

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD

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IN THE MATTER OF:

A.B.R.A. AGENDA

JUNE 25, 2014

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

HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

MICHAEL SILVERSTEIN, Member

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

5:35 p.m.

CHAIRPERSON MILLER: Okay. We're back on the record to do our agendas for Wednesday, June 25th, 2014. I'm going to start with the licensing agenda. We have a licensing agenda and a supplemental licensing agenda.

First item on our licensing agenda is a change of hours application for Capitol Food Market, located at 1634 North Capitol Street, N.W. And I move that we placard this application. Do I have a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON MILLER: Mr. Silverstein seconded the motion. All those in favor, say aye?

(Chorus of ayes)

CHAIRPERSON MILLER: All those opposed?

(No audible response)

CHAIRPERSON MILLER: All those

1 abstaining?

2 (No audible response)

3 CHAIRPERSON MILLER: Motion passes
4 4-0-0.

5 And No. 2 on the agenda for the
6 licensing is a letter from Kevin Dziekonski
7 requesting a determination on a proposal.
8 It's Project GG, located at 11311 Ashley
9 Drive, Rockville, Maryland. And it's a letter
10 in which he describes is proposal. However,
11 it's my opinion to refer this to licensing,
12 which deals with applications, but if anyone
13 wants to comment on the proposal, feel free
14 to.

15 (No audible response)

16 CHAIRPERSON MILLER: No? So we'll
17 let licensing handle applications. All those
18 in favor of referring to licensing, 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: Motion passes
5 4-0-0.

6 Okay. We have a supplemental
7 licensing agenda.

8 First item on the supplemental is
9 a request for a stipulated license from
10 Licensee's agent Saundrell Stevens with an ANC
11 letter of support, that's in ANC 4D. The
12 establishment is Culture Coffee located at 709
13 Kennedy Street, N.W., License No. 095028.

14 I move that we approve the
15 request. Do I have a second?

16 MEMBER RODRIGUEZ: Second.

17 CHAIRPERSON MILLER: Mr. Rodriguez
18 has seconded the motion. All those in favor,
19 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: Motion passes
6 6-0-0.

7 No. 2 is a request from Attorney
8 Steven J. O'Brien for a temporary retail
9 operating permit. This is for Q on Conn, LLC,
10 trading as Fat Pete's BBQ, located at 3407
11 Connecticut Avenue, N.W., License No. 089639.

12 I believe that there's a typo
13 here, that this is in ANC 3C, and in fact it
14 references ANC 3C-04. So there is a transfer
15 pending and this was just to bridge the gap
16 before the transfer is acted on. And the
17 terms of the operation would be the same as
18 the license, though the menu would be
19 different.

20 So I move that we approve this
21 application.

22 MEMBER SILVERSTEIN: Second.

1 CHAIRPERSON MILLER: Mr.
2 Silverstein seconded the motion. All those in
3 favor, 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: Motion passes
12 6-0-0.

13 No. 3 is a change of hours
14 application for Safeway, located at 1855
15 Wisconsin Avenue, N.W., to sell alcohol two
16 hours earlier. And we have in our second
17 supplemental legal agenda I believe an amended
18 settlement agreement which we will vote on as
19 well that will result in there being no
20 conflict with the settlement agreement.

21 So I move that we approve this
22 change of hours application. Do I have a

1 second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON MILLER: Mr. Short has
4 seconded the motion. All those in favor, say
5 aye?

6 (Chorus of ayes)

7 CHAIRPERSON MILLER: All those
8 opposed?

9 (No audible response)

10 CHAIRPERSON MILLER: All those
11 abstaining?

12 (No audible response)

13 CHAIRPERSON MILLER: Motion passes
14 5-0-0. That concludes our licensing agendas.

15 So we have three legal agendas.

16 First item on the legal agenda is
17 a review of a resolution dated June 16, 2014
18 from Will Stephens, ANC 2B chair, related to
19 Hampton Inn located at 1729 H Street, N.W.
20 License No. 91668.

21 I move that we postpone
22 consideration of this resolution until July

1 9th. Do I have a second?

2 MEMBER BROOKS: Second.

3 CHAIRPERSON MILLER: Mr. Rodriguez
4 seconded the motion. What? Mr. Brooks did?

5 MEMBER BROOKS: Yes.

6 CHAIRPERSON MILLER: Mr. Brooks
7 seconded the motion. Sorry. All those in
8 favor, say aye?

9 (Chorus of ayes)

10 CHAIRPERSON MILLER: All those
11 opposed?

12 (No audible response)

13 CHAIRPERSON MILLER: All those
14 abstaining?

15 (No audible response)

16 CHAIRPERSON MILLER: Motion passes
17 5-0-0.

18 And No. 2 is two requests from E &
19 J Gallo to provide retailers with products
20 valued at more than \$50 and less than \$500.

