

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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JULY 17, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009.

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MICHAEL SILVERSTEIN, Member

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

4:32 p.m.

CHAIRPERSON MILLER: Okay. We're back on the record today's agenda, July 17th, 2013.

The first item on the agenda involves a change of hours application. The approved hours of operation and alcoholic beverage sales Monday through Saturday right now are 9:00 a.m. to 12:00 a.m. and the proposed hours would be Sunday 9:00 a.m. to 9:00 p.m. and Monday through Saturday 7:00 a.m. to 12:00 a.m. It is for Lax Wine & Spirits located at 3034 Naylor Road, S.E., License Number 82054. I move that we approve this application.

Do I have a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Mr. Brooks has seconded the motion. All those in favor say aye.

(Ayes.)

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The vote is
3 4-0-0 to approve.

4 Second is a request to add
5 entertainment endorsement, dancing and cover
6 charge for Sahara Hookah Lounge located 1200
7 H Street, N.E. It's License Number 87558 and
8 I'm going to make reference to a letter we
9 have on our Supplemental Agenda Number 7 which
10 is from the ANC requesting that the Board
11 placard this request and in light of -- they
12 make reference to certain complaints that they
13 have gotten and in any event, I would
14 recommend that we and I would move that we
15 placard in light of the ANC's concerns.

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr.
18 Silverstein has seconded. Any other comments?

19 Okay. All those in favor then of
20 placarding say aye.

21 (Ayes.)

22 CHAIRPERSON MILLER: Those

1 opposed? All those abstaining? The motion
2 passes 4-0-0.

3 Number 3 is a request for a class
4 change from CR to CT by Marx Caf, located at
5 3203 Mt. Pleasant Street, N.W., License Number
6 74712. I move that we placard this request as
7 well.

8 Do I have a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr.

11 Silverstein has seconded the motion. Any
12 comments? All those in favor then say aye.

13 (Ayes.)

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

17 Number 4 is a review of additional
18 documentation to make determination of full
19 service grocery store for Each Peach Market,
20 3068 Mt. Pleasant Street, N.W., License Number
21 92449. I move that we refer this
22 documentation to Licensing Division.

1 Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr.

4 Silverstein has seconded the motion. All
5 those in favor say aye.

6 (Ayes.)

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? Motion passes
9 4-0-0.

10 Number 5 is a request for an
11 extension to sell existing inventory purchased
12 under a Class A license by Chesapeake Big
13 Market which is located at 601 Chesapeake
14 Street, S.E., License Number 91126. I move
15 that we approve this request.

16 Do I have a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr.

19 Silverstein has seconded the motion. Any
20 comments? All those in favor say aye.

21 (Ayes.)

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 4-0-0.

3 Number 6 is a request to remove a
4 license from safekeeping. The request also
5 states that the licensee has a new tenant and
6 would like to transfer the license to that
7 entity and the establishment is District
8 Lounge located at 2473 18th Street, N.W.,
9 License Number 91034. I move that we hold a
10 fact finding hearing for this request.

11 Is there a second?

12 MEMBER SILVERSTEIN: I second.

13 CHAIRPERSON MILLER: Mr.

14 Silverstein has seconded the motion. Any
15 comments? Not hearing any --

16 MEMBER SILVERSTEIN: Madam Chair.

17 CHAIRPERSON MILLER: Yes.

18 MEMBER SILVERSTEIN: Given the
19 history of this license and the history of
20 this establishment, I believe it is in the
21 public interest that we do hold a fact
22 finding.

1 CHAIRPERSON MILLER: Okay. Any
2 other comments?

3 MEMBER ALBERTI: No other
4 questions.

5 CHAIRPERSON MILLER: Okay. Thank
6 you for that explanation, Mr. Silverstein.

7 Then there's a motion that's been
8 seconded. All those in favor say aye.

9 (Ayes.)

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

13 Seven is a request dated July 3rd,
14 2013 from E&J Gallo Winery for approval to
15 provide retailers with products valued at more
16 than \$50 and less than \$500. I move that we
17 approve this request.

18 Do I have a second?

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON MILLER: Mr.
21 Silverstein has seconded the motion. Any
22 comments? All those in favor say aye.

1 (Ayes.)

