

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

June 17, 2015

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
HECTOR RODRIGUEZ, Member

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

4:42 p.m.

CHAIRPERSON MILLER: Okay. The Board is back on the record. We will start with the Licensing Agenda.

The first item on the Licensing Agenda is an application for safekeeping for the license of M & T Grocer's Beer and Wine located at 201 15th Street, N.E., License No. 077390.

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

MEMBER RODRIGUEZ: Second.

CHAIRPERSON MILLER: Mr. Rodriguez has seconded the motion.

All those in favor say aye.

ALL: Aye.

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

No. 2 is a request to remove a license from safekeeping status by The Mediterranean Spot located at 1501 U Street, N.W., License No.

1 092484.

2 I move that we approve this request.

3 Do I have a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr. Silverstein
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining?

11 MEMBER ALBERTI: Does this place need
12 to be placarded? And was that discussed?

13 CHAIRPERSON MILLER: No. This is, I
14 think, on the basis of what -- what does the law
15 say on that? Two years from something?

16 MEMBER ALBERTI: Well, did they miss--
17 if they missed a renewal cycle, they would have
18 to and I don't know.

19 CHAIRPERSON MILLER: I think this is
20 a pretty recent one, because we had a Protest
21 Hearing.

22 MEMBER ALBERTI: Okay. As long as it

1 was noted. I just wanted to make sure we didn't
2 miss that.

3 CHAIRPERSON MILLER: Well, that's --
4 we can check.

5 MEMBER ALBERTI: I'll trust that it
6 was taken care of with licensing.

7 CHAIRPERSON MILLER: Okay. All right.
8 Then I believe the vote was 5-0-0 to approve.

9 MEMBER ALBERTI: Yes.

10 CHAIRPERSON MILLER: Okay. No. 3 is
11 a request to extend safekeeping status of a
12 license until July 31, 2016. This is for Sangria
13 Cafe located at 3636 16th Street, N.W., License
14 No. 090781.

15 I move that we approve this request.
16 Do I have a second?

17 MEMBER ALBERTI: For a whole year?

18 CHAIRPERSON MILLER: Yes. I believe
19 this one involves some construction or something
20 whereby the Board was convinced that a year was
21 reasonable.

22 MEMBER RODRIGUEZ: They're trying to

1 do the whole place.

2 MEMBER ALBERTI: Well, I'll oppose on
3 the condition I prefer all of these to be for six
4 months.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER ALBERTI: Fine. Go ahead.

7 CHAIRPERSON MILLER: All right. So I
8 believe I'll move again in case I didn't move.
9 Yes, I moved to approve. Do I have a second?

10 MEMBER BROOKS: Mr. Brooks has
11 seconded the motion.

12 All those in favor say aye.

13 MEMBER RODRIGUEZ: Aye.

14 MEMBER SILVERSTEIN: Aye.

15 CHAIRPERSON MILLER: Aye.

16 MEMBER BROOKS: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed?

19 MEMBER ALBERTI: Opposed.

20 CHAIRPERSON MILLER: All those
21 abstaining? The motion passes 4-1-0.

22 No. 4 is an application for a class

1 change from Retailer CR to Retailer CT. This is
2 for Da Luft Restaurant & Lounge located at 1242 H
3 Street, N.E., License No. 087780.

4 I move that we placard. Do I have a
5 second?

6 MEMBER RODRIGUEZ: Second.

7 CHAIRPERSON MILLER: Mr. Rodriguez
8 seconded the motion. Any comments? All right.

9 All those in favor say aye.

10 MEMBER RODRIGUEZ: Aye.

11 MEMBER ALBERTI: Aye.

12 MEMBER ALBERTI: Aye.

13 MEMBER BROOKS: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed?

16 MEMBER SILVERSTEIN: Aye or nay.

17 CHAIRPERSON MILLER: All those
18 abstaining? The motion passes 4-1-0 with Board
19 Member Silverstein opposed. Okay.

20 No. 5 is an application for a sidewalk
21 cafe endorsement of Stonefish Grill & Lounge
22 located at 1050 17th Street, N.W., License No.

1 094562.

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

4 MEMBER ALBERTI: I'm sorry, what was
5 the recommendation?

6 CHAIRPERSON MILLER: Approve. This is
7 for Stonefish Grill & Lounge located at 1050 17th
8 Street, N.W.

9 MEMBER SILVERSTEIN: I second.

10 CHAIRPERSON MILLER: Okay. Mr.
11 Silverstein seconded the motion. My
12 understanding of this is it's not near
13 residences.

14 MEMBER ALBERTI: Okay. I will
15 abstain, since I don't know.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: I wasn't part of that
18 discussion. Okay. Fine.

