

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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ABRA AGENDA :

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June 19, 2013

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

PRESENT:

NICK ALBERTI, Interim Chair

DONALD BROOKS, Member

HERMAN JONES, Member

MICHAEL SILVERSTEIN, Member

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

(2:19 p.m.)

CHAIRMAN ALBERTI: Okay. The next item we are going to do is the Agenda. Mike, take it away.

MEMBER SILVERSTEIN: The Agenda for Wednesday, June 19th, 2013.

Number 1, review request dated June 5, June 7th of E & J Gallo Winery to provide retailers products valued at more than \$50 and less than \$500.

I move we approve. Is there a second?

MEMBER BROOKS: Second.

MEMBER SILVERSTEIN: It's been moved and seconded. Any comments? If not all those in favor say aye.

(Multiple Ayes)

MEMBER SILVERSTEIN: Vote passes, 3-0.

Number 2, review of letter dated June 3rd, 2013 from Jerry Moore, wishing to

1 advise the Board that the American University,  
2 the licensee, is initiating food and alcoholic  
3 beverage services consistent with the license  
4 at the Washington College of Law Building.

5 This involves Bon Appetit  
6 Management Company. And the License Number is  
7 71077. I move we approve. Is there a second?

8 MEMBER BROOKS: Second.

9 CHAIRMAN ALBERTI: Actually, this  
10 is just an FYI. They're just informing us --

11 MEMBER SILVERSTEIN: They are in  
12 fact informing us of a decision that we have  
13 approved already in the past.

14 CHAIRMAN ALBERTI: Yes, so it's an  
15 FYI.

16 MEMBER SILVERSTEIN: We appreciate  
17 that especially being that this particular  
18 request is at the Washington College of Law  
19 Building on Massachusetts Avenue and is not  
20 part of the regularly considered main campus.  
21 The main campus of the American University.

22 Number 3, the review of a letter

1 dated May 30th, 2013 from Tameru Zemenfes  
2 regarding their tenant, Queen Makeda. This is  
3 involving Queen Makeda, License Number 60510.  
4 This is an FYI.

5 Number 4, review of petition for  
6 reconsideration from Samuel Sharpe requesting  
7 the Board reverse an order dismissing the  
8 protest of petitioners at a Roll Call Hearing  
9 involving Sunshine Bar and Lounge.

10 License Number 85239. I move we  
11 deny. Is there a second?

12 MEMBER BROOKS: Second.

13 MEMBER SILVERSTEIN: It's been  
14 moved and seconded. Any comment? If not, all  
15 those in favor of denying signifying by saying  
16 aye.

17 (Multiple ayes.)

18 MEMBER SILVERSTEIN: Vote passes,  
19 3-0.

20 Number 5, review of request for  
21 reinstatement from Jack Rose in regard to  
22 Board Order. Jack Rose, License Number 81997.

1 I move we deny. Is there a second?

2 MEMBER BROOKS: Second.

3 MEMBER SILVERSTEIN: Moved and  
4 seconded we deny the request for  
5 reinstatement. All those in favor signify by  
6 saying aye.

7 (Multiple ayes.)

8 MEMBER SILVERSTEIN: Opposed?

9 Passes 3-0. Request is denied.

10 Number 6, review of request for  
11 reinstatement from Iraj Askarinam regarding  
12 Spaghetti Garden, Brass Monkey, Peyote,  
13 Roxanne. License Number 10284. I move we  
14 deny.

15 MEMBER BROOKS: Second.

16 MEMBER SILVERSTEIN: It's been  
17 moved and seconded. All those in favor of  
18 denial please signify by saying aye.

19 (Multiple ayes.)

20 MEMBER SILVERSTEIN: Opposed?

21 It's been denied. Vote of 3-0.

22 Number 7, review of request for

1 reinstatement from Iraj Askarinam in regard to  
2 Board Order regarding Carriage House, 60401,  
3 the license number. I move we deny.

4 MEMBER BROOKS: Second.

5 MEMBER SILVERSTEIN: It's been  
6 moved and seconded that we deny. All those in  
7 favor please signify by saying aye.

8 (Multiple ayes.)

9 MEMBER SILVERSTEIN: Opposed?  
10 It's been denied by a vote of 3-0.

11 Number 8, review of Settlement  
12 Agreement, dated June 3rd between Mason Inn  
13 and ANC 3B. This is Mason Inn, 2408 Wisconsin  
14 Avenue. License Number 79644. I move that we  
15 approve this minor modifications.

