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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: : Agenda
ABRA Agenda : Hearing

- - - - -X

Wednesday, October 7, 2015

Whereupon, the above-referenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 RUTHANNE MILLER, Presiding

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4 BOARD MEMBERS:

5 DONALD BROOKS

6 MICHAEL SILVERSTEIN

7 JAMES SHORT

8 HERMAN JONES

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

2 CHAIRPERSON MILLER: We are going to do
3 our agendas for today.

4 First item on the Legal Agenda is a
5 Motion for Reconsideration of Board Cancellation
6 of License submitted by Mova. Mova is located at
7 2204 14th Street, Northwest, License No. 088179.

8 I move that we approve this Motion for
9 Reconsideration.

10 MR. RODRIGUEZ: Second.

11 CHAIRPERSON MILLER: And Mr. Rodriguez
12 has seconded the motion.

13 All those in favor, say "aye."

14 [Chorus of ayes.]

15 CHAIRPERSON MILLER: All those opposed?

16 [No audible response.]

17 CHAIRPERSON MILLER: All those
18 abstaining?

19 [No audible response.]

20 CHAIRPERSON MILLER: Motion passes,
21 5-zero-zero.

22 That's the only item on the Legal Agenda.

1 We have a Supplemental Legal Agenda.

2 First item on that is Settlement
3 Agreement among ANC-1B, Shaw Dupont Citizens
4 Association and Left Door, dated October 2nd,
5 2015. Left Door is located at 1345 S Street,
6 Northwest, License No. 099684.

7 I move that we approve the settlement
8 agreement. Do I have a second?

9 MR. SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr. Silverstein
11 seconded the motion.

12 All those in favor, say "aye."

13 [Chorus of ayes.]

14 CHAIRPERSON MILLER: All those opposed?

15 [No audible response.]

16 CHAIRPERSON MILLER: All those
17 abstaining?

18 [No audible response.]

19 CHAIRPERSON MILLER: Motion passes,
20 5-zero-zero.

21 Number two is a Cancellation of License
22 dated September 15th, 2015. The establishment is

1 Grand Slam located at 1000 H Street, Northwest,
2 License No. 087638.

3 I move that we approve the cancellation.
4 Do I have a second?

5 MR. SILVERSTEIN: Second.

6 CHAIRPERSON MILLER: Mr. Silverstein
7 seconded the motion.

8 All those in favor say aye?

9 [Chorus of ayes.]

10 CHAIRPERSON MILLER: All those opposed?

11 [No audible response.]

12 CHAIRPERSON MILLER: All those
13 abstaining?

14 [No audible response.]

15 CHAIRPERSON MILLER: Motion passes,
16 5-zero-zero.

17 Number three is a Request for a
18 Fact-Finding Hearing dated October 5th, 2015,
19 submitted by MPD Chief of Police Cathy Lanier.
20 It's related to Fashion One located at 700 H
21 Street, Northeast, License No. 086271.

22 I move that we set this case for a

1 fact-finding hearing and the date will be
2 determined.

3 MR. RODRIGUEZ: Second.

4 CHAIRPERSON MILLER: Mr. Rodriguez has
5 seconded the motion.

6 All those in favor, say "aye."

7 [Chorus of ayes.]

8 CHAIRPERSON MILLER: All those opposed?

9 [No audible response.]

10 CHAIRPERSON MILLER: All those
11 abstaining?

12 [No audible response.]

13 CHAIRPERSON MILLER: Motion passes,
14 5-zero-zero.

15 That completes our Legal Agenda. Then we
16 have a Licensing Agenda and a Supplemental
17 Licensing Agenda.

18 First item on the Licensing Agenda is an
19 Application for Safekeeping of a License. It's
20 an Original Request by Kennedy Street Market
21 located at 701 Kennedy Street, Northwest, License
22 No. 082807.

1 I move that we approve safekeeping for a
2 period of 6 months, to end on March 31st, 2016.

3 Do I have a second?

4 MR. BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks has
6 seconded the motion.

7 All those in favor say "aye."

8 [Chorus of ayes.]