19 CHAIRPERSON MILLER: Any other
20 comments?

21 All those in favor say aye.

22 MEMBER RODRIGUEZ: Aye.

1 CHAIRPERSON MILLER: Aye.

2 MEMBER SILVERSTEIN: Aye.

3 MEMBER BROOKS: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining?

6 MEMBER ALBERTI: I abstain.

7 CHAIRPERSON MILLER: The motion passes
8 4-0-1, Board Member Alberti abstaining. Okay.

9 No. 6 is an application for an
10 entertainment endorsement for Churreria Madrid
11 located at 2505 Champlain Street, N.W., License
12 No. 060806.

13 I move that we placard this
14 application.

15 MEMBER RODRIGUEZ: Second it.

16 CHAIRPERSON MILLER: Mr. Rodriguez
17 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 5-0-0.

1 No. 7 is a request to extend temporary
2 ABC License through October 5, 2015 for DC Eagle
3 located at 3701 Benning Road, N.E., License No.
4 093984.

5 I move that we approve this
6 application, this request. Do I have a second?

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Mr. Silverstein
9 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. Is that 5-0-0?

15 MEMBER RODRIGUEZ: Yes.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: Well, just --

18 CHAIRPERSON MILLER: No?

19 MEMBER ALBERTI: I'm sorry.

20 CHAIRPERSON MILLER: Did you vote?

21 MEMBER ALBERTI: Can I ask a question?

22 What's the status of their application?

1 CHAIRPERSON MILLER: The status of
2 their application? What do you mean? It's
3 before us. What do you mean?

4 MEMBER ALBERTI: Well, their permanent
5 application.

6 CHAIRPERSON MILLER: Oh, their
7 permanent application?

8 MEMBER ALBERTI: I mean, why has this
9 been held up?

10 CHAIRPERSON MILLER: I think --

11 MEMBER ALBERTI: I mean this is an
12 extension of a temporary.

13 CHAIRPERSON MILLER: Right.

14 MEMBER ALBERTI: We gave them a
15 temporary so they could operate while they went
16 through the process of getting their permanent
17 license approved. What's the hold up?

18 CHAIRPERSON MILLER: Give me a minute,
19 I've got to get their application.

20 MEMBER ALBERTI: I mean, is there
21 something we should be aware of here?

22 MEMBER SILVERSTEIN: They have been

1 so --

2 MEMBER ALBERTI: I mean, when they are
3 asking for an extension, that says to me, okay,
4 is there something I should be looking at in
5 terms of their -- what is going on with their
6 permanent application?

7 MEMBER SILVERSTEIN: Has there not --

8 MEMBER ALBERTI: And why hasn't it
9 moved forward?

10 MEMBER SILVERSTEIN: Has there not
11 been construction going on at that site? Is
12 there not work?

13 CHAIRPERSON MILLER: That's my
14 impression why they are waiting.

15 MEMBER ALBERTI: We do that all the
16 time. Oh, I see what you are saying, Mike. Oh,
17 while they are in that status of -- oh, I got it.
18 Never mind. I understand now.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: We may have even
21 approved their license, but they can't be granted
22 a permanent license until the construction and C

1 of 0 is done.

2 MEMBER SILVERSTEIN: Right.

3 MEMBER ALBERTI: Thank you.

4 CHAIRPERSON MILLER: Yes. That was --
5 they had a temporary C of O.

6 MEMBER ALBERTI: That's the case.

7 CHAIRPERSON MILLER: And that's also
8 changing.

9 MEMBER ALBERTI: All right. Thank
10 you.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: All right. Thank
13 you, Mike.

14 CHAIRPERSON MILLER: All right. So
15 that is a vote of 5-0-0 to approve.

16 Okay. Next we have a few manager
17 applications, manager license applications.

18 No. 8 is for Michelle Zimmerman. I
19 move that we approve her application. Do I have
20 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 5-0-0.

7 No. 9 is an application for manager's
8 license by Paul C. Ferrell and I move that we
9 deny this application. Do I have a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr. Silverstein
12 seconded the motion.

13 All those in favor say aye.

14 MEMBER SILVERSTEIN: Aye.

15 CHAIRPERSON MILLER: Aye.

16 MEMBER BROOKS: Aye.

17 MEMBER RODRIGUEZ: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed?

20 MEMBER ALBERTI: Opposed.

21 CHAIRPERSON MILLER: All those
22 abstaining? The motion passes then 4-1-0 with

1 Board Member Alberti opposed.

2 No. 10 is an application for a
3 manager's license by Kevin J. Nally. I move that
4 we approve this application. Do I have a second?

5 MEMBER RODRIGUEZ: Second.

6 CHAIRPERSON MILLER: Mr. Rodriguez
7 seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 5-0-0.

13 MEMBER ALBERTI: Can I ask to go back
14 to Mr. Ferrell?

15 CHAIRPERSON MILLER: Well, just I
16 would caution. If you want us to postpone or
17 something, because this is confidential.

