

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

-----:  
IN THE MATTER OF:

AGENDA  
-----:

NOVEMBER 19, 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

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

JAMES SHORT, Member

MICHAEL SILVERSTEIN, Member

HECTOR RODRIGUEZ, Member

ALSO PRESENT:

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

(8:46 p.m.)

1  
2  
3 MS. MILLER: Before we do our agendas  
4 I also want to note for the record that we had  
5 scheduled on our calendar two protest hearings on  
6 our agenda in the context of a settlement  
7 agreement and I believe we would be approving  
8 that settlement agreement shortly. Okay, so,  
9 okay why don't we turn back to our licensing  
10 agenda. First item on the agenda is an  
11 application for safekeeping of license. It's an  
12 original request and this is for Mr. Smith of  
13 Georgetown located 3104 M Street Northwest,  
14 license number 000864. I move that we approve  
15 this application. Do I have a second?

16 MR. SILVERSTEIN: Second.

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

19 (Chorus of ayes.)

20 MS. MILLER: All those opposed. All  
21 those abstaining. Motion passes 4, 0, 0. Number  
22 two is another application for safekeeping of

1 license which is also an original request and  
2 this is for Neyla located at 3206 N Street  
3 Northwest, license number 021020. I move that we  
4 approve this one as well for six months. Do I  
5 have a second?

6 MR. SHORT: Second.

7 MS. MILLER: Mr. Short seconded the  
8 motion. All those in favor say aye.

9 (Chorus of ayes.)

10 MS. MILLER: All those opposed. All  
11 those abstaining. Motion passes 4, 0, 0. Number  
12 three is a request for a change of hours for  
13 Second State located at 1831 M Street Northwest,  
14 license number 084184. I move that we approve.  
15 Do I have a second?

16 MR. SILVERSTEIN: Second.

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

19 (Chorus of ayes.)

20 MS. MILLER: All those opposed. All  
21 those abstaining. Motion passes 4, 0, 0. Number  
22 four is also a change of hours and this is for

1 two-level summer garden for H Street Country Club  
2 located at 1335 H Street Northeast, license  
3 number 076649. Oh, I move that we approve this  
4 request for change of hours. Do I have a second?

5 MR. SHORT: Second.

6 MS. MILLER: Mr. Short has seconded  
7 the motion. All those in favor say aye. Mr.  
8 Short.

9 (Chorus of ayes.)

10 MS. MILLER: All those opposed. All  
11 those abstaining. Motion passes 4, 0, 0. Number  
12 five is an application for a tasting permit for  
13 Me & My Supermarket located at 1111 H Street  
14 Northeast, license number 095280. I move that we  
15 approve. Do I have a second?

16 MR. SILVERSTEIN: Second.

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

19 (Chorus of ayes.)

20 MS. MILLER: All those opposed. All  
21 those abstaining. Motion passes 4, 0, 0. Okay  
22 that completes the regular licensing agenda, so

1 now we go to the supplemental licensing agenda.  
2 First item is a request for a stipulated license  
3 with the support from ANC-2B and this is for  
4 Nagomi. It's located at 1990 M Street Northwest,  
5 license number 096999. I move that we approve  
6 this request. Do I have a second?

7 MR. SHORT: Second.

8 MS. MILLER: Mr. Short seconded the  
9 motion. All those in favor say aye.

10 (Chorus of ayes.)

11 MS. MILLER: All those opposed. All  
12 those abstaining. Motion passes 4, 0, 0. Number  
13 two is a request for a stipulated license  
14 accompanied by a letter of support from ANC-3G.  
15 This is for Knollwood Apartments located at 6200  
16 Oregon Avenue Northwest, license number 096716.  
17 I move that we approve. Do I have a second?

18 MR. SILVERSTEIN: Second.

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

21 (Chorus of ayes.)

22 MS. MILLER: All those opposed. All

1 those abstaining. Motion passes 4, 0, 0. Number  
2 three is another request for a stipulated license  
3 with the support from ANC-6A and this is for  
4 Impala Cantina y Taqueria located at 1358 H  
5 Street Northeast, license number 088603. I move  
6 that we approve this request for stipulated  
7 license. Do I have a second?

8 MR. SHORT: Second.

9 MS. MILLER: Mr. Short seconded the  
10 motion. All those in favor say aye.

11 (Chorus of ayes.)

12 MS. MILLER: All those opposed. All  
13 those abstaining. Motion passes 4, 0, 0. Number  
14 four is a request for refund of license fee for  
15 non-use of license. I think that this means an  
16 application fee and this is by a, by Saloon 45  
17 located at 1821 18th Street Northwest, license  
18 number 094842. I move that we approve all but  
19 the \$150. One second. This would be in  
20 accordance with 23-DCMR Section 504 which deals  
21 with denied or withdrawn applications. Okay, so  
22 the motion is to refund all but \$150 charge,

1 service charge. Do I have a second?