9 CHAIRPERSON MILLER: All those opposed --
10 all those -- I'm sorry.

11 All those in support of -- say "aye."

12 [No audible response.]

13 CHAIRPERSON MILLER: All those opposed?

14 [No audible response.]

15 CHAIRPERSON MILLER: All those
16 abstaining?

17 [No audible response.]

18 CHAIRPERSON MILLER: Motion passes,
19 5-zero-zero.

20 Number two is a Request to Extend
21 Safekeeping of a license through March 31st,
22 2016. This is for Red Fire Grill, or formerly

1 was named that, located at 3299 M Street,
2 Northwest, License No. 090419.

3 Okay. I move that we approve this
4 application through March 31st, 2016.

5 Do I have a second?

6 MR. BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has
8 seconded the motion.

9 All those in favor say "aye."

10 [Chorus of ayes.]

11 CHAIRPERSON MILLER: All those opposed?

12 [No audible response.]

13 CHAIRPERSON MILLER: All those
14 abstaining?

15 [No audible response.]

16 CHAIRPERSON MILLER: Motion passes,
17 5-zero-zero.

18 Number three is another Request to Extend
19 Safekeeping of a license, and this is their
20 second request, Eastbanc located at 3307 M
21 Street, Northwest, License No. 076154.

22 I move that we approve safekeeping

1 extension for 6 months until March 31st, 2016.

2 Do I have a second?

3 MR. RODRIGUEZ: Second.

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

6 All those in favor say "aye."

7 [Chorus of ayes.]

8 CHAIRPERSON MILLER: All those opposed?

9 [No audible response.]

10 CHAIRPERSON MILLER: All those
11 abstaining?

12 [No audible response.]

13 CHAIRPERSON MILLER: Motion passes,
14 4-zero-zero.

15 Number four is a Request to Extend
16 Safekeeping, and this is the first request for
17 Dancing Crab located at 4615 41st Street,
18 Northwest, License No. 090297.

19 I move that we approve the extension for
20 6 months until March 31st, 2016.

21 Do I have a second?

22 MR. SILVERSTEIN: Second.

1 CHAIRPERSON MILLER: Mr. Silverstein
2 seconded the motion.

3 All those in favor say "aye."

4 [Chorus of ayes.]

5 CHAIRPERSON MILLER: All those opposed?

6 [No audible response.]

7 CHAIRPERSON MILLER: All those
8 abstaining?

9 [No audible response.]

10 CHAIRPERSON MILLER: Motion passes,
11 5-zero-zero.

12 Number five is an Application for a New
13 Class C Multipurpose Facility. This is for
14 Heurich House Museum located at 1307 New
15 Hampshire Avenue, Northwest, CX License No.
16 100511.

17 I move that we approve the application.

18 Do I have a second?

19 MR. SILVERSTEIN: I second, Madam Chair.

20 CHAIRPERSON MILLER: Mr. Silverstein
21 seconded the motion.

22 All those in favor say "aye."

1 [Chorus of ayes.]

2 CHAIRPERSON MILLER: All those opposed?

3 [No audible response.]

4 CHAIRPERSON MILLER: All those

5 abstaining?

6 [No audible response.]

7 CHAIRPERSON MILLER: Motion passes,

8 5-zero-zero.

9 Number six is an Application for Class
10 Change from Retailer C Restaurant to Retailer C
11 Tavern. This is for The Pursuit located at 1421
12 H Street, License No. 094881.

13 I move that was placard this application.

14 Do we have a second.

15 MR. SILVERSTEIN: Second.

16 CHAIRPERSON MILLER: Mr. Silverstein

17 seconded the motion.

18 All those in favor say "aye."

19 [Chorus of ayes.]

20 CHAIRPERSON MILLER: All those opposed?

21 [No audible response.]

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 [No audible response.]