18 MEMBER ALBERTI: All right. Well, --

19 CHAIRPERSON MILLER: But --

20 MEMBER ALBERTI: -- so --

21 CHAIRPERSON MILLER: -- there is no
22 one in here, I know, but --

1 MEMBER ALBERTI: -- there is no one in
2 here.

3 CHAIRPERSON MILLER: But they may read
4 the transcript.

5 MEMBER ALBERTI: I will be very
6 careful what I --

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: -- put on the record.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER ALBERTI: Obviously, we
11 considered this because there was -- he was
12 convicted of --

13 CHAIRPERSON MILLER: No.

14 MEMBER ALBERTI: -- at least a
15 misdemeanor.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: It has to be,
18 because, otherwise, we wouldn't be --

19 CHAIRPERSON MILLER: Yes.

20 MEMBER ALBERTI: -- considering it.

21 CHAIRPERSON MILLER: That's correct.

22 MEMBER ALBERTI: All right. So that's

1 known.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: All right.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: Unless I missed it,
6 the last misdemeanor conviction was in 2008. Am
7 I correct?

8 CHAIRPERSON MILLER: I'm going to pull
9 it. We're going to pull it, Ferrell.

10 MEMBER ALBERTI: And don't we only go
11 back five years?

12 MEMBER RODRIGUEZ: That's right.

13 CHAIRPERSON MILLER: I can read you
14 the statute with respect to --

15 MEMBER SILVERSTEIN: Felonies go back
16 10, misdemeanors go back 5.

17 MEMBER ALBERTI: Okay.

18 MEMBER SILVERSTEIN: And there was a
19 felony that was a seven year conviction.

20 CHAIRPERSON MILLER: I just want to,
21 you know, caution that we don't say too much. Of
22 course he filed the application.

1 MEMBER ALBERTI: It's public record.

2 CHAIRPERSON MILLER: He did file an
3 application in the public record, yes.

4 MEMBER ALBERTI: Yes, it's in the
5 public record.

6 CHAIRPERSON MILLER: Yes.

7 MEMBER ALBERTI: He was found guilty,
8 given sentence. Was that a felony?

9 MEMBER SILVERSTEIN: He got seven
10 years. By definition that's a felony.

11 MEMBER RODRIGUEZ: I would say.

12 MEMBER SILVERSTEIN: Anything beyond
13 a year sentencing.

14 CHAIRPERSON MILLER: Well, I think
15 plus the nature of the --

16 MEMBER ALBERTI: So well --

17 CHAIRPERSON MILLER: -- misdemeanor --
18 of the felony and misdemeanor.

19 MEMBER ALBERTI: -- I just wanted to
20 make -- you know, Mike, I don't give a
21 (whispering) fuck about this. All right. I
22 don't. You heard me.

1 CHAIRPERSON MILLER: Okay. So you
2 voted against it.

3 MEMBER ALBERTI: All right. Fine.
4 No, I'm just -- Mike said something to me that I
5 strongly disagree with, but that's fine. We can
6 move on. I don't want to hold things up. I
7 apologize for having done so.

8 CHAIRPERSON MILLER: Okay. No, I
9 think it's important to make a knowledgeable
10 vote. So, yes, there were convictions of great
11 concern.

12 MEMBER ALBERTI: Well, I understand.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: I see everything
15 here.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: I still oppose it.

18 CHAIRPERSON MILLER: Okay. So --

19 MEMBER ALBERTI: I oppose the motion.

20 CHAIRPERSON MILLER: -- we finished
21 the Licensing Agenda, but we have some
22 supplementals to do.

1 MEMBER RODRIGUEZ: Yes.

2 CHAIRPERSON MILLER: Okay. The
3 Supplemental Licensing Agenda No. 1, we have a
4 request for a stipulated license with ANC support
5 for Belga Cafe located at 514 8th Street, S.E.

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

8 MEMBER RODRIGUEZ: Second.

9 CHAIRPERSON MILLER: Mr. Rodriguez 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? The motion
15 passes 5-0-0.

16 No. 2 is a request for a stipulated
17 license with ANC support for Centrolina located
18 at 974 Palmer Alley, N.W., License Nos. 098356/
19 098364.

20 I move that we approve. Do I have a
21 second?

22 MEMBER ALBERTI: Second.

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

3 All those in favor say aye.

4 ALL: Aye.

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

8 No. 3 is a request for a stipulated
9 license to operate a rooftop summer garden with a
10 letter of support from ANC-2B. This is Beacon
11 Hotel & Corporate Quarters located at 1615 Rhode
12 Island Avenue, N.W., License No. 077109.

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

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks has
17 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.

1 No. 4 is a request for change of hours
2 for JJ Liquors located at 1211 Brentwood Road,
3 N.E., License No. 075647.

4 I move that we placard this request.
5 Do I have a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has
8 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 5-0-0.

14 No. 5 is a request for change of hours
15 for a sidewalk cafe for DCity Smokehouse located
16 at 1700 2nd Street, N.W., License No. 098368.

17 I believe in this case we had already
18 approved their placarding, but then they
19 placarded with the wrong hours, so they need to
20 placard again.

