

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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MEETING AGENDA :

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December 12, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Interim Chair Alberti, presiding.

PRESENT

RUTHANNE MILLER, CHAIRPERSON

DONALD BROOKS, Member

HERMAN JONES, Member

NICK ALBERTI, Member

MIKE SILVERSTEIN Member

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

4:11 p.m.

CHAIRPERSON MILLER: Okay. We are back on the record for today's Meeting Agenda.

The first item on the Agenda is a Change of Hours application to change entertainment hours.

Current entertainment hours are Thursday, 10:00 p.m. to 1:30 a.m., proposed are Sunday through Thursday, 6:00 p.m. to 1:30 a.m., Friday and Saturdays, 6:00 p.m. to 2:30 a.m.

No pending investigative matters. No outstanding fines, citations. No voluntary agreement. It's in ANC 2E.

The establishment is Bodega, located at 3116 M Street NW, and I move that we approve this application.

Do I have a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON MILLER: All those in favor say aye.

1 (Ayes.)

2 CHAIRPERSON MILLER: All those  
3 opposed?

4 All those abstaining?

5 The vote is 5:0:0.

6 Mr. Jones, I, actually, included  
7 you as a vote on the first one approved, is  
8 that okay?

9 MEMBER JONES: Yes, I did vote in  
10 the affirmative.

11 CHAIRPERSON MILLER: Okay, good.  
12 All right.

13 Okay. The second item on our  
14 Agenda is a Review of Entertainment  
15 Endorsement Application for live band, dancing  
16 and karaoke. Proposed hours of entertainment,  
17 Monday through Sunday, 6:00 p.m. to 12:00 a.m.  
18 No pending investigative matters. No  
19 outstanding fines, citations, no voluntary  
20 agreement. It's in ANC 3G.

21 Tian Tian Fang is the  
22 establishment, 5540 Connecticut Avenue NW,

1 License No. 12671.

2 I move that we approve this  
3 application.

4 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 (Ayes.)

10 CHAIRPERSON MILLER: All those  
11 opposed?

12 All those abstaining?

13 The vote is 5:0:0.

14 No. 3 is a pending Retailer's  
15 Class "C" Restaurant License Application for  
16 David Sakai, t/a International House of Pong,  
17 located at 1010 Wisconsin Avenue NW, License  
18 No. 084905. This is in the Georgetown  
19 Moratorium zone, and a letter was submitted  
20 June 18, 2010.

21 Okay. I move that we hold a Fact  
22 Finding on this application.

1 Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr.

4 Silverstein has seconded it.

5 Any comments?

6 All those in favor say aye.

7 (Ayes.)

8 CHAIRPERSON MILLER: All those

9 opposed?

10 All those abstaining?

11 The vote is 5:0:0 for a Fact

12 Finding.

13 No. 4 is a Sidewalk Cafe

14 application for 22 seats. Proposed hours of

15 operation for alcoholic beverage sale and

16 service are Sunday through Thursday, 11:00

17 a.m. to 2:00 a.m., Friday and Saturday 11:00

18 a.m. to 3:00 a.m.

19 There are no pending investigative

20 matters, no outstanding fines or citations, no

21 voluntary agreement. It's in ANC 2C.

22 The establishment is Fuel Pizza &

1 Wings, 600 F Street NW, License No. 80727.

2 I move that we placard this  
3 application.

4 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 (Ayes.)

10 CHAIRPERSON MILLER: All those  
11 opposed?

12 All those abstaining?

13 The vote is 5:0:0 to placard.

14 Five is a Safekeeping Application  
15 for a period of two and a half years to close  
16 business while redevelopment takes place in  
17 the area. It's in ANC 1B.

18 The establishment is Serve-u-  
19 Liquors, located at 1935 9th Street NW,  
20 License No. 60026.

21 I move that we approve the  
22 Safekeeping for one year.

1 Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti  
4 has seconded the motion.

5 Any comments?

6 All those in favor say aye.

7 (Ayes.)