3 CHAIRPERSON MILLER: Motion passes,
4 5-zero-zero.

5 Number seven is a Request for Change of
6 Hours for Market of Columbia Plaza located at 516
7 23rd Street, Northwest, License No. 097197, and
8 the request is consistent with a settlement
9 agreement, and so I move that we approve this
10 request.

11 Do I have a second?

12 MR. BROOKS: Second.

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

15 All those in favor say "aye."

16 [Chorus of ayes.]

17 CHAIRPERSON MILLER: All those opposed?

18 [No audible response.]

19 CHAIRPERSON MILLER: All those
20 abstaining?

21 [No audible response.]

22 CHAIRPERSON MILLER: Motion passes,

1 4-zero-zero.

2 Number eight is an Application for an
3 Entertainment Endorsement to include live music,
4 deejay, and karaoke for Chaplin located at 1509
5 9th Street, Northwest, License No. 095700.

6 I move that we placard this application.

7 Do I have a second?

8 MR. RODRIGUEZ: Second.

9 CHAIRPERSON MILLER: Mr. Rodriguez has
10 seconded the motion.

11 All those in favor say "aye."

12 [Chorus of ayes.]

13 CHAIRPERSON MILLER: All those opposed?

14 [No audible response.]

15 CHAIRPERSON MILLER: All those
16 abstaining?

17 [No audible response.]

18 CHAIRPERSON MILLER: Motion passes,
19 4-zero-zero.

20 Number nine is a Request or Increase
21 Establishment's Seating Capacity to 114 and Total
22 Occupancy Load to 150, that is one-five-oh, as

1 reflected on Certificate of Occupancy.

2 This is an ANC-3C. The establishment is
3 Raku located at 3312 Wisconsin Avenue, Northwest,
4 License No. 097957.

5 I move that we approve this request.

6 Do I have a second?

7 MR. BROOKS: Second.

8 CHAIRPERSON MILLER: And Mr. Brooks has
9 seconded the motion.

10 All those in favor say "aye."

11 [Chorus of ayes.]

12 CHAIRPERSON MILLER: All those opposed?

13 [No audible response.]

14 CHAIRPERSON MILLER: All those
15 abstaining?

16 [No audible response.]

17 CHAIRPERSON MILLER: Motion passes,
18 4-zero-zero.

19 Number 10 is an Application for a
20 Manager's License for Neil J. Harmon located --
21 Neil J. Harmon, ABRA No. 099530.

22 I move that we grant Mr. Harmon a 30-day

1 temporary license and then take another look at
2 his application sometime during that period.

3 Do I have a second?

4 MR. BROOKS: Second.

5 CHAIRPERSON MILLER: And Mr. Brooks has
6 seconded the motion.

7 All those in favor say "aye."

8 [Chorus of ayes.]

9 CHAIRPERSON MILLER: All those opposed?

10 [No audible response.]

11 CHAIRPERSON MILLER: All those
12 abstaining?

13 [No audible response.]

14 CHAIRPERSON MILLER: Motion passes,
15 4-zero-zero.

16 Number 11 is an Application for a
17 Manager's License for Solomon O. Kiflu, ABRA No.
18 100473.

19 I move that we approve this application.

20 Do I have a second?

21 MR. RODRIGUEZ: Second.

22 CHAIRPERSON MILLER: And Mr. Rodriguez

1 has seconded the motion.

2 All those in favor say "aye."

3 [Chorus of ayes.]

4 CHAIRPERSON MILLER: All those opposed?

5 [No audible response.]

6 CHAIRPERSON MILLER: All those

7 abstaining?

8 [No audible response.]

9 CHAIRPERSON MILLER: Motion passes,
10 4-zero-zero.

11 Okay. That's the Licensing Agenda, and
12 we just have a Supplemental Licensing Agenda to
13 do.

14 Number one is a Request to Extend
15 Safekeeping Status of License. It's a first
16 request for La Salle Liquors located at 2101
17 Wisconsin Avenue, Northwest, License No. 060726.

