

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION

ADMINISTRATION BOARD

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IN THE MATTER OF:

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A.B.R.A. AGENDA

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OCTOBER 23, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

MIKE SILVERSTEIN, Member

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

1:46 p.m.

CHAIRPERSON MILLER: All right.

We've just give the party in the Bistro case 20 minutes to talk and in that talk we'll see how much we can get through our agenda items for today, Wednesday, October 23rd.

So the first item on our agenda is a request to change hours of operation and sales for Bloomingdale Liquors, which is located at 1836 1st Street, N.W., License No. 60424 in ANC 5E. They are requesting an increase of two hours for hours of operations and sales Sunday through Saturday to increase it from 10:00 p.m. to 12:00 a.m.

I move that we grant this request. Do I have a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Mr. Brooks has seconded the motion. All those in favor, say aye?

(Chorus of ayes.)

1 CHAIRPERSON MILLER: All those  
2 opposed?

3 (No audible response.)

4 CHAIRPERSON MILLER: All those  
5 abstaining?

6 MEMBER JONES: Abstain.

7 CHAIRPERSON MILLER: Then the  
8 motion passes by a vote of 4-0-1.

9 Second item on the agenda is also  
10 a change of hours of operation and sales for  
11 Brown Street Market located at 3320 Brown  
12 Street, N.W., License No. 90871, changing  
13 from 9:00 a.m. Sunday to Saturday to 9:30  
14 a.m. start time and changing the end time  
15 from Sunday through Saturday from 12:00 a.m.  
16 to 10:00 p.m.

17 I move that we approve this  
18 change. Do I have a second?

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON MILLER: All those in  
21 favor, say aye?

22 (Chorus of ayes.)

1 CHAIRPERSON MILLER: All those  
2 opposed?

3 (No audible response.)

4 CHAIRPERSON MILLER: All those  
5 abstaining?

6 MEMBER JONES: Abstain.

7 CHAIRPERSON MILLER: Motion  
8 passes 4-0-1.

9 Okay. The next item on our  
10 agenda is a request to Sunday hours of  
11 operations for Atlas Brew Works located at  
12 2052 West Virginia Avenue, N.E., License No.  
13 91282.

14 I move that we refer this to  
15 Licensing. Do I have a second?

16 MEMBER BROOKS: Second.

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

20 (Chorus of ayes.)

21 CHAIRPERSON MILLER: All those  
22 opposed?

1 (No audible response.)

2 CHAIRPERSON MILLER: All those  
3 abstaining?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those  
6 against?

7 (No audible response.)

8 CHAIRPERSON MILLER: Okay. Mr.  
9 Jones, are you abstaining on this one?

10 MEMBER JONES: No, ma'am.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER JONES: I'm in favor of  
13 it.

14 CHAIRPERSON MILLER: All right.  
15 Then that passes 5-0-0.

16 No. 4 is a change of hours  
17 application for Whole Foods Market located  
18 at 4530 40th Street, N.W., License No.  
19 86073.

20 I move that we approve this  
21 request for change of hours. Do I have a  
22 second?

1 MEMBER BROOKS: Second.

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

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those  
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Motion  
13 passes 5-0-0.

14 MEMBER JONES: Actually, Madam  
15 Chair, I abstain.

16 CHAIRPERSON MILLER: You abstain?  
17 Okay. Motion passes 4-0-1. Correction.

18 No. 5 is also a change of hours  
19 request from Whole Foods located at 1440-  
20 1446 P Street, N.W., License No. 86071.

21 And I also move that we approve  
22 this change of hours. Do I have a second?

1 MEMBER BROOKS: Second.

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

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those  
10 abstaining?

11 MEMBER JONES: Abstain.

12 CHAIRPERSON MILLER: Motion  
13 passes 4-0-1.

14 No. 6 is a request for a new  
15 multipurpose license for Event Concepts  
16 located at 444 North Capitol Street, N.W.  
17 And this is just before us as an FYI, so no  
18 action is required at this time.

