

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 :

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January 23, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

DONALD BROOKS, Member

HERMAN JONES, Member

MIKE SILVERSTEIN, Member

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

(8:24 p.m.)

CHAIRPERSON MILLER: Okay. We are back on the record for the Board's meeting agenda for January 23, 2013.

Okay. The first is a review of manager's application for Michael Schuster.

I move that we approve the application.

Do I have a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON MILLER: The motion has been seconded by Mr. Silverstein.

All those in favor say aye.

MEMBER SILVERSTEIN: Aye.

CHAIRPERSON MILLER: Aye.

MEMBER BROOKS: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? The vote is 3-0-0.

The second is a review of manager's application for Janelle M. Smith.

1 And I would ask that someone else
2 make a motion on this one.

3 MEMBER SILVERSTEIN: I move that
4 we approve the application of Janelle Smith.

5 CHAIRPERSON MILLER: Is there a
6 second?

7 MEMBER BROOKS: Second.

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

10 All those in favor say aye.

11 MEMBER SILVERSTEIN: Aye.

12 MEMBER BROOKS: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? Opposed. All those abstaining? And
15 the vote is 2-1-0.

16 The next one is an involuntary
17 transfer of a license held by Colin Unlimited
18 to HACA Ventures.

19 I would move that we postpone this
20 review for two weeks.

21 Do I have a second?

22 MEMBER BROOKS: Second.

1 MEMBER SILVERSTEIN: Second and,
2 Madam Chair?

3 CHAIRPERSON MILLER: Yes. We
4 don't need to vote on it. What?

5 MEMBER SILVERSTEIN: That we refer
6 this to legal.

7 CHAIRPERSON MILLER: Yes, okay.
8 Thank you. Postpone and refer to legal and
9 pick up in two weeks. Okay.

10 Is there a second?

11 MEMBER BROOKS: Second.

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Okay. Mr.
14 Silverstein seconded the motion.

15 All those in favor say aye.

16 MEMBER SILVERSTEIN: Aye.

17 CHAIRPERSON MILLER: Aye.

18 MEMBER BROOKS: Aye.

19 MEMBER JONES: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The vote is
22 4-0-0 to postpone and refer to legal.

1 No. 4 is an entertainment
2 endorsement application for live music by Pho
3 Bar and Grill, 1360 H Street, N.E., License
4 No. 87813. Proposed hours Sunday through
5 Thursday 6:00 to 10:00 p.m. and Friday and
6 Saturday 6:00 to 11:30 p.m.

7 I would move that we approve.

8 Do I have a second?

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 4-0-0.

17 No. 5 is a change of hours
18 application for Uptown Ethiopian Fusion
19 Cuisine located at 1608 7th Street, N.W.,
20 License No. 81849. It is changing from
21 current hours, Sunday through Thursday, 11:00
22 to 2:00 a.m. and Friday and Saturday, 11:00

1 a.m. to 3:00 a.m. and current hours of
2 entertainment, Thursday 9:00 p.m. to 2:00
3 a.m., Friday and Saturday 9:00 p.m. to 3:00
4 a.m.

5 The proposed hours of operation
6 Sunday through Thursday, 7:00 a.m. to 2:00
7 a.m., Friday and Saturday 7:00 a.m. to 3:00
8 a.m. The proposed hours of entertainment
9 Sunday through Thursday, 9:00 p.m. to 2:00
10 a.m., Friday and Saturday, 9:00 p.m. to 3:00
11 a.m.

12 No pending investigative matters,
13 no outstanding fines/citations, no conflict
14 with voluntary agreement. It is in ANC-2C.

15 I move that we approve.

16 Do I have a second?

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 vote is
2 4-0-0.

3 No. 6 is a request from the
4 licensee to expand to the 2nd floor increasing
5 occupancy from 50 to 80 seats. It is Rumba
6 Cafe, 2443 18th Street, N.W., License No.
7 71023 in ANC-1C.

