

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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5 - - - - -X

6 IN THE MATTER OF: :

7 AGENDA HEARING :

8 - - - - -X

9

10 Wednesday, May 25, 2016

11

12 Whereupon, the above referenced matter came on
13 for hearing at the Alcoholic Beverage Control Board,
14 Reeves Center, 2000 14th Street, N.W., Suite 400S,
15 Washington, D.C. 20009.

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1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

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4 OTHER PERSONS PRESENT:

5 NICK ALBERTI, BOARD MEMBER

6 RUTHANNE MILLER, BOARD MEMBER

7 JAMES SHORT, BOARD MEMBER

8 MIKE SILVERSTEIN, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: We're back on the
3 record. We are now going to do our licensing agenda.
4 The first matter on our license agenda is to review
5 requested change hours for Perry's Restaurant, license
6 #007053. I make a motion that we approve this request.
7 Is there a second?

8 MS. MILLER: Second.

9 CHAIRPERSON ANDERSON: Ms. Miller has seconded
10 the motion. Those in favor say Aye.

11 [Chorus of Ayes.]

12 Those opposed? [No audible response.] The
13 matter passed 5-zero-zero.

14 The second matter is to review a request to
15 increase seating from 18 to 32 for Dangerously
16 Delicious DC, license #087422. I make a motion that
17 this matter be placarded. Is there a second?

18 MR. SHORT: Second.

19 CHAIRPERSON ANDERSON: Mr. Short has seconded
20 the motion. Those in favor say Aye.

21 [Chorus of Ayes.]

22 Those opposed? [No audible response.] The

1 matter passed 5-zero-zero.

2 The next matter is to review a request to
3 expand total occupancy load of summer garden,
4 Halfsmoke, license #100855.

5 I make a motion that this matter be placarded.
6 Is there a second?

7 MS. MILLER: Second.

8 CHAIRPERSON ANDERSON: Ms. Miller has seconded
9 the motion. Those in favor say Aye.

10 [Chorus of Ayes.]

11 Those opposed? [No audible response.] The
12 matter passed 5-zero-zero.

13 The next matter is to review a request to
14 refund annual license payment for the VIP Room, license
15 #094561. I make a motion that this matter be approved.
16 Is there a second?

17 MR. SHORT: Second.

18 CHAIRPERSON ANDERSON: Mr. Short has seconded
19 the motion. Those in favor say Aye.

20 [Chorus of Ayes.]

21 Those opposed? [No audible response.] The
22 matter passed 5-zero-zero.

1 The next matter is to review application for
2 manager's license for Daryl E. Wilson, ABRA #102891. I
3 make a motion that this matter be referred for fact
4 finding. Is there a second?

5 MR. SILVERSTEIN: Second.

6 CHAIRPERSON ANDERSON: Mr. Silverstein has
7 seconded the motion. Those in favor say Aye.

8 [Chorus of Ayes.]

9 Those opposed?

10 MR. ALBERTI: Opposed.

11 CHAIRPERSON ANDERSON: The matter passed 4 to 1
12 with Mr. Alberti in opposition.

13 We now move to our supplementary licensing
14 agenda. The first matter on our supplementary
15 licensing agenda is to review an application for
16 safekeeping for Mill & Al's Ballances Columbia
17 Restaurant, license #00460. I make a motion that this
18 matter be placed in safekeeping and the request be
19 approved to be placed in safekeeping through September
20 30, 2016. Is there a second?

21 MS. MILLER: Second.

22 CHAIRPERSON ANDERSON: Ms. Miller has seconded

1 the motion. Those in favor say Aye.

2 [Chorus of Ayes.]

3 Those opposed? [No audible response.] The
4 matter passed 5-zero-zero.

5 The next matter is to review a request to
6 extend safekeeping of license for Bistro 18, license
7 #099179. I make a motion that this matter be approved
8 through September 30th 2016. Is there a second?

9 MS. MILLER: Second.

10 CHAIRPERSON ANDERSON: Ms. Miller has seconded
11 the motion. Those in favor say Aye.

12 [Chorus of Ayes.]

13 Those opposed? [No audible response.] The
14 matter passed 5-zero-zero.

15 The next matter is to review application for a
16 manager's license for Cartrell D. Callicutt, ABRA
17 license #102494. I make a motion that this application
18 be approved. Is there a second?

19 MR. SILVERSTEIN: Second.

20 CHAIRPERSON ANDERSON: Mr. Silverstein has
21 seconded the motion. Those in favor say Aye.

22 [Chorus of Ayes.]