8 CHAIRPERSON MILLER: All those  
9 opposed?

10 MEMBER JONES: Opposed.

11 CHAIRPERSON MILLER: All those  
12 abstaining?

13 Then the vote is 4:1:0 to approve  
14 for one year.

15 No. 6 is a Safekeeping  
16 Application, because the store is undergoing  
17 repairs due to a fire. It's in ANC 8B. The  
18 store is Raymond's Liquor, located at 3035  
19 Naylor Road SE, License No. 82054.

20 I move approval of the Safekeeping  
21 for six months.

22 Do I have a second?

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Mr. Alberti  
3 has seconded.

4 Comments?

5 All those in favor say aye.

6 (Ayes.)

7 CHAIRPERSON MILLER: All those  
8 opposed?

9 All those abstaining?

10 The vote is 5:0:0 to approve for  
11 six months.

12 No. 7 is another Safekeeping  
13 Application, because the business is closed.  
14 The license is being transferred to the  
15 landlord.

16 This is in ANC 1C. The  
17 establishment is District Lounge and Grille,  
18 located at 2473 18th Street NW, License No.  
19 81908.

20 I move that we approve for six  
21 months.

22 Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein has seconded.

4 All those in favor say aye.

5 (Ayes.)

6 CHAIRPERSON MILLER: All those

7 opposed?

8 All those abstaining?

9 The vote is 5:0:0 to approve it  
10 for six months.

11 Okay. No. 8 is a Safekeeping  
12 Application because the license is being  
13 transferred to the landlord, pending opening  
14 of new business. It's in ANC 1D.

15 The establishment is Sangria Cafe,  
16 3636 16th Street NW, License No. 60551.

17 I move to approve for six months.

18 Do I have a second?

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Mr. Alberti  
21 has seconded.

22 Any comments?

1 All those in favor say aye.

2 (Ayes.)

3 CHAIRPERSON MILLER: All those  
4 opposed?

5 All those abstaining?

6 The vote is 5:0:0 to approve for  
7 six months.

8 No. 9 is an Application for  
9 License Class Change from Retailer's Class "B"  
10 to Retailer's Class "A", no pending  
11 investigative matters, no outstanding fines,  
12 citations. No conflict with voluntary  
13 agreement. It's in ANC 8D.

14 Chesapeake Big Market is the  
15 establishment, located at 601 Chesapeake  
16 Street SE, License No. 60677.

17 I move that we placard this  
18 application.

19 Do I have a second?

20 MEMBER ALBERTI: Second.

21 CHAIRPERSON MILLER: Mr. Alberti  
22 seconded the motion.

1 All those in favor say aye.

2 (Ayes.)

3 CHAIRPERSON MILLER: All those  
4 opposed?

5 All those abstaining?

6 Then the vote is 5:0:0 to placard.

7 No. 10 is a Request for a Disposal  
8 Permit, dated November 29, 2012, from Barry  
9 Berkowitz, for The Melting Pot, located at  
10 1220 19th Street NW, License No. 60600.

11 The Melting Pot closed permanently  
12 on November 30, 2012, and I move to approve  
13 the request.

14 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 (Ayes.)

20 CHAIRPERSON MILLER: All those  
21 opposed?

22 All those abstaining?

1                   The vote is 5:0:0.

2                   No. 11 is a Review of a Motion for  
3                   Reconsideration, related to Costco Wholesale.  
4                   We have some other pleadings on our  
5                   Supplemental Agenda related to this motion, so  
6                   I'm going to move this over to the  
7                   Supplemental Agenda, and we can consider that  
8                   there.

9                   No. 12 is a Motion to Reconsider  
10                  Findings of Fact, Conclusions of Law and  
11                  Order, dated December 3, 2012, from  
12                  Commissioner Stuart Ross of ANC 3D.

13                  The establishment is Town Square  
14                  Gourmet, located at 4418 MacArthur Boulevard  
15                  NW, License No. 78664.

