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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: :
Legal Agenda 12-9-2015 :
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Wednesday, December 9,
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.

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CHAIRPERSON:

DONOVAN ANDERSON, Presiding

BOARD MEMBERS:

NICK ALBERTI

JAMES SHORT

RUTHANNE MILLER

MIKE SILVERSTEIN

1 [4:23 p.m.]

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

3 CHAIRMAN ANDERSON: So we stand in
4 recess. Thank you.

5 [Whereupon, at 4:24 p.m., a recess was
6 taken.]

7 [Whereupon, at 6:45 p.m., the above
8 entitled matter reconvened.]

9 [Speaking off mic.]

10 CHAIRMAN ANDERSON: All right. We're
11 back on the record. There are three members
12 current at the dais. Donovan, as the Chair, Nick
13 Alberti, Jim Short, and Ruthanne Miller.

14 So this is basically a continuation of
15 the agenda from this morning. We now will
16 address our Legal Agenda.

17 The first matter on our legal agenda is a
18 review of an amendment of settlement agreement
19 between Mad Fox Brewing Company, trade name Mad
20 Fox Brewing Company Taproom, License No. 92955.
21 I make a motion that we approve the settlement
22 agreement with modification. Is there a second?

1 MR. SHORT: Second.

2 CHAIRMAN ANDERSON: Mr. Short has
3 seconded the motion. Those in favor say aye.

4 [Chorus of ayes.]

5 CHAIRMAN ANDERSON: The matter passes
6 four, zero, zero.

7 The next matter on our legal agenda is a
8 review of a settlement agreement between
9 Starbucks Coffee; License No. 100595 and ANC 1C.
10 I make a motion that we approve the settlement
11 agreement. Is there a second?

12 MR. ALBERTI: Second.

13 CHAIRMAN ANDERSON: Mr. Alberti has
14 seconded the motion. Those in favor say aye.

15 [Chorus of ayes.]

16 CHAIRMAN ANDERSON: All right. The
17 matter passes four, zero, zero.

18 The third matter on our license agenda
19 is a review of a settlement agreement between Dos
20 Ventures, trade name St. Yves, License No. 99876.
21 I make a motion that we approve the settlement
22 agreement. Is there a second?

1 MS. MILLER: Second.

2 CHAIRMAN ANDERSON: Ms. Miller has
3 seconded the motion. Those in favor say aye.

4 [Chorus of ayes.]

5 CHAIRMAN ANDERSON: The matter passes
6 four, zero, zero.

7 CHAIRMAN ANDERSON: The next matter is a
8 review of a settlement agreement between Millie's
9 and ANC 3D, Retailer CR; License No. 100214. I
10 make a motion that we approve the settlement
11 agreement with modifications. Is there a second?

12 MR. SHORT: Second.

13 CHAIRMAN ANDERSON: Mr. Short has
14 seconded the motion. Those in favor say aye.

15 [Chorus of ayes.]

16 CHAIRMAN ANDERSON: The matter passes
17 four, zero, zero.

18 The next matter is a review of a letter
19 from ANC 3/4G regarding the Class D License with
20 Starbucks Coffee, Retailer; License 100544. This
21 is just an FYI for the Board.

22 The next matter on our agenda is review

1 of letter from Odessa, Retailer Class C, and
2 License No. 100813. This matter is set for
3 hearing on -- we had a hearing on this matter
4 today at 1:30. So this is just an FYI.

5 The next matter on our agenda is to
6 review a letter from Counsel Member Jack Evans
7 regarding Naylor Stables, LLC, Retailer; License
8 No. 100016. And it's a moot matter. It's just
9 an FYI. The matter is moot because the applicant
10 withdrew the application.

11 The next matter on our agenda is just a
12 review of a letter from Counsel Member Kenyan
13 McDuffie regarding License No. MMA BYTMI, LLC,
14 Retailer CL [sic]; License No. 100283. And it's
15 just an FYI.

