



1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

3

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 [9:28 p.m.]

3 CHAIRMAN ANDERSON:

4 CHAIRPERSON ANDERSON: I'd like to  
5 welcome you to the regularly scheduled meeting of  
6 the District of Columbia Alcoholic Beverage  
7 Control Board. Please note that today's hearing  
8 will be conducted in accordance with D.C.  
9 Official Code Section 2574 of the Open Meetings  
10 Act. Today is -- I should know what today is --  
11 today is January 6, 2016. I'd like to introduce  
12 members of the board with us today. To my far  
13 right is Ruthanne Miller, to my immediate right  
14 is Mr. Nick Alberti, to my left is Mr. Mike  
15 Silverstein and to my immediate left is Mr. James  
16 Short. My name is Donovan Anderson and I am the  
17 Chairman of the Board.

18 The Board has five  
19 members in attendance for the conducting of  
20 business today and this constitutes a quorum.  
21 I'd like to mention a two things before we get  
22 started. First of all, if you have any

1 electronic devices: Pagers, cell phones or such,  
2 please make sure that you have turned them off to  
3 avoid any interruption of the proceedings.  
4 Secondly, there is a piece of paper on each table  
5 and when you come forward as your case is called,  
6 please take a seat at the table and please sign  
7 in. This is to ensure that a correct spelling of  
8 your name as well?

9           Additionally, when you introduce yourself  
10 for the record please spell your name aloud for  
11 the court reporter. I'd like to note it is now  
12 9:35 and we are starting off the new year and it  
13 is my intent that we will try to start every  
14 morning promptly at 9:30, so for the folks who  
15 normally appear here, I will try to be here at  
16 9:30 every morning so I expect everyone to be  
17 here at 9:30.

18           Alright, we have several hearings to  
19 cover. The next case on our show cause hearing  
20 status is Case #15-251-00003, Rosebar Lounge,  
21 License #77883. Will the parties approach  
22 please? This hearing has been continued until

1 January 13, 2016, at 9:30.

2 CHAIRPERSON ANDERSON: The next case on  
3 our agenda is Case #15-251-00160, Bliss, license  
4 #95711 and this hearing has been continued to  
5 January 13, 2016.

6 The next case on our calendar is Case  
7 #15-CC-00079, The Brookland Café, license #83121.  
8 Will the parties approach?

9 MR. RIVERO: Fernando Rivero for the  
10 District of Columbia standing in for Maureen  
11 Zaniel.

12 CHAIRPERSON ANDERSON: And do you know  
13 whether or not the party, the applicant, was  
14 provided notice or should we wait? Should we  
15 pass and come back?

16 MR. RIVERO: No, we believe that, no,  
17 this was provided and it is now thirty minutes  
18 past the appointed time. The government is ready  
19 to move to the next scheduled hearing.

20 CHAIRPERSON ANDERSON: This matter is  
21 scheduled -- this matter is scheduled for a  
22 hearing on February 10, 2016, at 10:00. Alright.

1 Thank you.

2 CHAIRPERSON ANDERSON: Alright. The next  
3 case on our agenda is Case #15-AUD-00051,  
4 Bandolero, License #75631. Will the parties  
5 please approach?

6 MR. RIVERO: Fernando Rivero for the  
7 District of Columbia standing in for Christine  
8 Gehardt.

9 CHAIRPERSON ANDERSON: And do you know,  
10 Mr. Fernando, whether or not the licensee was  
11 provided notice of this hearing?

12 MR. RIVERO: The licensee was aware of  
13 the hearing. The government will move to dismiss  
14 this case. The business has dissolved and I  
15 believe the license has been placed in  
16 safekeeping to be reverted back to the landlord.  
17 So, we would move to dismiss at this time. The  
18 actual licensee is out of the country.

19 CHAIRPERSON ANDERSON: Alright, I move  
20 that -- The government has made a motion that I  
21 move that we accept the motion.