16                  I move that we postpone  
17                  consideration of this motion until our January  
18                  meeting, because the time for an opposition to  
19                  the motion has not run yet.

20                  Do I have a second on that?

21                  MEMBER ALBERTI:    Second.

22                  CHAIRPERSON MILLER:  Mr. Alberti

1 has seconded the motion.

2 All those in favor say aye.

3 (Ayes.)

4 CHAIRPERSON MILLER: All those  
5 opposed?

6 All those abstaining?

7 Okay. The vote is 5:0:0. We'll  
8 be considering it in January, after the time  
9 for an opposition to be filed has run.

10 That concludes our meeting agenda,  
11 and then we have a lengthy Supplemental  
12 Agenda.

13 (Whereupon, the above-entitled  
14 matter was concluded at 4:21 p.m.)

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<b>A</b>	<b>Berkowitz</b> 11:9 <b>beverage</b> 1:2,10,11 5:15 <b>Big</b> 10:14 <b>Board</b> 1:2,11 <b>Bodega</b> 2:16 <b>Boulevard</b> 12:14 <b>Brooks</b> 1:18 4:5,6 6:5,6 11:15,16 <b>Building</b> 1:12 <b>business</b> 6:16 8:13 9:14	<b>Control</b> 1:2,10,11 <b>Costco</b> 12:3 <b>Current</b> 2:8	<b>Gourmet</b> 12:14 <b>Grille</b> 8:17	<b>MacArthur</b> 12:14 <b>Market</b> 10:14 <b>matter</b> 1:5 13:14 <b>matters</b> 2:13 3:18 5:20 10:11 <b>meeting</b> 1:3,6 2:4 12:18 13:10 <b>Melting</b> 11:9,11 <b>Member</b> 1:18,20 1:21,22 2:20 3:9 4:5 5:2 6:5 7:2,10 8:1 9:1,19 10:20 11:15 12:21 <b>met</b> 1:11 <b>MIKE</b> 1:22 <b>MILLER</b> 1:17 2:3 2:21 3:2,11 4:6,10 5:3,8 6:6,10 7:3,8 7:11 8:2,7 9:2,6 9:20 10:3,21 11:3 11:16,20 12:22 13:4 <b>Monday</b> 3:17 <b>months</b> 7:21 8:11 8:21 9:10,17 10:7 <b>Moratorium</b> 4:19 <b>motion</b> 4:7 6:7 7:4 10:22 11:17 12:2 12:5,9,17,19 13:1 <b>move</b> 2:17 4:2,21 6:2,21 7:20 8:20 9:17 10:17 11:12 12:6,16			
<b>above-entitled</b> 13:13 <b>abstaining</b> 3:4 4:12 5:10 6:12 7:12 8:9 9:8 10:5 11:5 11:22 13:6 <b>affirmative</b> 3:10 <b>agenda</b> 1:6 2:4,5 3:14 12:5,7 13:10 13:12 <b>agreement</b> 2:15 3:20 5:21 10:13 <b>Alberti</b> 1:13,21 7:2 7:3 8:1,2 9:19,20 10:20,21 12:21,22 <b>alcoholic</b> 1:2,10,11 5:15 <b>ANC</b> 2:15 3:20 5:21 6:17 7:17 8:16 9:14 10:13 12:12 <b>application</b> 2:6,18 3:15 4:3,15,22 5:14 6:3,14 7:16 8:13 9:12 10:8,18 <b>approval</b> 7:20 <b>approve</b> 2:18 4:2 6:21 7:13 8:10,20 9:9,17 10:6 11:12 <b>approved</b> 3:7 <b>area</b> 6:17 <b>Avenue</b> 3:22 4:17 <b>aye</b> 2:22 4:8 5:6 6:8 7:6 8:5 9:4 10:1 11:1,18 13:2 <b>Ayes</b> 3:1 4:9 5:7 6:9 7:7 8:6 9:5 10:2 11:2,19 13:3 <b>a.m</b> 2:9,11,12 3:17 5:17,17,18,18	<b>C</b>	<b>dancing</b> 3:15 <b>dated</b> 11:8 12:11 <b>David</b> 4:16 <b>December</b> 1:9 12:11 <b>Disposal</b> 11:7 <b>District</b> 1:1 8:17 <b>DONALD</b> 1:18 <b>due</b> 7:17 <b>D.C</b> 1:12	<b>H</b>	<b>I</b>			
