

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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December 11, 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 (7:12 p.m.)

3 CHAIRPERSON MILLER: Okay. We are
4 back on the record to do the agenda for
5 December 11, 2013.

6 The first two items on the agenda
7 are applications for safekeeping and the first
8 involves Shop Express located at 3900 Benning
9 Road, N.E., and the second involves Sushi-Ko
10 at 2309 Wisconsin Avenue, N.W.

11 I move that we approve both of
12 these applications for a period of six months.
13 Do I have a second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr.
16 Silverstein seconded.

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 for both.

22 The third is also a request to

1 extend safekeeping of license by California
2 Liquors, 1801 California Street, N.W.

3 I move that we have a Fact-Finding
4 scheduled on this.

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. 4 is a request for an
14 expansion of premises by Rocklands Barbeque
15 and Grilling located at 2418 Wisconsin Avenue,
16 N.W.

17 I move that we placard. Do I have
18 a second?

19 MEMBER BROOKS: Second.

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

22 All those in favor say aye.

1 ALL: Aye.

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

5 No. 5 is a request for a new
6 Retailer B License for Safeway located at 3830
7 Georgia Avenue, N.E.

8 I move that we request information
9 regarding their full-service.

10 MEMBER BROOKS: Madam Chair, it's
11 in Northwest, but I'll --

12 CHAIRPERSON MILLER: Oh, it
13 should? Okay.

14 MEMBER BROOKS: I'll second.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. And the record should note that. Mr.
17 Brooks 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 No. 6 is an application request to
2 add a cover charge to licensing for The Pinch
3 located at 3548 14th Street, N.W., in ANC-1A.

4 I move that we approve.

5 MEMBER SILVERSTEIN: Second.

6 CHAIRPERSON MILLER: All those in
7 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. 7 is a request for a change of
13 hours by South Capitol Liquors located at 4652
14 South Capitol Street, S.E.

15 I move that we approve. Do I have
16 a second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks
19 seconded.

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. 8 is a request for a change of
4 hours to add Sunday hours by Dove House
5 Liquors located at 1905 9th Street, N.W.

6 I move to approve. Do I have a
7 second?

8 MEMBER SILVERSTEIN: Second.

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

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 3-0-0.

16 No. 9 is a request for a change of
17 hours by Policy and for entertainment. Policy
18 is located at 1904 14th Street, N.W.

19 I move that we placard.

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON MILLER: Mr.
22 Silverstein has seconded.

1 All those in favor say aye.

2 ALL: Aye.

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

6 No. 10 is a request for a change
7 of hours of operation and sales. It is for
8 Cleveland Park Liquors located at 3423
9 Connecticut Avenue, N.W. It would increase
10 the hours to the legal house that are allowed
11 under the law.

12 We do have a letter from CPCA,
13 Cleveland Park Citizens Association, saying
14 that -- asking us -- telling us that they
15 consider any change in a liquor establishment
16 to be a substantial change and asking us to
17 placard any change.

18 MEMBER BROOKS: Madam Chair, who
19 is this from?

20 CHAIRPERSON MILLER: This is
21 Cleveland Park Citizens Association.

22 MEMBER BROOKS: Well, they

1 wouldn't be Policy, would they?

2 CHAIRPERSON MILLER: Oh, this is
3 for -- we are now on Cleveland Park Liquors,
4 No. 10. It's a liquor store in Cleveland
5 Park.

6 MEMBER BROOKS: Oh, okay, okay.
7 I'm sorry.

8 CHAIRPERSON MILLER: Okay. They
9 want to increase its hours.

10 MEMBER BROOKS: Okay.

11 CHAIRPERSON MILLER: To go to
12 12:00 a.m., 7:00 a.m. to 12:00 a.m., Sunday
13 through Saturday.

14 MEMBER BROOKS: Okay.

15 CHAIRPERSON MILLER: And I'm
16 noting that just recently on November 12th,
17 Cleveland Park Citizens Association said that
18 they wanted to go on record that they consider
19 every change to a liquor establishment to be
20 of concern to them and a substantial change.

21 And given that letter, I would
22 move that we placard. Do I have a second?

1 Okay. Not having a second, does someone else
2 have a motion?

3 MEMBER SILVERSTEIN: Madam Chair,
4 I move that we approve the application.

5 CHAIRPERSON MILLER: Okay. There
6 has been a motion by Mr. Silverstein to
7 approve.

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks is
10 seconding the motion.

