## DISTRICT OF COLUMBIA

+     +         +             +                 + ALCOHOLIC BEVERAGE CONTROL BOARD
$+\quad+\quad+\quad+$ MEETING

IN THE MATTER OF:

AGENDA

OCTOBER 1, 2014

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

PRESENT:
RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member

NICK ALBERTI, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member

HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

PROCEEDINGS

6:09 p.m.

CHAIR MILLER: Okay we will start
with our Legal Agenda. First item on the

Legal Agenda is the Settlement Agreement
between ANC 1B and Cloud Restaurant and

Lounge dated September 15, 2014. Cloud

Restaurant and Lounge is located at 1919 9th

Street, NW, License No.: 093572. I move that
we approve the Settlement Agreement with
modifications to paragraph 2, 7, 9 and 12.

Do I have a second?

MEMBER SILVERSTEIN: Second.

CHAIR MILLER: Discussion,
questions? Okay. All those in favor say aye.
(Chorus of ayes)

CHAIR MILLER: All those opposed
all those abstaining. Motion has passed.

Number two is a Settlement

Agreement date August 22, 2014 between ANC
1B and Gallagher and Graham LIC located at

1939 12th Street, NW, License No: 095818. I move that we approve this Settlement Agreement without modifications to (simultaneous speaking). I move that we approve that.

MEMBER RODRIGUEZ: I second that.
CHAIR MILLER: Mr. Rodriguez has seconded all those in favor say aye.
(Chorus of ayes) All those opposed all those abstaining. Motion passes 6-0-0.

CHAIR MILLER: Next is a Settlement Agreement between ANC 2B and 18th Street Lounge which is located at 1212 18th Street, NW, License No.: 021211. I move that we approve the Settlement Agreement, do I have a second?

MEMBER ALBERTI: Second.

CHAIR MILLER: Mr. Alberti
seconded the Motion. All those in favor say aye.
(Chorus of ayes)

Neal R. Gross and Co., Inc.

CHAIR MILLER: All those opposed, all those abstaining. Motion passes 6-0-0. CHAIR MILLER: Number four is an Amendment to a Settlement Agreement dated September 16, 2014 between ANC 2F and Logan Tavern which is located at 1423 P Street, NW, License No.: 060706. I move that we approve this Settlement Agreement, do I have a second?

MEMBER ALBERTI: Second.

CHAIR MILLER: Mr. Alberti seconded the Motion all those in favor say aye.
(Chorus of ayes) CHAIR MILLER: All those opposed, all those abstaining. Motion passes 6-0-0. CHAIR MILLER: Next we have a Supplemental Legal Agenda. First item on the Agenda is a challenge to the standing of Tacoma Triangle Community Association, Inc. dated July 22nd, 2014 from Craig Butler for the Applicant Tacoma Station Tavern, located

6914 4th Street, NW, License No.: 97370. I move that we deny the challenge to the standing do $I$ have a second?

MEMBER SHORT: Second.

CHAIR MILLER: Mr. Short has seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes 6-0-0. And I would like to state for the record that we have already written an Order on this which sets forth our rational in that Order is Court Order No.: 2014-345.

CHAIR MILLER: Items No. 2,3,4,5 and 6 are all related to Tacoma Station Tavern and they are all moved as a result of our Ruling on Item No. 1.

CHAIR MILLER: Okay which brings us to Item No. 7 which is a Letter of Clarification submitted by Ronald Osten Chair of ANC 4B, dated September 25th, 2014.

It is with respect to Cheerz located at 7303 Georgia Ave. NW, License No.: 095078 and it's and FYI.

CHAIR MILLER: Number 8 is a Petition for Stay Aboards September 10th, 2014 Order and Stay of Issuance of the Applicants license pending appeal dated September 22nd, 2014 submitted by Roderic Woodson on behalf of Celia Properties. It's related to DC Eagle located at 3701 Benning Road NE, License No.: 093984. So I would move that we deny this Petition because I don't think it meets the standards for a study. Is there a second?

MEMBER BROOKS: Second.

