

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

BOARD

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IN THE MATTER OF:

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A.B.R.A. AGENDA

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JUNE 13, 2012

The Alcoholic Beverage Control Board  
met in Alcoholic Beverage Control Hearing Room,

Reeves Building, 2000 14th Street, N.W.,  
Washington, D.C., Ruthanne Miller, Chairperson,  
presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

CALVIN NOPHLIN, Member

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

9:05 p.m.

CHAIRPERSON MILLER: We're back on the record with the agenda for Wednesday, June 13th, 2012.

Okay. The first item on our agenda is a review of a manager's application for Robert McElwee, III. I move that we approve this application. Do I have a second?

MEMBER NOPHLIN: Second.

CHAIRPERSON MILLER: Any comments?

(No audible response.)

CHAIRPERSON MILLER: All those in favor, say aye?

(Chorus of ayes.)

CHAIRPERSON MILLER: All those opposed?

(No audible response.)

CHAIRPERSON MILLER: All those abstaining?

CHAIRPERSON MILLER:

(No audible response.)

1 CHAIRPERSON MILLER: The motion  
2 passes 4-0-0.

3 No. 2 is a review of an application  
4 for safekeeping to allow for the transfer of the  
5 license to a potential buyer. There's no  
6 pending investigative matters or outstanding  
7 citations or fines, no conflict with voluntary  
8 agreements. ANC 2E. The establishment is Papa  
9 Razzi, 1064-1066 Wisconsin Avenue, N.W., License  
10 20054.

11 I move that we approve for 60 days.  
12 Do I have a second?

13 MEMBER NOPHLIN: Second.

14 CHAIRPERSON MILLER: Any comments?  
15 (No audible response.)

16 CHAIRPERSON MILLER: All those in  
17 favor, say aye?

18 (Chorus of ayes.)

19 CHAIRPERSON MILLER: All those  
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 CHAIRPERSON MILLER:

3 (No audible response.)

4 CHAIRPERSON MILLER: The motion  
5 passes 4-0-0.

6 No. 3 is an application for  
7 safekeeping pending approval of transfer  
8 application. There are pending investigative  
9 matters, outstanding citations/fines, no  
10 voluntary agreement. It's in ANC 3C. It's  
11 Tackle Box and there's a correction here for the  
12 address. It's 3407 Connecticut Avenue, N.W.,  
13 License No. 86074.

14 I move that we approve for 60 days.  
15 Do I have a second?

16 MEMBER NOPHLIN: Second.

17 CHAIRPERSON MILLER: Any comments?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those in  
20 favor, say aye?

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those

1       opposed?

2                       (No audible response.)

3                       CHAIRPERSON MILLER: All those  
4       abstaining?

5                       CHAIRPERSON MILLER:  
6                       (No audible response.)

7                       CHAIRPERSON MILLER: The motion  
8       passes 4-0-0.

9                       No. 4 is a letter dated May 9th,  
10       2012 from Louis Courembis on behalf of the  
11       landlord requesting an involuntary transfer of  
12       the license held by Bouzid, Inc., pursuant to  
13       Section 10 of the Lease Agreement and Court  
14       Order. This is Marrakesh Palace Pasha Lounge at  
15       2147 P Street, N.W., License No. 60695.

16                      My understanding is that the Board  
17       has some questions that we want to ask of the  
18       applicant prior to deciding this, so I would  
19       move that we have a fact finding on July 25th at  
20       1:30 p.m.

21                      MEMBER ALBERTI: Second.

22                      CHAIRPERSON MILLER: Okay. All

1 those opposed?

2 (No audible response.)

3 CHAIRPERSON MILLER: All those  
4 abstaining?

5 CHAIRPERSON MILLER:

6 (No audible response.)

7 CHAIRPERSON MILLER: The motion  
8 passes 4-0-0.

9 No. 5 is correspondence dated May  
10 27th, 2012 from Brendan Smith requesting  
11 clarification on Board Order No. 2011-448 for  
12 Capitol Food Mart regarding single sales.  
13 Capitol Food Mart is located at 1634 North  
14 Capitol Street, N.W., License No. 86246.

15 I would move that we postpone  
16 consideration of this correspondence until  
17 6/20/12 when there are more Board members who  
18 actually were on this order present. I wasn't  
19 on this case. Is there a second for that motion  
20 to postpone?