11 All those in favor say aye.

12 MEMBER BROOKS: Aye.

13 MEMBER SILVERSTEIN: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? Opposed. The motion passes by a
16 vote of 2-1-0.

17 No. 11 is a motion for
18 reconsideration by Rosebar located at 1215
19 Connecticut Avenue, N.W.

20 I move that we deny the motion.

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion. And I would note
2 that the licensee could reapply if we vote to
3 deny.

4 So all those in favor of denying
5 say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 3-0-0.

10 No. 12 is a motion for
11 reconsideration dated November 25, 2013 by Dos
12 Ventures, LLC on behalf of Riverfront at the
13 Ball Park located at 25 Potomac Avenue, S.E.

14 I move that we postpone
15 consideration of this motion until we return
16 in January. Do I have a second?

17 MEMBER SILVERSTEIN: Madam Chair,
18 I move we deny the motion for reconsideration.

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Okay. There
21 has been a motion to deny and Mr. Brooks has
22 seconded the motion.

1 I would oppose denial of the
2 motion for reconsideration. In my view, the
3 applicant responded directly to the concerns
4 that we raised in our order and addressing
5 safety issues, addressing sale to minor,
6 addressing crowd issues. I don't have
7 everything in front of me right now.

8 I was -- I thought it was very
9 convincing to me, the addressing of our
10 concerns, and that's why I would support -- I
11 would grant the motion.

12 MEMBER SILVERSTEIN: Call for a
13 vote.

14 CHAIRPERSON MILLER: So there has
15 been a motion to deny that has been seconded.

16 All those in favor say aye.

17 MEMBER SILVERSTEIN: Aye.

18 MEMBER BROOKS: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? Opposed. All those abstaining? The
21 motion to deny passes by a vote of 2-1-0.

22 No. 13 we can consider that moot

1 because it's the response to the motion for
2 reconsideration, which was considered in our
3 vote on No. 12.

4 No. 14 is an amendment to a
5 settlement agreement between ANC-6C and TMB
6 Holdings for TruOrleans located at 400 H
7 Street, N.E.

8 I move that we approve with
9 modification to No. 11. Do I have a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr.

12 Silverstein 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. 15 is a settlement agreement
19 dated November 16, 2013 between ANC-6C and
20 Backdoor, Inc. related to Bachelor's Mill
21 located at 1104 8th Street, S.E.

22 I move that we approve with

1 modification to Section 3. Do I have a
2 second?

3 MEMBER BROOKS: Second.

4 MEMBER SILVERSTEIN: 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. 16 is a request dated November
13 26, 2013 from E & J Gallo to provide retailers
14 with products valued at more than \$50 and less
15 than \$500.

16 I move that we approve.

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 No. 17 is a request dated November
4 27, 2013 from Winebow, Inc. to provide
5 retailers with products valued at more than
6 \$50 and less than \$500.

7 I move that we approve.

8 MEMBER BROOKS: Second.

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

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 3-0-0.

16 Now, we have a supplemental
17 agenda.

18 The first item on the supplemental
19 agenda is a review of a settlement agreement
20 dated September 27, 2013 regarding El Centro
21 and ANC-2E. El Centro is located at 1218
22 Wisconsin Avenue, N.W.

1 I move that we don't approve this
2 settlement agreement, at this time, because it
3 represents that there will be a class change
4 and no filing for a class change has come into
5 ABRA and, therefore, that we schedule this
6 case for a Protest Hearing.

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Do I have a
9 second? Mr. Silverstein has seconded the
10 motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 3-0-0.

16 No. 2 is a review of Registered
17 Civic Association's request to replacard an
18 establishment in ANC-2B. The establishment is
19 Amsterdam Falafeshop located at 1830 14th
20 Street, N.W.

21 I move that we replacard. Do I
22 have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 3-0-0.

9 No. 3 is a letter from a licensing
10 applicant in DC Harvest, related to DC Harvest
11 located at 517 H Street, N.E. And this is an
12 FYI, so no action is required.

13 No. 4 is a request for a
14 stipulated license from Elisea Ventura of
15 Ventura Market related to La Joya Steakhouse
16 Restaurant located at 201 Upshur Street, N.W.