16 MEMBER BROOKS: Second.

17 MEMBER SILVERSTEIN: It's been  
18 moved and seconded that we approve this with  
19 minor modifications. All those in favor  
20 please signify by saying aye.

21 (Multiple ayes.)

22 MEMBER SILVERSTEIN: Opposed?

1 It's been approved. We approve it with minor  
2 modifications by a vote of 3-0.

3 Number 9, review of Supplement  
4 Agreement Amendments between Justin's Caf, and  
5 ANC 6D. Justin's Caf,, License Number 83690.

6 I move we approve.

7 MEMBER BROOKS: I second.

8 MEMBER SILVERSTEIN: Moved and  
9 seconded that we approve. All those in favor  
10 please signify by saying aye.

11 (Multiple ayes.)

12 MEMBER SILVERSTEIN: Opposed?

13 It's been approved by a vote of 3-0.

14 These are from the Supplemental  
15 Agenda for June 19th.

16 Number 1, the review of request to  
17 postpone Roll Call Hearing for River Front on  
18 the Ball Park. I move we deny the request to  
19 postpone.

20 MEMBER BROOKS: Second.

21 MEMBER SILVERSTEIN: It's been  
22 moved and seconded that we deny to postpone.

1 All those in favor please signify by saying  
2 aye.

3 (Multiple ayes.)

4 MEMBER SILVERSTEIN: Opposed? The  
5 motion to deny has been passed 3-0.

6 Number 2, review of request for  
7 reinstatement for Andrew Kline for the White  
8 Tiger Restaurant. The license was cancelled  
9 by a Board Order on May 15th. I move we deny.

10 MEMBER BROOKS: Second.

11 MEMBER SILVERSTEIN: It's been  
12 moved and denied, there has been a lack of  
13 timeliness in the request for reinstatement.  
14 All those in favor of the move to deny please  
15 signify by saying aye.

16 (Multiple ayes.)

17 MEMBER SILVERSTEIN: Opposed?  
18 Motion to deny has been passed, 3-0.

19 Number 3 is the review of the  
20 lease regarding the landlord selling on  
21 payments, with an initial down payment. It's  
22 a financial agreement involving New York Diva.

1 License Number is 92380. We're going to refer  
2 that to legal.

3 Number 4, request for change of  
4 sales operating and entertainment hours for  
5 Tree House Lounge, 1006 Florida Avenue  
6 Northeast. Is Northeast correct?

7 MALE PARTICIPANT: Yes.

8 MEMBER SILVERSTEIN: There's a  
9 typo there, it's Northwest on the Agenda but  
10 it is Northeast.

11 This is License Number 91618. I  
12 move that we approve. Is there a second?

13 MEMBER BROOKS: Second.

14 MEMBER SILVERSTEIN: It's been  
15 moved and seconded that we approve. All  
16 those in favor please signify by saying aye.

17 (Multiple ayes.)

18 MEMBER SILVERSTEIN: Opposed?

19 Okay, motion is approved by a vote of 3-0.

20 We'll pass over Number 5, with  
21 Walmart.

22 Number 6, review of request --

1 (Off the record discussion.)

2 MEMBER SILVERSTEIN: Oh. Number  
3 5, review of documents submitted for grocery  
4 store components and square footage layout for  
5 Walmart, 99 H Street Northwest. Retailer B,  
6 License Number 92202. I move we postpone this  
7 for one week. All those in favor please  
8 signify by saying aye.

9 (Multiple ayes.)

10 MEMBER SILVERSTEIN: Opposed?  
11 Postponed for one week.

12 Number 6, review of request for  
13 adding sidewalk caf, endorsement for license  
14 for the Ghibellina, 1610 14th Street. License  
15 Number 887856. I'm not sure that's a correct  
16 license number. But I move that we placard  
17 this.

18 MALE PARTICIPANT: It may be  
19 007856, but I'm --

20 MEMBER SILVERSTEIN: It says  
21 Ghibellina at 1610 14th Street Northwest. It  
22 is a Tavern License. And I move that we

1 placard.

2 CHAIRMAN ALBERTI: I agree. I  
3 second.

4 MEMBER SILVERSTEIN: Okay, it has  
5 been moved and seconded that we placard. All  
6 those in favor please signify by saying aye.

7 (Multiple ayes.)

8 MEMBER SILVERSTEIN: Opposed.  
9 Move to placard is approved, 3-0.

10 Review of change of hours  
11 application, Number 7, for Best One Liquor.  
12 Best One Liquor, 322 Florida Avenue Northwest.  
13 License Number 86168. I move we approve.