21 MEMBER ALBERTI: I don't think we  
22 need to vote.

1 CHAIRPERSON MILLER: Oh, we don't  
2 need to motion. We'll just consensus this will  
3 be postponed, okay, for consideration until  
4 then.

5 No. 6 is a review of a voluntary  
6 agreement dated May 22nd, 2012 between Best One  
7 Liquor and ANC 5C, 1700 4th Street Homeowners  
8 Group and Bates Area Civic Association, Inc.  
9 Best One Liquors is located at 322 Florida  
10 Avenue, N.W., License No. 86168.

11 I move that we approve with  
12 modifications to Section 4(f) and 10 and 11. I  
13 believe that's what the consensus of the Board  
14 is.

15 MEMBER ALBERTI: Yes, that's right.

16 CHAIRPERSON MILLER: Do I have a  
17 second?

18 MEMBER NOPHLIN: Second.

19 CHAIRPERSON MILLER: Okay. All  
20 those in favor, say aye?

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: Then the motion

1 passes 4-0-0. I just want to comment. I have  
2 voted for this modification, but I don't  
3 personally have a problem with No. 10,  
4 participation in the ANC meetings.

5 Okay. No. 7 on our agenda is review  
6 of a voluntary agreement dated May 10th, 2012  
7 between Union Liquors and ANC 8A. Union Liquors  
8 is located at 1537 Good Hope Road, S.E., License  
9 No. 79922.

10 I would move that we approve with  
11 modifications as follows: Remove or clarify  
12 Section 2(d), remove ANC from 2(i), and remove  
13 2(j). Okay. Do I have a second?

14 MEMBER NOPHLIN: Second.

15 CHAIRPERSON MILLER: Any comments?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those in  
18 favor then of the motion to approve with such  
19 modifications, say aye?

20 (Chorus of ayes.)

21 CHAIRPERSON MILLER: All those  
22 opposed?

1 (No audible response.)

2 CHAIRPERSON MILLER: Or abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: The motion  
5 passes 4-0-0.

6 No. 8 is a review of a voluntary  
7 agreement dated May 25th, 2012 between King's  
8 Mini Market and ANC 8A. King's Mini Market is  
9 located at 2400 Martin Luther King, Jr. Avenue,  
10 S.E., Retailer A, License No. 26650.

11 I move that -- this is actually  
12 similar to the one we did before with  
13 modifications to remove or clarify 2(d), remove  
14 ANC from 2(i) and remove 2(j). Do I have a  
15 second?

16 MEMBER NOPHLIN: Second.

17 CHAIRPERSON MILLER: All those in  
18 favor, say aye?

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those  
21 opposed?

22 (No audible response.)

1 CHAIRPERSON MILLER: All those  
2 abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: The vote is 4-  
5 0-0.

6 Okay. We have a supplemental  
7 agenda. First on that supplemental agenda is  
8 review of a letter dated June 1st, 2012 from  
9 David Briggs requesting the Board's approval to  
10 waive the requirement for additional placarding  
11 for a summer garden. This is for Yo! Sushi, 50  
12 Massachusetts Avenue, N.E., License No. 89282.

13 I would move that we approve the  
14 request to waive the requirement for placarding.  
15 Do I have a second?

16 MEMBER NOPHLIN: Second.

17 CHAIRPERSON MILLER: Any comments?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those in  
20 favor, say aye?

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those

1       opposed?

2                       (No audible response.)

3                       CHAIRPERSON MILLER: All those

4       abstaining?

5                       (No audible response.)

6                       CHAIRPERSON MILLER: The motion

7       passes 4-0-0.

8                       No. 2 is a review of a request for a  
9       stipulated license dated June 6th, 2012. It's  
10      supported by ANC 3F. It's for 876 Caf, at 4221  
11      Connecticut Avenue, N.W., License No. 89461.

12                      I would move that we approve this  
13      request. Do I have a second?

14                      MEMBER NOPHLIN: Second.

15                      CHAIRPERSON MILLER: Any comments?

16                      (No audible response.)

17                      CHAIRPERSON MILLER: All those in  
18      favor, say aye?

19                      (Chorus of ayes.)