17 I move that we approve the
18 stipulated license.

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON MILLER: Mr.

21 Silverstein has seconded.

22 All those in favor say aye.

1 ALL: Aye.

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

5 No. 5 is a settlement agreement
6 between ANC-2F and The American dated November
7 25, 2013. The American is located at 1209-
8 1213 10th Street, N.W.

9 I move that we postpone
10 consideration pending receipt of a signed
11 agreement.

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr.
14 Silverstein 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. 6 is a letter for
21 reconsideration of an untimely protest dated
22 December 9, 2013 from Carl Nelson of Palladium

1 Protestants. The establishment that it is
2 related to is 18th Street Lounge located at
3 1212 18th Street, N.W.

4 I move that we deny on grounds
5 that no good cause was really presented.

6 MEMBER BROOKS: Second.

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

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 3-0-0.

14 No. 7 is a letter dated December
15 7, 2013 from ANC-1C regarding resolution to
16 relax provisions of the Adams Morgan
17 Settlement Agreements to allow participation
18 by on-premise establishments for New Year's
19 Eve 2013 and no action is required on this.

20 No. 8 is a review of a letter
21 requesting resubmission of protest letter from
22 Kathy Henderson of ANC-5D regarding Jimmy

1 Valentine's Lonely Hearts Club located at 1103
2 Bladensburg Road, N.E.

3 And No. 9 in the same letter, she
4 references Bardo located at 1200-1216
5 Bladensburg Road, N.E., as set forth in No. 9.

6 I move that we deny both of these
7 as she did not present a reason for the
8 protest.

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: Mr. Brooks
11 has seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes by a vote of 3-0-0 to deny both 8 and
17 9.

18 No. 10 is a request for
19 reinstatement of renewal application dated
20 December 9, 2013 from Charles Gary of DBA
21 Chuck and Bill's Bison. Chuck and Bill's
22 Bison Lounge is located at 2718 Georgia

1 Avenue, N.W.

2 I move that we grant reinstatement
3 in this case, as he did outline his reasons
4 for missing the Roll Call related to the
5 weather.

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Mr.

8 Silverstein has seconded the motion.

9 All those in favor say aye.

10 MEMBER SILVERSTEIN: Aye.

11 CHAIRPERSON MILLER: Aye.

12 MEMBER BROOKS: No.

13 CHAIRPERSON MILLER: All those
14 opposed? No. The motion passes 2-1-0.

15 MEMBER SILVERSTEIN: This is to
16 deny?

17 CHAIRPERSON MILLER: My motion was
18 to grant.

19 MEMBER SILVERSTEIN: Oh, Madam
20 Chair --

21 CHAIRPERSON MILLER: Do you want
22 to reconsider?

1 MEMBER SILVERSTEIN: -- I ask to
2 reconsider.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER SILVERSTEIN: And I would
5 move that we deny. I would move that we
6 reconsider.

7 CHAIRPERSON MILLER: Okay. All
8 those in favor of reconsidering?

9 Is there a second to reconsider?

10 MEMBER BROOKS: Second. Second.

11 CHAIRPERSON MILLER: Okay. Mr.
12 Brooks has seconded.

13 All those in favor say aye.

14 MEMBER SILVERSTEIN: Aye.

15 MEMBER BROOKS: Aye.

16 CHAIRPERSON MILLER: Okay.

17 Opposed? Opposed. Okay. So the motion to
18 reconsider has passed and so you have a new
19 motion.

20 MEMBER SILVERSTEIN: My motion is
21 to deny.

22 CHAIRPERSON MILLER: Okay. Is

1 there a second?

2 MEMBER BROOKS: Second.

3 CHAIRPERSON MILLER: Okay. Mr.

4 Brooks has seconded the motion.

5 All those in favor say aye.

6 MEMBER SILVERSTEIN: Aye.

7 MEMBER BROOKS: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed? Opposed. The motion passes 2-1-0.

10 Okay. No. 11 is a letter for
11 reconsideration of an untimely protest dated
12 December 9, 2013 from The Swarthouse
13 Condominium Board of Directors.