19 No. 7 is a request for a summer  
20 garden endorsement. And this is for  
21 Kangaroo Boxing, 3410 11th Street, N.W.,  
22 License No. 89161 in ANC 1A.

1 I move that we refer this one to  
2 Licensing. Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks  
5 has seconded the motion. All those in  
6 favor, say aye?

7 (Chorus of ayes.)

8 CHAIRPERSON MILLER: All those  
9 opposed?

10 (No audible response.)

11 CHAIRPERSON MILLER: All those  
12 abstaining?

13 (No audible response.)

14 CHAIRPERSON MILLER: Motion  
15 passes 5-0-0.

16 No. 8 is a request for a sidewalk  
17 caf, endorsement with hours of sales and  
18 consumption Sunday through Saturday 6:00  
19 p.m. to 12:00 a.m. This is for Little  
20 Fountain Caf,/Angles located at 2339 18th  
21 Street, N.W., License No. 20251.

22 I move that we approve this

1 request. Do I have a second?

2 MEMBER BROOKS: Second.

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

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those  
8 opposed?

9 (No audible response.)

10 CHAIRPERSON MILLER: All those  
11 abstaining?

12 MEMBER JONES: Abstain.

13 CHAIRPERSON MILLER: Motion  
14 passes 4-0-1.

15 No. 9 is the review of a request  
16 to withdraw application from Attorney Paul  
17 Pascal who's counsel for CVS Pharmacy No.  
18 1354 located at 2601 Connecticut Avenue,  
19 N.W., License No. 088912.

20 I move that we approve the  
21 request to withdraw.

22 MEMBER ALBERTI: Second.

1 CHAIRPERSON MILLER: Mr. Alberti  
2 seconded the motion. All those in favor,  
3 say aye?

4 (Chorus of ayes.)

5 CHAIRPERSON MILLER: All those  
6 opposed?

7 (No audible response.)

8 CHAIRPERSON MILLER: All those  
9 abstaining?

10 (No audible response.)

11 CHAIRPERSON MILLER: Motion  
12 passes 5-0-0.

13 Okay. No. 10 is a motion to  
14 dismiss status hearing and show cause  
15 hearing from Matthew LeFande who's counsel  
16 for Twelve Restaurant and Lounge. XII is  
17 located at 1123-1125 H Street, N.E., License  
18 No. 067366. Okay. And this is also in  
19 connection with No. 6 on our supplemental  
20 agenda, which is a review of a reply in  
21 support of the motion to dismiss for XII.

22 So with respect to the motion to

1 dismiss I move to deny. And part of the  
2 reason I move to do that is that it is in  
3 accordance with our decision in Little Miss  
4 Whiskey regarding what's directory and  
5 what's mandatory with respect to no risk and  
6 then for other reasons that will be  
7 elaborated in the written order. Do I have  
8 a second?

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: Mr. Brooks  
11 has seconded the motion. Any other  
12 comments?

13 (No audible response.)

14 CHAIRPERSON MILLER: Okay.  
15 There's a motion to deny then. All those in  
16 favor, say aye?

17 (Chorus of ayes.)

18 CHAIRPERSON MILLER: All those  
19 opposed?

20 (No audible response.)

21 CHAIRPERSON MILLER: All those  
22 abstaining?

1 MEMBER JONES: Abstain.

2 CHAIRPERSON MILLER: Then the  
3 motion passes to deny the motion to dismiss  
4 on a vote of 4-0-1.

5 No. 12 is a request dated October  
6 10, 2013 from E & J Gallo Winery for  
7 approval to provide retailers with products  
8 valued at more than \$50 and less than \$500.

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

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks  
13 has seconded the motion. All those in  
14 favor, say aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those  
17 opposed?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those  
20 abstaining?

21 (No audible response.)

22 CHAIRPERSON MILLER: Motion

1 passes 5-0-0.

