

CHAIRPERSON:

DONOVAN ANDERSON, Presiding

BOARD MEMBERS:

RUTHANNE MILLER

NICK ALBERTI

MICHAEL SILVERSTEIN

JAMES SHORT

ALSO PRESENT:

P R O C E E D I N G S

[3:05 p.m.]

MR. DONOVAN W. ANDERSON: All right. We now move to our licensing agenda. The first matter on our licensing agenda is to review application for safekeeping, W Domku, License #071113. I make a motion that this matter be approved through March 31, 2017. Is there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short has seconded the motion. All in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 4-0-0.

The next matter on the agenda is to review request to extend safekeeping of license, Uptown Wine and Spirits, License #024362. I make a motion that this request be -- be granted through March 31, 2017. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review a request for change of hours, The Avenue, License #101007. I make a motion that this matter be placarded. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review request for reinstatement of application of summer garden

with seating for 40 patrons, Green Island Cafe/Heaven & Hell, License #074503. I make a motion that this matter be not -- be denied. Is there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review a request to extend existing rooftop summer garden, increasing total occupancy load from 34 to 99, Uproar, License #092012. I make a motion that this matter be placarded. Is there a second?

MR. MIKE SILVERSTEIN: Second.

MR. DONOVAN W. ANDERSON: Mr. Silverstein has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?
(No audible response)

MR. DONOVAN W. ANDERSON: The matter
passed 5-0-0.

The next matter is to review request for
entertainment endorsement to provide live
entertainment, The Graham, License #103359. I
make a motion that this matter be approved. Is
there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short has
seconded the motion. Those in favor, say "aye."
(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?
(No audible response)

MR. DONOVAN W. ANDERSON: The matter
passed 5-0-0.

The next matter is to review an
application for tasting permit, Jefferson
Liquors, License #101642. I make a motion that
this matter be approved. Is there a second?

MR. MIKE SILVERSTEIN: Second.

MR. DONOVAN W. ANDERSON: Mr. Silverstein has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

We now move to our supplementary licensing agenda. The first matter on our supplementary licensing agenda is to review a request to extend safekeeping of license, Seven Seas Restaurant, License #000654. I make a motion that this matter be referred for a fact finding. Is there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter

passed 5-0-0.

Next matter is to review request to extend safekeeping of license, L'Enfant Plaza Hotel, License #093846. I make a motion that this matter be granted through March 31, 2017. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review a request to extend safekeeping of license, Twelve and K Hotel, License #095442. I make a motion that this matter be -- this request be granted through March 31, 2017. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review application for transfer of Class CR license, Club 2020 Bar & Lounge, License #101093. I make a motion that this matter be referred for a fact finding. Is there a second?

MS. RUTHANNE MILLER: Second.

MALE SPEAKER: Second.

MR. DONOVAN W. ANDERSON: Mr. -- Mr. --

MALE SPEAKER: Ms. Miller.

MR. DONOVAN W. ANDERSON: All right. Ms. Miller has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review a request for a temporary operating retail permit for Club 2020 Bar & Lounge, License #101093. I make a motion that this matter be denied. Is there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review a request for special request to make deliveries on Sunday, October 23rd, for the REI Grand Opening Beer Garden, Premium Distributors, License #060290. I make a motion that this matter be approved. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review a request that fees paid for denied ABRA License 100646 for Bardo River Brewery be applied to their Manufacturer B, License #103291. I make a motion that this matter be approved. Is there a second?

MR. MIKE SILVERSTEIN: Second.

MR. DONOVAN W. ANDERSON: Mr. Silverstein has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review application for manager's license for Terrence R. Townsend, License #104262. I make a motion that this matter

be denied. Is there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

We now move to our second supplementary licensing agenda. The first matter on our second supplementary --

(Off-the-record discussion)

MR. DONOVAN W. ANDERSON: Now we're on -- We're -- We're -- We are on the second supplementary licensing agenda, and the first matter on the second supplementary licensing agenda is to review a request to reinstate license upon renewal and payment of all applicable fees, Gin Rummy, License #087727. I make a motion that this matter be approved. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review a request for stipulated license with letter of ANC support, the Chateau Remix, License #103871. I make a motion that this matter be approved. Is there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

We now move to our cancellation agenda.

The first matter on our cancellation agenda is a request from Cava Mezze Grill to cancel the license, ABRA License 096402. I make a motion that the request be accepted and the license is cancelled. Is there a second?

MR. MIKE SILVERSTEIN: Second.

MR. DONOVAN W. ANDERSON: Mr. Silverstein has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

We now move to our legal agenda. The first matter on our legal agenda is the review of Marx Cafe's petition to unilaterally terminate its settlement agreement for Marx Cafe, License #014272. I make a motion that this matter be placarded. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has

seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is the review of a cooperative agreement, dated September 12, 2016, between ANC 6D and Slipstream, License #103930. I make a motion that this matter be approved. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is the review of -- review of the cooperative agreement between ANC 6D and Chix, License #103562. I make a motion

that this matter be approved. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is the review of a cooperative agreement between ANC 6D and All Purpose Pizza, License #103856. I make a motion that this matter be approved. Is there a second?

MS. RUTHANNE MILLER: Second.

MR. DONOVAN W. ANDERSON: Ms. Miller has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is the joint request from

ANC 1C and the Kalorama Citizens Association requesting reinstatement of their -- their -- El Nuevo Migueleno's -- their -- the cancellation of their, um -- their -- their protest. I make a motion that the request be approved to reinstate them. Is there a second?

MS. RUTHANNE MILLER: Second.