<b>B</b> 10:9 <b>back</b> 2:4 <b>band</b> 3:15 <b>Barry</b> 11:8	<b>Cafe</b> 5:13 9:15 <b>Chair</b> 1:12 <b>CHAIRPERSON</b> 1:17 2:3,21 3:2,11 4:6,10 5:3,8 6:6 6:10 7:3,8,11 8:2 8:7 9:2,6,20 10:3 10:21 11:3,16,20 12:22 13:4 <b>change</b> 2:6,6 10:9 <b>Chesapeake</b> 10:14 10:15 <b>citations</b> 2:14 3:19 5:20 10:12 <b>Class</b> 4:15 10:9,9 10:10 <b>close</b> 6:15 <b>closed</b> 8:13 11:11 <b>COLUMBIA</b> 1:1 <b>comments</b> 5:5 7:5 8:4 9:22 <b>Commissioner</b> 12:12 <b>concluded</b> 13:14 <b>concludes</b> 13:10 <b>Conclusions</b> 12:10 <b>conflict</b> 10:12 <b>Connecticut</b> 3:22 <b>consider</b> 12:7 <b>consideration</b> 12:17 <b>considering</b> 13:8	<b>D</b>	<b>E</b>	<b>J</b>	<b>K</b>		
		<b>Endorsement</b> 3:15 <b>entertainment</b> 2:7 2:8 3:14,16 <b>establishment</b> 2:16 3:22 5:22 6:18 8:17 9:15 10:15 12:13	<b>L</b>	<b>M</b>	<b>N</b>		
		<b>F</b>	<b>included</b> 3:6 <b>Interim</b> 1:12 <b>International</b> 4:16 <b>investigative</b> 2:13 3:18 5:19 10:11 <b>item</b> 2:5 3:13	<b>January</b> 12:17 13:8 <b>Jones</b> 1:20 3:6,9 7:10 <b>June</b> 4:20	<b>O</b>		
		<b>F 6:1</b> <b>Fact</b> 4:21 5:11 12:10 <b>Fang</b> 3:21 <b>favor</b> 2:22 4:8 5:6 6:8 7:6 8:5 9:4 10:1 11:1,18 13:2 <b>filed</b> 13:9 <b>Finding</b> 4:22 5:12 <b>Findings</b> 12:10 <b>fines</b> 2:14 3:19 5:20 10:11 <b>fire</b> 7:17 <b>first</b> 2:5 3:7 <b>Five</b> 6:14 <b>Friday</b> 2:11 5:17 <b>Fuel</b> 5:22	<b>January</b> 12:17 13:8 <b>Jones</b> 1:20 3:6,9 7:10 <b>June</b> 4:20	<b>karaoke</b> 3:16	<b>Naylor</b> 7:19 <b>new</b> 9:14 <b>NICK</b> 1:21 <b>November</b> 11:8,12 <b>NW</b> 2:17 3:22 4:17 6:1,19 8:18 9:16 11:10 12:15 <b>N.W</b> 1:12		
		<b>G</b>	<b>Landlord</b> 8:15 9:13 <b>Law</b> 12:10 <b>lengthy</b> 13:11 <b>letter</b> 4:19 <b>license</b> 4:1,15,17 6:1,20 7:19 8:14 8:18 9:12,16 10:9 10:16 11:10 12:15 <b>Liquor</b> 7:18 <b>Liquors</b> 6:19 <b>live</b> 3:15 <b>located</b> 2:17 4:17 6:19 7:18 8:18 10:15 11:9 12:14 <b>Lounge</b> 8:17	<b>Landlord</b> 8:15 9:13 <b>Law</b> 12:10 <b>lengthy</b> 13:11 <b>letter</b> 4:19 <b>license</b> 4:1,15,17 6:1,20 7:19 8:14 8:18 9:12,16 10:9 10:16 11:10 12:15 <b>Liquor</b> 7:18 <b>Liquors</b> 6:19 <b>live</b> 3:15 <b>located</b> 2:17 4:17 6:19 7:18 8:18 10:15 11:9 12:14 <b>Lounge</b> 8:17	<b>live</b> 3:15 <b>located</b> 2:17 4:17 6:19 7:18 8:18 10:15 11:9 12:14 <b>Lounge</b> 8:17	<b>M 2:17</b>	<b>okay</b> 2:3 3:8,11,13 4:21 9:11 13:7 <b>opening</b> 9:13
		<b>Georgetown</b> 4:18 <b>going</b> 12:6 <b>good</b> 3:11	<b>M 2:17</b>				

