

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

June 11, 2014

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

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

(11:26 a.m.)

CHAIRPERSON MILLER: Okay. The Board is back on the record to do its Agendas for June 11th.

And the first item on the Licensing Agenda, I'm going to begin with licensing, is a request to extend retailer license in safekeeping since January 2013. It is for Karen A. Abbott (formerly G-Spot) located at 5413 Georgia Avenue, N.W., License No. 011228.

I move that we approve this request for a period of six months. Do I have a second?

MEMBER ALBERTI: Second.

CHAIRPERSON MILLER: Mr. Alberti seconded the motion.

All those in favor say aye.

ALL: Aye.

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

1 passes 4-0-0.

2 No. 2 is an application for an
3 entertainment endorsement in ANC-4C. It's for
4 LaJoya Steakhouse located at 201 Upshur
5 Street, N.W., License No. 093124.

6 I move that we placard this. Do I
7 have a second?

8 MEMBER SHORT: Second.

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

11 All those in favor say aye.

12 ALL: Aye.

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

17 No. 3 is an application for an
18 entertainment endorsement in ANC-2B. It's for
19 Cities located at 919 19th Street, N.W.,
20 License No. 086319.

21 I move that we placard this
22 application. Do I have a second?

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Mr. Alberti
3 seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

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

9 No. 4 is an endorsement for a new
10 summer garden and that's in ANC-6A. It is for
11 Smith Commons located at 1245 H Street, N.E.,
12 License No. 084598.

13 I move that we placard this. Do I
14 have a second?

15 MEMBER SHORT: Second.

16 CHAIRPERSON MILLER: Mr. Short has
17 seconded the motion.

18 All those in favor say aye.

19 MEMBER SHORT: Aye.

20 CHAIRPERSON MILLER: Aye.

21 MEMBER SILVERSTEIN: Aye.

22 MEMBER ALBERTI: I'm going to

1 abstain from that vote.

2 CHAIRPERSON MILLER: Okay. So the
3 motion passes 3-0-1, I guess, Alberti
4 abstains, recuses.

5 MEMBER ALBERTI: I'm just going to
6 -- I'll abstain from that.

7 CHAIRPERSON MILLER: Okay.
8 Abstain.

9 MEMBER ALBERTI: I'll end up
10 recusing myself later on in this matter.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: But right now, at
13 this point, I can just abstain.

14 CHAIRPERSON MILLER: Okay.

15 No. 5 is an application for a new
16 sidewalk cafe endorsement in ANC-1B. And that
17 is for Right Proper Brewing Company located at
18 624 T Street, N.W., License No. 092357.

19 I move that we placard this
20 application. Do I have a second?

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Mr. Alberti

1 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. 6 is a change of hours
8 application in ANC-6E. It is for Mandalay
9 located at 1501 9th Street, N.W., License No.
10 092421.

11 I move that we placard this
12 application. Do I have a second?

13 MEMBER SHORT: Second.

14 CHAIRPERSON MILLER: Mr. Short has
15 seconded the motion.

16 All those in favor say aye.

17 MEMBER SHORT: Aye.

18 CHAIRPERSON MILLER: Aye.

19 MEMBER SILVERSTEIN: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed?

22 MEMBER ALBERTI: Opposed.

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

3 No. 7 is a change of hours
4 application for Music & Arts Club/Tropicalia
5 located at 2001 14th Street, N.W., License No.
6 083264.

7 I move that we have a Fact-Finding
8 for this request. Do I have a second?

9 MEMBER SHORT: Second.

10 CHAIRPERSON MILLER: Mr. Short has
11 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 6-0-0.

17 No. 8 is change of hours
18 application to add Sunday hours only for
19 Malcolm Liquors located at 3845 Minnesota
20 Avenue, N.E., License No. 094779.

21 I move that we approve the
22 application. 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 6-0-0.

9 Okay. That completes the regular
10 Licensing Agenda.

11 On the Supplemental Licensing
12 Agenda, No. 1 is to review documentation with
13 respect to Harris Teeter Riverfront Grocery
14 Store located at 401 M Street, S.E., License
15 No. 095112.

16 I move that we postpone this
17 review one week, so that Mr. Jones can
18 participate. Do I have a second?

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Mr. Alberti
21 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 6-0-0.

5 No. 2 is a request for a
6 stipulated multipurpose license. There is an
7 ANC Letter of Support from ANC-6E. It is for
8 Capital Fringe located at 607 New York Avenue,
9 N.W., License No. 095309.

