

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

 *
 IN THE MATTER OF: *
 * Agenda
 A.B.R.A. Agenda * Hearing
 *

September 9, 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
 JAMES SHORT, Member

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

9:58 p.m.

CHAIRPERSON MILLER: Okay. The Board is back on the record to do the agendas for September 9, 2015. And we are going to start with the Legal Agendas.

The first item on the Legal Agenda is a Motion for Reconsideration of the Board's Order granting protestant's Motion for Reinstatement, dated August 17, 2015, submitted by Suns Cinema. Suns Cinema is located at 3107 Mt. Pleasant Street, N.W., Retailer CT License No. 098888.

In this case, the protestants had requested reinstatement based on the fact that even though the Board received their petition after the deadline, they claimed that they had mailed it well in advance. And the Board had granted the Motion for Reinstatement.

The applicant in this case is asking that the Board revisit this question even though the protestants were later denied standing because they failed to sign the petition form.

1 However, the applicant believes that this is such
2 an important issue that affects precedent with
3 respect to deadlines for filing petitions, that
4 they have asked -- he has asked for a
5 reconsideration.

6 And I want to state for the record,
7 and I think that this will be corrected, that in
8 the order granting reinstatement, both Mr.
9 Rodriguez and I signed the order, but, in fact,
10 we had voted against reinstatement on the dias,
11 so that was an error on the previous order.

12 But in any event, the majority has
13 granted reinstatement. So I would like to ask
14 those Board Members who had granted reinstatement
15 whether or not they want to consider changing
16 their vote for the record in response to this
17 motion? And I'll also say that no response was
18 filed by the protestants.

19 MEMBER ALBERTI: I will move that we
20 reconsider our previous vote. Do we need to do
21 this in two motions or one?

22 CHAIRPERSON MILLER: I don't know.

1 Okay. I'll second that.

2 All those in favor of reconsidering
3 say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? Okay. The
7 motion passes. Okay. So now the motion is being
8 reconsidered.

9 MEMBER ALBERTI: And make a motion.

10 CHAIRPERSON MILLER: No. Do you wish
11 to change your -- I made it and we voted on it
12 just now.

13 MEMBER ALBERTI: No, you voted -- we
14 voted to --

15 CHAIRPERSON MILLER: To reconsider.

16 MEMBER ALBERTI: -- reconsider.

17 CHAIRPERSON MILLER: Right.

18 MEMBER ALBERTI: And now we are voting
19 on the original motion.

20 CHAIRPERSON MILLER: Yes, do you want
21 to change your vote?

22 MEMBER ALBERTI: And I will move to

1 deny the original motion.

2 CHAIRPERSON MILLER: Okay. Is
3 everybody following?

4 MEMBER ALBERTI: Yes. Just second it.

5 CHAIRPERSON MILLER: All right. Is
6 there a second?

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Okay.

9 Discussion?

10 All those in favor then of denying --
11 of granting -- shoot, denying the Motion for
12 Reconsideration --

13 MEMBER ALBERTI: Denying the original
14 motion. Denying the original Motion for
15 Reconsideration -- denying the original Motion
16 for Reinstatement.

17 CHAIRPERSON MILLER: Okay. Say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: Okay. Then
20 that's a unanimous vote.

21 All those opposed? All those
22 abstaining? Unanimous vote, 6-0-0. So what the

1 Board is saying is that they would not reinstate
2 the petition, at this point, based on the
3 arguments made in applicant's motion.

4 Okay. Is that clear? All right.

5 Moving on, No. 2 is an appeal of
6 petition to unilaterally amend the settlement
7 agreement decision dated August 3, 2015 submitted
8 by Lee's Mini Market. Lee's Mini Market is
9 located at 3853 Alabama Avenue, S.E., License No.
10 084939.

11 In this case, Lee's Mini Market filed
12 late. The -- his amendment to the -- to amend --
13 the petition to amend the settlement agreement
14 unilaterally. And he gave different reasons like
15 talking with ANC and things like that. Is
16 anybody inclined to grant his appeal?