22 MR. ALBERTI: Second.

1           CHAIRPERSON ANDERSON: Mr. Alberti has  
2 seconded the motion. Those in favor, say aye.  
3 The matter passes 5-0-0 and the motion is  
4 accepted in the matter. Thank you.

5           MS. MILLER: Does that mean we approved  
6 the motion?

7           CHAIRPERSON ANDERSON: Yes.

8           MS. MILLER: Okay.

9           CHAIRPERSON ANDERSON: The next matter on  
10 our agenda is also another Review for -- Review  
11 Application for Safekeeping for Aroma Indian  
12 Restaurant, license #001847. I make a motion  
13 that we approve this request for Safekeeping  
14 through September 30, 2016.

15           Is there a second?

16           MS. MILLER: Second.

17           CHAIRPERSON ANDERSON: Ms. Miller  
18 seconded the motion. Those in favor say Aye.  
19 [Chorus of Ayes.] Those opposed? [No audible  
20 response.] The matter passes 5-0-0.

21           The next matter on the agenda is Review  
22 of Motion for Reconsideration from Awash, license

1 #20102. I make a motion that we deny the  
2 request.

3 Is there a second?

4 MR. ALBERTI: Second.

5 CHAIRPERSON ANDERSON: Mr. Alberti has  
6 seconded. Those in favor say Aye.

7 [Chorus of Ayes.]

8 CHAIRPERSON ANDERSON: The matter passes  
9 4-0-0.

10 The next matter is Review Request for  
11 Change of Hours for BIN-1301. License #091682.  
12 I make a motion that we approve this matter.

13 Is there a second?

14 MR. SILVERSTEIN: Second.

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

17 [Chorus of Ayes.]

18 CHAIRPERSON ANDERSON: Those opposed?

19 [No audible response.]

20 CHAIRPERSON ANDERSON: The matter passes  
21 5-0-0. The next matter is Review Request to  
22 update records for Barcelona. License #097610.

1 I make a motion that we approve this request.

2 Is there a second?

3 MR. SILVERSTEIN: Second.

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

6 [Chorus of Ayes.]

7 CHAIRPERSON ANDERSON: The next matter on our  
8 agenda is a Review Request for Change of Hours  
9 for Big D Liquors. License #098255. I make a  
10 motion that we approve this matter.

11 Is there a second?

12 MR. SHORT: Second.

13 CHAIRPERSON ANDERSON: Mr. Short has  
14 seconded this motion. Those in favor say Aye.

15 [Chorus of Ayes.]

16 CHAIRPERSON ANDERSON: Those opposed?

17 [No audible response.]

18 CHAIRPERSON ANDERSON: The matter passes  
19 5-0-0.

20 The next matter on the agenda is to  
21 Review Application for Summer Garden with 20  
22 Seats for Bistro Italiano. License #023539. I

1 make a motion that we placard this matter.

2 Is there a second?

3 MR. SILVERSTEIN: Second.

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

6 [Chorus of Ayes.]

7 CHAIRPERSON ANDERSON: Those opposed.

8 [No audible response.]

9 CHAIRPERSON ANDERSON: The matter passes  
10 5-0-0.

11 Review Application for Class Change from  
12 Retailer B to Retailer A for Bodega. License  
13 #100950. I make a motion that we placard this  
14 matter.

15 Is there a second?

16 MR. SHORT: Second.

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

19 [Chorus of Ayes.] Those opposed? [No audible  
20 response.] The matter passes 5-0-0.

21 Next matter on the agenda is a Review  
22 Request for Change of Hours for Bodega, license

1 #100950. I make a motion that we placard this  
2 matter.

3 Is there a second?

4 MR. ALBERTI: Second.

5 CHAIRPERSON ANDERSON: Mr. Alberti has  
6 seconded the motion. Those in favor say Aye.  
7 [Chorus of Ayes.] Those opposed. [No audible  
8 response.] The matter passes 5-0-0.