1 Those opposed? [No audible response.] The
2 matter passed 5-zero-zero.

3 We now move to our second supplementary
4 licensing agenda and the first matter on that agenda is
5 to a request to remove a license from safekeeping for
6 Staples Beer and Wine, license #096294. I make a
7 motion that this matter be approved. Is there a
8 second?

9 MR. SILVERSTEIN: Second.

10 CHAIRPERSON ANDERSON: Mr. Silverstein has
11 seconded the motion. Those in favor say Aye.

12 [Chorus of Ayes.]

13 Those opposed? [No audible response.] The
14 matter passed 5-zero-zero.

15 Then we now move to our Notice of Meeting for
16 the approval for agenda for approval to rescind 405.1
17 status. The first matter on this request is for TGI
18 Fridays, license #092827. I make a motion that we
19 approve this request. Is there a second?

20 MR. SHORT: Second.

21 CHAIRPERSON ANDERSON: Mr. Short has seconded
22 the motion. Those in favor say Aye.

1 [Chorus of Ayes.]

2 Those opposed? [No audible response.] The
3 matter passed 5-zero-zero.

4 The next establishment on this agenda is Art
5 Soiree House, license #096150. I make a motion that we
6 approve this matter. Is there a second?

7 MS. MILLER: Second.

8 CHAIRPERSON ANDERSON: Ms. Miller has seconded
9 the motion. Those in favor say Aye.

10 [Chorus of Ayes.]

11 Those opposed? [No audible response.] The
12 matter passed 5-zero-zero.

13 The next establishment on the agenda is the
14 Sequoia Presidential Yacht Group, LLC, license #090850.
15 I make a motion that this matter be approved. Is there
16 a second?

17 MR. SILVERSTEIN: Second.

18 CHAIRPERSON ANDERSON: Mr. Silverstein has
19 seconded the motion. Those in favor say Aye.

20 [Chorus of Ayes.]

21 Those opposed? [No audible response.] The
22 matter passed 5-zero-zero.

1 And the next matter on the agenda is the A Spot
2 on H Street, license #089941. I make a motion that
3 this matter be approved. Is there a second?

4 MR. SILVERSTEIN: Second.

5 CHAIRPERSON ANDERSON: Mr. Silverstein has
6 seconded the motion. Those in favor say Aye.

7 [Chorus of Ayes.]

8 Those opposed? [No audible response.] The
9 matter passed 5-zero-zero.

10 We now move to our legal agenda. The first
11 matter on our legal agenda is to review an application
12 request dismissal of Shaw Dupont Civic Citizen's
13 Association protest of a license for BCI Garden
14 District, license #083769. This matter is moot.

15 The next matter is to review Shaw Dupont
16 Citizens Association motion for reconsideration of the
17 Board's dismissal of their protest for the renewal of
18 application for Garden District. I make a motion that
19 this matter be set for a motion hearing for June 1st at
20 9:30. Is there a second?

21 MS. MILLER: Second.

22 CHAIRPERSON ANDERSON: Ms. Miller has seconded

1 the motion. All those in favor say Aye.

2 [Chorus of Ayes.]

3 Those opposed? [No audible response.] The
4 matter passed 5-zero-zero.

5 The next matter on the agenda is to review a
6 settlement agreement between ANC 6B and Retailer DR
7 License #092785. I make a motion that this settlement
8 agreement be approved with modifications. Is there a
9 second?

10 MS. MILLER: Second.

11 CHAIRPERSON ANDERSON: Ms. Miller has seconded
12 the motion. Those in favor say Aye.

13 [Chorus of Ayes.]

14 Those opposed? [No audible response.] The
15 matter passed 5-zero-zero.

16 The next matter is review of ANC agreement
17 between ANC 6B and Folger Theatre Group, East Capitol
18 Street, S.E., license #001792. I make a motion that
19 this settlement agreement be approved with
20 modifications. Is there a second?

21 MR. SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short has seconded

1 the motion. Those in favor say Aye.

2 [Chorus of Ayes.]

3 Those opposed? [No audible response.] The
4 matter passed 5-zero-zero.

5 The next matter is a review of settlement
6 agreement between ANC 6B and Chesapeake Room, license
7 #083029. I make a motion that we approve the
8 settlement agreement with modifications. Is there a
9 second?

10 MR. SILVERSTEIN: Second.

11 CHAIRPERSON ANDERSON: Mr. Silverstein has
12 seconded the motion. Those in favor say Aye.

13 [Chorus of Ayes.]

14 Those opposed? [No audible response.] The
15 matter passed 5-zero-zero.

16 The next matter is to review a settlement
17 agreement between ANC 6B and Pacifico Cantina, license
18 #086033. I make a motion that this agreement be
19 approved with modifications. Is there a second?