17 MEMBER SILVERSTEIN: I move we deny.

18 CHAIRPERSON MILLER: Okay. I second
19 that. Discussion?

20 All those in favor then of denial say
21 aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 6-0-0.

4 Next is a second amendment to a
5 settlement agreement between ANC-1C and Ventnor
6 Sports Cafe dated August 5, 2015. Ventnor Sports
7 Cafe is located at 2411 18th Street, N.W., License
8 No. 072529.

9 I move that we approve this amendment.
10 Do I have a second?

11 MEMBER SHORT: Second.

12 CHAIRPERSON MILLER: Discussion?

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 6-0-0.

18 No. 4 is a settlement agreement
19 between ANC-6A and Imm on H dated July 6, 2015.
20 Imm on H is located at 1360 H Street, N.E.,
21 License No. 099569.

22 I move that we approve the settlement

1 agreement with the following modifications. Page
2 3 under Enforcement Section B, okay, I think this
3 is where it is, there is a provision that uses
4 the word assigns. No uses successors and --
5 assigns and that should be replaced with
6 successors.

7 And then there is Section 5, which
8 would be modified to address unilateral
9 termination. Any other comments? All right.

10 Then I move to approve with those
11 modifications.

12 MEMBER SHORT: Second.

13 CHAIRPERSON MILLER: Mr. Short
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 6-0-0.

20 No. 5 is a settlement agreement
21 between ANC-6D and Finished Business and
22 Celebrity dated May 11, 2015. Finished Business

1 and Celebrity is located at 1300 Maine Avenue,
2 S.W., License No. 099365.

3 I move that we approve with
4 modifications. Page 2, Clause 2 deals with
5 nature of business and they need to make some
6 changes with respect to characterizing
7 substantial change and it should refer to say
8 something to the effect that any change of
9 concern to residents or neighbors.

10 That's the only modifications. Oh,
11 wait a minute. No, there is Clause 4 needs to be
12 clarified. I don't have that one right in front
13 of me right now. Do you?

14 MEMBER ALBERTI: Clause 4 here is that
15 they want to establish a cap on number of persons
16 standing.

17 CHAIRPERSON MILLER: Oh, okay.

18 MEMBER ALBERTI: But they are kind of
19 ham-handed at it and so I think that they need to
20 clarify the language.

21 CHAIRPERSON MILLER: Yes, thank you.
22 Yes, that's the one. Okay. Anything else? All

1 right.

2 Then I move to approve with
3 modifications as stated. 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? The motion
11 passes 6-0-0.

12 No. 6 is an off-site storage request
13 dated July 23, 2015 for Table located at 903
14 North Street, N.W., License No. 089395.

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

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr. Silverstein
19 seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 6-0-0.

3 No. 7 is another off-site storage
4 request dated August 7, 2015 by Boundary Stone
5 Public House located at 116 Rhode Island Avenue,
6 N.W., License No. 083980.

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

9 MEMBER SHORT: Second.

10 CHAIRPERSON MILLER: Mr. Short
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 6-0-0.

17 Okay. We have a Supplemental Legal
18 Agenda. The first item is a settlement agreement
19 between ANC-1B and Atlantic Plumbing Beverage
20 Services, dated August 3, 2015. Atlantic
21 Plumbing Beverage Services is located 807 V
22 Street, N.W., License No. 099697.

1 I move that we approve the settlement
2 agreement. Do I have a second?

3 MEMBER SILVERSTEIN: Second.

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

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The motion
10 passes 6-0-0.

11 No. 2 is a settlement agreement
12 between ANC-4C and Taqueria Habanero dated July
13 8, 2015. Taqueria Habanero is located at 3710
14 14th Street, N.W., License No. 098996.

15 I move that we approve with
16 modification to Provision No. 4. I have to look
17 at it. I have got to look it up, at this point,
18 unless somebody has it in front of them.

19 MEMBER ALBERTI: I don't have it.

20 CHAIRPERSON MILLER: All right. Okay.
21 Okay. I'll look for it.

22 MEMBER ALBERTI: This is the

1 Supplemental Legal?

2 CHAIRPERSON MILLER: This is -- oh,
3 okay. This is the one that says sidewalk seating
4 as a community benefit in conjunction with the
5 14th Revitalization Plan and that it shall begin
6 the process of applying for a sidewalk cafe,
7 etcetera. And that paragraph needs to be
8 modified, because the Board is not going to be in
9 a position to enforce their being required to
10 apply for a sidewalk cafe. Is that not the
11 reasoning?