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

1 MEMBER RODRIGUEZ: Second.

2 CHAIRPERSON MILLER: Mr. Rodriguez
3 seconded the motion. All those in favor, say
4 aye?

5 (Chorus of ayes)

6 CHAIRPERSON MILLER: All those
7 opposed?

8 (No audible response)

9 CHAIRPERSON MILLER: Those
10 abstaining?

11 (No audible response)

12 CHAIRPERSON MILLER: Motion passes
13 5-0-0.

14 On our supplemental legal agenda
15 No. 1 is a request for protest standing dated
16 June 12th, 2014 from Robin Diner of the Dupont
17 Circle Citizens Association. The Applicant
18 objects to this untimely filed protest. It's
19 related to Saloon 45, located at 1821 18th
20 Street, N.W., License No. 94842.

21 We actually ruled on this request
22 last week and denied it. And we'll be issuing

1 an order, I believe a written order today on
2 it. So I don't believe that any further
3 action is required.

4 Okay. No. 2 is a letter dated
5 10th, 2014 from Emmanuel Mpras, counsel for
6 Grand Cata. Grand Cata is located at 440 K
7 Street, N.W., License No. 95041.

8 I move that we postpone
9 consideration of this letter until July 9th.
10 Do I have a second?

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Mr. Alberti
13 seconded the motion. All those in favor, say
14 aye?

15 (Chorus of ayes)

16 CHAIRPERSON MILLER: All those
17 opposed?

18 (No audible response)

19 CHAIRPERSON MILLER: All those
20 abstaining?

21 (No audible response)

22 CHAIRPERSON MILLER: Motion passes

1 6-0-0.

2 No. 3 is a request for a meeting
3 dated June 23rd, 2014 from Julian Haffner,
4 counsel for RCX, LLC related to the
5 establishment of Stadium, located at 2127
6 Queens Chapel Road, N.E., License No. 82005.
7 I believe these are the transferees, or who
8 will be transferees pending approval by this
9 Board of the transfer.

10 I move that we schedule a fact
11 finding hearing for July 9th at 2:00 p.m. Do
12 I have a second?

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: Mr. Alberti
15 seconded the motion. All those in favor, say
16 aye?

17 (Chorus of ayes)

18 CHAIRPERSON MILLER: All those
19 opposed?

20 (No audible response)

21 CHAIRPERSON MILLER: All those
22 abstaining?

1 (No audible response)

2 CHAIRPERSON MILLER: Motion passes
3 6-0-0.

4 No. 4 is a settlement agreement
5 dated May 30th, 2013 between United
6 Neighborhood Coalition and Sweet Mango
7 Corporation. Sweet Mango is located at 3701-
8 07 New Hampshire Avenue, N.W., License No.
9 72512.

10 I move that we approve the
11 settlement agreement with modifications, and
12 we will be signing an order today in which the
13 modifications are set forth. And that will be
14 Board Order 2014-264. So the motion is to
15 approve with those modifications. Do I have
16 a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr. Short
19 seconded -- Mr. Silverstein seconded the
20 motion. All those in 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: Motion passes
7 6-0-0.

8 No. 5 is an amendment to a
9 settlement agreement dated June 20th, 2014
10 between Logan Grill, LLC and ANC 2F. The
11 establish is Commissary, located at 1443 P
12 Street, N.W., License No. 71487.

13 I move that we approve this
14 amendment to the settlement agreement.

15 MEMBER RODRIGUEZ: Seconded.

16 CHAIRPERSON MILLER: Mr. Rodriguez
17 seconded th emotion. All those in favor, say
18 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: Motion passes
5 6-0-0.

6 Okay. We have one more, a second
7 supplemental legal agenda. First item on that
8 agenda is a second amendment to a settlement
9 agreement dated June 24th, 2014 between
10 Safeway, Inc., Citizens Association of
11 Georgetown, DC Residents Associated with
12 Jelleff site and ANC 2E. That's for Safeway,
13 located at 1855 Wisconsin Avenue, N.W.,
14 License No. 75687.

15 I move that we approve with
16 modification to paragraph 9 as set forth in
17 the written order that we will issue today,
18 No. 2014-267. Do I have a second?