21 So this is to approve their placarding
22 again. Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr. Silverstein
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. 6 is request for change of hours
10 for 11th & M Corner Market located at 1133 11th
11 Street, N.W., License No. 086606.

12 I move we approve. Do I have a
13 second?

14 MEMBER RODRIGUEZ: Second.

15 CHAIRPERSON MILLER: Mr. Rodriguez
16 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. 7 is a request for a temporary

1 operating retail permit for Regis Hotel located
2 at 923 16th Street, N.W., License No. 099454.

3 I move that we approve this request.

4 Do I have a second?

5 MEMBER SILVERSTEIN: Second.

6 CHAIRPERSON MILLER: Mr. Silverstein
7 seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 5-0-0.

13 No. 8 is a request for involuntary
14 transfer from Burger 1931, LLC to SRF, LLC. Boss
15 Burger is located at 1931 14th Street, N.W.,
16 License No. 098831.

17 And I'm going to move that we approve
18 this request. Okay. And my motion is based on
19 D.C. Statute 289-619, and it is conditioned on a
20 notarized transfer statement. Do I have a
21 second?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Who seconded?

2 MEMBER BROOKS: I did.

3 CHAIRPERSON MILLER: Okay. Mr.

4 Brooks.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes then 5-0-0.

10 Okay. I believe we have a Second
11 Supplemental Licensing Agenda. Yes, okay, we
12 have one item on a Second Supplemental Licensing
13 Agenda, which is a request for a stipulated
14 license with letter of ANC support for Olivia's
15 located at 1120 19th Street, N.W., License No.
16 098268, and the ANC is ANC-2B.

17 I move that we approve this request.
18 Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks has
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 5-0-0.

5 Okay. That concludes the Licensing
6 Agenda.

7 Turning to our Legal Agendas. The
8 first item on the Legal Agenda is an amendment to
9 a settlement agreement between ANC-5B and JJ
10 Liquors dated May 20, 2015. JJ Liquors is
11 located at 1211 Brentwood Road, N.E., License No.
12 075647.

13 I move that we postpone consideration
14 of this amendment for one week. Do I have a
15 second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Mr. Brooks has
18 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 5-0-0.

2 No. 2 is a settlement agreement
3 between ANC-6B and World Wine and Spirits dated
4 May 19, 2015. World Wine and Spirits is located
5 at 1453 Pennsylvania Avenue, S.E., Retailer A
6 License No. 094605.

7 I move that we approve this settlement
8 agreement with one modification to Paragraph No.
9 4, which is on the second page of the settlement
10 agreement, deleting the word prohibit. Do I have
11 a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr. Silverstein
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 5-0-0.

20 No. 3 is a review of a settlement
21 agreement between ANC-6B and Chat's Liquors dated
22 May 12, 2015. Chat's Liquors is located at 503

1 8th Street, S.E., License No. 000200.

2 I move that we approve with
3 modification to Paragraph 3E on Page 2 of the
4 settlement agreement modified by the deletion of
5 "and in any request by the ANC," that in any
6 request by the ANC is overly broad here. Okay.

7 So with that modification, I move to
8 approve. Do I have a second?

9 MEMBER RODRIGUEZ: Second.

10 CHAIRPERSON MILLER: Mr. Rodriguez 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 5-0-0.

17 No. 4 is another settlement agreement
18 in ANC-6B. We have a series in ANC-6B here.
19 Okay. And this one is with S & J Liquors dated
20 May 12, 2015. S & J Liquors is located at 1500
21 Massachusetts Avenue, S.E., License No. 009122.

22 I move that we approve with

1 modification to Page 2 of the settlement
2 agreement at Paragraph 4 deleting the word
3 prohibit. Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks 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 5-0-0.

12 No. 5 is a settlement agreement
13 between ANC-6B and Congressional Liquor dated May
14 14, 2015. Congressional Liquor is located at 404
15 I Street, S.E., License No. 089418.

16 I move that we approve with one
17 modification, Page 2, Paragraph 4, delete the
18 word prohibit as we did in similar settlement
19 agreements that we are reviewing here by 6B. Do
20 I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks has

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 5-0-0.

7 No. 6 is a settlement agreement
8 between ANC-6B and Gandel's Liquors dated May 12,
9 2015. Gandel's Liquors is located at 211
10 Pennsylvania Avenue, S.E., License No. 071312.

11 I move that we approve their
12 settlement agreement with modification to the
13 same Paragraph 4, same word, deleting prohibit.
14 And I am going to move that similarly so, we
15 approve the following settlement agreements from
16 ANC-6B that have the exact same language in the
17 exact same places and that's for:

18 Albert's Liquors located at 328
19 Kentucky Avenue, S.E., License No. 077335, which
20 is No. 7 on our agenda.

21 And No. 8, that settlement agreement
22 between ANC-6B and Capitol Hill Wine & Spirits

1 dated May 12, 2015. Capitol Hill Wine & Spirits
2 is located at 323 Pennsylvania Avenue, S.E.,
3 License No. 081749.