12 MEMBER ALBERTI: Yes, that's correct.

13 CHAIRPERSON MILLER: Okay. So they
14 need to look at that. All right. So I move that
15 we approve with modification to Paragraph No. 4.
16 Do I have a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: All those in
19 favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 No. 3 is a review of a settlement
3 agreement between ANC-1C and WeWork dated August
4 5, 2015. WeWork is located at 1875 Connecticut
5 Avenue, N.W., License No. 097647.

6 I move that we approve with
7 modification to Paragraph No. 8 dealing with
8 modification. And that paragraph should add a
9 reference to modification by unilateral amendment
10 with approval by the Board. It talks about the
11 Board. It talks about mutual agreement, but it
12 does not reference unilateral amendments.

13 Okay. Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
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 6-0-0.

22 Next is another settlement agreement

1 between ANC-5D and Kovaks Liquors dated July 27,
2 2015. Kovaks Liquors is located at 1237 Mount
3 Olivet Road, N.E., License No. 076573.

4 I move that we approve with
5 modification to Provision No. 11. No. 11 has
6 four sections and Section B addresses petitioning
7 the Board for Show Cause. And the Board has
8 language that it has been suggesting to all
9 parties dealing with how to characterize that.
10 So it should be modified with that language,
11 which our attorneys would provide.

12 And then D assignors should be
13 deleted. Okay. Anything else?

14 All right. Then I move that we
15 approve with those modifications. Do I have a
16 second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr. Silverstein
19 has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 6-0-0.

3 No. 5 is a settlement agreement
4 between ANC-6D and Hampton Inn and Suites dated
5 July 13, 2015. Hampton Inn and Suites is located
6 at 1265 First Street, S.E., Retailer Class CH
7 License No. 099532.

8 I move that we approve this settlement
9 agreement. Do I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks has
12 seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 6-0-0.

18 No. 6 is a letter regarding Dunya
19 Restaurant & Lounge entertainment endorsement
20 application submitted by Commissioner Robb Hudson
21 on behalf of ANC-1B dated September 4, 2015.
22 Dunya Restaurant & Lounge is located at 801

1 Florida Avenue, N.W., License No. 091607.

2 I move that we refer this to licensing
3 as the subject matter of the letter is not on
4 today's agenda. Do I have a second?

5 MEMBER SILVERSTEIN: Second.

6 MEMBER RODRIGUEZ: Second.

7 CHAIRPERSON MILLER: Okay. Mr.
8 Silverstein 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 6-0-0.

14 No. 7 is a request to withdraw
15 application dated September 3, 2015 submitted by
16 Tommy Osborne, Assistant General Manager, on
17 behalf of Stetson's. Stetson's is located at
18 1610 U Street, N.W., License No. 060455.

19 My understanding is this is an FYI
20 that we don't need to grant any relief in this
21 case. He is withdrawing an application for an
22 extension of hours for the entertainment

1 endorsement. Okay.

2 No. 8 is a request to withdraw protest
3 dated September 4, 2015 submitted by Stanley
4 Mayes, abutting property owner in the case of All
5 Souls Tavern located at 725 T Street, N.W.,
6 Retailer CT License No. 088179.

7 I move that we approve this request to
8 withdraw the protest. 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 6-0-0.

17 Well, the last item on this agenda is
18 a Motion to Dismiss the protest of the Central
19 Shaw Neighborhood Association dated August 28,
20 2015 submitted by Andrew Kline on behalf of
21 Trinity. Trinity is located at 1606 7th Street,
22 N.W., License No. 098042.

1 We have a Second Supplemental Legal
2 Agenda which has on it, No. 1, a response to the
3 Motion to Dismiss the protest.

4 And No. 2 a reply to the response to
5 the Motion to Dismiss.

6 And I just want to go off the record
7 for a second. I just want to find those letters
8 of incorporation before I do this. Sorry, guys.

