

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

A.B.R.A. Agenda	Agenda Hearing
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February 19, 2014

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

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

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

(2:51 p.m.)

CHAIRPERSON MILLER: All right.

We have a quorum, so I think I'll start.  
Okay. We are back on the record for the Board's agendas for February 19, 2014 and we are going to start with the Licensing Agenda.

And the first item on the Licensing Agenda is Applicant's Personal History Affidavit for suitability to apply for ABC Retailer License. And this relates to M & T Grocers Beer and Wine, 201 15th Street, N.E., License No. 77390.

I move that we refer this affidavit back to the applicant with instructions to amend. Do I have a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Mr. Brooks has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those

1       opposed? All those abstaining? The motion  
2       passes 6-0-0.

3                   No. 2 is an application from  
4       Retailer C Tavern for entertainment  
5       endorsement to include dancing and cover  
6       charge and this is for Malaysia Kopitiam  
7       located at 1827 M Street, N.W., License No.  
8       60144.

9                   I move that we approve the  
10       application. 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: All those  
17       opposed? All those abstaining? The motion  
18       passes 6-0-0.

19                   No. 3 is an application request to  
20       place a license in safekeeping by M & S Grill  
21       located at 600 13th Street, N.W., License No.  
22       60429.

1 I move that we approve this  
2 request for six months. Do I have a second?

3 MEMBER RODRIGUEZ: Second.

4 CHAIRPERSON MILLER: Mr. Rodriguez  
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 motion  
10 passes 6-0-0.

11 No. 4 is an application for a  
12 manager's license by Devin Antoncich, ABRA-  
13 93671.

14 I move that we deny this  
15 application. Do I have a second?

16 MEMBER SHORT: Second.

17 CHAIRPERSON MILLER: Mr. Short has  
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 And No. 5 is an application for a  
3 manager's license for James Griffin, ABRA-  
4 94307.

5 I move that we approve this  
6 application. 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 motion  
14 passes 6-0-0.

15 Okay. We have a Supplemental  
16 Licensing Agenda.

17 No. 1 on that agenda is a request  
18 from Attorney James Williford, Jr. and  
19 subsequent email from Paul Pascal on behalf of  
20 Abush, LLC for involuntary transfer of  
21 Retailer B grocery. This relates to DC Mini  
22 Supermarket located at 1828 1st Street, N.W.,

1 License No. 77803.

2 I move that we approve this  
3 request. Do I have a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr.

6 Silverstein has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those  
10 opposed? All those abstaining? The motion  
11 passes 6-0-0.

12 No. 2 is a request for a  
13 stipulated license. ANC-2E supports the  
14 request and it is related to Gypsy Sally  
15 located at 3401 K Street, N.W., License No.  
16 90582.

17 I move that we approve this  
18 request. Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks  
21 has seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those  
3 opposed? All those abstaining? The motion  
4 passes 6-0-0.

5 And No. 3 is ABRA-60319, Palasades  
6 Pizzeria. This relates to an establishment  
7 that apparently has closed.

8 And so I move to cancel the  
9 license for Palasades Pizzeria. Do I have a  
10 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: All those  
17 opposed? All those abstaining? The motion  
18 passes 6-0-0.

19 That completes our Licensing  
20 Agenda.

21 And now, we have a Legal Agenda  
22 and a Supplemental Legal Agenda.

1                   So the first item on the Legal  
2                   Agenda is licensee's second Motion for  
3                   Reconsideration denying termination of  
4                   settlement agreement and reinstatement of  
5                   substantial change application. It's by Ghana  
6                   Cafe located at 1336 14th Street, N.W.,  
7                   License No. 82751.

8                   And I want us to look at No. 2 on  
9                   the Supplemental Legal Agenda in conjunction  
10                  with this, because that is the response to the  
11                  Motion for Reconsideration by Mike Hibey,  
12                  counsel for a group of five or more  
13                  protestants.

14                  And Ghana Cafe is located at 1336  
15                  14th Street, N.W., License No. 82751.

16                  So I move that we deny this Motion  
17                  for Reconsideration on the rationale that this  
18                  motion does not relate to the reason that the  
19                  order denied the termination of the settlement  
20                  agreement. And that's primarily it. Mr.  
21                  Hibey does address the circumstances in this  
22                  case where refuted motions have been filed

1 already on this case.

2 But the Board said that the motion  
3 was untimely to begin with with respect to the  
4 filing of the Petition for Termination. Do I  
5 have a second?

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Any other  
8 comments?