4 I move that we approve all three of
5 these settlement agreements with modification to
6 Paragraph 4 of the agreements deleting the word
7 prohibit. Do I have a second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks 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? The motion
15 passes 5-0-0.

16 Okay. That completes the Legal
17 Agenda. We have a Supplemental Legal Agenda as
18 well.

19 Okay. The first item on the
20 Supplemental Legal Agenda is a request for
21 reconsideration submitted by Joan Sterling,
22 President, Shaw-Dupont Citizens Alliance, Inc.

1 dated June 8, 2015. It is related to Tico
2 located at 1926 14th Street, N.W., License No.
3 093610.

4 And No. 2 is the opposition to this
5 request for reconsideration submitted by Andrew
6 Kline on behalf of Tico dated June 9, 2015. Tico
7 is located at 1926 14th Street, N.W., License No.
8 093610.

9 As you all may recall, we got a
10 request originally. Well, we got communication
11 from Shaw-Dupont Citizens Alliance opposing the
12 placarding and they cited language in the
13 settlement agreement and we got opposition from
14 Tico citing language in the settlement agreement.

15 And basically, the Board ruled that
16 the language allowed Tico to seek additional
17 hours and the Board decided to placard Tico's
18 request.

19 And so I would move to deny this
20 request for reconsideration for a couple of
21 reasons. One is I don't even think they have
22 standing, necessarily, to be filing a request for

1 reconsideration, given that they are not a party
2 to any case.

3 But be that as it may, we already
4 considered their views and we already decided to
5 placard, so I would move to deny. Do I have a
6 second?

7 MEMBER RODRIGUEZ: Second.

8 CHAIRPERSON MILLER: Mr. Rodriguez
9 seconded. Any other comments?

10 MEMBER ALBERTI: Did we get a letter
11 from them originally when we --

12 CHAIRPERSON MILLER: Yes, yes. You
13 were opposed.

14 MEMBER ALBERTI: I was opposed?

15 CHAIRPERSON MILLER: Yes.

16 MEMBER ALBERTI: Because we had a
17 request from the -- from Tico's but I don't --
18 but we had input from --

19 CHAIRPERSON MILLER: Yes. We had
20 input from both of them.

21 MEMBER ALBERTI: All right. Fine.
22 Good. I just didn't know. Thank you.

1 CHAIRPERSON MILLER: Okay. Any other
2 comments? All right. So there is a motion that
3 has been seconded to deny the request and to
4 thereby go forward with the placarding. And has
5 it been seconded?

6 MEMBER RODRIGUEZ: Yes.

7 CHAIRPERSON MILLER: Okay. Mr.
8 Rodriguez seconded.

9 All those in favor say aye.

10 MEMBER BROOKS: Aye.

11 CHAIRPERSON MILLER: Aye.

12 MEMBER RODRIGUEZ: Aye.

13 MEMBER SILVERSTEIN: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed?

16 MEMBER ALBERTI: Opposed.

17 CHAIRPERSON MILLER: All those
18 abstaining? Then the vote is 4-1-0 with Board
19 Member Alberti opposed. Okay. That takes care
20 of 1 and 2.

21 No. 3 is a settlement agreement among
22 ANC-2E, Citizens Association of Georgetown and

1 Leopold's Kafe dated May 4, 2015. Leopold's Kafe
2 is located at 3315 Cady's Alley, N.W., License
3 No. 025268.

4 I'm going to move to approve the
5 settlement agreement with modification to --

6 MEMBER ALBERTI: Was it Paragraph 5?

7 CHAIRPERSON MILLER: I'm sorry, I'm
8 just looking for the settlement agreement. I
9 have in my notes Page 2 with the part that deals
10 with the assigns.

11 MEMBER ALBERTI: Right.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER ALBERTI: The sale content must
14 provide any purchase --

15 CHAIRPERSON MILLER: Right.

16 MEMBER ALBERTI: Must provide any --
17 any purchase must enter into a new voluntary
18 agreement within six months. We -- it can't --

19 CHAIRPERSON MILLER: Oh, that too.

20 MEMBER ALBERTI: -- require them to
21 enter into a new -- you can't require them to put
22 that in the contract.

1 CHAIRPERSON MILLER: Yes.

2 MEMBER ALBERTI: So they must delete--

3 CHAIRPERSON MILLER: Correct.

4 MEMBER ALBERTI: -- at least the last
5 sentence.

6 CHAIRPERSON MILLER: That last
7 sentence. Also --

8 MEMBER ALBERTI: So that's No. 5.

9 CHAIRPERSON MILLER: -- No. 5 where it
10 says binding agreement, delete the last sentence.
11 And then also the first sentence deals with
12 assignees and I don't believe that is authorized
13 under our act. Okay. Any other comments?

14 All right. So I move to approve the
15 settlement agreement as modified in Paragraph 5
16 deleting assignees and the last two sentences
17 dealing with the sales contract. Do I have a
18 second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks has
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 4-0-0.