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

5 Number 8 are requests dated July
6 3rd, 2013 and July 5th, 2013 from Washington
7 Wholesale Liquor Company for approval to
8 provide retailers with products valued at more
9 than \$50 and less than \$500. I move that we
10 approve these requests.

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Mr.
13 Silverstein has seconded the motion. All
14 those in favor say aye.

15 (Ayes.)

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

19 Number 9 is a letter dated July 1,
20 2013 from Ashok Bajaj requesting permission to
21 store records off-site at another location in
22 the District. The establishment is NOPA

1 located at 800 F Street, N.W., License Number
2 90984. I move that we approve this request.

3 Do I have a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr.

6 Silverstein has seconded the motion. Any
7 comments? All those in favor then say aye.

8 (Ayes.)

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

12 Number 10 is a letter dated July
13 8th, 2013 from James and Mazine Bell
14 requesting reinstatement as protestants for
15 Busboys & Poets. The protestants were
16 dismissed at the roll call hearing for failure
17 to appear. The establishment is Busboys &
18 Poets located at 235 Carroll Street, N.W.,
19 License Number 92008 and we have a similar if
20 not exact request from Alma Barber also
21 requesting reinstatement of the protestants.
22 Which is our Number 8 on the supplemental

1 agenda.

2 In this case, these protestants
3 were dismissed because they failed to appear
4 at the roll call and they failed to designate
5 a representative to represent them at the roll
6 call in writing as they were instructed to do
7 by -- in writing by ABRA. So, they were
8 dismissed because there were not five people
9 there to comprise a party of five. So, they
10 were dismissed at roll call and the Board
11 upheld that dismissal.

12 So, I would move that we deny
13 their request because the dismissal was in
14 accordance with our rules.

15 Do I have second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr.

18 Silverstein has seconded the motion. Any
19 other comments? Okay.

20 I would just say I think it is
21 unfortunate, but we have rules and they were
22 put on notice. So, they need to follow them.

1 Okay. Motion's been seconded.

2 All those in favor say aye.

3 (Ayes.)

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? Then the vote
6 is 4-0-0 to deny with respect to Number 10 on
7 our agenda and Number 8 on our supplemental
8 agenda.

9 Number 11 is a letter dated July
10 8th, 2013 from Jerry Moore requesting
11 reinstatement of the renewal for Bon Appetit
12 Management Company's license. Bon Appetit
13 Management Company was dismissed at the roll
14 call hearing for failure to appear. Bon
15 Appetit Management Company's located at 4400
16 Massachusetts Avenue, N.W., License Number
17 71077. I would move in this case also that we
18 deny the request for -- wait a second. Oh,
19 that we deny the request for reinstatement.

20 Okay. That's all I'm going to say
21 at this point.

22 Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Okay. Mr.
3 Silverstein has seconded the motion. Any
4 comments?

5 I would just like to say that if
6 this motion passes that our Licensing Division
7 will be in touch with them and they can still
8 reapply and maybe -- and will be able to
9 continue to operate while the application is
10 pending.

11 So, the motion is to deny the
12 request for reinstatement. It's been
13 seconded. All those in favor say aye.

14 (Ayes.)

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

18 So, that completes our agenda, but
19 we also have a few more items left on our
20 supplemental agenda.

21 Number 1 on the supplemental
22 agenda is a review of documentation to make a

1 determination whether Walmart meets the
2 criteria of a full-service grocery store in
3 order to go forward with placarding and
4 Walmart is located at 99 H Street, N.W.,
5 License Number 92202 and I move that we do
6 placard this application at this point. That
7 it meets the initial criteria.

8 Do I have a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr.

11 Silverstein has seconded the motion to
12 placard. All those in favor say aye.

13 (Ayes.)

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

17 Number 2 is a request to add
18 entertainment endorsement and live music for
19 La Plaza Mexican Restaurant, 629 Pennsylvania
20 Avenue, S.E., License Number 060614. I move
21 that we placard this application.

22 Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Any comments?

3 A comment that I'm moving to placard because
4 I understand that there are residents nearby
5 and that the ANC may have some concerns with
6 these type of endorsements.

7 Any other comments? Okay.

8 There's a motion to placard that's
9 been seconded. All those in favor say aye.

10 (Ayes.)

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? Motion passes
13 4-0-0.