18 I move that we hold a fact-finding
19 hearing on this request.

20 Do I have a second?

21 MR. BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks has

1 seconded the motion.

2 All those in favor say "aye."

3 [Chorus of ayes.]

4 CHAIRPERSON MILLER: All those opposed?

5 [No audible response.]

6 CHAIRPERSON MILLER: All those

7 abstaining?

8 [No audible response.]

9 CHAIRPERSON MILLER: Motion passes,
10 4-zero-zero.

11 Number two is a Request to Extend
12 Safekeeping Status of License for One Year. It's
13 a first request. The original safekeeping date
14 is 4/22/2015. It's Parkview Patio located at
15 3632 Georgia Avenue, Northwest, License No.
16 082215.

17 And I move that we grant extension of
18 safekeeping status for a period of 6 months until
19 March 31st, 2016.

20 Do I have a second?

21 MR. BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks has

1 seconded the motion.

2 All those in favor say "aye."

3 [Chorus of ayes.]

4 CHAIRPERSON MILLER: All those opposed?

5 [No audible response.]

6 CHAIRPERSON MILLER: All those

7 abstaining?

8 [No audible response.]

9 CHAIRPERSON MILLER: Motion passes,
10 4-zero-zero.

11 Number three is a Request to Extend
12 Safekeeping Status of a License. The original
13 safekeeping date is 11/19/2014. This is for Mr.
14 Smith's of Georgetown, 3104 M Street, Northwest,
15 License No. 000864.

16 I move that we grant an extension of 6
17 months until March 31st, 2016.

18 Do I have a second?

19 MR. BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks has
21 seconded the motion.

22 All those in favor say "aye."

1 [Chorus of ayes.]

2 CHAIRPERSON MILLER: All those opposed?

3 [No audible response.]

4 CHAIRPERSON MILLER: All those

5 abstaining?

6 [No audible response.]

7 CHAIRPERSON MILLER: Motion passes,

8 4-zero-zero.

9 Number four is a Request to Extend
10 Safekeeping Status of a License. It's a first
11 request. The original date that it was put in
12 safekeeping was 4/7/2015, and this is for De
13 Vinos located at 2001 18th Street, Northwest,
14 License No. 074817.

15 I move that we grant an extension of
16 safekeeping for 6 months until March 31st, 2016.

17 Do I have a second?

18 MR. BROOKS: Second.

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

21 All those in favor say "aye."

22 [Chorus of ayes.]

1 CHAIRPERSON MILLER: All those opposed?

2 [No audible response.]

3 CHAIRPERSON MILLER: All those

4 abstaining?

5 [No audible response.]

6 CHAIRPERSON MILLER: Motion passes,

7 4-zero-zero.

8 Number fived is a Request for a

9 Stipulated License for a Sidewalk Café

10 Application with Letter of ANC Support. The

11 establishment is Thip Khao located at 3460 14th

12 Street, Northwest, License No. 097131.

13 I move that we approved this request.

14 Do I have a second?

15 MR. SILVERSTEIN: Second.

16 CHAIRPERSON MILLER: Mr. Silverstein

17 seconded the motion.

18 All those in favor say "aye."

19 [Chorus of ayes.]

20 CHAIRPERSON MILLER: All those opposed?

21 [No audible response.]

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 [No audible response.]

3 CHAIRPERSON MILLER: Motion passes,
4 4-zero-zero.

5 Number six is application for Class
6 Change from Retailer B Grocery Store to Retailer
7 A Liquor Store in ANC-8C, MLK Mini Market located
8 at 3333 Martin Luther King Jr. Avenue, Southeast,
9 Retailer B Grocery, License No. 095905.

10 Licensing has done the mapping for the
11 application and determined that it can go
12 forward, so I move that we placard this
13 application.

14 Do I have a second?

15 MR. RODRIGUEZ: Second it.

16 CHAIRPERSON MILLER: Mr. Rodriguez has
17 seconded the motion.

18 All those in favor say "aye."

19 [Chorus of ayes.]