14 MEMBER BROOKS: Second.

15 MEMBER SILVERSTEIN: It's been  
16 moved and second that we approve. All those  
17 in favor please signify by saying aye.

18 (Multiple ayes.)

19 MEMBER SILVERSTEIN: Opposed?  
20 Approved, 3-0.

21 Number 8, request for change of  
22 hours. An addition of Sunday hours and an

1 extension of Friday and Saturday hours for  
2 Sunset Liquors, 1627 1st Street Northwest.  
3 License Number 60657. I move we approve. Is  
4 there a second?

5 MEMBER BROOKS: Second.

6 MEMBER SILVERSTEIN: Moved and  
7 seconded that we approve the request for  
8 Sunset Liquors. All those in favor please  
9 signify by saying aye.

10 (Multiple ayes.)

11 MEMBER SILVERSTEIN: Opposed?  
12 It's been approved, 3-0.

13 Number 9, request for change of  
14 sales and operating hours including summer  
15 garden and sidewalk caf,, to 24 hours a day  
16 for Flash at 645 Florida Avenue Northwest.  
17 Retailer License, CT, the License Number is  
18 90823. I move we placard.

19 MEMBER BROOKS: Second.

20 MEMBER SILVERSTEIN: It's been  
21 moved and seconded to placard this request.  
22 All those in favor please signify by saying

1 aye.

2 (Multiple ayes.)

3 MEMBER SILVERSTEIN: Opposed?

4 It's been unanimously approved, 3-0.

5 Number 10, request for change in  
6 hours and sales at Oasis Market. This  
7 involves an issue of Sunday hours. Oasis  
8 Market, 1179 3rd Street Northeast. License  
9 Number 88531. I move we approve the request.

10 MEMBER BROOKS: Second.

11 MEMBER SILVERSTEIN: It's been  
12 moved and seconded that we approve the  
13 request. All those in favor please signify by  
14 saying aye.

15 (Multiple ayes.)

16 MEMBER SILVERSTEIN: Opposed?

17 It's been approved, 3-0.

18 Mr. Chairman? We've completed  
19 those items. We're off the record?

20 CHAIRMAN ALBERTI: We are still on  
21 the record. I'm going to close the meeting.

22 MEMBER SILVERSTEIN: We're back on

1 the record, Mr. Chairman.

2 CHAIRMAN ALBERTI: As Acting Chair  
3 present of the Alcoholic Beverage Control  
4 Board for the District of Columbia and  
5 according to Section 405 of the Open Meeting  
6 Amendment Act of 2010, I move that the ABC  
7 Board hold a closed meeting on June 26th, 2013  
8 for the purpose of seeking legal advise from  
9 counsel on the matters identified on the  
10 Board's Agenda for June 21st 2013 as published  
11 in the D.C. Register on June 26, 2013. Do I  
12 have a second?

13 MEMBER SILVERSTEIN: Second.

14 CHAIRMAN ALBERTI: All those in  
15 favor say aye.

16 (Multiple ayes.)

17 CHAIRMAN ALBERTI: All those  
18 opposed? The motion passes 3-0.

19 And as Acting Chairperson of the  
20 Alcoholic Beverage Control Board for the  
21 District of Columbia and in accordance to  
22 Section 405 of Open Meeting Amendment Act of

1       2010, I move that the ABC Board hold a closed  
2       meeting on June 26, 2013 for the purpose of  
3       discussing and hearing reports concerning  
4       ongoing planned investigations of alleged  
5       criminal or civil misconduct or violations of  
6       the law or Regulations and seeking legal  
7       advice from our counsel on the Board's  
8       Investigative Agenda for June 21st, 2013 as  
9       published in the D.C. Register on June 26th,  
10      2013. Do I have a second?

11                   MEMBER SILVERSTEIN: Second.

12                   CHAIRMAN ALBERTI: All those in  
13      favor say aye.

14                   (Multiple ayes.)

15                   CHAIRMAN ALBERTI: All those  
16      opposed? Motion passes, 3-0.

17                   We are off the record.

18                   (Off the record discussion.)

19                   CHAIRMAN ALBERTI: Okay, I am  
20      going to go on the record and just correct,  
21      there's a correction to the Supplemental  
22      Agenda Item 6 with regards to Ghibellina at

1 1610 14th Street. The License Number is  
2 88785. Correct License Number again is 88785.  
3 And we are now off the record.