19 MEMBER SHORT: Second.

20 CHAIRPERSON MILLER: Mr. Short
21 seconded the motion. All those in favor, say
22 aye?

1 (Chorus of ayes)

2 CHAIRPERSON MILLER: All those
3 opposed?

4 (No audible response)

5 CHAIRPERSON MILLER: All those
6 abstaining?

7 (No audible response)

8 CHAIRPERSON MILLER: Motion passes
9 6-0-0.

10 And finally, we have an amendment
11 to a settlement agreement dated June 25th,
12 2014 between Cedar Hill Bar and Grill and ANC
13 8A. Cedar Hill Bar and Grill is located at
14 2200 Martin Luther King Avenue, S.E., License
15 No. 91887.

16 I move that we approve with
17 modifications to paragraph 210 and the last
18 two paragraphs in the proposed settlement
19 agreement. And we will be issuing today Board
20 Order 2014-268, which will set forth these
21 modifications in writing. All those in favor,
22 say aye? Oh, no, do I have a second?

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Mr. Alberti
3 seconded the motion. All those in favor, say
4 aye?

5 (Chorus of ayes)

6 CHAIRPERSON MILLER: All those
7 opposed?

8 (No audible response)

9 CHAIRPERSON MILLER: All those
10 abstaining?

11 (No audible response)

12 CHAIRPERSON MILLER: Motion passes
13 6-0-0.

14 Okay. So that concludes our
15 agendas, and we have left to just vote on our
16 closed meetings for July 9th.

17 As Chairperson of the Alcoholic
18 Beverage Control Board for the District of
19 Columbia and in accordance with Section 405 of
20 the Open Meetings Amendment Act of 2010, I
21 move that the ABC Board hold a closed meeting
22 on July 9th, 2014 for the purpose of seeking

1 legal advice from our counsel on the matters
2 identified on the Board's agenda for July 9th,
3 2014 as published in the D.C. Register on July
4 3rd, 2014. Is there a second?

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti
7 seconded the motion. I'll now take a roll
8 vote on the motion now that it's been
9 seconded. Mr. Brooks?

10 MEMBER BROOKS: I agree.

11 CHAIRPERSON MILLER: Mr. Alberti?

12 MEMBER ALBERTI: I agree.

13 CHAIRPERSON MILLER: Mr.

14 Rodriguez?

15 MEMBER RODRIGUEZ: I agree.

16 CHAIRPERSON MILLER: Ms. Miller
17 agrees. Mr. Silverstein?

18 MEMBER SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: Mr. Short?

20 MEMBER SHORT: I agree.

21 It appears that the motion has
22 passed by a 6-0 vote. I hereby give notice

1 that the ABC Board will hold this
2 aforementioned closed meeting pursuant to the
3 Open Meetings Amendment Act of 2010. Notice
4 will also be posted on the ABC Board hearing
5 room bulletin board, placed on the electronic
6 calendar on ABRA's Web site and published in
7 the D.C. Register in as timely a manner as
8 practicable.

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
13 move that the ABC Board will hold a closed
14 meeting on July 9th, 2014 for the purposes of
15 discussing and hearing reports concerning
16 ongoing or planned investigations of alleged
17 criminal or civil misconduct or violations of
18 law or regulations and seeking legal advice
19 from our counsel on the Board's investigative
20 agenda for July 9th, 2014 as published in the
21 D.C. Register on July 3rd, 2014. Is there a
22 second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein seconded the motion. I'll now
4 take a roll call vote on the motion before now
5 that it's been seconded. Mr. Brooks?

6 MEMBER BROOKS: I agree.

7 CHAIRPERSON MILLER: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON MILLER: Mr.

10 Rodriguez?

11 MEMBER RODRIGUEZ: I agree.

12 CHAIRPERSON MILLER: Ms. Miller
13 agrees. Mr. Silverstein?

14 MEMBER SILVERSTEIN: I agree.

15 CHAIRPERSON MILLER: And, Mr.

16 Short?

17 MEMBER SHORT: I agree.

18 CHAIRPERSON MILLER: It appears
19 that the motion has passed by a 6-0 vote. I
20 hereby give notice that the ABC Board will
21 hold this aforementioned closed meeting
22 pursuant to the Open Meetings Amendment Act of

1 2010. Notice will also be posted on the ABC
2 Board hearing room bulletin board, placed on
3 the electronic calendar on ABRA's Web site and
4 published in the D.C. Register in as timely a
5 manner as practicable.

6 And that concludes our business
7 for June 25, 2014, and we are adjourned.

8 (Whereupon, the above-entitled
9 matter went off the record at 5:50 p.m.)

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