20 CHAIRPERSON MILLER: All those opposed?

21 [No audible response.]

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 [No audible response.]

3 CHAIRPERSON MILLER: Motion passes,
4 4-zero-zero.

5 Okay. Number seven is a Manager's
6 License Renewal Application for Theodore G.
7 Sampel, ABRA 082990. This individual currently
8 possesses a 30-day temporary license.

9 I move that we schedule a fact-finding
10 hearing for this Renewal Application through the
11 period that the Applicant has the 30-day
12 temporary license.

13 Do I have a second?

14 MR. BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks has
16 seconded the motion.

17 All those in favor say "aye."

18 [Chorus of ayes.]

19 CHAIRPERSON MILLER: All those opposed?

20 [No audible response.]

21 CHAIRPERSON MILLER: All those
22 abstaining?

1 [No audible response.]

2 CHAIRPERSON MILLER: Motion passes,
3 4-zero-zero.

4 Number eight is Revised Floor Plans for
5 New Class B Full-Service Grocery Store. This is
6 for Glen's Garden Market and Shaw located at 1924
7 8th Street, Northwest, Retailer B Grocery License
8 No. 100252.

9 I move that we postpone consideration of
10 this for the Revised Floor Plans for 1 week.

11 Do I have a second?

12 MR. SHORT: Second.

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

15 All those in favor say "aye."

16 [Chorus of ayes.]

17 CHAIRPERSON MILLER: All those opposed?

18 [No audible response.]

19 CHAIRPERSON MILLER: All those
20 abstaining?

21 [No audible response.]

22 CHAIRPERSON MILLER: Motion passes,

1 5-zero-zero.

2 Number nine is a Revised Architectural
3 Floor Plans for a New Full-Service Grocery Store,
4 Dean & DeLuca, located at 3276 M Street,
5 Northwest, License No. 018083.

6 I move that we also postpone this review
7 1 week.

8 Do I have a second?

9 MR. SHORT: Second.

10 CHAIRPERSON MILLER: Mr. Short seconded
11 the motion.

12 All those in favor say "aye."

13 [Chorus of ayes.]

14 CHAIRPERSON MILLER: All those opposed?

15 [No audible response.]

16 CHAIRPERSON MILLER: All those
17 abstaining?

18 [No audible response.]

19 CHAIRPERSON MILLER: Motion passes,
20 5-zero-zero.

21 So that concludes our agendas, and I
22 think we can vote on our closed sessions for next

1 week.

2 As Chairperson of the Alcoholic Beverage
3 Control Board for the District of Columbia and in
4 accordance with Section 405 of the Open Meetings
5 Amendment Act of 2010, I move that the ABC Board
6 hold a closed meeting on October 14, 2015, for
7 the purpose of seeking legal advice from our
8 counsel on the matters identified on the Board's
9 agenda for October 14, 2015, as published in the
10 D.C. Register on October 9, 2015.

11 Is there a second?

12 MR. BROOKS: Second.

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

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

17 Mr. Brooks?

18 MR. BROOKS: I agree.

19 CHAIRPERSON MILLER: Mr. Rodriguez?

20 MR. RODRIGUEZ: I agree.

21 CHAIRPERSON MILLER: Ms. Miller agrees.

22 Mr. Silverstein?

1 MR. SILVERSTEIN: I agree.

2 CHAIRPERSON MILLER: Mr. Short?

3 MR. SHORT: I agree.

4 CHAIRPERSON MILLER: So it appears that
5 the motion has passed by a 5-zero-zero vote.

6 I hereby give notice that the ABC Board
7 will hold this aforementioned closed meeting
8 pursuant to the Open Meetings Amendment Act of
9 2010. Notice will also be posted on the ABC
10 Board Hearing Room bulletin board, placed on the
11 electronic calendar on ABRA's website, and
12 published in the D.C. Register in as timely a
13 manner as practicable.