9 The next matter on the agenda is the  
10 Review of Settlement Agreement between Bullfrog  
11 Bagels, license #00249. I make a motion that  
12 this matter be postponed for a week.

13 Is there a second?

14 MR. ALBERTI: Second. Mr. Alberti has  
15 seconded the motion. Those in favor say Aye.

16 [Chorus of Ayes.]

17 CHAIRPERSON ANDERSON: The matter passes  
18 4-0-0.

19 Review Application for Class Change from  
20 Retailer B to Retailer A, Capitol Market.  
21 License #091021. I make a motion that we placard  
22 this matter.

1 Is there a second?

2 MR. ALBERTI: Second.

3 CHAIRPERSON ANDERSON: Mr. Alberti has  
4 seconded the motion. Those in favor say Aye.  
5 [Chorus of Ayes.] Those opposed? [No audible  
6 response.] The matter passes 5-0-0.

7 We now turn to our Supplemental Licensing  
8 Agenda. The first matter on the Supplemental  
9 Licensing Agenda is Review Request to Delay  
10 Consideration of application for Substantial  
11 Change for Carlyle. And I make the  
12 recommendation that we refer this to Legal.

13 Is there a second?

14 MR. SHORT: Second.

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

17 [Chorus of Ayes.]

18 CHAIRPERSON ANDERSON: Those opposed?

19 [No audible response.]

20 CHAIRPERSON ANDERSON: The matter passes  
21 5-0-0.

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1           We now turn to our Supplemental Legal  
2 Agenda. And the first matter on our agenda is a  
3 Review of Request for Reconsideration from  
4 Brentwood Liquors, License #60622. I make a  
5 motion that we deny this request.

6           Is there a second?

7           MR. SHORT: Second.

8           CHAIRPERSON ANDERSON: Mr. Short has  
9 seconded the motion. Those in favor say aye.  
10 [Chorus of Ayes.] Those opposed. The matter  
11 passes 5-0-0.

12           UNKNOWN SPEAKER: Wait, wait, wait. I'm  
13 sorry. This is a Request of Reconsideration?

14           CHAIRPERSON ANDERSON: Of the Brentwood,  
15 yes. So, going back, it's a Review of Request  
16 from Brentwood Liquors to review their --

17           UNKNOWN SPEAKER: Oh, okay, I'm sorry. I  
18 was on a different agenda. Go ahead, proceed.

19           CHAIRPERSON ANDERSON: So we, so we --

20           UNKNOWN SPEAKER: We're good.

21           CHAIRPERSON ANDERSON: So we're good for  
22 Brentwood Liquors in the matter to deny the

1 motion passes 5-0-0.

2 The next matter is the Review of a Notice  
3 of Withdrawal of Protest for Chicken Tortilla --  
4 I'm sorry -- Chicken Tortilla -- the Ocopa --  
5 License #88102. I make a motion that we approve  
6 this matter.

7 Is there a second?

8 MR. ALBERTI: Second.

9 CHAIRPERSON ANDERSON: Mr. Alberti has  
10 seconded the motion. Those in favor say Aye.  
11 [Chorus of Ayes.] The matter passes 4-0-0.

12 The next matter is Review Request for  
13 Change of Hours for DC Grocery Cash and Carry.  
14 License #100199. I make a motion that we approve  
15 the change in hours.

16 Is there a second?

17 MR. SHORT: Second.

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

20 [Chorus of Ayes.]

21 CHAIRPERSON ANDERSON: Those opposed?

22 [No audible response.]

1 CHAIRPERSON ANDERSON: The matter passes  
2 5-0-0.

3 The next matter on the agenda is the  
4 Review of Settlement Agreement between Desta  
5 Ethiopian Restaurant, license #98818. I make a  
6 motion that we approve the matter.

7 Is there a second?

8 MR. ALBERTI: Second.

9 CHAIRPERSON ANDERSON: Mr. Alberti has  
10 seconded the motion. Those in favor say Aye.  
11 [Chorus of Ayes.] The matter passes 3-0-0.