5 No. 4 is a settlement agreement
6 between ANC-6B and Belga Cafe dated June 9, 2015.
7 Belga Cafe is located at 514 8th Street, License
8 No. 060779.

9 I move that we approve with the
10 following modification. The first modification
11 is to Paragraph 2, nature of the business that
12 the following phrase is deleted and that would be
13 "will not without the ANC-6B's agreement seek to
14 increase."

15 And I think that's it. Does anybody
16 else have any other ones for this one? Okay. So
17 with that modification, I move to approve.

18 MEMBER ALBERTI: Well, so --

19 CHAIRPERSON MILLER: Do you see
20 another one?

21 MEMBER ALBERTI: -- No. 2.

22 CHAIRPERSON MILLER: Yes?

1 MEMBER ALBERTI: I just want for you
2 to make it clear that it appears to me that the
3 intent is stipulated to the number of seats, the
4 maximum number of seats. So we should convey to
5 the ANC if that's their intent, then they need to
6 reword this. Not just take out that language.
7 They need to reword this.

8 CHAIRPERSON MILLER: All right.

9 MEMBER ALBERTI: They need to omit the
10 language that we object to and make it clear what
11 their intent is here.

12 CHAIRPERSON MILLER: Okay. The way I
13 read it, those numbers that are left would be
14 what the numbers --

15 MEMBER ALBERTI: You could -- one
16 could interpret it that way.

17 CHAIRPERSON MILLER: Yes.

18 MEMBER ALBERTI: But it would read
19 "The applicant currently seeks total seating of
20 111 people." It doesn't say that the ANC is
21 limiting them to that.

22 CHAIRPERSON MILLER: Oh.

1 MEMBER ALBERTI: It is only saying
2 that they are seeking. And so they need to make
3 it clear what their intent is. We have already
4 seen a problem with intent on a case you just
5 ruled on today.

6 CHAIRPERSON MILLER: Yes. Okay. I
7 didn't really think it was a problem, but --

8 MEMBER ALBERTI: No. But just --

9 CHAIRPERSON MILLER: -- somebody
10 thought it was.

11 MEMBER ALBERTI: -- to be fair, if we
12 are going to remove that, I just want to convey
13 to them that they have the opportunity of
14 tweaking the language such that it's very clear
15 what they want. All right? That's all I'm
16 saying. And I convey that message to the ANC.

17 CHAIRPERSON MILLER: So something like
18 a maximum of or something like that, you mean?

19 MEMBER ALBERTI: They can change the
20 language however they want.

21 CHAIRPERSON MILLER: Oh, okay. But
22 the point is we are not limiting them from

1 seeking relief before the Board.

2 MEMBER ALBERTI: Absolutely.

3 CHAIRPERSON MILLER: Yes, right.

4 That's the problem.

5 MEMBER ALBERTI: We are requiring them
6 to remove that phrase.

7 CHAIRPERSON MILLER: Yes.

8 MEMBER ALBERTI: But once that phrase
9 is removed --

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: -- I think they
12 should be --

13 CHAIRPERSON MILLER: It may change.

14 MEMBER ALBERTI: -- we should make
15 sure they understand they have the opportunity to
16 rephrase that whole section.

17 CHAIRPERSON MILLER: Oh, yes, okay.

18 Okay.

19 MEMBER ALBERTI: All right?

20 CHAIRPERSON MILLER: Yes.

21 MEMBER ALBERTI: I want to make sure.

22 CHAIRPERSON MILLER: Okay. Good. All

1 right. Let's see, where are we?

2 MEMBER ALBERTI: I think we were --

3 CHAIRPERSON MILLER: River Inn?

4 MEMBER ALBERTI: Yes.

5 CHAIRPERSON MILLER: No. 5 is a
6 settlement agreement between ANC-2A and the River
7 Inn-Dish dated June 15, 2015. The River Inn-Dish
8 is located at 924 25th Street, N.W., License No.
9 001782.

10 And I move that we approve this
11 agreement with modification to a paragraph that
12 talks about seeking show cause.

13 MEMBER ALBERTI: Paragraph 8. No.
14 Item No. 8 --

15 CHAIRPERSON MILLER: 11.

16 MEMBER ALBERTI: -- is show cause
17 language towards the middle of it, I think.

18 CHAIRPERSON MILLER: 8.

19 MEMBER ALBERTI: Yes, towards the
20 middle of that paragraph on Item 8. Notice of
21 opportunity to cure?

22 CHAIRPERSON MILLER: Yes. That's my--

1 is that -- that's what it is, right. Okay. And
2 the Board or our General Counsel will give the
3 parties standard language that we have been
4 giving to parties to settlement agreements when
5 we notice that they are seeking to express this
6 kind of a remedy.

7 Okay. So which paragraph is that?

8 Oh, yes, Paragraph --

9 MEMBER ALBERTI: 8. Notice --

10 CHAIRPERSON MILLER: -- 8 under notice
11 and opportunity to cure. Thank you. Okay. So I
12 move that we approve this settlement agreement
13 with the modifications to Paragraph 8 as
14 discussed.