8 No pending investigative matters,
9 outstanding fines/citations and no settlement
10 agreement.

11 I move that we placard this
12 application.

13 Do I have a second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr.

16 Silverstein has seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The vote is
21 4-0-0.

22 No. 7 is a letter dated January 7,

1 2013 from Amy Vestal requesting permission to
2 store restaurant records off-premises at
3 another location in the District.

4 The establishment is Madam's
5 Organ, 2461 18th Street, N.W., License No.
6 25273.

7 I move that we approve this
8 application.

9 Do I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks
12 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 vote is
17 4-0-0.

18 No. 8 is a protestant's motion to
19 reconsider findings of fact and conclusions of
20 law and order dated December 3, 2012 from
21 Commissioner Stuart Ross of ANC-3D, Town
22 Square Gourmet is the establishment located at

1 4418 MacArthur Boulevard, N.W., License No.
2 78664.

3 I move that we schedule this
4 motion for oral argument and refer to legal to
5 coordinate the dates with the parties.

6 Do I have a second?

7 MEMBER BROOKS: Second.

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

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The vote is
14 4-0-0.

15 No. 9 is a review of a settlement
16 agreement dated November 14, 2012 between
17 Number Nine, ANC-2F, Logan Circle Community
18 Association, the Rhode Island West
19 Neighborhood Association. The establishment
20 is Number Nine located at 1435 P Street, N.W.,
21 License No. 86354.

22 I want to note for the record that

1 the Board has already reviewed the settlement
2 agreement and has approved it. So no action
3 is required on this.

4 No. 10 is a review of a settlement
5 agreement dated January 7, 2013 and it is
6 actually between DC Restaurant Group, LLC t/a
7 Silo is the applicant and ANC-6E. Okay. And
8 it is located at 917 5th Street, N.W., License
9 No. 90985.

10 I move that we approve this
11 settlement agreement with a couple of
12 modifications that legal will communicate to
13 the parties.

14 Oh, I just want to double check
15 that this one does have paragraphs that we are
16 recommending that they modify.

17 I'm going to go off the record for
18 a second.

19 (Whereupon, at 8:32 p.m. a recess
20 until 8:33 p.m.)

21 CHAIRPERSON MILLER: All right.
22 Modified with respect to Paragraph 7, which

1 can be reworked in consultation with our legal
2 counsel, who will contact the parties about
3 that.

4 Okay. So the motion is to approve
5 the settlement agreement with modification to
6 No. 7.

7 Do I have a second?

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 vote is
15 4-0-0.

16 Okay. No. 11 is a settlement
17 agreement dated January 9, 2013 between Costa
18 Brava, a Group of Five or More, Victoria Rizzo
19 and Lawrence Perry. Costa Brava is located at
20 1837 1st Street, N.W., License No. 90223.

21 I move that this settlement
22 agreement also be approved with just a few

1 modifications.

2 Paragraph No. 2, our counsel can
3 work with the parties on clarifying part of
4 this provision. And Paragraph No. 12, could
5 either be deleted or modified. And Appendix
6 A, No. 4 to exclude the words after business
7 beginning with including and ending with
8 entertainment or modified in another way that
9 reflects not including that language.

10 So the motion is to approve the
11 settlement agreement with modifications to 2,
12 12 and Appendix A.

13 Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The vote is
21 4-0-0. The motion passes.

22 Okay. And then No. 12 is a review

1 of a settlement agreement dated January 10,
2 2013 between Fork 'n Spade and ANC-3E. Fork
3 'n Spade is located at 4619 41st Street,
4 License No. 90853.

5 I move that this agreement also be
6 approved with modification of Paragraph 5 to
7 be worked out with our legal counsel.

8 Do I have a second?

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 4-0-0.

17 That is our regular agenda. We
18 have a few items on our supplemental agenda.

19 Okay. No. 1 is a request from
20 Stephen O'Brien on behalf of the licensee to
21 expand the basement portion of the licensed
22 premises into the contiguous basement space.

1 The current occupancy of 274 will remain the
2 same.

3 There are pending investigative
4 matters. No outstanding fines/citations. No
5 conflict or settlement agreement. This is the
6 Napoleon located at 1847 Columbia Road, N.W.,
7 License No. 75836 in ANC-1C.