12 And the next matter on our agenda is  
13 Review Request to Renew Storage Facility Permit  
14 for Domaine DC, LLC Storage Facility Permittee.  
15 I make a motion that we approve this matter.

16 Is there a second?

17 MR. ALBERTI: Second.

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

20 [Chorus of Ayes.]

21 CHAIRPERSON ANDERSON: Those opposed?

22 [No audible response.]

1                   CHAIRPERSON ANDERSON: The matter passes  
2 5-0-0.

3                   The next matter on the agenda is Review  
4 of Petition to Extend and Amend the Glover Park  
5 Moratorium and I make a motion that this matter  
6 be postponed.

7                   Is there a second?

8                   MR. ALBERTI: Second.

9                   CHAIRPERSON ANDERSON: Mr. Alberti  
10 seconded the motion. Those in favor say Aye.  
11 [Chorus of Ayes.]

12                   CHAIRPERSON ANDERSON: The matter passes  
13 4-0-0.

14                   CHAIRPERSON ANDERSON: The next matter on  
15 the agenda is the Review of Letter from Golden  
16 Triangle BID regarding authorization of --  
17 requesting that we not authorize any more pub  
18 crawls and this is just an FYI matter for the  
19 record.

20                   CHAIRPERSON ANDERSON: The next matter on  
21 our agenda is the Review of Request for  
22 Reinstatement of the Substantial Change

1 Application for the Green Island Café/heaven &  
2 Hell, license #74503. I make a motion that this  
3 matter be postponed.

4 Is there a second?

5 R. SHORT: Second.

6 CHAIRPERSON ANDERSON: Mr. Short has  
7 seconded the motion. Those in favor say Aye.  
8 [Chorus of Ayes.] The matter passes 4-0-0.

9 The next matter is Review Application for  
10 Safekeeping for Hotel Helix, license #079243. I  
11 make a motion that we approve the Request for  
12 Safekeeping through September 30, 2016.

13 Is there a second?

14 MR. SILVERSTEIN: Second.

15 CHAIRPERSON ANDERSON: Mr. Silverstein  
16 has seconded the motion. Those in favor say Aye.  
17 [Chorus of Ayes.] Those opposed? [No audible  
18 response.] The matter passes 5-0-0.

19 The next matter on the agenda is Review  
20 Request to Expand Premises for Matchbox. License  
21 #079276. I make a motion that we placard this  
22 request.

1 Is there a second?

2 MR. ALBERTI: Second.

3 CHAIRPERSON ANDERSON: Mr. Alberti has  
4 seconded the motion. Those in favor say Aye.

5 [Chorus of Ayes.]

6 CHAIRPERSON ANDERSON: The matter passes  
7 5-0-0.

8 The next case is Review Request for  
9 Change of Hours for Park Market. License  
10 #094178. I make a motion that we placard this  
11 matter.

12 Is there a second?

13 MR. SILVERSTEIN: Second.

14 CHAIRPERSON ANDERSON: Mr. Silverstein  
15 has seconded the motion. Those in favor say Aye.  
16 [Chorus of Ayes.] Those opposed. [No audible  
17 response.] The matter passes 5-0-0.

18 The next matter on our agenda is Review  
19 Application for Class Change from Retailer B to  
20 Retailer A, for Park Market. License #094178.

21 Is there a second?

22 MR. SHORT: Second.

1           CHAIRPERSON ANDERSON: Mr. Short has  
2 seconded this motion. Those in favor say Aye.  
3 [Chorus of Ayes.] Those opposed. [No audible  
4 response.] The matter passes 5-0-0.

5           MR. SHORT: This is to placard?

6           CHAIRPERSON ANDERSON: Yes. The matter  
7 passes 5-0-0.

8           The next case is Review Request for  
9 Change of Hours for Park Market. License  
10 #094178. I make a motion that we placard this  
11 matter.