15 MEMBER ALBERTI: Second it.

16 CHAIRPERSON MILLER: Okay.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The motion
21 passes 5-0-0.

22 No. 6 is a settlement agreement

1 between ANC-6D and District Winery dated June 8,
2 2015. District Winery is located at 385 Water
3 Street, S.E., License No. 098684.

4 I move to approve with the following
5 modifications. On the top of Page 2 to delete
6 the words "that any change in operations requires
7 prior approval by the ABC Board," because that's
8 not true. I mean, that's not the law.

9 Okay. And Page 4, Clause 9, I think
10 it's Clause 9, the last sentence. "Applicant
11 also specifically agrees to be the sole owner of
12 the ABC License." That should also be deleted.

13 Okay. So I move that we approve this
14 settlement agreement with those two
15 modifications. Do I have a second?

16 MEMBER RODRIGUEZ: Second.

17 CHAIRPERSON MILLER: Mr. Rodriguez has
18 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 5-0-0.

2 Finally, No. 7 is a review of a
3 settlement agreement between ANC-6D and Matthew
4 Hayes #1, Commander Jacques #2 and Miss Christin
5 #3 dated June 8, 2015. Matthew Hayes #1,
6 Commander Jacques #2 and Miss Christin #3 located
7 at 205 The Strand, Alexandria, Virginia, DX
8 License No. 098753.

9 I move that we approve the settlement
10 agreement with modification as follows: The
11 first one is Page 2, Clause 2, last sentence
12 should be deleted. It says "Any change from this
13 model shall be considered to be a substantial
14 change in operation and requires prior approval
15 by the ABC Board."

16 And Page 3 with respect to notice and
17 opportunity to cure that the parties be provided
18 standard language that the Board is suggesting
19 for all settlement agreements that we have been
20 reviewing dealing with that subject.

21 Okay. Is that good? So okay, yes,
22 that's on the last page. All right. Then the

1 motion is approved with those two modifications.

2 All those in favor say aye.

3 ALL: Aye.

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

7 Okay. No. 8 is a request for
8 reinstatement of a protest submitted by ANC-4B
9 dated June 4, 2015. The applicant did not
10 respond to this request for reinstatement. And
11 the applicant is Riggs Liquors located at 5581
12 South Dakota Avenue, N.E., License No. 060532.

13 In this case ANC-4B is requesting
14 reinstatement on grounds that they say they
15 didn't receive written notice by letter and
16 that's why they failed to appear at the June 1
17 Roll Call Hearing.

18 Okay. I feel a little bit torn by
19 this one, because I think, obviously, notice is
20 critical to participating, but I have also been
21 informed that the ANCs are noticed in several
22 ways, not just by a written letter, that they get

1 notice electronically of all Roll Call Hearings.

2 MEMBER ALBERTI: And also --

3 CHAIRPERSON MILLER: Yes?

4 MEMBER ALBERTI: it's also on the
5 notice --

6 MEMBER SILVERSTEIN: The placard.

7 MEMBER ALBERTI: -- the placard and
8 the notice that they get. The ANC would have
9 gotten notice of the placard.

10 CHAIRPERSON MILLER: Yes.

11 MEMBER ALBERTI: With the same
12 information that was on the placard. So their
13 initial notice that this was -- this application
14 was being placarded would have had to be based on
15 that.

16 CHAIRPERSON MILLER: So they also say
17 they didn't -- that the licensee did not properly
18 post placards and noted this in a letter to the
19 Board on April 22, 2015.

20 Any other comments?

21 MEMBER SILVERSTEIN: No.

22 CHAIRPERSON MILLER: Okay. I guess I

1 would say that I'm almost leaning their way,
2 except for the fact of the electronic
3 notifications that go double. They go -- as far
4 as I understand, they go to ANC, Single Member
5 District as well as the ANC as a whole. Is that
6 correct? Anybody want to confirm that for me?

7 MEMBER SILVERSTEIN: Right.

8 CHAIRPERSON MILLER: Yes, that's what
9 I thought. Okay. All right. So on that basis,
10 I kind of begrudgingly will move to deny the
11 request. Do I have a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr. Silverstein
14 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 5-0-0.

20 I would also say for the record that
21 they are not without remedy, that they list some
22 concerns they have had with this establishment

1 such as trash and other things and those kind of
2 concerns, if they rise to the level of a
3 violation, can be brought to the Board for
4 action.

5 Okay. All right. So that one was
6 denied 5-0-0.

7 Next we have another reconsideration.
8 This is a petitioner's Petition for
9 Reconsideration submitted by Richard Bianco on
10 behalf of Ibiza dated June 10, 2015. Ibiza is
11 located at 1222 First Street, N.E., License No.
12 074456.

