters. No pending

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enforcement matters. No

18

outstanding fines/citations. No

19

conflict with settlement

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agreement, ANC-5E, SMD 5E07 for

21

Rajwinder Pal Singh t/a

22

Bloomington Liquors located at

1 1836 1st Street, License No.
2 060424.

3 I move that we approve the
4 request.

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 opposing? All those abstaining? And the
13 motion passes 4-0-0.

14 So that completes our change of
15 hours agenda. And that completes our agenda
16 in general for May 29, 2013.

17 MEMBER BROOKS: Cancellations?

18 CHAIRPERSON MILLER: Oh,
19 cancellations.

20 MEMBER BROOKS: I've got one.

21 CHAIRPERSON MILLER: Okay. Thank
22 you. It isn't completed yet. We have one

1 cancellation.

2 And that is Ruby Tuesday #4179
3 located at 710 7th Street, N.W., License No.
4 060143. The licensee states that the business
5 closed April 28, 2013 and surrendered its
6 license.

7 So I move that we approve the
8 cancellation.

9 Do I have a second?

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 opposing? All those abstaining? The motion
17 passes 4-0-0.

18 MEMBER SILVERSTEIN: Madam Chair?

19 CHAIRPERSON MILLER: Yes?

20 MEMBER SILVERSTEIN: I guess
21 that's what they mean with the song "Good Bye
22 Ruby Tuesday."

1 CHAIRPERSON MILLER: Are you going
2 to sing it?

3 MEMBER SILVERSTEIN: No.

4 CHAIRPERSON MILLER: All right.
5 Now, that completes our agenda. I've got to
6 get my other folder or the script.

7 (Whereupon, at 2:25 p.m. a recess
8 until 2:27 p.m.)

9 CHAIRPERSON MILLER: As
10 Chairperson of the Alcoholic Beverage Control
11 Board for the District of Columbia and in
12 accordance with Section 405 of the Open
13 Meetings Amendment Act of 2010, I move that
14 the ABC Board hold a closed meeting on June 5,
15 2013 for the purpose of seeking legal advice
16 from our counsel on the matters identified on
17 the Board's Agenda for June 5, 2013 as
18 published in the DC Register on May 31, 2013.

19 Is there a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: I'll take a
22 roll call vote now that it has been seconded.

1 Mr. Brooks?

2 MEMBER BROOKS: I agree.

3 CHAIRPERSON MILLER: Mr. Alberti?

4 MEMBER ALBERTI: I agree.

5 CHAIRPERSON MILLER: Ms. Miller

6 agrees.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

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

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

19 As Chairperson of the Alcoholic
20 Beverage Control Board for the District of
21 Columbia and in accordance with Section 405 of
22 the Open Meetings Amendment Act of 2010, I

1 move that the ABC Board hold a closed meeting
2 on June 5, 2013 for the purpose of discussing
3 and hearing reports concerning ongoing or
4 planned investigations of alleged criminal or
5 civil misconduct or violations of law or
6 regulations and seeking legal advice from our
7 counsel on the Board's investigative agenda
8 for June 5, 2013 as published in the DC
9 Register on May 31, 2013.

10 Is there a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks
13 has seconded the motion. I will take a roll
14 call vote on the motion now that it has been
15 seconded.

16 Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Ms. Miller
21 agrees.

22 Mr. Silverstein?

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MEMBER SILVERSTEIN: I agree.

CHAIRPERSON MILLER: Mr.

Silverstein Agrees. Therefore by a vote of 4-0-0 the motion passes.

And 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 here for May 29, 2013. And the Board is adjourned.

(Whereupon, the A.B.R.A. Agenda in the above-entitled matter was concluded at 2:28 p.m.)

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