2 No. 13 is a resolution to amend  
3 the settlement agreement dated October 10,  
4 2013 between ANC 1A and MOthership.  
5 Mothership is located at 3301 Georgia  
6 Avenue, N.W., License No. 091237. This  
7 amendment amends the settlement agreement to  
8 change the hours of operation and selling  
9 alcohol.

10 I move that we approve the  
11 resolution to amend. 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?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those  
21 abstaining?

22 MEMBER JONES: Abstain.

1                   CHAIRPERSON MILLER: Motion  
2 passes by a vote of 4-0-1. And I'd also  
3 note though that the Licensee will still  
4 need to seek approval from ABRA for the  
5 change in hours.

6                   No. 14 is a resolution to amend  
7 the settlement agreement dated October 10,  
8 2013 between ANC 1A and The Coupe. The  
9 Coupe is located at 3415 11th Street, N.W.,  
10 License No. 086623. This is also an  
11 amendment changing hours.

12                   I move that we approve the  
13 amendment. Do I have a second?

14                   MEMBER BROOKS: Second.

15                   CHAIRPERSON MILLER: Mr. Brooks  
16 has seconded the motion. All those in  
17 favor, say aye?

18                   (Chorus of ayes.)

19                   CHAIRPERSON MILLER: All those  
20 opposed?

21                   (No audible response.)

22                   CHAIRPERSON MILLER: All those

1 abstaining?

2 MEMBER JONES: Abstain.

3 CHAIRPERSON MILLER: Motion  
4 passes 4-0-1. And again, this Licensee will  
5 need to seek approval of the change in hours  
6 from ABRA as well.

7 No. 15 is a settlement agreement  
8 dated October 10, 2013 between ANC 1A and  
9 Baba's Cooking School. Baba's Cooking  
10 School is located at 3607 Georgia Avenue,  
11 N.W., License No. 092701.

12 I move that we approve with  
13 modifications to paragraph 10.

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Mr. Alberti  
16 has seconded the motion. All those in  
17 favor, say aye?

18 (Chorus of ayes.)

19 CHAIRPERSON MILLER: All those  
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 MEMBER JONES: Abstain.

3 CHAIRPERSON MILLER: Motion  
4 passes 4-0-1.

5 No. 16 is a settlement agreement  
6 dated October 12, 2013 between ANC 6B and  
7 Beuchert's Saloon located at 623  
8 Pennsylvania Avenue, S.E., License No.  
9 089616.

10 I move that we postpone this one  
11 week. Do I have a second?

12 MEMBER SILVERSTEIN: Second.

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

16 (Chorus of ayes.)

17 CHAIRPERSON MILLER: All those  
18 opposed?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those  
21 abstaining?

22 (No audible response.)

1 CHAIRPERSON MILLER: Motion  
2 passes 5-0-0.

3 So that concludes our meeting  
4 agenda. We also have a supplemental agenda.

5 Okay. No. 1 on our supplemental  
6 agenda is documentation to review for  
7 pending grocery store B application, that  
8 being Giant No. 2381 located at 300 H  
9 Street, N.E. in ANC 6C. And it's License  
10 No. 091952.

11 I move that we postpone this  
12 review until next week. So postpone one  
13 week. Do I have a second?

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Mr. Alberti  
16 seconded the motion. All those in favor,  
17 say aye?

18 (Chorus of ayes.)

19 CHAIRPERSON MILLER: All those  
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1       abstaining?

2                   (No audible response.)

3                   CHAIRPERSON MILLER: Motion  
4       passes 5-0-0.

5                   No. 2 is a request for  
6       restoration and reinstatement of a canceled  
7       license for Fairfax Deli, License No. 01260.

8                   I move that we deny this request.

9                   MEMBER ALBERTI: Second.

10                  CHAIRPERSON MILLER: Mr. Alberti  
11       seconded the motion. All those in favor,  
12       say aye?

13                   (Chorus of ayes.)

14                  CHAIRPERSON MILLER: All those  
15       opposed?

16                   (No audible response.)