CHAIR MILLER: Mr. Brooks seconded the Motion I would also say that I was moved by the Motion for Reconsideration but the State has other standards and I am not in favor of granting that stay for the reasons I stated. Okay if there are no other comments all those in favor of denying
the Petition say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes 6-0-0.

CHAIR MILLER: Number 9 and 10 are related to the Petition that we just ruled on and I would say for the record that they were considered by the Board and they are moved with respect to taking any action now that we have ruled on No. 8.

CHAIR MILLER: Number 11, is Motion for Revocation-Suspension of License No.: ABRA-093095 dated September 19th, 2014 submitted by John Sterling President of the Shaw Dupont Citizens Alliance, Inc. with respect to New Town Kitchen and Lounge located at 1336 Youth Street, NW, License No.: 093095. I move that we deny this Motion. Is there a second?

MEMBER SILVERSTEIN: Second.
CHAIR MILLER: Mr. Silverstein
seconded the Motion. Any comments?

MEMBER ALBERTI: I will only
comment that any matters relating to this case are not right for a Motion. So on that basis I will deny the Motion.

CHAIR MILLER: Okay all right.
Okay any other comments? All right all those in favor of denying say aye.
(Chorus of ayes)
CHAIR MILLER: Okay all opposed all those abstaining, Motion passes 6-0-0.

CHAIR MILLER: Number 12 is a Settlement Agreement between ANC 2C and Plan B Burger Bar located at 801 Pennsylvania Avenue, NW, License No.: 095796. I move that we approve with modifications to paragraph no. 4.

MEMBER RODRIGUEZ: Second it.
CHAIR MILLER: Mr. Rodriguez seconded the Motion. All those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed
all those abstaining Motion passes 6-0-0. That completes our legal agendas, now we turn to our licensing agenda.

CHAIR MILLER: All right, 1-4 are all applications for Safekeeping and 1 deals with Tonic at 315 Mount Pleasant Street NW, License No.: 060786. I move that we approve for six months. Do I have a second?

MEMBER ALBERTI: Second.

CHAIR MILLER: Mr. Alberti seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining, Motion passes 6-0-0. CHAIR MILLER: Number 2 is related to Carolina Palace, located at 3700 14th Street NW, License No.: 021055 I move we approve for six months do I have a second? MEMBER ALBERTI: Second. CHAIR MILLER: Mr. Alberti
seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed
all those abstaining, Motion passes 6-0-0.
CHAIR MILLER: Number 3 relates
to The Fab Lounge located at 1805
Connecticut Avenue NW, License No.: 070719.
I move we approve for six months do $I$ have a second?

MEMBER ALBERTI: Second.
CHAIR MILLER: Mr. Alberti seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed
all those abstaining, Motion passes 6-0-0.
CHAIR MILLER: Number 4 related to Optimism located at 3301 12th Street NE, License No.: 083552 I move we approve for six month do I have a second?

MEMBER ALBERTI: Second.

CHAIR MILLER: Mr. Alberti
seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining, Motion passes 6-0-0.

CHAIR MILLER: Number 5 is an Application for a Class Change from CR to CT. It's in respect to Selam Restaurant located at 1524-1526 U Street NW, License No.: 060080 and ANC 2B I move that we placard this Class Change Application, do I have a second?

MEMBER RODRIGUEZ: Second.
CHAIR MILLER: Mr. Rodriguez seconded the Motion. All those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining, Motion passes 6-0-0.

CHAIR MILLER: Number 6 is the Request for a Change of Hours for the Star
and The Shamrock located at 1341 H Street NE, License No.: 081804. I move that we approve this Request for a Change of Hours do I have a second?

MEMBER BROOKS: Second.

CHAIR MILLER: Mr. Brooks has seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed
all those abstaining Motion passed 5-0-0.

CHAIR MILLER: Number is a Change of Hours Application for Recessions 11, located at 1823 L Street NW, License No.: 060567. I move that we approve this Change of Hours Request do I have a second?