12           Is there a second?

13           MR. SILVERSTEIN: Second.

14           CHAIRPERSON ANDERSON: Mr. Silverstein  
15 has seconded the motion. Those in favor say Aye.  
16 [Chorus of Ayes.] Those opposed. [No audible  
17 response.] The matter passes 5-0-0.

18           The next matter on our agenda is Review  
19 Application to Add Dancing to Existing  
20 Entertainment Endorsement for Policy. License  
21 #076804. I make a motion that we placard this  
22 matter.

1 Is there a second?

2 MS. MILLER: Second.

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

5 [Chorus of Ayes.]

6 CHAIRPERSON ANDERSON: Those opposed.

7 [No audible response.]

8 CHAIRPERSON ANDERSON: The matter passes  
9 5-0-0.

10 The next matter on the agenda is the  
11 Review of Chapter 16 Final Rulemaking. I make a  
12 motion that this matter be approved.

13 Is there a second?

14 MR. SHORT: Second.

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

17 [Chorus of Ayes.] The matter passes 5-0-0.

18 The next matter on our agenda is the  
19 Review of a Letter dated December 19, 2015, from  
20 ANC 6D. And this is just an FYI for the board.

21 The next matter is a Review of MPD RDO  
22 Final Rulemaking. I make a motion that we

1 approve this matter.

2 Is there a second?

3 MS. MILLER: Second.

4 CHAIRPERSON ANDERSON: Ms. Miller  
5 seconded the motion. Those in favor say Aye.  
6 [Chorus of Ayes.] Those opposed? [No audible  
7 response.] The matter passes 5-0-0.

8 The next matter on our agenda is to  
9 Review the Technical Amendment Proposed  
10 Rulemaking. I motion that we postpone this  
11 matter.

12 Is there a second?

13 MS. MILLER: Second.

14 CHAIRPERSON ANDERSON: Ms. Miller seconds  
15 this motion. Those in favor say Aye. [Chorus of  
16 Ayes.] The matter passes 5-0-0.

17 The next matter on our agenda is a Review  
18 of Settlement Agreement between Starbucks,  
19 license #100610. I make a motion that we approve  
20 the settlement agreement.

21 Is there a second?

22 MR. SILVERSTEIN: Second.

1           CHAIRPERSON ANDERSON:    Mr. Silverstein  
2   has seconded the motion.  Those in favor say Aye.  
3   [Chorus of Ayes.]  Those opposed?  [No audible  
4   response.]  The matter passes 5-0-0.

5           The next matter is to Review Application  
6   for Class Change from Retailer CR to Retailer CT  
7   for Sudhouse.  License #075284.  I make a motion  
8   that we placard this matter.

9           Is there a second?

10          MR. SILVERSTEIN:  Second.

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

14          [Chorus of Ayes.]

15          CHAIRPERSON ANDERSON:  Those opposed?  
16          [No audible response.]

17          CHAIRPERSON ANDERSON:  The matter passes  
18   5-0-0.

19                 :  The next matter on the agenda is a  
20   review of settlement agreement for The Manor,  
21   License #99536.  I make a motion that we approve  
22   this with modification.

1 Is there a second?

2 MS. MILLER: Second.

3 CHAIRPERSON ANDERSON: Ms. Miller has  
4 seconded the motion. Those in favor say Aye.  
5 [Chorus of Ayes.] The matter passes 4-0-0.

6 We now move to our licensing agenda. The  
7 next matter on our licensing agenda is to review  
8 an application for Safekeeping for The Scene.  
9 License #3078642. I make a motion that we  
10 approve the request to place the license in  
11 Safekeeping until September 30, 2016.

12 Is there a second?

13 MR. SILVERSTEIN: Second.

14 CHAIRPERSON ANDERSON: Mr. Silverstein  
15 has seconded the motion. Those in favor say Aye.  
16 [Chorus of Ayes.] Those opposed? [No audible  
17 response.] The matter passes 5-0-0.