9 MEMBER SILVERSTEIN: Yes.

10 CHAIRPERSON MILLER: Mr.  
11 Silverstein has seconded the motion and has  
12 some comment.

13 MEMBER SILVERSTEIN: Madam Chair,  
14 I'm a bit tired of this Agency being peppered  
15 by spurious requests by this licensee that do  
16 not in many cases have any tie to reality. We  
17 cannot deny them their right to petition us.  
18 However, the requests themselves certainly  
19 reflect poorly on the licensee. And that's  
20 all I'll say at this moment. They reflect  
21 quite poorly on the licensee.

22 CHAIRPERSON MILLER: Okay. Other

1       comments? And I think that's true. I think  
2       that further motions on the same subject would  
3       be futile, because this motion has been denied  
4       and I appreciate that there is frustration in  
5       responses to several motions on the same  
6       topic.

7                       But in any event, this one is  
8       denied and we have a second.

9                       All those in favor say aye.

10                      ALL: Aye.

11                      CHAIRPERSON MILLER: All those  
12       opposed? All those abstaining? The motion  
13       passes then 6-0-0 to deny.

14                      No. 2 on the Legal Agenda is a  
15       Petition to Terminate the Settlement Agreement  
16       dated September 20, 2006 filed by Stephen  
17       O'Brien for Public Bar located at 1214B 18th  
18       Street, N.W., License No. 071638.

19                      I move that we placard this  
20       petition. Do I have a second?

21                      MEMBER RODRIGUEZ: I second it.

22                      CHAIRPERSON MILLER: Mr. Rodriguez

1 has seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those  
5 opposed? All those abstaining? The motion  
6 passes 6-0-0.

7 No. 3 is an amendment to a  
8 settlement agreement dated January 25, 2014  
9 between ANC-2F and Metropole Residents and  
10 Clover Logan Circle, LLC and the establishment  
11 is Tortilla Coast located at 1545 P Street,  
12 N.W., License No. 86859.

13 I move that we approve this  
14 amendment. Do I have a second?

15 MEMBER SHORT: Second.

16 CHAIRPERSON MILLER: Mr. Short has  
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed? All those abstaining? The motion  
22 passes 6-0-0.

1                   No. 4 is a settlement agreement  
2                   dated September 9, 2009 between ANC-1A and  
3                   Local 11, LLC. Maple is formally known as  
4                   Local 11 and it is located at 3418 11th  
5                   Street, N.W., License No. 82211.

6                   I move that we approve with  
7                   modification to paragraph 1. Do I have a  
8                   second?

9                   MEMBER ALBERTI: Second. Oh,  
10                  wait, wait. It's No. 4?

11                  CHAIRPERSON MILLER: Um-hum.

12                  MEMBER ALBERTI: Paragraph 1,  
13                  paragraph 9 and paragraph 10.

14                  CHAIRPERSON MILLER: Oh, I'm  
15                  sorry. I didn't know you wanted all those.  
16                  Let me look at that. Paragraph 1 contains the  
17                  language loud, which may be unenforceable.  
18                  And what is 9? Let me look at that.

19                  MEMBER ALBERTI: 9 is the  
20                  requirement that they hire all local  
21                  residents.

22                  CHAIRPERSON MILLER: They hire

1 what?

2 MEMBER ALBERTI: 9 is the  
3 requirement that the licensee hire local  
4 residents.

5 CHAIRPERSON MILLER: Oh, okay.

6 MEMBER ALBERTI: I'm paraphrasing.

7 CHAIRPERSON MILLER: Okay. Right.  
8 No. 9, okay. And there was one more?

9 MEMBER ALBERTI: No. 10.

10 CHAIRPERSON MILLER: 10.

11 MEMBER ALBERTI: No. 10 has to do  
12 with the language that they can request the  
13 Board to issue a Show Cause, which they can't.  
14 They can register. We have language --

15 CHAIRPERSON MILLER: Right.

16 MEMBER ALBERTI: -- to remedy  
17 that, which says that they can request the  
18 Board's investigation. Request that the  
19 Board --

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: -- investigate.

22 CHAIRPERSON MILLER: Okay. And I

1 believe our legal counsel will go over this  
2 with them. Okay. So then I gather that the  
3 motion would be to approve with modifications  
4 to 1, 9 and 10.

5 MEMBER ALBERTI: I second it.

6 CHAIRPERSON MILLER: Okay. Mr.  
7 Alberti seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those  
11 opposed? All those abstaining? The motion  
12 passes 6-0-0.