MEMBER BROOKS: Second.
CHAIR MILLER: Mr. Brooks has seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed
all those abstaining Motion passes 6-0-0.
CHAIR MILLER: The next 3 items 8, 9 and 10 four items, and 11 all concern Safeway located at 322 40th Street NE, License No.: 060647. I move that we refer them to Licensing. Number 1 is a Change of Hours Application, Number 2 is also a Change of Hours Application Number 3 is a Change of Hours Application, Number 4 is a Change of Hours Application. So I think we need to send this to licensing. Could I get a second?

MEMBER ALBERTI: Second.

CHAIR MILLER: Mr. Alberti seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes 6-0-0.

CHAIR MILLER: Number 12 is an Application for Sidewalk Café Endorsement with Seating for 6 Occupants at Showtime
located at 113 Rhode Island Avenue NW, License No.: 089186. I move that we placard this Application. Do I have a second?

MEMBER SHORT: Second.

CHAIR MILLER: Mr. Short has seconded the Motion. All those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes 6-0-0.

CHAIR MILLER: Number 13 is an Application for an Entertainment Endorsement for Impala Cantina y Taqueria located 1358 H Street NE, License No.: 088603. I move that we placard this Application do I have a second.

MEMBER SILVERSTEIN: Second.
CHAIR MILLER: Mr. Silverstein seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed
all those abstaining Motion passes 6-0-0.
CHAIR MILLER: Number 14 is an Application for Managers license for Nicole Miller ABRA 096743 I move that we invite Miss Miller for a fact finding do $I$ have a second.

MEMBER ALBERTI: Second. CHAIR MILLER: Mr. Alberti seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes 6-0-0. That completes the licensing agenda but we have Supplemental Agendas.

CHAIR MILLER: First Supplemental
Licensing Agenda in regard for a Temporary Operating Permit for Park Hyatt located at 1201 24th Street NW, License No.: 096399 ANC 2E and I move it be approved.

MEMBER ALBERTI: Second.

CHAIR MILLER: Mr. Alberti
seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes 6-0-0.

CHAIR MILLER: Number 2 is a Request for a Temporary Operating Permit for Wide World of Wines located at 2201 Wisconsin Avenue NW, License No.: 096780 and ANC 3B I move that we approve.

MEMBER ALBERTI: Second.
CHAIR MILLER: Mr. Alberti seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes $6-0-0$. CHAIR MILLER: Number 3 is a Review of Documentation for New Retail and Full Service Grocery Application for MOM's Organic Market located at 1401 New York Avenue, License No.: 094996 and ANC 5D. I
move that we hold a fact finding with respect to MOM's Organic Market and their plans do $I$ have a second?

MEMBER SILVERSTEIN: Second.

CHAIR MILLER: Mr. Silverstein seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes 6-0-0.

CHAIR MILLER: Number 4 is a letter from Hamiltonian Artists it is with respect to Hamiltonian Gallery 1353 U street NW, License No.: 095794 ANC 1B and it's a letter concerning whether or not they need to get a license for an opening at the Art Gallery I would move that we respond that they do not need a license provided they comply with DC Code Section 25-102 do I have a second?

MEMBER ALBERTI: Second.

CHAIR MILLER: Any comments?

Basically they should look, as long as they look to DC Code 25-102 they'll be fine is there a second?

MEMBER ALBERTI: No they can call
general counsel if they have any questions.
CHAIR MILLER: Oh that's a good point too okay. All right all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes 6-0-0.

CHAIR MILLER: Okay we have a Second Supplemental Licensing Agenda. First Item on the Second Supplemental Licensing Agenda is Request for Stipulated License. That has the support of ANC 6D. It is related to Capital Yacht Club located at 660 Water Street SW, License No.: 001324 I move that we approve this request.

MEMBER RODRIGUEZ: Second.
CHAIR MILLER: Mr. Rodriguez has seconded the Motion all those in favor say
aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed all those abstaining Motion passes 6-0-0. CHAIR MILLER: Number 2 is a

Request for a Stipulated License for Gypsy Sally's located at 3401 K Street NW, License No.: 090582.

