

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 BOARD MEETING :

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September 25, 2013

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

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

MICHAEL SILVERSTEIN, Member

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Require to Produce Letter of Intent

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

2 (2:23 p.m.)

3 CHAIRPERSON MILLER: Okay, we are
4 back on the agenda.

5 (Off microphone comments)

6 CHAIRPERSON MILLER: -- Board's
7 agenda of September 25, 2013. The first two
8 items on the agenda involve Whole Foods
9 Market. One Whole Foods Market is located
10 4530 40th Street, N.W. Its license number is
11 86073, and the other is at 1440 P Street, N.W.
12 License number 86071.

13 These two cases I move that we
14 postpone until next week. Do I have a second?

15 MEMBER SILVERSTEIN: Second.

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

19 (Chorus of ayes)

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? Motion passes
22 4-0-0.

1 Number 3 on the agenda is a
2 request for a refund of solicitor's license
3 renewal late fees by Bartow Imports, license
4 number 85246. I move that we deny that we
5 request. We've got a policy of not giving
6 refunds.

7 Do I have a second?

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON MILLER: Mr.

10 Silverstein seconded the motion. All those in
11 favor say aye.

12 (Chorus of ayes)

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? Motion passes
15 4-0-0.

16 Number 4 is a request to remove a
17 brew pub endorsement. This is by Capital
18 Brewing Company, 1100 New York Avenue, license
19 number 16838. I move that we grant this
20 request and cancel the license.

21 Do I have a second?

22 MEMBER SILVERSTEIN: Second.

1 CHAIRPERSON MILLER: For the
2 endorsement. Mr. Silverstein has seconded the
3 motion. All those in favor say aye.

4 (Chorus of ayes)

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? Motion passes
7 4-0-0.

8 Number 5 is our review of an
9 application for a manager's license for Samy
10 Kobrosly. I move that we grant this
11 application. Do I have a second?

12 MEMBER SILVERSTEIN: Second.

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

16 (Chorus of ayes)

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

20 The next is a renewal of manager's
21 license for Sean Kim. Does someone have a
22 motion on this?

1 MEMBER ALBERTI: I move that we
2 approve the renewal.

3 CHAIRPERSON MILLER: And is there
4 a second?

5 MEMBER SILVERSTEIN: Second.

6 CHAIRPERSON MILLER: Mr. Alberti
7 (sic) has seconded the motion. All those in
8 favor say aye.

9 (Chorus of ayes)

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 3 to 1 to 0.

13 Number 7 is another application
14 for a manager's license for Marlon Marshall.
15 I move that we approve this application. Do
16 I have a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr.
19 Silverstein seconded the motion. All those in
20 favor say aye.

21 (Chorus of ayes)

22 CHAIRPERSON MILLER: All those

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

3 On Number 8 is a consent motion
4 for continuance of a show cause hearing. The
5 establishment is Vapiano, 623 H Street, N.E.,
6 license number 076727. Hold on.

7 (Off microphone discussion)

8 CHAIRPERSON MILLER: Okay, in this
9 case we've already approved that there be a
10 continuance, and we need to set a date.
11 However, we need to come back to Number 8
12 because I don't have the date before me.

13 Number 9 is a resolution in
14 support of an expanded summer garden from ANC
15 1A for 3632 Georgia Avenue, N.W., license
16 number 82215. This is just an FYI.

17 Number 10 is an amendment to a
18 settlement agreement between ANC 1A and
19 Looking Glass Lounge. Looking Glass Lounge is
20 located at 3634 Georgia Avenue, N.W., license
21 number 74765. I move that we approve this
22 amendment. Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

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

5 (Chorus of ayes)

6 All those opposed? All those
7 abstaining? The motion passes 4-0-0.

8 Number 11 is an amendment to a
9 settlement agreement between ANC 6B and
10 Beuchert's Saloon, which is located at 623
11 Pennsylvania Avenue, S.E., license number
12 089616. This is an FYI, as we already
13 approved this with modifications, and the
14 parties have made the modifications.

15 Number 12 is a settlement
16 agreement between ANC 6B and Matchbox.
17 Matchbox is located at 521 8th Street, S.E.,
18 license number 079276. I move that we approve
19 this agreement with modifications to paragraph
20 number six, and legal counsel will be in touch
21 with the parties to discuss the modifications
22 to that paragraph.

1 MEMBER SILVERSTEIN: I'll second
2 it.

3 CHAIRPERSON MILLER: Yes, second.
4 Mr. Silverstein has seconded. All those in
5 favor say aye.

6 (Chorus of ayes)

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

10 Number 13 is an amendment, the
11 settlement agreement between ANC 6B and Rose's
12 Luxury, which is located at 717 8th Street,
13 S.E., license number 090884. I move that we
14 approve this amendment. Do I have a second?

15 MEMBER SILVERSTEIN: Second.

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

19 (Chorus of ayes)

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? Motion passes
22 4-0-0.

1 That concludes our agenda. We
2 have a supplemental agenda.

3 Number 1 on the supplemental
4 agenda is a request for a stipulated license
5 that is supported by ANC 1D for Each Peach
6 Market located at 3806 Mount Pleasant Street,
7 N.W., license number 92449. I move that we
8 approve the stipulated license. Do I have a
9 second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr.

