

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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A.B.R.A. Agenda : Agenda

: Hearing

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October 16, 2013

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

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

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

2 (10:49 p.m.)

3 CHAIRPERSON MILLER: All right.

4 We're back on the record for the Board's  
5 meeting agenda for October 16, 2013.

6 The first item on the agenda is a  
7 request to extend safekeeping by The Roberts  
8 Law Group located at 1029 Vermont Avenue,  
9 N.W., License No. 83728.

10 I move that we approve this  
11 request for six months. Do I have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks  
14 has 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 3-0-0.

20 Second on the agenda is a request  
21 to extend safekeeping by Northeast Liquors  
22 located at 6155 Edsall Road, #J. Okay.

1       Anyway, the License No. is 92694.

2                   I move that we approve this for  
3       six months. Do I have a second?

4                   MEMBER BROOKS: Second.

5                   CHAIRPERSON MILLER: Mr. Brooks  
6       has 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 3-0-0.

12                   The next is a request for  
13       restoration and reinstatement of a canceled  
14       license by Fairfax Deli, License No. 01260.

15                   I move that we postpone this a  
16       week. Do I have a second?

17                   MEMBER BROOKS: Second.

18                   CHAIRPERSON MILLER: Mr. Brooks  
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 3-0-0.

3                   Fourth is a request to change  
4       hours of operation and sales for ABC Grocery  
5       located at 522 K Street, N.E., License No.  
6       26009.

7                   I move that we approve this  
8       request for change of hours and sales. Do I  
9       have a second?

10                   MEMBER BROOKS: Second.

11                   CHAIRPERSON MILLER: Mr. Brooks  
12       has 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 3-0-0.

18                   The next is a request for a  
19       seating expansion by Da luft located at 1242  
20       H Street, N.E., in ANC-6A, License No. 87780.

21                   I move this approval of request  
22       and this would apply only to the first and

1 second floors.

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Okay. Mr.

4 Silverstein has 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 3-0-0.

10 All right. No. 6 is a request for  
11 an entertainment endorsement by Tortilla Coast  
12 at 400 1st Street, S.E., License No. 85922.

13 I move that we placard.

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr.

16 Silverstein has 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 3-0-0.

22 No. 7 is a request for a change of

1 hours for LaTrojola Bar located at 3708 14th  
2 Street, N.W., License No. 92074.

3 I move that we approve this  
4 request. Do I have a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks  
7 has 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 3-0-0.

13 No. 8 is a request for a change of  
14 hours for The Queen Vic located at 1206 H  
15 Street, N.E., License No. 83930.

16 I move that we postpone  
17 consideration of this request for a week. Do  
18 I have a second?

19 MEMBER BROOKS: Second.

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

22 All those in favor of postponing

1 say aye.

2 ALL: Aye.

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

6 No. 9 is a request for a change of  
7 hours by Mark's Market located at 3933 14th  
8 Street, N.W., License No. 82766.

9 I move that we approve this. The  
10 ANC has approved this as well. Do I have a  
11 second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks  
14 has 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 3-0-0.

20 No. 10 is an application for a  
21 manager's license for Paul J. Miller, ABRA-  
22 93277.

1 I move that we approve this  
2 application. Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks  
5 has 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 3-0-0.

11 No. 11 is a request for  
12 reinstatement of the application for renewal  
13 from Nicolas Markis, owner of The Juniper  
14 Group, and the establishment is The Blaguard  
15 located at 2003 18th Street, N.W., License No.  
16 086012.

17 I move that we approve this  
18 request for reinstatement as he has shown good  
19 cause. Do I have a second?

20 MEMBER BROOKS: Second.

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

1 All those in favor say aye.

2 ALL: Aye.

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

6 No. 12 is a request for  
7 reinstatement of a protest from Bertha  
8 Holliday on behalf of the Group of Five. The  
9 establishment is Red Hen located at 1822 1st  
10 Street, N.W., License No. 090832.

11 And in conjunction with that is  
12 No. 13, which is a response to that request  
13 from Michael D. Fonseca, counsel for Red Hen.

14 I move that we deny the request  
15 for reinstatement.

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Okay. Mr.  
18 Brooks has seconded the motion. I just want  
19 to say that five individuals were not produced  
20 in person as required. Okay. Any other  
21 comments?

22 All those in favor then of denying

1 the request say aye.

2 ALL: Aye.

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

6 And no action is required on No.  
7 13, that was in conjunction with 12.

8 Okay. No. 14 is protestants'  
9 joint application for reinstatement of protest  
10 from Commissioner Jacqueline Blumenthal in  
11 ANC-3B-02. The establishment is JP's, 2412  
12 Wisconsin Avenue, N.W.

13 And in that application for  
14 reinstatement, the commissioner also asked for  
15 oral argument.

16 So I move that we grant oral  
17 argument.

18 MEMBER BROOKS: Second.

19 MEMBER SILVERSTEIN: Deny.

20 CHAIRPERSON MILLER: Okay. We can  
21 -- Mr. Brooks has seconded the motion. Any  
22 comments?

1 MEMBER SILVERSTEIN: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER SILVERSTEIN: We have -- I  
4 would ask that we request that they provide in  
5 writing any information that they have in this  
6 matter. The protest, their protest has been  
7 denied and, at this point, if they have any  
8 additional information, I would be perfectly  
9 willing to hear it and I would actually be  
10 willing to read it.