9 (Whereupon, the above-entitled matter
10 went off the record at 10:17 p.m. and resumed at
11 10:18 p.m.)

12 CHAIRPERSON MILLER: Okay. So Trinity
13 is moving to dismiss the protest of Central Shaw
14 Neighborhood Association based on standing,
15 according to 25-6013, which gives citizens
16 associations standing provided they meet the
17 requirements set forth in the statute. And (A)
18 says "The membership in the citizens association
19 is open to all residents of the area represented
20 by the association."

21 And Trinity argues that this
22 association is not open to the public because its

1 Articles of Incorporation require new members to
2 be elected by an affirmative vote of two-thirds
3 of the members at any scheduled meeting, at any
4 scheduled membership meeting and that is Article
5 5, Section 1 of the Articles of Incorporation of
6 Central Shaw Neighborhood Association.

7 In response, the association says that
8 that may be in the Articles of Practice, but
9 that's not what they do.

10 However, I would move that we grant
11 the Motion to Dismiss because the Articles of
12 Incorporation are the legal documents controlling
13 the organization and it limits membership and
14 thereby it's not in conformity with 25-6013(a),
15 in my view. Do I have a second?

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Okay. Any other
18 comments? Okay. Then there is a motion that has
19 been seconded to grant the motion to dismiss the
20 protest of the Central Shaw Neighborhood
21 Association.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? The motion
4 passes 6-0-0 and grants the Motion to Dismiss.

5 Okay. So that takes care of the Legal
6 Agendas. Now, we can proceed to the Licensing
7 Agendas.

8 Okay. The Licensing Agenda. The
9 first item is an application for safekeeping of
10 the license of Dahlak Restaurant located at 1771
11 U Street, N.W., License No. 074433.

12 I move that we -- this is an original
13 request. I move that we approve safekeeping
14 until March 31, 2016. Do I have a second?

15 MEMBER SILVERSTEIN: Second.

16 CHAIRPERSON MILLER: Mr. Silverstein
17 seconded the motion. Any discussion?

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 6-0-0.

1 No. 2 is a request to extend
2 safekeeping of a license by Machu Picchu
3 Restaurant located at 3263 M Street, N.W.,
4 License No. 008309.

5 I move that we approve this extension
6 until March 31, 2016 as well. Do I have a
7 second?

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON MILLER: Mr. Silverstein
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 6-0-0.

16 No. 3 is a request to extend status of
17 license in safekeeping by L'Enfant Plaza Hotel
18 located at 480 L'Enfant Plaza, S.W., License No.
19 093846.

20 I move that we approve this
21 safekeeping through March 31, 2016. Do I have a
22 second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks
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 6-0-0.

9 No. 4 is a request to extend
10 safekeeping of license for Queen of the Moon,
11 Inc. located at 1815 Columbia Road, N.W.,
12 Retailer A Liquor Store License No. 083118. The
13 original safekeeping date was 9/10/2008.

14 So I move that we hold a Fact-Finding
15 on this application. Do I have a second?

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

2 No. 5 is a request to extend
3 safekeeping, a first request, by Duffy's Irish
4 Pub located at 2106 Vermont Avenue, N.W., License
5 No. 072539.

6 I move that we approve this extension
7 until March 31, 2016. Do I have a second?

8 MEMBER ALBERTI: Second.

9 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

16 No. 6 is an application for a class
17 change for Toscana Cafe located at 601 2nd Street,
18 N.E., License No. 097558.

19 I move that we placard this
20 application. Do I have 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 6-0-0.

7 No. 7 is a request for a change of
8 hours by Green Island Cafe/Heaven & Hell located
9 at 2327 18th Street, N.W., License No. 074503.

10 I move that we approve this change of
11 hours. Do I have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks has
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 6-0-0.