16 The next matter is just a review of
17 Resolution from ANC 2E requesting that the Board
18 to extend the existing Georgetown moratorium for
19 an additional 60 days beyond its current
20 expiration date of February 3rd, 2016. I make a
21 motion that the Board approve the request to
22 extend the moratorium for an additional 60 days.

1 Is there a second?

2 MR. SHORT: Second.

3 CHAIRMAN ANDERSON: Mr. Short has
4 seconded the motion. Those in favor say aye.

5 [Chorus of ayes.]

6 CHAIRMAN ANDERSON: The matter passes
7 four, zero, zero.

8 No. 10, review of the West DuPont Circle
9 moratorium on rulemaking. I make a motion that
10 the Board approve this rulemaking. Is there a
11 second?

12 MS. MILLER: Second.

13 CHAIRMAN ANDERSON: Ms. Miller has
14 seconded the motion. Those in favor say aye.

15 [Chorus of ayes.]

16 CHAIRMAN ANDERSON: Those opposed. The
17 matter passes four, zero, zero.

18 The next one is just a review of the
19 Georgetown moratorium on rulemaking. I make a
20 motion that the Board approve the rulemaking. Is
21 there a second?

22 MS. MILLER: Second.

1 CHAIRMAN ANDERSON: Ms. Miller seconded
2 the motion. Those in favor say aye.

3 [Chorus of ayes.]

4 CHAIRMAN ANDERSON: Those opposed. The
5 matter passes four, zero, zero.

6 The next matter is just a review of
7 violation history competition rulemaking. I make
8 a motion that we approve this rulemaking
9 competition. Is there a second?

10 MR. SHORT: Second.

11 CHAIRMAN ANDERSON: Mr. Short has
12 seconded the motion. Those in favor say aye.

13 [Chorus of ayes.]

14 CHAIRMAN ANDERSON: Those opposed. The
15 matter passes four, zero, zero.

16 And the next matter is just a review the
17 technical amendment rulemaking regarding pub
18 crawl regs. [ph]. And I just made a motion that
19 this matter be postponed. Is there a second?

20 MS. MILLER: Second.

21 CHAIRMAN ANDERSON: Ms. Miller has
22 seconded this motion that we postpone the review

1 of the technical rulemaking. Those in favor say
2 aye.

3 [Chorus of ayes.]

4 CHAIRMAN ANDERSON: Those opposed. The
5 matter passes four, zero, zero.

6 We now turn to our Supplemental Legal
7 Agenda. And the first matter on the Supplemental
8 Legal Agenda is to review a request to withdraw
9 the protest submitted by abutting property owner
10 regarding Via Umbria; License No. 100436 and
11 100387. I make a motion that we approve the
12 withdrawal of the protestant. Is there a second?

13 MS. MILLER: Second.

14 CHAIRMAN ANDERSON: Ms. Miller has
15 seconded the motion. Those in favor say aye.

16 [Chorus of ayes.]

17 CHAIRMAN ANDERSON: Those opposed. The
18 matter passes four, zero, zero.

19 And the next matter is review of
20 applicant's motion to dismiss protesting for
21 improper service filed by Naylor Stables; License
22 No. 10016. And this matter is now moot.

1 We now turn to our Licensing Agenda.
2 And the first matter on our Licensing Agenda is
3 to review application for class change from
4 Retailer B to Retailer A on Davis Market,
5 Retailer B; License No. 060094. I make a motion
6 that we deny this request to change the license.
7 Is there a second?

8 MR. SHORT: Second.

9 CHAIRMAN ANDERSON: Mr. Short has
10 seconded the motion. Those in favor say aye.

11 [Chorus of ayes.]

12 CHAIRMAN ANDERSON: Those opposed. The
13 matter passes four, zero, zero.

14 The next matter is to review application
15 for manager's license for Quentin D. Smothers,
16 ABRA 101146. I make a motion that we deny the
17 application. Is there a second?