8 I move that we approve this
9 application.

10 Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks
13 has seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: Those
17 opposed? Those abstaining? What did you say?

18 MEMBER SILVERSTEIN: I meant to
19 say aye.

20 CHAIRPERSON MILLER: You're an
21 aye? Then the vote is 4-0-0 to approve.

22 No. 2 on the supplemental agenda

1 is a letter dated January 16, 2013 from Kamal
2 Jahabein about a \$300 fee that The Saloon had
3 to pay to be open on Sunday and Monday for
4 Inauguration.

5 The Saloon is located at 1207 U
6 Street, N.W., License No. 71086.

7 I move that we refer this letter
8 to the Director of ABRA to respond to.

9 Do I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: All those in
12 favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 4-0-0 to refer to the Director.

17 The last item on the supplemental
18 agenda is a review of correspondence dated
19 September 10, 2012 from Jonathan Gropper of
20 BeerRightNow.com requesting an advisory
21 opinion regarding Section 24-101(45).

22 I recommend that we refer this to

1 legal for their review.

2 Do I have a second?

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 vote is
10 4-0-0.

11 Okay. That completes our agenda
12 and supplemental agenda. So all that is left
13 then is our Open Meeting Act instructions.

14 As Chairperson of the Alcoholic
15 Beverage Control Board for the District of
16 Columbia and in accordance with Section 405 of
17 the Open Meetings Amendment Act of 2010, I
18 move that the ABC Board hold a closed meeting
19 on January 30, 2013 for the purpose of seeking
20 legal advice from our counsel on the matters
21 identified on the Board's agenda for January
22 30, 2013 as published in the DC Register on

1 January 25, 2013.

2 Is there a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks
5 has seconded the motion. I will now take a
6 roll call vote.

7 Mr. Brooks?

8 MEMBER BROOKS: I agree.

9 CHAIRPERSON MILLER: Ms. Miller
10 agrees.

11 Mr. Silverstein?

12 MEMBER SILVERSTEIN: I agree.

13 CHAIRPERSON MILLER: Mr. Jones?

14 MEMBER JONES: I agree.

15 CHAIRPERSON MILLER: The motion
16 passes by a vote of 4-0-0.

17 I hereby give notice that the ABC
18 Board will hold this aforementioned closed
19 meeting pursuant to the Open Meetings
20 Amendment Act of 2010. Notice will also be
21 posted on the ABC Board hearing room bulletin
22 board, placed on the electronic calendar on

1 ABRA's website and published in the DC
2 Register in as timely a manner as practicable.

3 As Chairperson of the Alcoholic
4 Beverage Control Board for the District of
5 Columbia and in accordance with Section 405 of
6 the Open Meetings Amendment Act of 2010, I
7 move that the ABC Board hold a closed meeting
8 on January 30, 2013 for the purpose of
9 discussing and hearing reports concerning
10 ongoing or planned investigations of alleged
11 criminal or civil misconduct or violations of
12 law or regulations and seeking legal advice
13 from our counsel on the Board's investigative
14 agenda for January 30, 2013 as published in
15 the DC Register on January 25, 2013.

16 Is there a second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: I will now
19 take a roll call vote on the motion as it has
20 been seconded.

21 Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Ms. Miller
2 agrees.

3 Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON MILLER: Mr. Jones?

6 MEMBER JONES: I agree.

7 CHAIRPERSON MILLER: Okay. The
8 motion passes by a vote of 4-0-0.

9 I hereby give notice that the ABC
10 Board will hold this aforementioned closed
11 meeting pursuant to the Open Meetings
12 Amendment Act of 2010. Notice will also be
13 posted on the ABC Board hearing room bulletin
14 board, placed on the electronic calendar on
15 ABRA's website and published in the DC
16 Register in as timely manner as practicable.

17 And that concludes our business
18 for today, January 23, 2013.

19 (Whereupon, the A.B.R.A. Agenda in
20 the above-entitled matter was concluded at
21 8:42 p.m.)

22

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