20 No. 8 is a request for a change of
21 hours and it involves 24-hour operation for Nati
22 Hookah Bar located at 2839 Georgia Avenue, N.W.,

1 License No. 087508.

2 I move that we placard this
3 application.

4 MEMBER SHORT: I thought we were doing
5 a Fact-Finding on this one?

6 MEMBER ALBERTI: Oh, this is the
7 hookah bar?

8 CHAIRPERSON MILLER: I'm not sure.
9 I'm kind of -- I have in my notes --

10 MEMBER ALBERTI: It was a Fact-
11 Finding.

12 MEMBER SHORT: 24-hours.

13 MEMBER ALBERTI: Fact-Finding.

14 CHAIRPERSON MILLER: Yes. Okay. I'm
15 going to table my motion then.

16 MEMBER ALBERTI: I move that we
17 schedule a Fact-Finding for this application.

18 CHAIRPERSON MILLER: Okay. Okay.

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Okay. Mr.
21 Alberti moved Fact-Finding and Mr. Brooks has
22 seconded.

1 All those in favor say aye.

2 ALL: Aye.

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

6 Okay. No. 9 is a request for change
7 of hours for Hotel Tabard Inn located at 1739 N
8 Street, N.W., License No. 001445.

9 I move that we approve this request
10 for change of hours. Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks has
13 seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0.

19 No. 10 is also a change of hours for
20 After Peacock Room located at 2622 P Street,
21 N.W., License No. 095964.

22 I move that we approve. Do I have a

1 second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON MILLER: Mr. Short

4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those

8 opposed? All those abstaining? The motion

9 passes 6-0-0.

10 No. 11 is a change of hours request

11 for Kenny's Smokehouse located at 732 Maryland

12 Avenue, N.E., License No. 099385.

13 I move that we placard this request

14 for change of hours. Do I have a second?

15 MEMBER SHORT: Second.

16 CHAIRPERSON MILLER: Mr. Short

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 6-0-0.

1 No. 12 is a request for change of
2 hours by Texas de Brazil located at 455
3 Massachusetts Avenue, N.W., License No. 098330.

4 I move that we placard this request.

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 6-0-0.

13 No. 13 is also a request for change of
14 hours for Chinatown Garden, 618 H Street, N.W.,
15 License No. 025796.

16 I move that we placard this request
17 for a change of hours.

18 MEMBER SHORT: Second.

19 CHAIRPERSON MILLER: Mr. Short has
20 seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 6-0-0.

4 No. 14 is an application for a summer
5 garden with seating for 40 patrons for Green
6 Island Cafe/Heaven & Hell located at 2327 18th
7 Street, N.W., License No. 074503.

8 I move that we placard this request.

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr. Silverstein
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 6-0-0.

17 No. 15 is an application for an
18 entertainment endorsement for Marleny's
19 Restaurant located at 3201 Mt. Pleasant Street,
20 N.W., License No. 077454.

21 I move that we refer this to
22 licensing.

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

9 No. 16 is an application for an
10 entertainment endorsement for Divino Grill
11 located at 1633 17th Street, N.W., License No.
12 093308.

13 I move that we placard this
14 application. Do I have a second?

15 MEMBER ALBERTI: Second.

16 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

1 No. 17 is an application for an
2 entertainment endorsement for Dunya Restaurant &
3 Lounge located at 801 Florida Avenue, N.W.,
4 License No. 091607.

5 I move that we refer this to
6 licensing. Do I have a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

15 No. 18 is a request to add a cover
16 charge to an existing entertainment endorsement.
17 This is for The Liaison Capitol Hill located at
18 415 New Jersey Avenue, N.W., License No. 079236.

19 I move that we approve this request to
20 add a cover charge.

21 MEMBER SHORT: Second.

22 CHAIRPERSON MILLER: Mr. Short 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 6-0-0.

7 No. 19 is a review of architectural
8 floor plan for a new full-service grocery store
9 located at 3276 M Street, N.W., License No.
10 018083.

11 I move that we refer these plans to
12 licensing. Do I have a second?

13 MEMBER ALBERTI: I'll second.

14 CHAIRPERSON MILLER: Yes?

15 MEMBER ALBERTI: Second.

16 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

1 No. 20 is an application for a
2 manager's license by Nicholas J. Goldman, ABRA-
3 100135.

4 I move that we deny this application.

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

13 No. 21 is a request for reinstatement
14 of a canceled solicitor's license. Renewal and
15 late fees have all been paid to ABRA. This is
16 for Joseph A. Englert, ABRA-095959.