18 MR. SHORT: Second.

19 CHAIRMAN ANDERSON: Mr. Short has
20 seconded the motion. Those in favor say aye.

21 [Chorus of ayes.]

22 CHAIRMAN ANDERSON: Those opposed. The

1 matter passes four, zero, zero.

2 We now turn to our Supplemental
3 Licensing Agenda.

4 The first matter on this agenda is to
5 review application for safekeeping license for
6 Sisy's; License No. 076125. I make a motion that
7 the request be approved to place a license in
8 safekeeping through March 31st, 2016. Is there a
9 second?

10 MS. MILLER: Second.

11 CHAIRMAN ANDERSON: Ms. Miller has
12 seconded the motion. Those in favor say aye.

13 [Chorus of ayes.]

14 CHAIRMAN ANDERSON: Those opposed. The
15 matter passes four, zero, zero.

16 The next matter is, again, is to review
17 an application for safekeeping for Chupacabra;
18 License No. 092662. I make a motion that we
19 accept the request to place a license in
20 safekeeping through March 31st, 2016. Is there a
21 second?

22 MR. ALBERTI: Second.

1 CHAIRMAN ANDERSON: Mr. Alberti has
2 seconded. Those in favor say aye.

3 [Chorus of ayes.]

4 CHAIRMAN ANDERSON: Those opposed. The
5 matter passes four, zero, zero.

6 The next matter is to review a request
7 for involuntary transfer from landlord and
8 approval of transfer to new ownership for the
9 establishment, Pi, Retailer CR; License No.
10 091868. I make a motion that we approve this
11 request. Is there a second?

12 MS. MILLER: Second.

13 CHAIRMAN ANDERSON: Ms. Miller has
14 seconded the motion. Those in favor say aye.

15 [Chorus of ayes.]

16 CHAIRMAN ANDERSON: Those opposed. The
17 matter passes four, zero, zero.

18 The next matter is to review a request
19 for temporary operating permit for the Ritz
20 Carlton Georgetown; License No. 060660. I make a
21 motion that we approve this matter. Is there a
22 second?

1 MR. SHORT: Second.

2 CHAIRMAN ANDERSON: Mr. Short has
3 seconded the motion. Those in favor say aye.

4 [Chorus of ayes.]

5 CHAIRMAN ANDERSON: Those opposed. The
6 matter passes four, zero, zero.

7 The next matter is to review a request
8 for temporary operating permit for City Tap
9 House; License No. 093546. I make a motion that
10 we approve this request. Is there a second?

11 MS. MILLER: Second.

12 CHAIRMAN ANDERSON: Ms. Miller has
13 seconded the motion. Those in favor say aye.

14 [Chorus of ayes.]

15 CHAIRMAN ANDERSON: Those opposed. The
16 matter passes four, zero, zero.

17 The next matter is to review a request to
18 update and issue a new license reflecting the new
19 certificate of occupancy for Rosebar; License No.
20 077883. I make a motion that we approve this
21 request. Is there a second?

22 MR. ALBERTI: Second.

1 CHAIRMAN ANDERSON: Mr. Alberti has
2 seconded the motion. Those in favor say aye.

3 [Chorus of ayes.]

4 CHAIRMAN ANDERSON: Those opposed. The
5 matter passes four, zero, zero.

6 The next matter is to review a request
7 for a disposal permit to return remaining alcohol
8 inventory to supplies for Holiday Inn -
9 Georgetown. License No. is 001653. I make a
10 motion that we approve this matter. Is there a
11 second?

12 MR. ALBERTI: Second.

13 CHAIRMAN ANDERSON: Mr. Alberti has
14 seconded the motion. Those in favor say aye.

15 [Chorus of ayes.]

16 CHAIRMAN ANDERSON: Those opposed. The
17 matter passes four, zero, zero.

18 The next matter is to review a request to
19 withdraw application for new retailer's license
20 for Naylor Stables, LLC; License No. 100016. I
21 make a motion that we approve the withdrawal. Is
22 there a second?