MR. DONOVAN W. ANDERSON: Ms. Miller has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is the review of a settlement agreement, dated -- dated September 08, 2016, between a group of five or more and Crimson, License #103085. I make a motion that the agreement be approved with stipulations -- with modification. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has

seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

We now move to our supplementary legal agenda. The first matter on our supplementary legal agenda is the review of the settlement agreement, dated September 15, 2016, between ANC 6D and Yard & Toast, License #101636. I make a motion that this -- this matter be approved. Is there a second?

MR. MIKE SILVERSTEIN: Second.

MR. DONOVAN W. ANDERSON: Mr. Silverstein has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is the review of an amendment to a settlement agreement between ANC 6E and Dacha Beer Garden, License #092773. I make a motion that this matter be approved. Is there a second?

MR. MIKE SILVERSTEIN: Second.

MR. DONOVAN W. ANDERSON: Mr. Silverstein has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passes 5-0-0.

The next matter is to review ANC 6E's motion for reconsideration and reinstatement of its protest against Alta Strada, License #100140. I make a motion that we deny this request. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

MS. RUTHANNE MILLER: Opposed. Opposed.

MR. DONOVAN W. ANDERSON: The matter passed 4-0-1, with -- 4-1 with Ms. Miller in opposition.

The next matter is the review of a letter from Dacha Beer Garden informing the Board of a pending criminal matter against one of its members, Dacha Beer Garden, License #092773. This is just an FYI for the Board.

The next matter is a review of an amendment to the settlement agreement between ANC 6B and Matchbox, License #079276. I make a motion that the settlement agreement be approved with modification. Is there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review an amendment to a settlement agreement between ANC 6B and Ted's Bulletin, License #082569. I make a motion that this -- the agreement be approved with modifications. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Short -- I'm sorry, Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review ANC 6B's motion to consolidate the protest hearings for Good Stuff Eatery, License #078027; We, the

Pizza, License #082062; and Bearnaise, License #089622. The motion is to consolidate these three matters. I make a motion that this -- this be granted. Is there a second?

MR. NICK ALBERTI: Second.

MR. DONOVAN W. ANDERSON: Mr. Alberti has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next one is the review of a settlement agreement between -- between of -- a group of five or more individuals and Russia House, License #080952. I make a motion that this will -- this settlement agreement be approved with modifications. Is there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?
(No audible response)

MR. DONOVAN W. ANDERSON: The matter
passed 5-0-0.

Next matter is a review of a settlement
agreement, dated September 19, 2016, between ANC
2B and Saul House -- Host, LLC, License #103525.
I make a motion that this matter be approved. Is
there a second?

MS. RUTHANNE MILLER: Second.

MR. DONOVAN W. ANDERSON: Ms. Miller has
seconded the motion. Those in --

MR. NICK ALBERTI: I thought we were
going to postpone this one?

MR. JAMES SHORT: We said postpone the
fact finding.

(Off-mic speaking)

MR. JAMES SHORT: Is the one you said you
wanted to postpone and then do a fact finding?

(Off-mic speaking)

MR. NICK ALBERTI: No, that's not this
one.

MR. DONOVAN W. ANDERSON: All right. All right. Hold on. Look, the -- I stand corrected. Number 9, a review of the settlement agreement, dated September 16 -- September 19, 2016, between ANC 2B and Saul Urban Host, License #103525 -- I make a motion that this matter be postponed and referred for a fact finding.

MR. NICK ALBERTI: Oh, yeah, this is the --

(Off-mic speaking)

MR. DONOVAN W. ANDERSON: Is there -- is there a second?

MR. JAMES SHORT: Second.

MR. DONOVAN W. ANDERSON: Mr. Short has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

The next matter is to review -- review of the settlement agreement, dated September 01,

2016, between ANC 1B and the Service Bar, License #103008. I make a motion that this matter be approved with the modifications. Is there a second?

MR. MIKE SILVERSTEIN: Second.

MR. DONOVAN W. ANDERSON: Mr. Silverstein has seconded the motion. Those in favor, say "aye."

(Chorus of "ayes")

MR. DONOVAN W. ANDERSON: Those opposed?

(No audible response)

MR. DONOVAN W. ANDERSON: The matter passed 5-0-0.

As chairperson of the Alcoholic Beverage Control Board for the District of Columbia, in accordance with D.C. Official Code Section 2574(b), Closed Meetings, and Section 2574, Notice of Meetings of the Open Meetings Act, I move that the ABC Board hold a closed meeting on September 28, 2016, for the purpose of discussing and hearing reports concerning ongoing or planned investigations of alleged criminal or civil

misconduct or violations of law or regulations and seeking legal advice from our counsel on the Board's investigative legal and licensing agenda for September 28, 2016, as published in the D.C. Registry on September 23, 2016. Is there a second?

MR. MIKE SILVERSTEIN: Second.

MR. DONOVAN W. ANDERSON: Mr. Silverstein has seconded the motion. I will take a roll call vote on the motion before us now that it has been seconded. Ms. Miller?

MS. RUTHANNE MILLER: I agree.

MR. DONOVAN W. ANDERSON: Mr. Alberti?

MR. NICK ALBERTI: I agree.

MR. DONOVAN W. ANDERSON: Mr. Short?

MR. JAMES SHORT: I agree.

MR. DONOVAN W. ANDERSON: Mr. Silverstein?

MR. MIKE SILVERSTEIN: I agree.

MR. DONOVAN W. ANDERSON: Mr. Anderson? I agree. As it appears that the motion has passed 5-0, I hereby give notice that the ABC Board will

hold the aforementioned closed meeting. Pursuant to the Open Meetings Act, notice will be posted on the ABC Board's hearing room bulletin board, placed on the electronic calendar on ABRA's website, and published in the D.C. Registry in as timely a manner as practical. It is 3:24, and we are -- we are -- we are now adjourned for the day. Thank you.

(Whereupon, the above-entitled matter was concluded.)