11 We have a great backlog. We are  
12 here right now at 11:00 at night and we are  
13 still not finished with our business. They  
14 have a parallel hearing that is going on on  
15 the track. The issues in that hearing they  
16 were able to bring to us in writing and we  
17 acted on that.

18 I think that in the interest of  
19 economy and the interest of saving money and  
20 saving ourselves, that we invite them to  
21 provide any material that they might have in  
22 writing.

1 CHAIRPERSON MILLER: So you would  
2 be opposed to the motion?

3 MEMBER SILVERSTEIN: Yes.

4 CHAIRPERSON MILLER: Correct?  
5 Okay. So why don't we vote on the motion and  
6 if it fails, then you can -- we will consider  
7 your motion.

8 MEMBER SILVERSTEIN: Um-hum.

9 CHAIRPERSON MILLER: Okay. So  
10 there is a motion on the table to hear oral  
11 argument on the issues raised in their filing  
12 for reinstatement regarding standing and  
13 appropriateness and other issues. Okay. It  
14 has been seconded.

15 All those in favor say aye.

16 MEMBER BROOKS: Aye.

17 CHAIRPERSON MILLER: Aye.

18 All those opposed?

19 MEMBER SILVERSTEIN: No.

20 CHAIRPERSON MILLER: Okay. Then  
21 the motion passes 2-1-0. Okay.

22 No. 15 is a resolution to amend

1 settlement agreement dated September 17, 2013  
2 between ANC-3C and District 2. District 2 Bar  
3 and Grill is located at 3238 Wisconsin Avenue,  
4 N.W., License No. 077455.

5 I move that we approve this with  
6 modification to paragraph 1. Do I have a  
7 second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Okay. Mr.  
10 Brooks has seconded the motion. Any comments?  
11 Okay.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those  
15 opposed? All those abstaining? The motion  
16 passes 3-0-0 to approve with modification just  
17 to paragraph No. 1.

18 No. 16 is a settlement agreement  
19 dated October 3, 2013 between ANC-1C and Meze,  
20 Inc. Meze is located at 2437 18th Street,  
21 N.W., License No. 060347.

22 I move that we approve the

1 settlement agreement. Do I have a second?

2 MEMBER BROOKS: Second.

3 CHAIRPERSON MILLER: Mr. Brooks  
4 has 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 3-0-0.

10 No. 17 is a settlement agreement  
11 dated October 3, 2013 between ANC-6B and  
12 Bearnaise. Bearnaise is located at 313  
13 Pennsylvania Avenue, S.E., License No. 089622.

14 I move that we approve this  
15 settlement agreement with modification to  
16 paragraph 5. Do I have a second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Okay. Mr.  
19 Brooks 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 3-0-0.

3               No. 18 is a settlement agreement  
4       dated September 27, 2013 between ANC-2E and El  
5       Centro located at 1218 Wisconsin Avenue, N.W.,  
6       License No. 84847.

7               I move that we postpone  
8       consideration of this settlement agreement for  
9       one week. Do I have a second?

10              MEMBER BROOKS: Second.

11              CHAIRPERSON MILLER: Mr. Brooks  
12       has 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 3-0-0.

18              No. 19 is a settlement agreement  
19       dated October 2, 2013 between ANC-1C, KCA,  
20       Reed-Cooke Neighborhood Association and Zinat,  
21       Inc. Carriage House Pub is the establishment  
22       located at 2333 18th Street, N.W., License No.

1 060401.

2 I move that we approve this  
3 settlement agreement. Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks  
6 has 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 3-0-0.

12 No. 20 is an amendment of a  
13 settlement agreement dated October 2, 2013  
14 between ANC-1C, KCA, Reed-Cooke Neighborhood  
15 Association and Adams Morgan Spaghetti Garden,  
16 Inc. The establishment is Spaghetti Garden  
17 Brass Monkey Peyote Roxanne, located at 2317-  
18 2319 18th Street, N.W., License No. 010284.

19 I move that we approve this  
20 settlement agreement. Do I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has 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 3-0-0.

7 Okay. That completes our regular  
8 agenda and then we have a supplemental agenda.

9 First on the supplemental agenda  
10 is a request for a change of address from  
11 Stephen J. O'Brien, counsel, for the Four  
12 Seasons Hotel located at 2800 Pennsylvania  
13 Avenue, N.W., License No. 074900.

14 I move that we approve this change  
15 of address.

16 MEMBER BROOKS: Approved. Second.

17 CHAIRPERSON MILLER: Mr. Brooks  
18 has 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 3-0-0.

2 No. 2 is a request for an  
3 extension to postpone license renewal  
4 application dated October 9, 2013 from Melat  
5 Tessera, President of Yetenbi, Inc. Yetenbi  
6 is located at 1915 9th Street, N.W., License  
7 No. 085258.