10 I move that we approve. Do I have
11 a second?

12 MEMBER RODRIGUEZ: Second.

13 CHAIRPERSON MILLER: Mr. Rodriguez
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 6-0-0.

20 That concludes our Licensing
21 Agendas.

22 So we can now turn to our Legal

1 Agendas.

2 Okay. The first item on our Legal
3 Agenda is a request to store invoices off-site
4 dated June 2, 2014 from Aaron Silverman,
5 Manager of Rose's Luxury. Rose's Luxury is
6 located at 717 8th Street, S.E., License No.
7 09884.

8 I move that we deny this
9 application and have our attorney let the
10 manager know what the legal options are for
11 storing invoices off-site or on-site. Do I
12 have a second?

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: Mr. Alberti
15 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 6-0-0.

21 No. 2 is a settlement agreement
22 dated May 27, 2014 between Lemo Group, LLC and

1 ANC-4A. It's in reference to WAPA Cafe
2 located at 6230 Georgia Avenue, N.W., License
3 No. 94602.

4 I move that we approve with
5 modifications to paragraphs 1, 4 and 7.

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Mr.

8 Silverstein 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 6-0-0.

14 No. 3 is a settlement agreement
15 dated May 14, 2014 between Syd's Liquor and
16 ANC-5C. Syd's Liquor is located at 2325
17 Georgia Avenue, N.E., License No. 26574.

18 I move that we approve with
19 modifications to paragraphs 2A and 11B.

20 MEMBER RODRIGUEZ: Second.

21 MEMBER ALBERTI: I would --

22 CHAIRPERSON MILLER: Do you have

1 more?

2 MEMBER ALBERTI: I would offer a
3 friendly --

4 CHAIRPERSON MILLER: Do you want
5 to look at it?

6 MEMBER ALBERTI: -- amendment that
7 we would also ask for -- approve with
8 modifications to paragraph 6.2 and can we just
9 hold one second?

10 CHAIRPERSON MILLER: Yes. Let's
11 take a look at it.

12 MEMBER ALBERTI: I want to have a
13 look at that.

14 CHAIRPERSON MILLER: Oh, I'm
15 sorry. Yes, 6A.2, there is some more. 6A.2,
16 8A, 9, 11B.

17 MEMBER ALBERTI: I don't know what
18 the other one was. Oh, and 8A.

19 CHAIRPERSON MILLER: Right. Okay.
20 So let me go through them, because I -- 2A,
21 6A.

22 MEMBER ALBERTI: No, 6.2.

1 CHAIRPERSON MILLER: 2. Oh, I'm
2 sorry.

3 MEMBER ALBERTI: The number is
4 6.2.

5 CHAIRPERSON MILLER: Oh, 6.2A or
6 just 6.2?

7 MEMBER ALBERTI: Oh, I'm sorry.
8 It's actually 6A.2. 6A.2. Do you want to see
9 it?

10 CHAIRPERSON MILLER: Oh, okay, so
11 we have 2A anyway, right. And then 6A.2.

12 MEMBER ALBERTI: Correct.

13 CHAIRPERSON MILLER: 6A.2, okay.

14 MEMBER ALBERTI: 8A.

15 CHAIRPERSON MILLER: 8A, correct,
16 yeah.

17 MEMBER ALBERTI: No, no, no, not
18 8.

19 CHAIRPERSON MILLER: No?

20 MEMBER ALBERTI: I'm sorry. No,
21 yeah, 8A.

22 CHAIRPERSON MILLER: 8A, yes,

1 okay.

2 MEMBER ALBERTI: And 11B.

3 CHAIRPERSON MILLER: Okay. And
4 also 9.

5 MEMBER ALBERTI: 9?

6 CHAIRPERSON MILLER: 9. Just a
7 little cleanup with our General Counsel. It
8 was not there, that's all.

9 MEMBER ALBERTI: Fine.

10 CHAIRPERSON MILLER: Okay. 2A,
11 6A.2, 8A, 9 and 11B. Okay. Do I have a
12 second?

13 MEMBER SILVERSTEIN: Second.

14 CHAIRPERSON MILLER: All those in
15 favor then say aye.

16 ALL: Aye.

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

20 No. 4 is a review of a request
21 from E & J Gallo to provide retailers with
22 products valued at more than \$50 and less than

1 \$500.

2 I move that we approve. Do I have
3 a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON MILLER: Mr. Short has
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

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

12 Okay. And then we have a
13 Supplemental Legal Agenda.

14 No. 1 on the Supplemental Legal
15 Agenda is a joint motion for a continuance
16 dated June 9, 2014 in the case of MOVA located
17 at 2204 14th Street, N.W., License No. 7030.

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

20 MEMBER RODRIGUEZ: Second.

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

1 All those in favor say aye?

2 ALL: Aye.

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

6 No. 2 is a request for
7 reinstatement of application to terminate
8 settlement agreement dated June 10, 2014 from
9 Joe Englert, Vendetta located at 1210 H
10 Street, N.E., License No. 72734.