4 (Whereupon, the hearing in the  
5 above-entitled matter went off the record at  
6 2:32 p.m. and went back on the record at 2:33  
7 p.m.)

8 CHAIRMAN ALBERTI: We are back on  
9 the record. We are going to reopen the record  
10 on our Supplemental Agenda. Actually this is  
11 the regular -- No it's on the Supplemental  
12 Agenda, we're going to open the record to  
13 correct one item. Mike, please.

14 MEMBER SILVERSTEIN: Mr. Chairman,  
15 I'd like to move first that we reconsider our  
16 decision on Item Number 5 of the Supplemental  
17 Agenda, Walmart.

18 CHAIRMAN ALBERTI: I second the  
19 motion.

20 MEMBER SILVERSTEIN: It's been  
21 moved and seconded that we reconsider our  
22 decision. All those in favor please signify

1 by saying aye.

2 (Multiple ayes.)

3 MEMBER SILVERSTEIN: Opposed?

4 It's passed 3-0. We will now reconsider our  
5 decision. Mr. Chairman, I'll entertain a  
6 motion on that.

7 CHAIRMAN ALBERTI: I move that we  
8 schedule a fact finding to collect more  
9 information on this application.

10 MEMBER SILVERSTEIN: And I would  
11 ask Board Member Jones if there's anything in  
12 particular that might be required in that fact  
13 finding.

14 MEMBER JONES: Additional  
15 information will be needed and information  
16 will be conveyed by the Director directly to  
17 the Licensee.

18 CHAIRMAN ALBERTI: Great. Is  
19 there a second?

20 MEMBER SILVERSTEIN: Second.

21 CHAIRMAN ALBERTI: All those in  
22 favor say aye.

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(Multiple ayes.)

CHAIRMAN ALBERTI: Okay. All  
opposed? Motion passes, 3-0. The record is  
not closed on the Supplemental Agenda.

Thank you, Mr. Silverstein. Thank  
you, Mr. Jones.

MEMBER JONES: Thank you.

CHAIRMAN ALBERTI: And we will be  
back very quickly.

(Whereupon, the meeting/hearing in  
the above-entitled matter was concluded at  
2:35 p.m.)