14 As Chairperson of the Alcoholic Beverage
15 Control Board for the District of Columbia and
16 accordance with Section 405 of the Open Meetings
17 Amendment Act of 2010, I move that the ABC Board
18 hold a closed meeting on October 14, 2015, for
19 the purpose of discussing and hearing reports
20 concerning ongoing or planned investigations of
21 alleged criminal or civil misconduct or
22 violations of law or regulations in seeking legal

1 advice from our counsel on the Board's
2 Investigative Agenda for October 14, 2015, as
3 published in the D.C. Register on October 9,
4 2015.

5 Is there a second?

6 MR. BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has
8 seconded the motion.

9 I will now take a roll call vote on the
10 motion before us, now that it's been seconded.

11 Mr. Brooks?

12 MR. BROOKS: I agree.

13 CHAIRPERSON MILLER: Mr. Rodriguez?

14 MR. RODRIGUEZ: I agree.

15 CHAIRPERSON MILLER: Ms. Miller agrees.

16 Mr. Silverstein?

17 MR. SILVERSTEIN: I agree.

18 CHAIRPERSON MILLER: Mr. Short?

19 MR. SHORT: I agree.

20 CHAIRPERSON MILLER: It appears that the
21 motion has passed by a 5-zero-zero vote. I
22 hereby give notice that the ABC Board will hold

1 this aforementioned close meeting pursuant to the
2 Open Meetings Amendment Act of 2010. Notice will
3 also be posted on the ABC Board Hearing Room
4 bulletin board, placed on the electronic calendar
5 on ABRA's website, and published in the D.C.
6 Register in as timely a manner as practicable.

7 Okay. That concludes that. So that
8 concludes our business for this morning, so we
9 will return at 1:30 p.m. for our afternoon
10 hearings.

11 So we are going into recess now.

12 [Off the record.]

13 CHAIRPERSON MILLER: Actually, the Board
14 has come back on the record to address one item
15 that we postponed earlier but is actually ready
16 now. So that is No. 9 of the Supplemental
17 Licensing Agenda for October 7th. It involves
18 revised architectural floor plan for new
19 full-service grocery store. The store is Dean &
20 Deluca located at 3276 M Street, Northwest,
21 License No. 018083, and I'm going to ask Board
22 Member Jones if he would address this item.

1 MR. JONES: Yes, ma'am. Upon review of
2 the revised drawings from the Applicant, it has
3 been determined that the establishment has met
4 both Test 1 -- or the thresholds for both Test 1
5 and Test 2, Test 1 being that they have dedicated
6 more than 50 percent of their selling area to the
7 dedicated -- 50 percent of their selling are to
8 the selling of food items. They actually
9 reached, achieved a percentage of 83.3 percent.

10 Additionally, the establishment has been
11 able to pass Test 2 whereby they have more than
12 -- excuse me -- six of the seven food categories
13 have exceeded the 5 percent threshold required.
14 Specifically, produce is at 7.5 percent, fresh
15 meat is at 10.1 percent, dairy is at 7.8 percent,
16 canned goods is at 8.6 percent, dry goods is at
17 17 percent, and non-alcoholic beverages is at
18 14.2 percent. That makes 6 or 7 above 5 percent.

19 With that in hand, I move that the Board
20 take two actions. One, move that the Board
21 approve the request to become a full-service
22 grocery store, and I further move that the Board

1 approves proceeding with placarding the
2 on-premise retailer application.

3 CHAIRPERSON MILLER: Second.

4 Okay. There's been a motion that's been
5 seconded.

6 All those in favor say "aye."

7 [Chorus of ayes.]

8 CHAIRPERSON MILLER: All those opposed?

9 [No audible response.]

10 CHAIRPERSON MILLER: All those
11 abstaining?

12 [No audible response.]

13 CHAIRPERSON MILLER: Motion passes,
14 5-zero-zero.

15 Okay. And that now does conclude our
16 business for October 7, 2015, and we are
17 adjourned.

18 [Whereupon, the above-entitled matter
19 concluded.]

20

21

22