17                  CHAIRPERSON MILLER: All those  
18       abstaining?

19                  MEMBER JONES: Abstain.

20                  CHAIRPERSON MILLER: The motion  
21       passes 4-0-1.

22                  No. 3 is a request for a change

1 of hours for the Queen Vic located at 1206 H  
2 Street, N.E., License No. 83930.

3 I move that we refer this to  
4 Licensing. Do I have a second?

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti  
7 seconded the motion. All those in favor,  
8 say aye?

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those  
11 opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those  
14 abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: The motion  
17 passes 5-0-0.

18 No. 4 is a reconsideration of a  
19 request for involuntary transfer of license.  
20 This involves Jeannette Gunn/The Roberts Law  
21 Group located at 1029 Vermont Avenue, N.W.,  
22 License No. 83728.

1 I move that we approve the  
2 Roberts Group proceeding with their  
3 application. Do I have a second?

4 MEMBER BROOKS: Second.

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

7 (No audible response.)

8 CHAIRPERSON MILLER: All those in  
9 favor, say aye?

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those  
12 opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those  
15 abstaining?

16 MEMBER JONES: Abstain.

17 (No audible response.)

18 CHAIRPERSON MILLER: Motion  
19 passes 4-0-1.

20 No. 5 is a review of two motions  
21 for additional hearing time for Protestants  
22 and to separate participation for the group

1 of eight filed by Milton Grossman, counsel  
2 for ANC 3B. It involves JP's located at  
3 2412 Wisconsin Avenue, N.W., License No.  
4 008511.

5 I move that we hold these motions  
6 in abeyance. Do I have a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti  
9 seconded the motion. All those in favor,  
10 say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those  
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those  
16 abstaining?

17 MEMBER JONES: Abstain.

18 CHAIRPERSON MILLER: Motion  
19 passes 4-0-1.

20 No. 6 we did already. That was  
21 in connection with an item on the regular  
22 agenda.

1                   Okay. No. 7 is a review of a  
2                   settlement agreement dated September 27,  
3                   2013 between ANC 2E and 1218 Wisconsin,  
4                   Inc./El Centro located at 1218 Wisconsin  
5                   Avenue, N.W., License No. 84847.

6                   I move that we refer this to  
7                   Licensing. Do I have a second?

8                   MEMBER ALBERTI: Second.

9                   CHAIRPERSON MILLER: Mr. Alberti  
10                  seconded the motion. All those in favor,  
11                  say aye?

12                  (Chorus of ayes.)

13                  CHAIRPERSON MILLER: All those  
14                  opposed?

15                  (No audible response.)

16                  CHAIRPERSON MILLER: All those  
17                  abstaining?

18                  (No audible response.)

19                  CHAIRPERSON MILLER: Motion  
20                  passes 5-0-0.

21                  No. 8 is a reconsideration of  
22                  Protestants' joint application for

1 reinstatement of protest from Commissioner  
2 Jacqueline Blumenthal and ANC 3B-02. It  
3 involves JP's located at 2412 Wisconsin  
4 Avenue, N.W., License No. 08511. This is by  
5 a Board Member who voted for the motion last  
6 week for oral argument, so I'm going to let  
7 Mr. Brooks make a motion on this.

8 MEMBER BROOKS: Madam Chair, I  
9 move that we review our original motion, and  
10 my vote is to deny the reinstatement of  
11 protest.

12 MEMBER ALBERTI: I'll second the  
13 motion to reconsider the original vote and  
14 motion. Right. Right. Right, to  
15 reconsider. I'm seconding the motion to  
16 reconsider the original motion and vote.

17 MEMBER SILVERSTEIN: So we have  
18 to vote first --

19 CHAIRPERSON MILLER: Okay.

20 MEMBER JONES: -- to reconsider?

21 CHAIRPERSON MILLER: And then we

22 --

1                   MEMBER JONES:   Could we clearly  
2                   articulate what the motion is that was  
3                   appropriately seconded?  I just want to make  
4                   sure I'm clear on what that motion was.