8 I move that the applicant shall  
9 have until October 23rd for this license  
10 renewal application, but that penalties may  
11 apply, late penalties may apply. Do I have a  
12 second?

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks  
15 has 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 3-0-0.

21 All right. No. 3 is a request for  
22 substantial change dated October 7, 2013 from

1 Mark Bucher, manager, of Medium Rare Barrack  
2 Row, LLC. The establishment is Szechuan House  
3 Restaurant Fusion Grill, 515 8th Street, S.E.,  
4 License No. 76814.

5 I think this involves a transfer  
6 and the Medium Rare is asking for us to decide  
7 whether this needs to be placarded, when, in  
8 fact, there is a substantial change in the  
9 operations. And based on the documentation  
10 provided, I would move that no placarding is  
11 required. Do I have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Okay. Mr.  
14 Brooks has 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 3-0-0.

20 And No. 4 is a settlement  
21 agreement dated September 3, 2013 between ANC-  
22 2C and Penn Social. Penn Social is located at

1 801 E Street, N.W., License No. 086808.

2 So I am going to move that we  
3 approve the settlement agreement with  
4 modification to paragraphs No. 1, primarily  
5 dealing with the last sentence of No. 1, and  
6 then No. 6 and it will be modified to indicate  
7 that the security plan will be submitted to  
8 ABRA and not the ABC Board and to delete upon  
9 ABC Board approval, and then No. 8, okay, for  
10 the correct procedure for filing a complaint  
11 with ABRA as opposed to petitioning the Board.

12 Okay. Therefore, it is approving  
13 with modification to paragraphs No. 1, 6 and  
14 8. Do I have a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks  
17 has 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 3-0-0.

1           So that concludes our supplemental  
2 agenda.

3           All right. Okay. That concludes  
4 our agenda items. And then we just have the  
5 instructions and voting on the closed  
6 deliberations for next week pursuant to the  
7 Open Meetings Act.

8           Okay. As Chairperson of the  
9 Alcoholic Beverage Control Board for the  
10 District of Columbia and in accordance with  
11 Section 405 of the Open Meetings Amendment Act  
12 of 2010, I move that the ABC Board hold a  
13 closed meeting on October 23, 2013 for the  
14 purpose of seeking legal advice from our  
15 counsel on the matters identified on the  
16 Board's agenda for October 23, 2013 as  
17 published in the DC Register on October 18,  
18 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 has been  
2 seconded.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Ms. Miller  
6 agrees.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRPERSON MILLER: It appears  
10 the motion has passed by a 3-0-0 vote.

11 I hereby give notice that the ABC  
12 Board will hold this aforementioned closed  
13 meeting pursuant to the Open Meetings  
14 Amendment Act of 2010. Notice will also be  
15 posted on the ABC Board hearing room bulletin  
16 board, placed on the electronic calendar on  
17 ABRA's website and published in the DC  
18 Register in as timely a manner as practicable.

19 As Chairperson of the Alcoholic  
20 Beverage Control Board for the District of  
21 Columbia and in accordance with Section 405 of  
22 the Open Meetings Amendment Act of 2010, I

1 move that the ABC Board hold a closed meeting  
2 on October 23, 2013 for the purpose of  
3 discussing and hearing reports concerning  
4 ongoing or planned investigations of alleged  
5 criminal or civil misconduct or violations of  
6 law or regulations and seeking legal advice  
7 from our counsel on the Board's investigative  
8 agenda for October 23, 2013 as published in  
9 the DC Register on October 18, 2013.

10 Is there a second?

11 MEMBER BROOKS: Second.

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

15 Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Ms. Miller  
18 agrees.

19 Mr. Silverstein?

20 MEMBER SILVERSTEIN: I agree.

21 CHAIRPERSON MILLER: As it appears  
22 that the motion has passed by a 3-0-0 vote, I

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

9 Okay. And that concludes our  
10 business for October 16, 2013 and the Board is  
11 adjourned and so is the court reporter. Thank  
12 you.

13 (Whereupon, the A.B.R.A. Agenda in  
14 the above-entitled matter was concluded at  
15 11:10 p.m.)

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A		B		D
<b>A.B.R.A</b> 1:7 24:13	<b>ANC-1C</b> 13:19 15:19 16:14	<b>back</b> 2:4	<b>Centro</b> 15:5	<b>D</b> 9:13
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23:1 24:1,4	<b>ANC-3C</b> 13:2	<b>Barrack</b> 19:1	3:9,18,22 4:11,15	<b>dated</b> 13:1,19
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24:14	<b>Anyway</b> 3:1	<b>behalf</b> 9:8	8:8,21 9:3,17 10:3	19:21
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14:8 15:1,16	18:11	20:11 21:9,12	19:13,17 20:16,20	<b>deliberations</b> 21:6
16:10 17:5,22	<b>appropriateness</b>	22:12,15,16,20	21:8,21 22:5,9,19	<b>denied</b> 11:7
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22:22 24:3	<b>approve</b> 2:10 3:2	23:7	6:13 7:6 17:10,14	<b>discussing</b> 23:3
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