20                      CHAIRPERSON MILLER: All those

21      opposed?

22                      (No audible response.)

1 CHAIRPERSON MILLER: All those  
2 abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: The motion  
5 passes 4-0-0.

6 No. 3 is a letter dated June 7, 2012  
7 from Reverend Frederick Close on behalf of the  
8 Saint Anthony of Padua Catholic Church  
9 requesting a reduction or waiver of fees for a  
10 temporary license for a fund raising gala on  
11 June 15th, 2012.

12 I would move that we approve  
13 reduction of the fee pursuant to 25-506. Do I  
14 have a second?

15 MEMBER NOPHLIN: Second.

16 CHAIRPERSON MILLER: Comments?

17 (No audible response.)

18 CHAIRPERSON MILLER: All those in  
19 favor of the motion to approve the reduction of  
20 fees, say aye?

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: Opposed?

1 (No audible response.)

2 CHAIRPERSON MILLER: Abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: The motion  
5 passes 4-0-0.

6 No. 4 is correspondence dated June  
7 7th, 2012 from Paul Pascal requesting the  
8 Board's permission for Premium Distributors to  
9 deliver products to the Nationals on Sunday,  
10 June 17th, 2012. Premium Distributors is  
11 located at 3500 Fort Lincoln Drive, N.E. and the  
12 License No. is 60290.

13 I would move that we approve this  
14 request. Do I have a second?

15 MEMBER NOPHLIN: Second.

16 CHAIRPERSON MILLER: Comments?

17 (No audible response.)

18 CHAIRPERSON MILLER: All those in  
19 favor, say aye?

20 (Chorus of ayes.)

21 CHAIRPERSON MILLER: All those  
22 opposed?

1 (No audible response.)

2 CHAIRPERSON MILLER: All those  
3 abstaining?

4 (No audible response.)

5 CHAIRPERSON MILLER: And the motion  
6 passes to approve by a vote of 4-0-0.

7 No. 5 is a letter dated June 5th,  
8 2012 from Don Padou requesting the Board's  
9 permission to waive the requirement that the  
10 members of a group of five or more appear in  
11 person on the June 18th, 2012 roll call hearing  
12 and instead appear through their representative.  
13 And the grounds is that the same group is also  
14 protesting Club Illusions and will appear at the  
15 roll call hearing scheduled on June 11th, 2012.  
16 The establishment is Hush Restaurant and Lounge,  
17 2121 New York Avenue, N.E., License No. 89332.

18 I would move that we deny this  
19 request pursuant to 1605.4.

20 MEMBER NOPHLIN: Second.

21 CHAIRPERSON MILLER: Okay. Any  
22 comments?

1 (No audible response.)

2 CHAIRPERSON MILLER: All those in  
3 favor of denial, say aye?

4 (Chorus of ayes.)

5 CHAIRPERSON MILLER: All those  
6 opposed?

7 (No audible response.)

8 CHAIRPERSON MILLER: All those  
9 abstaining?

10 (No audible response.)

11 CHAIRPERSON MILLER: And the motion  
12 passes 4-0-0.

13 Finally, No. 6 is a review of a  
14 motion for reconsideration of Order No. 2012-224  
15 dated June 6th, 2012 from Joseph Muigai in  
16 regards to the cancellation of Safari DC's  
17 license. Safari DC is located at 4306 Georgia  
18 Avenue, N.W., License No. 60481.

19 I would move that we deny until all  
20 outstanding fees are paid. Do I have a second?

21 MEMBER NOPHLIN: Second.

22 CHAIRPERSON MILLER: Any comments?

1 (No audible response.)

2 CHAIRPERSON MILLER: Okay. Then all  
3 those in favor of denial, say aye?

4 (Chorus of ayes.)

5 CHAIRPERSON MILLER: All those  
6 opposed?

7 (No audible response.)

8 CHAIRPERSON MILLER: All those  
9 abstaining?

10 (No audible response.)

11 CHAIRPERSON MILLER: And therefore  
12 the motion to deny passes.

13 That concludes our agenda, I  
14 believe, and our supplemental agenda.

15 With respect to cancellations, we  
16 have a very long list of cancellations for  
17 Wednesday, June 13th, 2012 that were published  
18 in the D.C. Register, so I'm going to move that  
19 all of these so listed for today's agenda be  
20 approved for cancellation.