5                   CHAIRPERSON MILLER:  Okay.  Let  
6                   me see if I can articulate what I think it  
7                   is.  Last week we made a motion to grant  
8                   oral argument to ANC 3B and Glover Park on  
9                   the request for reinstatement.  And I  
10                  believe there's a motion to reconsider our  
11                  granting hearing oral argument on the  
12                  motion, because that's what was passed last  
13                  week.

14                  MEMBER BROOKS:  Right.

15                  CHAIRPERSON MILLER:  Okay.  And  
16                  that's been seconded by Mr. Alberti,  
17                  correct?

18                  MEMBER ALBERTI:  Yes.

19                  CHAIRPERSON MILLER:  Okay.

20                  MEMBER JONES:  Good.  Thank you.

21                  CHAIRPERSON MILLER:  Does anybody  
22                  want to speak to that now, or do you just

1 want to speak to when we do the  
2 reconsideration?

3 MEMBER JONES: I'll speak to  
4 let's reconsider, yes. We have to vote to  
5 reconsider.

6 CHAIRPERSON MILLER: Okay. All  
7 right. So all those in favor of  
8 reconsidering, say aye?

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those  
11 opposed? Opposed.

12 CHAIRPERSON MILLER: All those  
13 abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: Okay. Then  
16 the motion passes by a vote of 4-1-0.

17 So now before us is the motion --

18 MEMBER ALBERTI: The original  
19 motion.

20 CHAIRPERSON MILLER: The original  
21 motion, which I believe was a request for  
22 oral argument on the standing issue being

1 other issues, issues other than  
2 appropriateness. So is there a motion to  
3 deny?

4 MEMBER ALBERTI: I move that we  
5 deny the motion for reinstatement.

6 CHAIRPERSON MILLER: Oh, for  
7 reinstatement as opposed to the oral  
8 argument?

9 MEMBER ALBERTI: Oh. Oh, no.  
10 Okay. I'm sorry. Yes. No. Yes, I move  
11 that we deny the motion for reinstatement.  
12 There wasn't a motion for oral arguments.  
13 There was a motion for reinstatement and the  
14 discussion amongst the Board Members was  
15 whether or not we needed to hear oral  
16 arguments. I feel that we don't need to  
17 hear oral arguments, and so I'm moving that  
18 we deny the motion for reinstatement.

19 MEMBER SILVERSTEIN: I'd like to  
20 --

21 CHAIRPERSON MILLER: Is there a  
22 second?

1                   MEMBER SILVERSTEIN:  -- second  
2                   that.

3                   CHAIRPERSON MILLER:  Okay.  Mr.  
4                   Silverstein seconded the motion for denying  
5                   reinstatement.

6                   MEMBER SILVERSTEIN:  Madam Chair?

7                   CHAIRPERSON MILLER:  Yes?

8                   MEMBER SILVERSTEIN:  We're  
9                   following a precedent here that was set in a  
10                  previous case in which an ANC asked us to  
11                  reconsider an act that we took.  This was  
12                  done by writing.  If they have issues, they  
13                  can send us and we are willing to hear any  
14                  issues dealing with fitness for licensure or  
15                  other such things.  That is the process we  
16                  have used and that is the process we can use  
17                  now.

18                  MEMBER ALBERTI:  Madam Chair?

19                  CHAIRPERSON MILLER:  Yes?

20                  MEMBER ALBERTI:  The Protestants'  
21                  petition to protest relied solely on their  
22                  concerns about the Licensee's fitness for

1 licensure and they did not provide any  
2 specifics, only vague references that they  
3 had concerns to the issues of fitness. They  
4 did not state any reasons related to  
5 appropriateness standards in their petition  
6 to protest. So it is for those reasons that  
7 I don't think that they should have standing  
8 as Protestants and believe that they should  
9 not be reinstated.

10 I will second what Mr.  
11 Silverstein has to say in that if the  
12 Protestants have relevant information about  
13 the Licensee's fitness for licensure, then  
14 the Board will be interested in hearing that  
15 and we will deal with it appropriately. So  
16 I encourage the Protestants, if they have  
17 such information, to provide it to the  
18 Board.