2 MR. SHORT: Second.

3 MR. JONES: Point of clarification?

4 MS. MILLER: Sure.

5 MR. JONES: You said refund all but \$150?

6 MS. MILLER: Right.

7 MR. JONES: Okay.

8 MS. MILLER: According to that provision which  
9 says that that's the charge, is \$150.

10 MR. JONES: Thank you.

11 MS. MILLER: Okay, that's clear then, all those in  
12 favor say aye.

13 (Chorus of ayes.)

14 MS. MILLER: All those opposed. All  
15 those abstaining. Motion passes 5, 0, 0. Number  
16 five is an application requesting change of hours  
17 for a summer garden for Little Miss Whiskey's  
18 Golden Dollar located at 1104 8th Street  
19 Northwest, license number 079090. I move that we  
20 deny this request. Do I have a second?

21 MR. SHORT: Second.

22 MS. MILLER: Mr. Short seconded the

1 motion. All those in favor say aye.

2 (Chorus of ayes.)

3 MS. MILLER: All those opposed. All  
4 those abstaining. Motion passes, got it, 5, 0,  
5 0. Okay. All right, that is the supplemental  
6 licensing. We have a second supplemental  
7 licensing agenda with just one item on that.  
8 That is a letter from Pascal and Weiss, P.C.  
9 requesting reinstatement of a cancelled license  
10 for Federal Lounge so that the licensing transfer  
11 process to Songbyrd can proceed. This is,  
12 Songbyrd is located at 2477 18th Street Northwest,  
13 license number 096137. I move that we approve  
14 this application. I mean this letter.

15 MR. RODRIGUEZ: Second it.

16 MS. MILLER: Okay. It was seconded by  
17 Mr. Rodriguez. All those in favor say aye.

18 (Chorus of ayes.)

19 MS. MILLER: All those opposed. All  
20 those abstaining. Motion passes 5, 0, 0 and our  
21 decision is memorialized in Board Order 2014-489.  
22 We have a cancellation agenda with two items on

1       them. The first is ABRA number 090210 Secrets  
2       Lounge and Restaurant located at 1414 9th Street  
3       Northwest. In this case, the licensee failed to  
4       renew the license. No payments have been received  
5       since 2012 and the second one is ABRA license  
6       number 086787 Meze Caterer C located at 2437 18th  
7       Street Northwest and in this case the licensee  
8       has requested cancellation of the license so I  
9       move that we approve cancelling both licenses.  
10      Do I have a second?

11                   MR. SILVERSTEIN: Second.

12                   MS. MILLER: Mr. Silverstein has  
13      seconded the motion. All those in favor say aye.

14                   (Chorus of ayes.)

15                   MS. MILLER: All those opposed. All  
16      those abstaining.

17      MR. JONES: I abstain.

18      MS. MILLER: Okay. Motion passes 4 to 0 to 1  
19      with Jones abstaining and the order on Secrets  
20      Lounge and Restaurant is memorialized in Board  
21      Order 2014-478 and the order, and the ruling on  
22      Meze cancelling the license is memorialized in

1 Board Order 2014-475. Okay, I think that  
2 completes our licensing business. We can now  
3 turn to our legal agendas. First item on the  
4 legal agenda is an amendment to a settlement  
5 agreement between ANC-6A and Rock N Roll Hotel  
6 dated November 3, 2014. Rock N Roll Hotel is  
7 located at 1353 H Street Northeast, license  
8 number 072777. I move that we approve this  
9 amendment. Do I have a second?

10 MR. SILVERSTEIN: Second.

11 MS. MILLER: Mr. Silverstein seconded  
12 the motion. All those in favor say aye.

13 (Chorus of ayes.)

14 MS. MILLER: All those opposed. All  
15 those abstaining. Motion passes 5, 0, 0. Number  
16 two is a motion for reconsideration dated  
17 November 4, 2014 submitted by Corina Garay of  
18 Garay Corporation, Corina's Restaurant is located  
19 at 831 Kennedy Street, Northwest, license number  
20 079873. I move that we deny this motion for  
21 reconsideration.

22 MR. SILVERSTEIN: Second.

1 MS. MILLER: Mr. Silverstein seconded  
2 the motion. I just want to say that I, I'm  
3 sympathetic to this establishment but she did not  
4 raise grounds for our granting a motion for  
5 reconsideration on this in my view. Okay, all  
6 those in favor of denying the motion for  
7 reconsideration say aye.

8 (Chorus of ayes.)

9 MS. MILLER: Those opposed. Those  
10 abstaining. Motion passes 5, 0, 0. We have a  
11 supplemental legal agenda. First item is a  
12 settlement agreement between ANC-1A and Micuba  
13 Café dated November 12, 2014. Micuba Café is  
14 located at 1424 Park Road Northwest, license  
15 number 096613. I move that we approve with  
16 modification to paragraph 10 with respect to the  
17 Show Cause language.