12 Silverstein has seconded the motion. All
13 those in favor say aye.

14 (Chorus of ayes)

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

18 Time out. Off the record. I need
19 to get a clean supplemental agenda form if
20 somebody has one.

21 (Whereupon, the foregoing matter
22 went off the record at 2:30 p.m. and went back

1 on the record at 2:31 p.m.)

2 CHAIRPERSON MILLER: Okay, Number
3 2 on the supplemental agenda is a request for
4 a new multipurpose license by Event Concepts
5 located at 444 North Capitol Street, N.W. I
6 move that we refer this back to licensing. Do
7 I have a second?

8 MEMBER BROOKS: Second.

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

12 (Chorus of ayes)

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? Motion passes
15 4-0-0.

16 Number 3 is a request for change
17 of hours for Fine Wine & Spirits, Capitol Fine
18 Wine & Spirits, 415 H Street, license number
19 82981. Adding Sunday hours and extended
20 closing hours, 9:00 a.m. to 12:00 a.m., and
21 then Sunday through Saturday. I move that we
22 approve the request. Do I have a second?

1 MEMBER BROOKS: Second.

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

5 (Chorus of ayes)

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

9 Number 4 is a request for
10 continuance of show cause hearing filed by the
11 Office of the Attorney General. The licensee
12 consents to the motion. It's for Queen
13 Makeda, 1917 9th Street, N.W., and it's
14 license number 060510. I move that we approve
15 this request. Do I have a second?

16 MEMBER SILVERSTEIN: Second.

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

20 (Chorus of ayes)

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? Motion passes

1 4-0-0. And we have a couple of additional
2 items, one involving Boletto.

3 (Off microphone discussion)

4 CHAIRPERSON MILLER: Boletto Dining
5 Lounge located at 1050 17th Street, N.W.,
6 license number 014073. I move that we approve
7 taking the license out of safekeeping. Do I
8 have a second?

9 MEMBER BROOKS: Second.

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

13 (Chorus of ayes)

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? Motion passes
16 5-0-0.

17 And finally, we have Edwards Bar
18 and Grill, license number 41341. I move that
19 we require the licensee to produce a letter of
20 intent with respect to purchase or lease
21 related to the use of this license and it
22 being returned to operations, and that this

1 letter of intent be produced by February 11th,
2 2014. And if it's not produced by that date
3 then the license will be cancelled. Do I have
4 a second or a comment?

5 MEMBER ALBERTI: A second and a
6 comment --

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: -- that we're
9 expecting an executed letter of intent which
10 clearly states the terms for a lease or
11 purchase agreement and a time frame.

12 CHAIRPERSON MILLER: Okay. Any
13 other comments? Mr. Silverstein?

14 MEMBER SILVERSTEIN: Madam Chair,
15 we do not take this lightly, and we do want to
16 make clear well in advance what step we may
17 take. We know this is not an easy situation.
18 This is a difficult situation, but this
19 license has been in safekeeping for more than
20 seven years, Madam Chair.

21 CHAIRPERSON MILLER: Thank you
22 very much. Others?

1 MEMBER JONES: Madam Chair, I just
2 want to note that as an individual Board
3 member I was extremely disappointed in the
4 lack of progress and a lack of apparent effort
5 that was made by the licensee at the last
6 hearing that we had related to this matter.

7 I am concerned that they are not
8 putting forth the appropriate effort and are
9 not taking the concerns of the Board seriously
10 enough to appropriately rectify the situation.
11 I sincerely, sincerely hope that they get the
12 appropriate message from what it is we're
13 trying to communicate to them today by taking
14 this action. Thank you.

15 CHAIRPERSON MILLER: Thank you.
16 And I also want to say that this direction
17 will be articulated to them in a letter that
18 will be sent out and drafted by our attorney
19 and approved by the Board and then sent out to
20 them which will set forth this in writing.

21 Okay, any other comments? Okay,
22 we have a motion that's been seconded by Mr.

1 Alberti. All those in favor say aye.

2 (Chorus of ayes)

3 CHAIRPERSON MILLER: All those
4 opposed?

5 MEMBER JONES: Oppose.

6 CHAIRPERSON MILLER: All those
7 abstaining? The motion passes 4 to 1 to 0.

8 CHAIRPERSON MILLER: Okay, I want
9 to see if I can get that date for the
10 continuance.

11 (Pause)

12 CHAIRPERSON MILLER: Okay, going
13 back to Number 8 on the agenda which was
14 Vapiano, which was the consent motion for a
15 continuance, it's continued until January
16 22nd, 2014 at 10 o'clock a.m. Thank you.

17 Did we already move to approve
18 this? We can do it again. Okay, let's just
19 do it. Okay, I move to continue this to
20 January 22nd, 2014 at 10:00 a.m. Do I have a
21 second?

22 MEMBER SILVERSTEIN: Second.

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CHAIRPERSON MILLER: Mr.

Silverstein seconded the motion. All those in favor say aye.

(Chorus of ayes)

CHAIRPERSON MILLER: All those opposed? All those abstaining? Motion passes 3-0-0, and that completes our agenda for September 25th, 2013.

(Whereupon, the foregoing matter went off the record at 2:43 p.m.)

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