19 CHAIRPERSON MILLER: Okay.

20 Others?

21 (No audible response.)

22 CHAIRPERSON MILLER: All right.

1 The reason I'm voting against is I was  
2 interested in hearing oral argument from the  
3 Protestants before the Board made its  
4 decision. So that's my position.

5 Okay. So then before us is the  
6 motion for reinstatement. All those in  
7 favor?

8 MEMBER ALBERTI: My motion was to  
9 deny the motion --

10 CHAIRPERSON MILLER: I'm sorry.  
11 Go ahead.

12 MEMBER ALBERTI: -- for  
13 reinstatement.

14 CHAIRPERSON MILLER: You're  
15 saying yours is to deny it? I'm sorry.

16 MEMBER ALBERTI: My motion was to  
17 deny the Protestant's motion for  
18 reinstatement.

19 CHAIRPERSON MILLER: Okay. So  
20 before us to vote on at this point is a  
21 motion to deny reinstatement of the protest.  
22 All those in favor of denying reinstatement

1 at this time, say aye?

2 (Chorus of ayes.)

3 CHAIRPERSON MILLER: All those  
4 opposed? Opposed.

5 CHAIRPERSON MILLER: All those  
6 abstaining?

7 MEMBER JONES: Abstain.

8 CHAIRPERSON MILLER: Okay. One  
9 abstaining. Then the motion to deny  
10 reinstatement passes by a vote of 3-1-1.

11 Okay. Next on our agenda is a  
12 resolution of protest from Jonathan Bender  
13 representing ANC 3E, and the establishment  
14 is Civil Lounge located at 5335 Wisconsin  
15 Avenue, N.W., 090196. Mr. Bender is asking  
16 that the protest period be extended in order  
17 to allow for more negotiations.

18 And I would move to deny this  
19 request. Do I have --

20 MEMBER ALBERTI: Second.

21 CHAIRPERSON MILLER: Mr. Alberti  
22 seconded the motion. And I would just say

1 before we vote on it that it's been the  
2 Agency's practice to continue hearings to  
3 allow negotiations to continue, but not to  
4 extend the protest period.

5 Okay. Any other comments?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those in  
8 favor then of denying the motion, say aye?

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those  
11 opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those  
14 abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: Then the  
17 motion passes 5-0-0.

18 No. 10 is Applicant's motion to  
19 stay the protest hearing. That is in the  
20 case of TruOrleans located at 400 H Street,  
21 N.E., License No. 086210. And this is for  
22 the hearing that is scheduled for tomorrow.

1 I would move that we deny the  
2 motion.

3 MEMBER ALBERTI: Second.

4 MEMBER ALBERTI: Mr. Alberti has  
5 seconded the motion. Any comments?

6 (No audible response.)

7 CHAIRPERSON MILLER: Among other  
8 things I would say that it is untimely.  
9 Okay. Any other comments?

10 (No audible response.)

11 CHAIRPERSON MILLER: All those in  
12 favor then of denying the motion, say aye?

13 (Chorus of ayes.)

14 CHAIRPERSON MILLER: All those  
15 opposed?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those  
18 abstaining?

19 (No audible response.)

20 CHAIRPERSON MILLER: Okay.

21 Motion passes 5-0-0.

22 And I believe we have some cease

1 and desist cases.

2 Okay. We have a whole list and I  
3 think I'll read the names of the  
4 establishments. All this is published in  
5 the D.C. Register. So I'm going to move  
6 that we approve cease and desist for the  
7 following:

8 Scheele's Market, 1331 29th  
9 Street, N.W.; Bella Market, 101 15th Street,  
10 N.E.; Clover Market, 5014 Connecticut  
11 Avenue, N.W.; New Star Supermarket, 2205 4th  
12 Street, N.E.; M & M Market, 3544 East  
13 Capitol Street, N.E.; 1618 Variety Market on  
14 1618 8th Street, N.W.; Darby's Market, 1136  
15 Florida Avenue, N.E.; Anacostia Market, 1303  
16 Good Hope Road, S.E.