18 MR. RODRIGUEZ: Second.

19 MS. MILLER: Okay, Mr. Rodriguez has  
20 seconded the motion. All those in favor say aye.

21 (Chorus of ayes.)

22 MS. MILLER: All those opposed. All

1 those abstaining. Motion passes 5, 0, 0. Number  
2 two is a settlement agreement among ANC-2B, group  
3 of five or more and Sauf Haus dated November 12,  
4 2014. Sauf Haus is located at 1216 18th Street  
5 Northwest, license number 086803. I move that we  
6 approve this settlement agreement. Do I have a  
7 second?

8 MR. SHORT: Second.

9 MS. MILLER: Mr. Short seconded the  
10 motion. All those in favor say aye.

11 (Chorus of ayes.)

12 MS. MILLER: All those opposed. All  
13 those abstaining. Motion passes 5, 0, 0 and our  
14 ruling will be memorialized in Board Order number  
15 2014-480. Next, number three is settlement  
16 agreement between ANC-2B and & Pizza dated  
17 November 12, 2014. & Pizza is located at 1215  
18 Connecticut Avenue Northwest, license number is  
19 096845. I move that we approve this settlement  
20 agreement. Do I have a second?

21 MR. SILVERSTEIN: Second.

22 MS. MILLER: Mr. Silverstein seconded

1 the motion. All those in favor say aye.

2 (Chorus of ayes.)

3 MS. MILLER: All those opposed. All  
4 those abstaining. Motion passes 5, 0, 0. Our  
5 ruling is memorialized in Board Order on this  
6 case number 2014-484. Next, number four is a  
7 settlement agreement between ANC-6B and Yes  
8 Organic Market dated October 31, 2014. Yes  
9 Organic Market is located at 410 8th Street,  
10 Southeast, license number 089539. I move that we  
11 approve the settlement agreement. Do I have a  
12 second?

13 MR. SILVERSTEIN: Second.

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

16 (Chorus of ayes.)

17 MS. MILLER: All those opposed. All  
18 those abstaining. Motion passes 5, 0, 0. See  
19 Board number 2014-485. Number five is a  
20 settlement agreement between ANC-6D and The  
21 Capital Yacht Club dated November 10, 2014. The  
22 Capital Yacht Club is located at 660 Water Street

1 Southwest, license number 096839. I move that we  
2 approve with modification to the whereas clause  
3 to the fourth whereas clause and also with  
4 respect to a clarification with respect to a  
5 membership list that was attached. Do I have a  
6 second?

7 MR. RODRIGUEZ: Second.

8 MS. MILLER: Mr. Rodriguez seconded  
9 the motion. All those in favor say aye.

10 (Chorus of ayes.)

11 MS. MILLER: All those opposed. All  
12 those abstaining. Motion passes 5, 0, 0. Number  
13 six is a settlement agreement among ANC-2B, a  
14 group of five or more and Rose Bar dated November  
15 10, 2014. Rose Bar is located at 1215  
16 Connecticut Avenue Northwest, license number  
17 077883. I move that we approve with modification  
18 to paragraph 4a Roman numerals III and IV. I  
19 think the concern with that is that they  
20 reference noise. Do I have a second?

21 MR. SILVERSTEIN: Second.

22 MS. MILLER: Mr. Silverstein seconded

1 the motion. All those in favor say aye.

2 (Chorus of ayes.)

3 MS. MILLER: All those opposed. All  
4 those abstaining. Motion passes 5, 0, 0. See  
5 Board 2014-486. Seven is a stipulation for entry  
6 of decision submitted by the protestant group of  
7 ten, applicant and ANC-6C dated October 16, 2014.  
8 The establishment is Ibiza located at 1222 1st  
9 Street Northeast, license number 074456. I move  
10 that we approve with modifications to fill in  
11 some of the missing blanks. All those I favor  
12 say aye.

13 (Chorus of ayes.)

14 MS. MILLER: All those opposed. All  
15 those abstaining. Motion passes 5, 0, 0.  
16 Number eight request to rescind settlement  
17 agreement between ANC-1B and Eleven Market dated  
18 November 17, 2014. Eleven Market is located at  
19 1936 11 Street Northwest, license number 060236.  
20 I move that we approve this request.

21 MR. SHORT: Second.

22 MS. MILLER: Mr. Short seconded the

1 motion. All those in favor say aye.

2 (Chorus of ayes.)