13 And No. 10 is the opposition by the
14 Government to this Petition for Reconsideration
15 dated June 12, 2015.

16 In the Petition for Reconsideration,
17 the licensee says that they were late in putting
18 the license in safekeeping because they had to
19 track down their employees to, basically, find
20 it. I think that's basically a summary of it.
21 And then they say that revocation is, you know, a
22 major penalty because the investors, members,

1 everyone who is an owner can't be -- can't
2 operate a licensed establishment for five years.

3 Okay. And then the District opposes
4 it. And one of the reasons the District opposes
5 it is that they say it wasn't presented in the
6 right form, that there was no affidavit as to why
7 the -- you know, why they couldn't provide the
8 license in time, in any event.

9 Okay. So I would move that we deny
10 the motion.

11 MEMBER ALBERTI: For reconsideration?

12 CHAIRPERSON MILLER: The Petition for
13 Reconsideration.

14 MEMBER ALBERTI: Oh, I'll second that.

15 CHAIRPERSON MILLER: Okay. And I
16 would move that we deny it, one, based on the
17 fact that there was no affidavit attached, which
18 I think is important in this kind of a case and
19 no reason why it couldn't have been attached.
20 And you know, if they had trouble finding this
21 license, they should have notified us sooner.

22 MEMBER ALBERTI: Well, they should

1 have notified us before the end of --

2 CHAIRPERSON MILLER: Yes.

3 MEMBER ALBERTI: -- the period in
4 which it was due.

5 CHAIRPERSON MILLER: True.

6 MEMBER ALBERTI: I mean, that's my--

7 CHAIRPERSON MILLER: Yes, yes.

8 MEMBER ALBERTI: -- focus. My main
9 reason for denying this is that, you know, two
10 weeks later they tell us oh, we can't find it.

11 CHAIRPERSON MILLER: Yes.

12 MEMBER ALBERTI: After they found out
13 that we really meant business.

14 CHAIRPERSON MILLER: Yes. They didn't
15 -- we didn't have any reason why they couldn't
16 have done that earlier.

17 MEMBER ALBERTI: Who me? You really
18 meant me?

19 CHAIRPERSON MILLER: Other comments?
20 Okay.

21 Then all those in favor of denying the
22 petition say aye.

1 ALL: Aye.

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

5 Okay. I think that finishes our
6 agenda items. Okay. So what is left is to give
7 notice and take the votes on our closed meetings
8 for next week.

9 As Chairperson of the Alcoholic
10 Beverage Control Board for the District of
11 Columbia and in accordance with Section 405 of
12 the Open Meetings Amendment Act of 2010, I move
13 that the ABC Board hold a closed meeting on June
14 24, 2015 for the purpose of seeking legal advice
15 from our counsel on the matters identified on the
16 Board's Agenda for June 24, 2015 as published in
17 the DC Register on June 19, 2015.

18 Is there a second?

19 MEMBER BROOKS: Second.

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

1 seconded.

2 Mr. Brooks?

3 MEMBER BROOKS: I agree.

4 CHAIRPERSON MILLER: Mr. Alberti?

5 MEMBER ALBERTI: I agree.

6 CHAIRPERSON MILLER: Mr. Rodriguez?

7 MEMBER RODRIGUEZ: I agree.

8 CHAIRPERSON MILLER: Ms. Miller

9 agrees.

10 Mr. Silverstein?

11 MEMBER SILVERSTEIN: I agree.

12 CHAIRPERSON MILLER: It appears that
13 the motion has passed by a 5-0-0 vote.

14 I hereby give notice that the ABC
15 Board will hold this aforementioned closed
16 meeting pursuant to the Open Meetings Amendment
17 Act of 2010. Notice will also be posted on the
18 ABC Board hearing room bulletin board, placed on
19 the 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 Section 405 of
3 the Open Meetings Amendment Act of 2010, I move
4 that the ABC Board hold a closed meeting on June
5 24, 2015 for the purpose of discussing and
6 hearing reports concerning ongoing or planned
7 investigations of alleged criminal or civil
8 misconduct or violations of law or regulations
9 and seeking legal advice from our counsel on the
10 Board's Investigative Agenda for June 24, 2015 as
11 published in the DC Register on June 19, 2015.

12 Is there a second?

13 MEMBER BROOKS: Second.

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

18 Mr. Brooks?

19 MEMBER BROOKS: I agree.

20 CHAIRPERSON MILLER: Mr. Alberti?

21 MEMBER ALBERTI: I agree.

22 CHAIRPERSON MILLER: Mr. Rodriguez?

1 MEMBER RODRIGUEZ: I agree.

2 CHAIRPERSON MILLER: Ms. Miller

3 agrees.

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree.

6 CHAIRPERSON MILLER: It appears that
7 the motion has passed by a 5-0-0 vote.

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

16 And that concludes our business for
17 June 17, 2015. And we are adjourned.

18 MEMBER RODRIGUEZ: Thank you.

19 (Whereupon, the Agenda Hearing in the
20 above-entitled matter was concluded at 5:32 p.m.)

21

22

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