20 MS. MILLER: Second.

21 CHAIRPERSON ANDERSON: Ms. Miller has seconded
22 the motion. Those in favor say Aye.

1 [Chorus of Ayes.]

2 Those opposed? [No audible response.] The
3 matter passed 5-zero-zero.

4 The next matter is to review a settlement
5 agreement between ANC 6B and Senart's Oyster and Chop
6 House, license #086142. I make a motion that we
7 approve this agreement with modification. Is there a
8 second?

9 MR. SHORT: Second.

10 CHAIRPERSON ANDERSON: Mr. Short has seconded
11 the motion. Those in favor say Aye.

12 [Chorus of Ayes.]

13 Those opposed? [No audible response.] The
14 matter passed 5-zero-zero.

15 The next matter is the review of a settlement
16 agreement between ANC 6B and Molly Malone's, license
17 #086148. I make a motion that we approve the
18 settlement agreement with modifications. Is there a
19 second?

20 MR. SILVERSTEIN: Second.

21 CHAIRPERSON ANDERSON: Mr. Silverstein has
22 seconded the motion. Those in favor say Aye.

1 [Chorus of Ayes.]

2 Those opposed? [No audible response.] The
3 matter passed 5-zero-zero.

4 The next matter is the review of a settlement
5 agreement between ANC 6B and Bullfeathers, license
6 #085100. I make a motion that we approve this
7 agreement with modifications. Is there a second?

8 MR. SHORT: Second.

9 CHAIRPERSON ANDERSON: Mr. Short has seconded
10 the motion. Those in favor say Aye.

11 [Chorus of Ayes.]

12 Those opposed? [No audible response.] The
13 matter passed 5-zero-zero.

14 We now move to our supplementary legal agenda.
15 The first matter on the agenda is a review of ANC 3's
16 letter of support for Boathouse license #060747. This
17 matter is an FYI.

18 The second matter --

19 MS. MILLER: I think also that the Board will
20 address the inconsistencies. I mean, it just.

21 CHAIRPERSON ANDERSON: I think that was
22 addressed.

1 MS. MILLER: Is that correct?

2 CHAIRPERSON ANDERSON: I think that was already
3 addressed so it was just an FYI for -- I mean, at least
4 it's the letter of support for the -- it was my
5 understanding it was addressed but this is just an FYI
6 for the Board on the agenda.

7 MS. MILLER: Just for the record, though, I
8 think the Board did respond to the inconsistencies that
9 were brought to our attention.

10 CHAIRPERSON ANDERSON: All right, thank you.
11 The second matter on our agenda is to review a letter
12 from the Catholic University of America to Dew Drop
13 Inn, license #097569. This is also an FYI to the
14 Board.

15 The next matter is to review an amendment to
16 settlement agreement between ANC 6B and 7th Hill,
17 license #060422. I make a motion that this matter be
18 approved. Is there a second?

19 MR. SILVERSTEIN: Second.

20 CHAIRPERSON ANDERSON: Mr. Silverstein has
21 seconded the motion. Those in favor say Aye.

22 [Chorus of Ayes.]

1 Those opposed? [No audible response.] The
2 matter passed 5-zero-zero.

3 The next matter is to review an amendment to a
4 settlement agreement between ANC 6B and La Plaza
5 Mexican Restaurant, license #060614. I make a motion
6 that this matter be approved. Is there a second?

7 MR. SILVERSTEIN: Second.

8 CHAIRPERSON ANDERSON: Mr. Silverstein has
9 seconded the motion. Those in favor say Aye.

10 [Chorus of Ayes.]

11 Those opposed? [No audible response.] The
12 matter passed 5-zero-zero.

13 The next matter is to review a settlement
14 agreement between ANC 6B and Talay Thai Restaurant,
15 license #016129. I make a motion that we approve this
16 with modifications. Is there a second?

17 MR. SILVERSTEIN: Second.

18 CHAIRPERSON ANDERSON: Mr. Silverstein has
19 seconded the motion. Those in favor say Aye.

20 [Chorus of Ayes.]

21 Those opposed? [No audible response.] The
22 matter passed 5-zero-zero.

1 The next matter is to review a settlement
2 agreement between ANC 6B and Sonoma Restaurant, license
3 #072017. I make a motion that this matter be approved
4 with modifications. Is there a second?

5 MR. SHORT: Second.

6 CHAIRPERSON ANDERSON: Mr. Short has seconded
7 the motion. Those in favor say Aye.

8 [Chorus of Ayes.]

9 Those opposed? [No audible response.] The
10 matter passed 5-zero-zero.

11 The next matter is to review a settlement
12 agreement between ANC 6B and Lincoln Park Kitchen/Wine
13 Bar, license #100288. I make a motion that this matter
14 be approved with modifications. Is there a second?