17 All these establishments did not  
18 make their third-year payment.

19 Next for licensees that did not  
20 renew: Montserrat Dough Joe, 2014 9th  
21 Street, 2014 9th Street, N.W.; King of  
22 Kabob, 1018 Vermont Avenue, N.W.; HR-57,

1 1007 H Street, N.E.; Maraki Restaurant &  
2 Lounge, 1930 9th Street, N.W.; Camelot, 1823  
3 M Street, N.W.; Sesto  
4 Senso/Andalu/Spot/Lupe/M I A located at 1214  
5 18th Street, N.W.; Martin's Restaurant &  
6 Lounge located at 1919 9th Street, N.W.

7 Also these following  
8 establishments did not renew: Love located  
9 at 1350 Okie Street, N.E.; America Eats  
10 Tavern, 405 8th Street, N.W.; Salina, 1936  
11 9th Street, N.W.; Yetenbi, 1915 9th Street,  
12 N.W.; Ma Ma's Southern Cuisine, 3118 Georgia  
13 Avenue, N.W.; Vice, 5516 North Capitol  
14 Street, N.W.; Sankofa Caf,, 2714 Georgia  
15 Avenue, N.W.; Azur, 405 8th Street; Fever  
16 Bar & Lounge, 816 H Street, N.E.; American  
17 Ice Company, 917 V Street, N.W.; Toki  
18 Underground, 1234 H Street, N.E.; Velvet  
19 Lounge, 915 U Street, N.W.; The Library  
20 Saloon, 3514 12th Street, N.E.; Cava  
21 Restaurant, 527-529 8th Street, S.E. ;  
22 Newtown Kitchen and Lounge, 1336 U Street,

1 N.W.; Koffee's Lounge, 2632 Georgia Avenue,  
2 N.W.

3 The following haven't made third-  
4 year payments: Carolina Deli and Beverage,  
5 3429 14th Street, N.W.; Saloun, 3239 M  
6 Street, N.W.; Oxygen, 1375 Quincy Street,  
7 N.W.; Ras Restaurant & Lounge, 4809 Georgia  
8 Avenue, N.W.; HR-57 located at 816 H Street,  
9 N.E.; Roc Bar located at 2623 Connecticut  
10 Avenue, N.W.; Jackie Lee's Lounge located at  
11 116 Kennedy Street, N.W.; and Pho DC Bar &  
12 Grill located at 2623 Connecticut Avenue,  
13 N.W.

14 Okay. Correction. The last  
15 eight that I read were cancellations as  
16 opposed to cease and desists. Carolina Deli  
17 and Beverage, Saloun, Oxygen, Ras Restaurant  
18 & Lounge, HR-57, Roc Bar, Jackie Lee's  
19 Lounge and Pho DC Bar & Grill.

20 Okay. So all right. Let's just  
21 move on those eight. I move that we cancel  
22 the licenses for those eight establishments

1 that I just read. Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr.

4 Silverstein seconded the motion. All those  
5 in favor, say aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those  
8 opposed?

9 (No audible response.)

10 CHAIRPERSON MILLER: All those  
11 abstaining?

12 (No audible response.)

13 CHAIRPERSON MILLER: Motion  
14 passes 5-0-0.

15 Okay. And all the previous ones  
16 that I read are cease and desists. I move  
17 that we approve cease and desist for them.  
18 Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks  
21 has seconded the motion. All those in  
22 favor, say aye?

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(Chorus of ayes.)

CHAIRPERSON MILLER: All those

opposed?

(No audible response.)

CHAIRPERSON MILLER: All those

abstaining?

(No audible response.)

CHAIRPERSON MILLER: Okay.

Motion passes 5-0-0.

So that concludes our agenda and

cancellation and cease and desist matters

for October 23rd.

(Whereupon, the hearing was

concluded at 2:18 p.m.)

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