18 The next matter on our agenda is a Review  
19 of a Letter from SDCA regarding the agency's  
20 approval of Extended Hours for Tico and this is  
21 just an FYI for the board.

22 The next matter on the agenda is Review

1 of Settlement Agreement for Trader Joe's store,  
2 License #100872. I make a motion that we  
3 postpone this matter for one week.

4 Is there a second?

5 MR. SHORT: Second.

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

8 [Chorus of Ayes.]

9 CHAIRPERSON ANDERSON: The matter passes  
10 3-0-0.

11 The next matter is Review Request for  
12 Another Change of Hours for Ventnor Sports Café.  
13 License #072529. I make a motion that we approve  
14 this change.

15 Is there a second?

16 MR. SILVERSTEIN: Second, Mr. Chairman.

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

19 [Chorus of Ayes.]

20 CHAIRPERSON ANDERSON: Those opposed?

21 [No audible response.]

22 CHAIRPERSON ANDERSON: The matter passes

1 5-0-0.

2 I make a motion we now turn to our  
3 Cancellation Agenda and I make a motion that the  
4 three matters on our Cancellation Agenda to  
5 cancel licenses, that the board approve the  
6 cancellation of all three establishments on the  
7 agenda.

8 Is there a second?

9 MR. ALBERTI: Second.

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

12 MR. SILVERSTEIN: Read the three names.

13 CHAIRPERSON ANDERSON: Okay, I will read.

14 The first licensee is Via Umbra, License  
15 #097178. The second one is Nurish Food and  
16 Drink. License #092903. And the third licensee  
17 is Las Placitas. License #003813.

18 I make a motion that we approve the  
19 cancellation of all three licensees licenses.

20 Is there a second?

21 MR. SILVERSTEIN: Second, Mr. Chairman.

22 CHAIRPERSON ANDERSON: Mr. Silverstein

1 has seconded the motion. Those in favor say Aye.

2 [Chorus of Ayes.]

3 CHAIRPERSON ANDERSON: Those opposed?

4 [No audible response.]

5 CHAIRPERSON ANDERSON: The matter passes  
6 5-0-0.

7 And that concludes our agenda. As the  
8 Chairperson of the Alcoholic Beverage Control  
9 Board for the District of Columbia in accordance  
10 with D.C. Official Code Section 2-574B, closed  
11 meetings, and section 2-574 Notice of Meetings of  
12 the Open Meetings Act, I move that ABC Board hold  
13 a closed meeting on January 13, 2016, for the  
14 purpose of discussing and hearing reports  
15 concerning ongoing or planned investigations of  
16 alleged criminal or civil misconduct or  
17 violations of law or regulations and seeking  
18 legal advice from our counsel on the board's  
19 investigative agenda for January 13, 2016, as  
20 published in the D.C. Register on December 31st,  
21 2015.

22 Is there a second?

1 MR. SHORT: Second.

2 CHAIRPERSON ANDERSON: Mr. Short has  
3 seconded the motion. I will now take a vote on  
4 the motion before us now that has a second. Ms.  
5 Miller?

6 MS. MILLER: I agree.

7 CHAIRPERSON ANDERSON: Mr. Alberti?

8 MR. ALBERTI: I agree.

9 CHAIRPERSON ANDERSON: Mr. Short?

10 MR. SHORT: I agree.

11 CHAIRPERSON ANDERSON: Mr. Silverstein?

12 MR. SILVERSTEIN: I agree.

13 CHAIRPERSON ANDERSON: The matter passes  
14 4-0-0 and, as it appears that the motion has  
15 passed, I hereby give notice that the ABC Board  
16 will hold this aforementioned closed meeting  
17 pursuant to the Open Meetings Act.

18 Notice will also be posted on the ABC  
19 Board's hearing bulletin board, placed on  
20 electronic calendar on ABRA's website and  
21 published in the D.C. Register in as timely a  
22 manner as possible. We are now adjourned. Thank

1 you.  
2