3 MS. MILLER: All those opposed. All  
4 those abstaining. Motion passes 5, 0, 0. And we  
5 have a second supplemental legal agenda with just  
6 two items. The first one is a settlement  
7 agreement between ANC-2E, Citizens Association of  
8 Georgetown, CAG, and MYIA, LLC. MYIA, LLC is  
9 located at 1419 Wisconsin Avenue Northwest,  
10 license number 096102. I move that we approve  
11 this settlement agreement. Do I have a second?

12 MR. SILVERSTEIN: Second.

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

15 (Chorus of ayes.)

16 MS. MILLER: All those opposed. All  
17 those abstaining. Motion passes 5, 0, 0. See  
18 Board Order number 2014-487. And finally, review  
19 of a settlement agreement among ANC-2E, Citizens  
20 Association of Georgetown, Peter R. Pastre, a  
21 group of five and FR & LH, LLC dated November 13,  
22 2014. FR & LH, LLC located at 1515 Wisconsin

1 Avenue Northwest, license number 095966. I move  
2 that we approve this settlement agreement. Do I  
3 have a second?

4 MR. SILVERSTEIN: Second.

5 MS. MILLER: Mr. Silverstein seconded  
6 the motion. All those in favor say aye.

7 (Chorus of ayes.)

8 MS. MILLER: All those opposed. All  
9 those abstaining. Motion passes 5, 0, 0 and see  
10 Board Order number 2014-488. And that concludes  
11 our agenda items. So what's left is then our  
12 votes on closed session for our next meeting,  
13 which will be, is our next meeting the 17th.  
14 Okay.

15 MR. SHORT: Turkey Day is coming.

16 MS. MILLER: AS Chairperson of the  
17 Alcoholic Beverage Control Board for the District  
18 of Columbia in accordance with Section 405 of the  
19 Open Meetings Amendment Act of 2010, I move that  
20 the ABC Board hold a closed meeting on December  
21 3, 2014 for the purpose of discussing and  
22 hearing reports concerning ongoing or planned

1 investigations of alleged criminal or civil  
2 misconduct or violations of law or regulations  
3 and seeking legal advice from our counsel on the  
4 Board's investigative agenda for December 3, 2014  
5 as published in the DC Register on November 28,  
6 2014. Is there a second?

7 MR. SILVERSTEIN: Second.

8 MS. MILLER: Mr. Silverstein seconded  
9 the motion. I'll now take a roll call vote on  
10 the motion before us now that it's been seconded.  
11 Mr. Rodriguez.

12 MR. RODRIGUEZ: I approve.

13 MS. MILLER: Okay. Ms. Miller  
14 approves. Mr. Silverstein.

15 MR. SILVERSTEIN: I approve.

16 MS. MILLER: Mr. Short.

17 MR. SHORT: I agree.

18  
19 MS. MILLER: Okay, Mr. Jones.

20 MR. JONES: I agree.

21 MS. MILLER: All right then it's a  
22 vote of 5, 0, 0. Motion is passed. I hereby give

1 notice that the ABC Board will hold this  
2 aforementioned closed meeting pursuant to the  
3 Open Meetings Amendment Act of 2010. Notice will  
4 also be posted on the ABC Board Hearing Room  
5 bulletin board, placed on the electronic calendar  
6 and ABRA's website and published in the D.C.  
7 Register in as timely manner as practical. As  
8 Chairperson of the Alcoholic Beverage Control  
9 Board for the District of Columbia and in  
10 accordance with Section 405 of the Open Meetings  
11 Amendment Act of 2010, I move that the ABC Board  
12 hold a closed meeting on December 3, 2014 for the  
13 purpose of seeking legal advice from our counsel  
14 on the matters identified on the Board's agenda  
15 for December 3, 2014 as published in the D.C.  
16 Register on November 28, 2014. Is there a  
17 second?

18 MR. SILVERSTEIN: Second.

19 MS. MILLER: I'll now take a roll call  
20 vote on the motion before us now that it's been  
21 seconded. Mr. Rodriguez.

22 MR. RODRIGUEZ: I agree.

1 MS. MILLER: Ms. Miller agrees. Mr.  
2 Silverstein.

3 MR. SILVERSTEIN: I agree.

4 MS. MILLER: Mr. Short.

5 MR. SHORT: I agree.

6 MS. MILLER: Mr. Jones.

7 MR. JONES: I agree.

8 MS. MILLER: It appears that the  
9 motion has passed by a 5, 0, 0 vote. I hereby  
10 give notice that the ABC Board will hold this  
11 aforementioned closed meeting pursuant to the  
12 Open Meetings Amendment Act of 2010. Notice will  
13 also be posted on the ABC Board Hearing Room  
14 bulletin board, placed on the electronic  
15 calendar, on ABRA's website and published in the  
16 D.C. Register in as timely manner as practical.  
17 And that concludes our business for November 19,  
18 2014 and we are adjourned.

19 (Whereupon, the above-entitled matter  
20 went off the record at 9:10 p.m.)\  
21  
22

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