17 Because all payments have been made,
18 I move that we approve this reinstatement.

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

5 The Supplemental Licensing Agenda.
6 The first item is a request to extend safekeeping
7 for Duchess and the Queen's license located at
8 2102 18th Street, N.W., License No. 089545.

9 I move that we hold a Fact-Finding
10 Hearing.

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Mr. Alberti
13 seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0.

19 No. 2 is a request to extend
20 safekeeping status of license for two more years
21 by Show Bar located at 1210 H Street, N.E.,
22 License No. 076233.

1 I move that we hold a Fact-Finding
2 Hearing.

3 MEMBER ALBERTI: Second.

4 CHAIRPERSON MILLER: Mr. Alberti
5 seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The motion
10 passes 6-0-0.

11 No. 3 is a request to extend
12 safekeeping status of license for Downtown
13 Spirits located at 1522 K Street, N.W., License
14 No. 084123. The original safekeeping date was
15 March 29, 2010.

16 I, therefore, move that we hold a
17 Fact-Finding Hearing in this case.

18 MEMBER SHORT: Second.

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Mr. --

21 MEMBER ALBERTI: Short.

22 CHAIRPERSON MILLER: -- Short 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 6-0-0.

7 No. 4 is a request to extend
8 safekeeping status of the license. It's for
9 Bobby Lewis Saloon or that was the former name
10 located at 1815 Columbia Road, N.W., License No.
11 091955.

12 I move that we have a Fact-Finding
13 Hearing on this one as well.

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

22 No. 5 is a request to extend

1 safekeeping status of the license for Zula
2 located at 1933 9th Street, N.W., License No.
3 060547.

4 I move that we have a Fact-Finding
5 Hearing on this request.

6 MEMBER SHORT: Second.

7 CHAIRPERSON MILLER: Mr. Short has
8 seconded.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 6-0-0.

14 No. 6 is a request for a disposal
15 permit to transport remaining alcohol inventory
16 to licensed "sister" establishment at 1652 K
17 Street, N.W. This is for McCormick & Schmick's
18 Seafood Restaurant located at 901 F Street, N.W.,
19 License No. 070947.

20 I move that we approve.

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON MILLER: Mr. Silverstein

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 6-0-0.

7 No. 7 is a request to withdraw
8 application for new D Restaurant License by Lady
9 Camellia located at 3261 Prospect Street, N.W.,
10 License No. 099840.

11 I move that we approve this request to
12 withdraw the application. Do I have a second?

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: Mr. Alberti
15 seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 6-0-0.

21 No. 8 is a request to withdraw
22 application for change of hours by Marrakech

1 Restaurant located at 2147 P Street, N.W.,
2 License No. 090204.

3 I move that we approve this request.

4 Do I have a second?

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti
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 6-0-0.

13 No. 9 is a revised cover page for an
14 application for a new CR restaurant and that is
15 Via Umbria located at 1525 Wisconsin Avenue,
16 N.W., License No. 097178.

17 I move that we placard this
18 application. Do I have a second?

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON MILLER: Mr. Silverstein
21 has 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 6-0-0.

5 No. 10 are floor plans for a full-
6 service grocery store for Via Umbria, 1525
7 Wisconsin Avenue, N.W., License No. 097178.

8 I move to review these floor plans to
9 be in accordance with our regulations. Do I have
10 a second?

11 MEMBER SHORT: Second.

12 CHAIRPERSON MILLER: Mr. Short
13 seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0.

19 And No. 11 is an application for a
20 manager's license for Chad N. Pulchrist, ABRA-
21 100247.

22 I move that we approve this

1 application. Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

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

10 We have Cancellation Agenda items.
11 I'm going to be moving that we approve all the
12 items on the Cancellation Agenda, so I think that
13 I can -- there are only six and I would like to
14 list them and then have one vote, unless somebody
15 wants to take any out, they can do so at that
16 time.

17 So I move that we cancel the following
18 licenses for the following reasons:

19 ABRA-093591, Dansby and Cotino located
20 at 101 15th Street, N.E. The licensee has not
21 paid any license fees since 2012 and it's License
22 ABRA-093591 has been inactive since that time.