11 Would someone like to make a
12 motion on that?

13 MEMBER SILVERSTEIN: I would like
14 to move we deny.

15 MEMBER SHORT: Second.

16 CHAIRPERSON MILLER: Okay. There
17 is a motion that has been seconded to deny.

18 All those in favor say aye.

19 MEMBER SHORT: Aye.

20 MEMBER SILVERSTEIN: Aye.

21 MEMBER RODRIGUEZ: Aye.

22 MEMBER BROOKS: Aye.

1 CHAIRPERSON MILLER: All those --

2 MEMBER ALBERTI: Mr. Alberti is
3 recusing himself from this one.

4 CHAIRPERSON MILLER: Okay. All
5 those opposed? Opposed.

6 All those abstaining? Mr.
7 Alberti. So then the motion passes 4-1-1.

8 Okay. No. 3 is a review and
9 approval of Emergency and Proposed Rulemaking
10 for MPD Reimbursable Detail, which extends the
11 days for reimbursable detail from two to seven
12 days a week and also would allow reimbursement
13 under the program for certain special events.

14 I move that we approve this
15 rulemaking.

16 MEMBER SHORT: Second.

17 CHAIRPERSON MILLER: Okay. Mr.
18 Short 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 6-0-0.

2 Okay. That concludes our agendas
3 for today and we will just take a vote on the
4 closed session meetings for next week.

5 As Chairperson of the Alcoholic
6 Beverage Control Board for the District of
7 Columbia and in accordance with DC Official
8 Code Section 2-574(b) of the Open Meetings
9 Act, I move that the ABC Board hold a closed
10 meeting on June 18, 2014 for the purpose of
11 seeking legal advice from our counsel on the
12 matters identified on the Board's Agenda for
13 June 18, 2014 as published in the DC Register
14 on June 13, 2014.

15 Is there a second?

16 MEMBER BROOKS: Second.

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

21 Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr. Alberti?

2 MEMBER ALBERTI: I agree.

3 CHAIRPERSON MILLER: Mr.

4 Rodriguez?

5 MEMBER RODRIGUEZ: I agree.

6 CHAIRPERSON MILLER: Ms. Miller

7 agrees.

8 Mr. Silverstein?

9 MEMBER SILVERSTEIN: I agree.

10 CHAIRPERSON MILLER: Mr. Short?

11 MEMBER SHORT: I agree.

12 CHAIRPERSON MILLER: It appears

13 that the motion has passed by a 6-0-0 vote.

14 I hereby give notice that the ABC

15 Board will hold this aforementioned closed

16 meeting pursuant to the Open Meetings Act.

17 Notice will also be posted on the ABC Board

18 hearing room bulletin board, placed on the

19 electronic calendar on ABRA's website and

20 published in the DC Register in as timely a

21 manner as practicable.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia and in accordance with DC Official
3 Code Section 2-574(b), closed meetings, and
4 Section 2-574, notice of meetings, of the Open
5 Meetings Act, I move that the ABC Board hold
6 a closed meeting on June 18, 2014 for the
7 purpose of discussing and hearing reports
8 concerning ongoing or planned investigations
9 of alleged criminal or civil misconduct or
10 violations of law or regulations and seeking
11 legal advice from our counsel on the Board's
12 Investigative Agenda for June 18, 2014 as
13 published in the DC Register on June 13, 2014.

14 Is there a second?

15 MEMBER SILVERSTEIN: Second.

16 CHAIRPERSON MILLER: Mr.

17 Silverstein seconded the motion. I'll now
18 take a roll call vote on the motion before us
19 now that it has been seconded.

20 Mr. Brooks?

21 MEMBER BROOKS: I agree.

22 CHAIRPERSON MILLER: Mr. Alberti?

1 MEMBER ALBERTI: I agree.

2 CHAIRPERSON MILLER: Mr.

3 Rodriguez?

4 MEMBER RODRIGUEZ: I agree.

5 CHAIRPERSON MILLER: Ms. Miller

6 agrees.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRPERSON MILLER: Mr. Short?

10 MEMBER SHORT: I agree.

11 CHAIRPERSON MILLER: It appears

12 that the motion has passed by a 6-0-0 vote.

13 I hereby give notice that the ABC

14 Board will hold this aforementioned closed

15 meeting pursuant to the Open Meetings Act.

16 Notice will also be posted on the ABC Board

17 hearing room bulletin board, placed on the

18 electronic calendar on ABRA's website and

19 published in the DC Register in as timely a

20 manner as practicable.

21 And that concludes our Agendas and

22 our votes on closed session and our business

1 for this morning.

2 So the Board will recess and then
3 return for its afternoon hearing.

4 (Whereupon, the A.B.R.A. Agenda in
5 the above-entitled matter was concluded at
6 11:43 a.m.)

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