<b>A</b>	9:5 11:12 12:16 <b>aye</b> 2:17 4:16 5:6 5:18 6:7,20 7:10 8:2,15 9:16 10:8 11:6,17 12:9 13:1 13:14 14:15 15:13 17:1,22 <b>ayes</b> 2:18 4:17 5:7 5:19 6:8,21 7:11 8:3,16 9:17 10:9 11:7,18 12:10 13:2,15 14:16 15:14 17:2 18:1	13:20 14:1,2,14 14:17 15:12,15,19 16:8,14,18 17:5,7 17:18,21 18:2,8 <b>Chairperson</b> 1:13 14:19 <b>change</b> 9:3 11:10 11:21 12:13 13:5 <b>civil</b> 15:5 <b>close</b> 13:21 <b>closed</b> 14:7 15:1 18:4 <b>collect</b> 17:8 <b>College</b> 3:4,18 <b>Columbia</b> 1:1 14:4 14:21 <b>comment</b> 4:14 <b>comments</b> 2:16 <b>Company</b> 3:6 <b>completed</b> 13:18 <b>components</b> 10:4 <b>concerning</b> 15:3 <b>concluded</b> 18:11 <b>considered</b> 3:20 <b>consistent</b> 3:3 <b>Control</b> 1:2,12,12 14:3,20 <b>conveyed</b> 17:16 <b>correct</b> 9:6 10:15 15:20 16:2,13 <b>correction</b> 15:21 <b>counsel</b> 14:9 15:7 <b>criminal</b> 15:5 <b>CT</b> 12:17	<b>denying</b> 4:15 <b>directly</b> 17:16 <b>Director</b> 17:16 <b>discussing</b> 15:3 <b>discussion</b> 10:1 15:18 <b>dismissing</b> 4:7 <b>District</b> 1:1 14:4,21 <b>Diva</b> 8:22 <b>documents</b> 10:3 <b>DONALD</b> 1:19 <b>D.C</b> 1:13 14:11 15:9	<b>going</b> 2:4 9:1 13:21 15:20 16:9,12 <b>Great</b> 17:18 <b>grocery</b> 10:3
<b>B</b>	<b>B</b> 10:5 <b>back</b> 13:22 16:6,8 18:9 <b>Ball</b> 7:18 <b>Bar</b> 4:9 <b>Best</b> 11:11,12 <b>beverage</b> 1:2,12,12 3:3 14:3,20 <b>Board</b> 1:2,12 3:1 4:7,22 6:2 8:9 14:4,7,20 15:1 17:11 <b>Board's</b> 14:10 15:7 <b>Bon</b> 3:5 <b>Brass</b> 5:12 <b>BROOKS</b> 1:19 2:14 3:8 4:12 5:2 5:15 6:4,16 7:7,20 8:10 9:13 11:14 12:5,19 13:10 <b>Building</b> 1:13 3:4 3:19	<b>D</b>	<b>E</b>	<b>H</b>
<b>C</b>	<b>caf</b> 7:4,5 10:13 12:15 <b>Call</b> 4:8 7:17 <b>campus</b> 3:20,21 <b>cancelled</b> 8:8 <b>Carriage</b> 6:2 <b>Chair</b> 1:18 14:2 <b>Chairman</b> 2:3 3:9 3:14 11:2 13:18	<b>dated</b> 2:8,21 4:1 6:12 <b>day</b> 12:15 <b>decision</b> 3:12 16:16 16:22 17:5 <b>denial</b> 5:18 <b>denied</b> 5:9,21 6:10 8:12 <b>deny</b> 4:11 5:1,4,14 6:3,6 7:18,22 8:5 8:9,14,18	<b>F</b>	<b>I</b>
<b>ABC</b> 14:6 15:1 <b>above-entitled</b> 16:5 18:11 <b>ABRA</b> 1:6 <b>Act</b> 14:6,22 <b>Acting</b> 14:2,19 <b>adding</b> 10:13 <b>addition</b> 11:22 <b>Additional</b> 17:14 <b>advice</b> 15:7 <b>advise</b> 3:1 14:8 <b>Agenda</b> 1:6 2:4,6 7:15 9:9 14:10 15:8,22 16:10,12 16:17 18:4 <b>agree</b> 11:2 <b>agreement</b> 6:12 7:4 8:22 <b>Alberti</b> 1:14,18 2:3 3:9,14 11:2 13:20 14:2,14,17 15:12 15:15,19 16:8,18 17:7,18,21 18:2,8 <b>alcoholic</b> 1:2,12,12 3:2 14:3,20 <b>alleged</b> 15:4 <b>Amendment</b> 14:6 14:22 <b>Amendments</b> 7:4 <b>American</b> 3:1,21 <b>ANC</b> 6:13 7:5 <b>Andrew</b> 8:7 <b>Appetit</b> 3:5 <b>application</b> 11:11 17:9 <b>appreciate</b> 3:16 <b>approve</b> 2:12 3:7 6:15,18 7:1,6,9 9:12,15 11:13,16 12:3,7 13:9,12 <b>approved</b> 3:13 7:1 7:13 9:19 11:9,20 12:12 13:4,17 <b>Askarinam</b> 5:11 6:1 <b>Avenue</b> 3:19 6:14	<b>D</b>	<b>E</b>	<b>I</b>	
	<b>D</b>	<b>F</b>	<b>J</b>	
	<b>D</b>	<b>G</b>		
		<b>fact</b> 3:12 17:8,12 <b>favor</b> 2:17 4:15 5:5 5:17 6:7,19 7:9 8:1,14 9:16 10:7 11:6,17 12:8,22 13:13 14:15 15:13 16:22 17:22 <b>financial</b> 8:22 <b>finding</b> 17:8,13 <b>first</b> 16:15 <b>Flash</b> 12:16 <b>Florida</b> 9:5 11:12 12:16 <b>food</b> 3:2 <b>footage</b> 10:4 <b>Friday</b> 12:1 <b>Front</b> 7:17 <b>FYI</b> 3:10,15 4:4	<b>identified</b> 14:9 <b>including</b> 12:14 <b>information</b> 17:9 17:15,15 <b>informing</b> 3:10,12 <b>initial</b> 8:21 <b>initiating</b> 3:2 <b>Inn</b> 6:12,13 <b>Interim</b> 1:18 <b>investigations</b> 15:4 <b>Investigative</b> 15:8 <b>involves</b> 3:5 13:7 <b>involving</b> 4:3,9 8:22 <b>Iraj</b> 5:11 6:1 <b>issue</b> 13:7 <b>item</b> 2:4 15:22 16:13,16 <b>items</b> 13:19	
		<b>Gallo</b> 2:9 <b>garden</b> 5:12 12:15 <b>Ghibellina</b> 10:14 10:21 15:22 <b>go</b> 15:20	<b>House</b> 6:2 9:5	
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