14 MEMBER SILVERSTEIN: Regards
15 Avenue Suites/A Bar, 2500 Pennsylvania Avenue,
16 N.W.

17 CHAIRPERSON MILLER: Yes. I don't
18 have that. Okay. All right. Yes, I move
19 then that we postpone our consideration of
20 this reconsideration request.

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 No. 12 is a review of a letter of
8 reinstatement of renewal application dated
9 December 4, 2013 from Bistro, Inc. Bistro
10 Bistro is located at 1727 Connecticut Avenue,
11 N.W., License No. 81479.

12 I move that we deny.

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks
15 has seconded the motion. And I move that we
16 deny because our records show that the letter
17 was sent well in advance. Okay.

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 No. 13 is a letter requesting
2 extension of petition deadline dated December
3 3, 2013 from 1407 W Street Condos. The
4 establishment is MOVA that it's related to,
5 2204 14th Street, N.W., I move that we deny.

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks
8 has seconded the motion. And I'm moving that
9 we deny because the ANC needs to seek relief
10 for itself. This group is seeking relief for
11 the ANC without any indication that the ANC
12 was supporting it.

13 Okay. All those in favor to deny
14 say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 3-0-0.

19 No. 14 is a request to withdraw a
20 protest dated December 9, 2013 from James
21 Bonham of the group of five or more. This is
22 related to Civil Lounge located at 5335

1 Wisconsin Avenue, N.W.

2 I move that we grant this request.

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. 15 is moot. It relates to
12 Riverfront and it's a reply. And the Board
13 has already voted on Riverfront's motion.

14 No. 16 is a request for off-site
15 storage of files dated December 3, 2013. It's
16 related to Brixton Pub located at 901 U
17 Street, N.W.

18 I move that we approve.

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON MILLER: All those in
21 favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 3-0-0.

4 Glass House Coffee settlement
5 agreement is No. 17. It's located at 1333
6 14th Street, N.W.

7 I move that we approve with
8 modifications to Section 3, 7 and 9.

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: The motion
11 has been seconded by Mr. Brooks.

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.

17 No. 18 is an amendment to
18 settlement agreement dated December 2, 2013
19 from ANC-2F and Second Home, LLC. Number Nine
20 is located at 1435 P Street, N.W.

21 I move that we approve.

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Mr. Brooks
2 has seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

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

8 No. 19 is an amendment to a
9 settlement agreement dated November 27, 2013
10 from ANC-4B. The settlement agreement is
11 related to Georgia Avenue Food Barn located at
12 6205 Georgia Avenue, N.W.

13 I move that we approve. Do I have
14 a second?

15 MEMBER BROOKS: Second.

16 MEMBER SILVERSTEIN: 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. 20 and 21 are requests
3 regarding -- requests from E & J Gallo to
4 provide retailers with products valued at more
5 than \$50 and less than \$500.

6 I move that we approve both of
7 these.

8 MEMBER SILVERSTEIN: Second.

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

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 3-0-0.

16 Okay. I want to go off the record
17 for a minute. Okay.

18 (Whereupon, at 7:31 p.m. a recess
19 until 7:37 p.m.)

20 CHAIRPERSON MILLER: Okay. As
21 Chairperson of the Alcoholic Beverage Control
22 Board for the District of Columbia and in

1 accordance with DC Official Code Section 2-
2 574(b) of the Open Meetings Act, I announce
3 that the ABC Board hold a closed meeting on
4 January 8, 2014 for the purpose of seeking
5 legal advice from our counsel on the matters
6 identified in the Board's agenda for January
7 8, 2014 as published in the DC Register on
8 January 3, 2013.

9 And as Chairperson of the
10 Alcoholic Beverage Control Board for the
11 District of Columbia and in accordance with DC
12 Official Code Section 2-574(b) and 2-574 of
13 the Open Meetings Act, I announce that the ABC
14 Board hold a closed meeting on January 8, 2014
15 for the purpose discussing and hearing
16 reports concerning ongoing or planned
17 investigations of alleged criminal or civil
18 misconduct or violations of law or regulations
19 and seeking legal advice from our counsel on
20 the Board's investigative agenda for January
21 8, 2014 as published in the DC Register on
22 January 3, 2014.

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And that concludes our matters for
December 11, 2013. Thank you very much.

(Whereupon, the A.B.R.A. Agenda in
the above-entitled matter was concluded at
7:38 p.m.)

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