1 The second one is ABRA-079224, Muse
2 Nightclub & Lounge located at 717 6th Street, N.W.
3 The licensee has not paid its annual fees for
4 2014 through 2015 and its License ABRA-079224 has
5 been inactive since that time.

6 The third one is ABRA-089674, Hill
7 Country Summer Barbecue at the National Building
8 Museum located at 401 F Street, N.W. The
9 licensee in this case has requested cancellation
10 of the license.

11 No. 4 is ABRA-086065, To Be Determined
12 (formerly The Attic) located at 1841 Columbia
13 Road, N.W. The licensee has requested
14 cancellation of this license.

15 No. 5 is ABRA-002109, Kusa Market
16 located at 3108 Georgia Avenue, N.W. The
17 licensee has requested cancellation of the
18 license effective September 30, 2015.

19 And ABRA-087030, Mova located at 2204
20 14th Street, N.W. The establishment appears to
21 have ceased operations. A letter dated 8/11/15
22 requesting that the licensee respond to put the

1 license in safekeeping was returned as
2 undeliverable on August 24, 2015.

3 ABRA Investigators have confirmed the
4 establishment is out of business.

5 So I move that we approve cancellation
6 of those six licenses that I just read. Do I
7 have a second?

8 MEMBER SHORT: Second.

9 CHAIRPERSON MILLER: Mr. Short 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 6-0-0.

16 Okay. That completes our agenda items
17 and we just need to vote on our closed meetings
18 for next week.

19 As Chairperson of the Alcoholic
20 Beverage Control Board for the District of
21 Columbia and in accordance with DC Official Code
22 Section 2-574(b), closed meetings, and Section 2-

1 574, notice of meetings, of the Open Meetings
2 Act, I move that the ABC Board hold a closed
3 meeting on September 16, 2015 for the purpose of
4 discussing and hearing reports concerning ongoing
5 or planned investigations of alleged criminal or
6 civil misconduct or violations of law or
7 regulations and seeking legal advice from our
8 counsel on the Board's Investigative Agenda for
9 September 16, 2015 as published in the DC
10 Register on September 11, 2015.

11 Is there a second?

12 MEMBER RODRIGUEZ: Second.

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

16 Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Mr. Rodriguez?

21 MEMBER RODRIGUEZ: I agree.

22 CHAIRPERSON MILLER: Ms. Miller

1 agrees.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: Mr. Short?

5 MEMBER SHORT: I agree.

6 CHAIRPERSON MILLER: Okay. The motion
7 passes by a 6-0-0 vote.

8 And 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 As Chairperson of the Alcoholic
17 Beverage Control Board for the District of
18 Columbia and in accordance with DC Official Code
19 Section 2-574(b) of the Open Meetings Act, I move
20 that the ABC Board hold a closed meeting on
21 September 16, 2015 for the purpose of seeking
22 legal advice from our counsel on the matters

1 identified on the Board's Agenda for September
2 16, 2015 as published in the DC Register on
3 September 11, 2015.

4 Is there a second?

5 MEMBER RODRIGUEZ: Second.

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

10 Mr. Brooks?

11 MEMBER BROOKS: I agree.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MEMBER ALBERTI: I agree.

14 CHAIRPERSON MILLER: Mr. Rodriguez?

15 MEMBER RODRIGUEZ: I agree.

16 CHAIRPERSON MILLER: Ms. Miller
17 agrees.

18 Mr. Silverstein?

19 MEMBER SILVERSTEIN: I agree.

20 CHAIRPERSON MILLER: Mr. Short?

21 MEMBER SHORT: I agree.

22 CHAIRPERSON MILLER: Okay. It appears

1 that the motion has passed by a 6-0-0 vote.

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

10 And that concludes our business for
11 September 9, 2015. And we are adjourned.

12 MEMBER RODRIGUEZ: Thank you.

13 CHAIRPERSON MILLER: Thank you.

14 (Whereupon, the A.B.R.A. Agenda in the
15 above-entitled matter was concluded at 10:42
16 p.m.)

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