15 MS. MILLER: Second.

16 CHAIRPERSON ANDERSON: Ms. Miller has seconded
17 the motion. Those in favor say Aye.

18 [Chorus of Ayes.]

19 Those opposed? [No audible response.] The
20 matter passed 5-zero-zero.

21 The next matter is to review a settlement
22 agreement between ANC 3D and Black Salt Fish & Market,

1 license #060748. I make a motion that this matter be
2 approved with modifications. Is there a second?

3 MS. MILLER: Second.

4 CHAIRPERSON ANDERSON: Ms. Miller has seconded
5 the motion. Those in favor say Aye.

6 [Chorus of Ayes.]

7 Those opposed? [No audible response.] The
8 matter passed 5-zero-zero.

9 The next matter is to review a settlement
10 agreement between ANC 3D and A Modo Mio, trade name Et
11 Viola!, license #078332. I make a motion that we
12 approve this matter with modification. Is there a
13 second?

14 MR. SILVERSTEIN: Second.

15 CHAIRPERSON ANDERSON: Mr. Silverstein has
16 seconded the motion. Those in favor say Aye.

17 [Chorus of Ayes.]

18 Those opposed? [No audible response.] The
19 matter passed 5-zero-zero.

20 The next matter is to review an amendment of
21 settlement agreement between ANC 1C and La Fourchette,
22 license #008658. I make a motion that this matter be

1 approved. Is there a second?

2 MS. MILLER: Second.

3 CHAIRPERSON ANDERSON: Ms. Miller has seconded
4 the motion. Those in favor say Aye.

5 [Chorus of Ayes.]

6 Those opposed? [No audible response.] The
7 matter passed 5-zero-zero.

8 We're now on our second supplementary legal
9 agenda. The first matter on our second supplementary
10 agenda is the review of Garden District's Opposition to
11 Shaw-Dupont Citizens Association's motion for
12 reconsideration, t/a Garden District, license #083769.
13 I make a motion that this matter be set for a motions
14 hearing on June 1st at 9:30. Is there a second?

15 MR. SILVERSTEIN: Second.

16 CHAIRPERSON ANDERSON: Mr. Silverstein has
17 seconded the motion. Those in favor say Aye.

18 [Chorus of Ayes.]

19 Those opposed? [No audible response.] The
20 matter passed 5-zero-zero.

21 The next matter is a review of Madam's Organ,
22 consent motion to request a scheduled hearing, Madam's

1 Organ license #25273. I make a motion that this matter
2 be approved and this matter be set for a hearing on
3 July 20th at 1:30 p.m. Is there a second?

4 MR. SHORT: Second.

5 CHAIRPERSON ANDERSON: Mr.Short has seconded
6 the motion. Those in favor say Aye.

7 [Chorus of Ayes.]

8 Those opposed? [No audible response.] The
9 matter passed 5-zero-zero.

10 As chairperson of the Alcoholic Beverage
11 Control Board for the District of Columbia and in
12 accordance with D.C. Code Section 2574B closed
13 meetings, and section 2574 notice of meetings of the
14 Open Meetings Amendment Act of 2010 I move that the ABC
15 Board hold a closed meeting on June 1st 2016, for the
16 purpose of discussing and hearing reports concerning
17 ongoing or planned investigations of alleged criminal
18 or civil misconduct or violations of law or regulations
19 and seeking legal advice from our counsel on the
20 Board's investigative, legal and licensing agenda for
21 June 1st, 2016, as published in the D.C. Register, on
22 May 27th, 2016. Is there a second?

1 MR. SHORT: Second.

2 CHAIRPERSON ANDERSON: Mr. Short has seconded
3 the motion. I will now take a roll call vote on the
4 motion before us now that it has been seconded, Mr.
5 Silverstein?

6 MR. SILVERSTEIN: I agree.

7 CHAIRPERSON ANDERSON: Mr. Short?

8 MR. SHORT: I agree.

9 CHAIRPERSON ANDERSON: Mr. Alberti?

10 MR. ALBERTI: I agree.

11 CHAIRPERSON ANDERSON: Ms. Miller?

12 MS. MILLER: I agree.

13 CHAIRPERSON ANDERSON: Mr. Anderson? I agree.

14 As it appears that the motion has passed I hereby give
15 notice that the ABC Board will hold the aforementioned
16 closed meeting pursuant to the Open Meetings Amendment
17 Act. Notice will also be posted on the ABC Board here
18 in Room Bulletin Board, placed on electronic calendar
19 on ABRA's website, and published in the D.C. Register in
20 as timely a manner as possible. We are now adjourned.

21 (Whereupon, at 5:45 p.m., the above-entitled
22 matter was concluded.