13 No. 5 is for a request from E & J  
14 Gallo to provide retailers with products  
15 valued at more than \$50 and less than \$500.

16 I move that we approve this  
17 request. Do I have a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON MILLER: Mr.

20 Silverstein has seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those  
2 opposed? All those abstaining? The motion  
3 passes 6-0-0.

4 Okay. I think that -- wait, the  
5 Supplemental Legal Agenda. Yes, okay.

6 MEMBER ALBERTI: Yes.

7 CHAIRPERSON MILLER: No. 1 is a  
8 letter dated February 12, 2014 from Flora  
9 Lerenman related to Climax Restaurant and  
10 Hookah Bar located at 900 Florida Avenue,  
11 N.W., License No. 88290. And I'm on the  
12 Supplemental Legal Agenda now.

13 I move that we refer that letter  
14 to investigation, our investigations. Do I  
15 have a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr.

18 Silverstein has seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 No. 2, well, I guess we can call  
3 that moot now. It was considered in  
4 connection with No. 1 on the regular agenda.

5 And No. 3 is a request from St.  
6 Jude Research Hospital to provide alcohol  
7 products for an auction.

8 And I move that we approve this  
9 request. Do I have a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr.  
12 Silverstein seconded the motion. Any  
13 comments?

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those  
17 opposed? All those abstaining? The motion  
18 passes 6-0-0.

19 Okay. So that concludes our  
20 agenda for February 19, 2014.

21 Okay. I'm just going to take our  
22 vote on the closed meeting for next week.

1                   As Chairperson of the Alcoholic  
2 Beverage Control Board for the District of  
3 Columbia and in accordance with DC Official  
4 Code Section 2-574(b) of the Open Meetings  
5 Act, I move that the ABC Board hold a closed  
6 meeting on February 26, 2014 for the purpose  
7 of seeking legal advice from our counsel on  
8 the matters identified on the Board's Agenda  
9 for February 26, 2014 as published in the DC  
10 Register on February 21, 2014.

11                   Is there a second?

12                   MEMBER BROOKS: Second.

13                   CHAIRPERSON MILLER: I'll take a  
14 roll call vote on the motion before us now  
15 that it has been seconded.

16                   Mr. Brooks?

17                   MEMBER BROOKS: I agree.

18                   CHAIRPERSON MILLER: Mr. Alberti?

19                   MEMBER ALBERTI: I agree.

20                   CHAIRPERSON MILLER: Mr.

21 Rodriguez?

22                   MEMBER RODRIGUEZ: I agree.

1 CHAIRPERSON MILLER: Ms. Miller  
2 agrees.

3 Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON MILLER: Mr. Short?

6 MEMBER SHORT: I agree.

7 CHAIRPERSON MILLER: It appears  
8 that the motion has passed by a vote of 6-0-0.

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 a manner as practicable.

17 As Chairperson of the Alcoholic  
18 Beverage Control Board for the District of  
19 Columbia and in accordance with DC Official  
20 Code Section 2-574(b), closed meetings, and 2-  
21 574, notice of meetings, of the Open Meetings  
22 Act, I move that the ABC Board hold a closed

1 meeting on February 26, 2014 for the purpose  
2 of discussing and hearing reports concerning  
3 ongoing or planned investigation of alleged  
4 criminal or civil misconduct or violations of  
5 law or regulations and seeking legal advice  
6 from our counsel on the Board's Investigative  
7 Agenda for February 26, 2014 as published in  
8 the DC Register on February 21, 2014.

9 Is there a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr.

12 Silverstein has seconded the motion. I'll now  
13 take a roll call vote on the motion now that  
14 it has been seconded.

15 Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 MEMBER SHORT: Mr. Brooks?

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Mr.

21 Rodriguez?

22 MEMBER RODRIGUEZ: I agree.

1 CHAIRPERSON MILLER: Ms. Miller  
2 agrees.

3 Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON MILLER: And, Mr.  
6 Short?

7 MEMBER SHORT: I agree.

8 CHAIRPERSON MILLER: Okay. It  
9 appears that the motion has passed by a 6-0-0  
10 vote.

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

19 Okay. So that completes the  
20 agenda and the meetings. And what we have  
21 left for this afternoon is a hearing starting  
22 at 4:30. So the Board will recess and come

1 back then for that 4:30 hearing.

2 (Whereupon, the A.B.R.A. Agenda in  
3 the above-entitled matter was concluded at  
4 3:07 p.m.)

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