1 MS. MILLER: Second.

2 CHAIRMAN ANDERSON: Ms. Miller has
3 seconded the motion. Those in favor say aye.

4 [Chorus of ayes.]

5 CHAIRMAN ANDERSON: Those opposed. The
6 matter passes four, zero, zero.

7 The next matter is review request to
8 withdraw application for a new retailer's
9 license, Starbucks Coffee, Retailer; License No.
10 100585. And this is just an FYI for the Board.

11 And the next matter is to review
12 application for manager's license for Daniel
13 Etemadi, ABRA 101263. I make a motion that we
14 deny this application. Is there a second?

15 MR. SHORT: Second.

16 CHAIRMAN ANDERSON: Mr. Short has
17 seconded the motion. Those in favor say aye.

18 [Chorus of ayes.]

19 CHAIRMAN ANDERSON: Those opposed. The
20 matter passes four, zero, zero.

21 We now turn to our Second Supplemental
22 Licensing Agenda. And the request is to review a

1 request to update ABC License to reflect summer
2 garden operation with 210 seats for the
3 establishment, Dacha Beer Garden, Retailer;
4 License No. 092773. I make a motion that we
5 approve this matter. Is there a second?

6 MS. MILLER: Second.

7 CHAIRMAN ANDERSON: Ms. Miller has
8 seconded the motion. Those in favor say aye.

9 [Chorus of ayes.]

10 CHAIRMAN ANDERSON: Those opposed. The
11 matter passes four, zero, zero.

12 Then we will now turn to our Cancellation
13 Agenda. And I make a motion that we approve the
14 cancellation of the license for Capitol Cash and
15 Carry, ABRA 101025. I make a motion that we
16 approve this cancellation. Is there a second?

17 MR. SHORT: Second.

18 CHAIRMAN ANDERSON: Mr. Short has
19 seconded the motion. Those in favor say aye.

20 [Chorus of ayes.]

21 CHAIRMAN ANDERSON: Those opposed. The
22 matter passes four, zero, zero.

1 And we have now done both agendas. And
2 so, therefore, as Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia, in accordance with D.C. Official Code,
5 Section 2-574B, Closed Meetings, and Section 2-
6 574, Notice of Meetings of the Open Meeting Act,
7 I move that the ABC Board hold a closed meeting
8 on January 6, 2016, for the purpose of discussing
9 and hearing reports concerning ongoing or planned
10 investigations of alleged criminal or civil
11 misconduct of violations of law or regulations
12 and seeking legal advice from our counsel on the
13 Board's investigative agenda for January 6, 2016,
14 as published in the D.C. Registry on December
15 31st, 2015, basically, covering our investigative
16 licensing and legal agendas for January 6, 2016.
17 Is there a second?

18 MS. MILLER: Second.

19 CHAIRMAN ANDERSON: Ms. Miller has
20 seconded the motion. I will now take a roll call
21 vote on the motion. Ms. Miller?

22 MS. MILLER: I approve.

1 CHAIRMAN ANDERSON: Mr. Alberti?

2 MR. ALBERTI: I approve.

3 MR. ANDERSON: Mr. Short?

4 MR. SHORT: I approve.

5 MR. ANDERSON: And Mr. Anderson? I
6 approve. The matter passes four, zero, zero.

7 As it appears that the motion has passed,
8 I hereby give notice that the ABC Board will hold
9 this aforementioned closed meeting. Pursuant to
10 the Open Meetings Act, notice will also be posted
11 on the ABC Board hearing room bulletin board,
12 placed on the electronic calendar on ABRA's
13 website, and published in the D.C. Registry in as
14 timely a manner as possible.

15 We now stand adjourned. Thank you.

16 [Whereupon, at 7:01 p.m., the above
17 entitled matter concluded.]