MEMBER ALBERTI: We are either ignoring or postponing just postpone it.

CHAIR MILLER: All right $I$ had a question about that so we are going to postpone consideration of Number 2. (Simultaneous speaking) Okay do we need to vote on postponing? By the consensus of the Board we are postponing Gypsy Sally's.

CHAIR MILLER: Number 3 is an Application for Change of Officers at 49\% interest related to Driftwood Kitchen 400 H Street NE, License No.: 086210 actually this was approved last week so no action is
required.
CHAIR MILLER: Number 4 is a Request for Immediate Removal of License from Safekeeping this is for the same establishment Driftwood Kitchen and is also located in ANC 6C. I move that we refer this request to licensing.

MEMBER SILVERSTEIN: Second.
CHAIR MILLER: Okay Mr.
Silverstein has seconded the Motion all those in favor say aye.
(Chorus of ayes)
CHAIR MILLER: All those opposed
all those abstaining Motion passes $6-0$ - 0 . Okay I think that completes our Agenda for today October 1st and all we have left is to vote on our proposed meeting for next week.

CHAIR MILLER: As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia and in accordance Section 405 of the Open Meetings Amendment Act of 2010 I move that the ABC Board hold a
closed meeting on October 8, 2014 for the purpose of discussing and hearing reports concerning ongoing or planned investigations, alleged criminal or civil misconduct or violations of law or regulations in seeking legal advice from our Counsel on the Boards investigative agenda or October 8, 2014 as published in the DC Register on October 3rd, 2014. Is there a second?

MEMBER SILVERSTEIN: Second.
CHAIR MILLER: Mr. Silverstein seconded the Motion I will now take a vote on the Motion before us now that it has been seconded, Mr. Brooks?

MEMBER BROOKS: I agree.
CHAIR MILLER: Mr. Alberti?
MEMBER ALBERTI: I agree.
CHAIR MILLER: Mr. Rodriguez?
MEMBER RODRIGUEZ: I Agree.
CHAIR MILLER: Miss Miller
agrees.

CHAIR MILLER: Mr. Silverstein?
MEMBER SILVERSTEIN: I agree.
CHAIR MILLER: Mr. Short?
MEMBER SHORT: I agree.
CHAIR MILLER: It appears that
the Motion is passed by a 6-0-0 vote I hereby give Notice that the ABC Board will hold a 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 and ABRA's website and published in the DC Register in as timely a manner as practical. As Chairperson Alcoholic Beverage Control Board for the District of Columbia and in accordance Section 405 of the Open Meetings Amendment Act of 2010 I hereby move that the ABC Board hold a closed meeting on October 8, 2014 for the purpose of seeking legal advice from our counsel on the matters identified on the Boards Agenda for October 8, 2014 as posted
in the DC Register on October 3, 2014 is there a second?

MEMBER RODRIGUEZ: Second.
CHAIR MILLER: Mr. Rodriguez has seconded the Motion I will now take a vote calling the Motion before us now that it has been seconded.

MEMBER BROOKS: I agree.
CHAIR MILLER: Mr. Alberti?
MEMBER ALBERTI: I agree.

CHAIR MILLER: Mr. Rodriguez?
MEMBER RODRIGUEZ: I Agree.
CHAIR MILLER: Miss Miller
agrees.
CHAIR MILLER: Mr. Silverstein?
MEMBER SILVERSTEIN: I agree.
CHAIR MILLER: Mr. Short?
MEMBER SHORT: I agree.
CHAIR MILLER: It appears that the Motion has been passed by a 6-0-0 vote I hereby give Notice that the ABC Board will hold this closed meeting pursuant to the

Open Meetings Amendment Act of 2010 Notice will also be posted on the Notice will also be posted on the ABC Board Hearing Room Bulletin Board, placed on the electronic calendar and ABRA's website and published in the DC Register in as timely a manner as practical. Okay I think that concludes our business for October 1st, 2014 and we are adjourned at 6:33 p.m.
(Whereupon, the hearing was adjourned at 6:32 p.m.)

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