21 MEMBER ALBERTI: Madam Chair, these  
22 are cancellations that were listed in the --

1 CHAIRPERSON MILLER: You think give  
2 the date of the D.C. Register?

3 MEMBER ALBERTI: Yes. Right.

4 CHAIRPERSON MILLER: June 8th.

5 MEMBER ALBERTI: Were in the June  
6 8th D.C. Register.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Thank you.

9 CHAIRPERSON MILLER: And everyone  
10 has that list before them. Okay. Do I have a  
11 second then --

12 MEMBER NOPHLIN: Second.

13 CHAIRPERSON MILLER: -- to approve?  
14 Okay. All those in favor then of the motion to  
15 approve the license cancellations, say aye?

16 (Chorus of ayes.)

17 CHAIRPERSON MILLER: All those  
18 opposed?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those  
21 abstaining?

22 (No audible response.)

1 CHAIRPERSON MILLER: Okay. And then  
2 the motion passes by a vote of 4-0-0.

3 Okay. You got my dates?

4 CHAIRPERSON MILLER: June 20th for  
5 the first two and then June 15th for the last  
6 one.

7 CHAIRPERSON MILLER: Okay. As the  
8 Chairperson of the Alcoholic Beverage Control  
9 Board for the District of Columbia and in  
10 accordance with Section 405 of the Open Meetings  
11 Amendment Act of 2010, I move that the ABC Board  
12 hold a closed meeting on June 20th, 2012 for the  
13 purpose of seeking legal advice from our counsel  
14 on the matters identified on the Board's agenda  
15 for June 20th, 2012 as published in the D.C.  
16 Register on June 15th, 2012. Is there a second?

17 MEMBER NOPHLIN: Second.

18 CHAIRPERSON MILLER: As the motion  
19 has been seconded, I'll take a roll call vote.  
20 Mr. Nophlin?

21 MEMBER NOPHLIN: I agree.

22 CHAIRPERSON MILLER: Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON MILLER: Ms. Miller

5 agrees. The motion passes 4-0-0.

6 As it appears that the motion has  
7 passed, I give notice that the ABC Board will  
8 hold this aforementioned closed meeting.

9 Pursuant to the Open Meetings Amendment Act of  
10 2010, notice will also be posted on the ABC  
11 Board hearing room bulletin board, placed on the  
12 electronic calendar on ABRA's Web site and  
13 published in the D.C. Register in as timely a  
14 manner as practicable.

15 As Chairperson of the Alcoholic  
16 Beverage Control Board for the District of  
17 Columbia and in accordance with Section 405 of  
18 the Open Meetings Amendment Act of 2010, I move  
19 that the ABC Board hold a closed meeting on June  
20 20th, 2012 for the purpose of discussing and  
21 hearing reports concerning ongoing or planned  
22 investigations of alleged criminal or civil

1 misconduct or violations of law or regulations  
2 and seeking legal advice from our counsel on the  
3 Board's investigative agenda for June 20th, 2012  
4 as published in the D.C. Register on June 15th,  
5 2012. Is there a second?

6 MEMBER NOPHLIN: Second.

7 CHAIRPERSON MILLER: I'll take a  
8 roll call vote on the motion before us now that  
9 it's been seconded. Mr. Nophlin?

10 MEMBER NOPHLIN: I agree.

11 CHAIRPERSON MILLER: Mr. Brooks?

12 MEMBER BROOKS: I agree.

13 CHAIRPERSON MILLER: Mr. Alberti?

14 MEMBER ALBERTI: I agree.

15 CHAIRPERSON MILLER: Ms. Miller  
16 agrees. The motion passes by a vote of 4-0-0.

17 I hereby give notice that the ABC  
18 Board will hold this aforementioned closed  
19 meeting. Pursuant to the Open Meetings  
20 Amendment Act of 2010, notice will also be  
21 posted on the ABC Board hearing room bulletin  
22 board, placed on the electronic calendar on

1 ABRA's Web site and published in the D.C.  
2 Register in as timely a manner as practicable.

3 And that concludes the Board's  
4 business for June 13th, 2012, and we are  
5 adjourned.

6 (Whereupon, the hearing was  
7 concluded at 9:21 p.m.)

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