14 Number 3 is a request for
15 stipulated license for a summer garden and
16 it's by Dickson Wine located at 903 U Street,
17 N.W., License Number 082216. ANC 1B has
18 submitted a letter in support. I move that we
19 grant the stipulated license or approve it.

20 Do I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Okay. The

1 motion has been seconded by Mr. Brooks. All
2 those in favor say aye.

3 (Ayes.)

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

7 Number 4 is a request for a
8 stipulated license for a sidewalk caf, by
9 Tryst located at 2459 18th Street, N.W.,
10 License Number 025781 and in this case, ANC 1C
11 has submitted a letter in support. Therefore,
12 I move that we grant the stipulated license.

13 Do I have a second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr.
16 Silverstein has seconded the motion. All
17 those in favor say aye.

18 (Ayes.)

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

22 Number 5 is a manager's

1 application for Brandon D. Brown. I move that
2 we approve the application.

3 Do I have a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr.

6 Silverstein seconded the motion. All those --
7 any other -- oh, no. All those in favor say
8 aye.

9 (Ayes.)

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? Motion passes
12 4-0-0.

13 Number 6 is a letter form
14 Commissioner Thomas Smith, ANC 3D02 opposing
15 the reinstatement of the application for Bon
16 Appetit Management Company located at 4400
17 Massachusetts Avenue, N.W., License Number
18 71077.

19 I meant to reference this letter
20 which we did consider in connection with their
21 request for reinstatement and we have already
22 ruled on that reinstatement. So, there is no

1 action required with respect to this letter.

2 Okay. And we did number 7 and
3 number 8 already in conjunction with items on
4 the regular agenda.

5 So, the concludes our agenda and
6 supplemental agenda for July 17th, 2013 and
7 all that is left are the closed meeting votes
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
13 move that the ABC Board hold a closed meeting
14 on July 24, 2013 for the purpose of seeking
15 legal advice from our counsel on the matters
16 identified on the Board's agenda for July 24,
17 2013 as published in the D.C. Register on July
18 19, 2013.

19 Is there a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Mr. Brooks
22 has seconded the motion. I'll now take a roll

1 call vote on the motion now that it's been
2 seconded.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Mr. Alberti?

6 MEMBER ALBERTI: I agree.

7 CHAIRPERSON MILLER: Ms. Miller
8 agrees.

9 Mr. Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON MILLER: As it appears
12 that the motion has passed by a 4-0-0 vote, I
13 hereby give notice that the ABC Board will
14 hold this aforementioned closed meeting.

15 Pursuant to the Open Meetings
16 Amendment Act of 2010, notice will also be
17 posted on the ABC Board hearing room bulletin
18 board, placed on the electronic calendar on
19 ABRA's website and published in the D.C.
20 Register in as timely a manner as practical.

21 As Chairperson of the Alcoholic
22 Beverage Control Board for the District of

1 Columbia and in accordance with Section 405 of
2 the Open Meetings Amendment Act of 2010, I
3 move that the ABC Board hold a closed meeting
4 on July 24, 2013 for the purpose of discussing
5 and hearing reports concerning ongoing or
6 planned investigations of alleged criminal or
7 civil misconduct or violations of law or
8 regulations and seeking legal advice from our
9 counsel on the Board's investigative agenda
10 for July 24, 2013 as published in the D.C.
11 Register on July 19, 2013.

12 Is there a second?

13 MEMBER SILVERSTEIN: Second.

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

17 Mr. Brooks?

18 MEMBER BROOKS: I agree.

19 CHAIRPERSON MILLER: Mr. Alberti?

20 MEMBER ALBERTI: I agree.

21 CHAIRPERSON MILLER: Ms. Miller
22 agrees.

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Mr. Silverstein?

MEMBER SILVERSTEIN: I agree.

CHAIRPERSON MILLER: As it appears that the motion has passed by a 4-0-0 vote, I hereby give notice that the ABC Board will hold this aforementioned closed meeting.

Pursuant to the Open Meetings Amendment Act of 2010, notice will also be posted on the ABC Board hearing room bulletin board, placed on the electronic calendar on ABRA's website and published in the D.C. Register in as timely a manner as practical.

And that concludes all our business for July 17, 2013 and we are adjourned.

(Whereupon, at 4:51 p.m., the meeting was adjourned.)

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