<b>operation</b> 5:15 <b>opposed</b> 3:3 4:11 5:9 6:11 7:9,10 8:8 9:7 10:4 11:4 11:21 13:5 <b>opposition</b> 12:18 13:9 <b>Order</b> 12:11 <b>outstanding</b> 2:14 3:19 5:20 10:11 <hr/> <b>P</b> <hr/> <b>pending</b> 2:13 3:18 4:14 5:19 9:13 10:10 <b>period</b> 6:15 <b>permanently</b> 11:11 <b>Permit</b> 11:8 <b>Pizza</b> 5:22 <b>placard</b> 6:2,13 10:17 11:6 <b>place</b> 6:16 <b>pleadings</b> 12:4 <b>Pong</b> 4:16 <b>postpone</b> 12:16 <b>Pot</b> 11:9,11 <b>PRESENT</b> 1:15 <b>presiding</b> 1:13 <b>proposed</b> 2:9 3:16 5:14 <b>P-R-O-C-E-E-D-...</b> 2:1 <b>p.m</b> 2:2,9,10,11 3:17 13:14 <hr/> <b>R</b> <hr/> <b>Raymond's</b> 7:18 <b>Reconsider</b> 12:9 <b>Reconsideration</b> 12:3 <b>record</b> 2:4 <b>redevelopment</b> 6:16 <b>Reeves</b> 1:12 <b>related</b> 12:3,5 <b>repairs</b> 7:17 <b>request</b> 11:7,13 <b>Restaurant</b> 4:15	<b>Retailer's</b> 4:14 10:9,10 <b>Review</b> 3:14 12:2 <b>right</b> 3:12 <b>Road</b> 7:19 <b>Room</b> 1:12 <b>Ross</b> 12:12 <b>run</b> 12:19 13:9 <b>RUTHANNE</b> 1:17 <hr/> <b>S</b> <hr/> <b>Safekeeping</b> 6:14 6:22 7:15,20 8:12 9:11 <b>Sakai</b> 4:16 <b>sale</b> 5:15 <b>Sangria</b> 9:15 <b>Saturday</b> 5:17 <b>Saturdays</b> 2:11 <b>SE</b> 7:19 10:16 <b>seats</b> 5:14 <b>second</b> 2:19,20 3:13 4:4,5 5:1,2 6:4,5 7:1,2,22 8:1 8:22 9:1,18,19 10:19,20 11:14,15 12:20,21 <b>seconded</b> 4:7 5:4 6:7 7:4 8:3 9:3,21 10:22 11:17 13:1 <b>Serve-u</b> 6:18 <b>service</b> 5:16 <b>Sidewalk</b> 5:13 <b>Silverstein</b> 1:22 2:20 5:2,4 9:1,3 <b>six</b> 7:21 8:11,20 9:10,17 10:7 <b>Square</b> 12:13 <b>store</b> 7:16,18 <b>Street</b> 1:12 2:17 6:1 6:19 8:18 9:16 10:16 11:10 <b>Stuart</b> 12:12 <b>submitted</b> 4:19 <b>Sunday</b> 2:10 3:17 5:16 <b>Supplemental</b> 12:5	12:7 13:11 <hr/> <b>T</b> <hr/> <b>takes</b> 6:16 <b>Thursday</b> 2:9,10 5:16 <b>Tian</b> 3:21,21 <b>time</b> 12:18 13:8 <b>today's</b> 2:4 <b>Town</b> 12:13 <b>transferred</b> 8:14 9:13 <b>two</b> 6:15 <b>t/a</b> 4:16 <hr/> <b>U</b> <hr/> <b>undergoing</b> 7:16 <hr/> <b>V</b> <hr/> <b>voluntary</b> 2:14 3:19 5:21 10:12 <b>vote</b> 3:5,7,9 4:13 5:11 6:13 7:13 8:10 9:9 10:6 11:6 12:1 13:7 <hr/> <b>W</b> <hr/> <b>Washington</b> 1:12 <b>We'll</b> 13:7 <b>Wholesale</b> 12:3 <b>Wings</b> 6:1 <b>Wisconsin</b> 4:17 <hr/> <b>Y</b> <hr/> <b>year</b> 6:22 7:14 <b>years</b> 6:15 <hr/> <b>Z</b> <hr/> <b>zone</b> 4:19 <hr/> <b>P</b> <hr/> <b>p</b> 1:5,8 <hr/> <b>0</b> <hr/> <b>084905</b> 4:18 <hr/> <b>1</b> <hr/> <b>1B</b> 6:17 <b>1C</b> 8:16	<b>1D</b> 9:14 <b>1:30</b> 2:9,10 <b>10</b> 11:7 <b>10:00</b> 2:9 <b>1010</b> 4:17 <b>11</b> 12:2 <b>11:00</b> 5:16,17 <b>12</b> 1:9 12:9 <b>12:00</b> 3:17 <b>1220</b> 11:10 <b>12671</b> 4:1 <b>14th</b> 1:12 <b>16th</b> 9:16 <b>18</b> 4:20 <b>18th</b> 8:18 <b>19th</b> 11:10 <b>1935</b> 6:19 <hr/> <b>2</b> <hr/> <b>2C</b> 5:21 <b>2E</b> 2:15 <b>2:00</b> 5:17 <b>2:30</b> 2:11 <b>2000</b> 1:12 <b>2010</b> 4:20 <b>2012</b> 1:9 11:8,12 12:11 22 5:14 <b>2473</b> 8:18 <b>29</b> 11:8 <hr/> <b>3</b> <hr/> <b>3</b> 4:14 12:11 <b>3D</b> 12:12 <b>3G</b> 3:20 <b>3:00</b> 5:18 <b>30</b> 11:12 <b>3035</b> 7:18 <b>3116</b> 2:17 <b>3636</b> 9:16 <hr/> <b>4</b> <hr/> <b>4</b> 5:13 <b>4:1:0</b> 7:13 <b>4:11</b> 2:2 <b>4:21</b> 13:14 <b>4418</b> 12:14	<hr/> <b>5</b> <hr/> <b>5:0:0</b> 3:5 4:13 5:11 6:13 8:10 9:9 10:6 11:6 12:1 13:7 <b>5540</b> 3:22 <hr/> <b>6</b> <hr/> <b>6</b> 7:15 <b>6:00</b> 2:10,11 3:17 <b>600</b> 6:1 <b>60026</b> 6:20 <b>601</b> 10:15 <b>60551</b> 9:16 <b>60600</b> 11:10 <b>60677</b> 10:16 <hr/> <b>7</b> <hr/> <b>7</b> 8:12 <b>78664</b> 12:15 <hr/> <b>8</b> <hr/> <b>8</b> 9:11 <b>8B</b> 7:17 <b>8D</b> 10:13 <b>80727</b> 6:1 <b>81908</b> 8:19 <b>82054</b> 7:19 <hr/> <b>9</b> <hr/> <b>9</b> 10:8 <b>9th</b> 6:19
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