

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION

ADMINISTRATION BOARD

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IN THE MATTER OF: :

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A.B.R.A. AGENDA :

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MARCH 7, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

JEANNETTE MOBLEY, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

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

3:04 p.m.

CHAIRPERSON MILLER: Okay. The first matter on our agenda is a review of change of hours application for Don Jaime at 3209 Mt. Pleasant Street, N.W. It's License No. 21925. And this one doesn't have a voluntary agreement associated with it.

I would recommend that we approve these hour change requests.

MEMBER NOPHLIN: Second.

CHAIRPERSON MILLER: Second. Any comments?

(No audible response.)

CHAIRPERSON MILLER: Okay. All those in favor, say aye?

(Chorus of ayes.)

CHAIRPERSON MILLER: All those opposed?

(No audible response.)

CHAIRPERSON MILLER: All those abstaining?

1 (No audible response.)

2 CHAIRPERSON MILLER: Oh, wait a
3 minute. I want to back up. I would like to
4 change my recommendation here. I think that
5 there may be a substantial change in this
6 instance and we may want to placard it. So
7 why don't we take another look at the hours?

8 Okay. That's fine. This was not
9 the one that has a substantial change. So,
10 okay. So that one's approved.

11 No. 2 is a review of a letter
12 from the Licensee requesting termination of
13 two voluntary agreements. This is for
14 Magruder's at 5618 Connecticut Avenue, N.W.
15 A License No. 67 in ANC 3G.

16 I would recommend that we do
17 placard this one to terminate the voluntary
18 agreements. Do I have a second?

19 MEMBER MOBLEY: Second.

20 CHAIRPERSON MILLER: Any
21 comments?

22 (No audible response.)

1 CHAIRPERSON MILLER: Okay. All
2 those in favor, say aye?

3 (Chorus of ayes.)

4 CHAIRPERSON MILLER: All those
5 opposed?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those
8 abstaining?

9 (No audible response.)

10 CHAIRPERSON MILLER: The vote is
11 6-0-0 to placard.

12 Okay. The next one is a review
13 of a change of hours application changing
14 the hours of sales, consumption and sidewalk
15 caf, hours also. It's for Levante's at 1320
16 19th Street, N.W., License No. 26391.

17 Without going through all the
18 hours; maybe you all can look at them, but I
19 would recommend that we placard this one.

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON MILLER: Okay. Any
22 comments on this one?

1 (No audible response.)

2 CHAIRPERSON MILLER: The sidewalk
3 caf, in particular I think is --

4 MEMBER ALBERTI: Yes, I
5 understand. I see that, yes.

6 CHAIRPERSON MILLER: -- being
7 expanded.

8 MEMBER ALBERTI: I'll second
9 that.

10 CHAIRPERSON MILLER: Yes. Okay.
11 So we're going to -- all those in favor, say
12 aye?

13 (Chorus of ayes.)

14 CHAIRPERSON MILLER: All those
15 opposed?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those
18 abstaining?

19 (No audible response.)

20 CHAIRPERSON MILLER: So we're
21 going to placard that one by a vote of 6-0.

22 Okay. No. 4 is also a change of

1 hours for the Meeting Place, 1100 17th
2 Street, N.W., License No. 74661.

3 I would move that we approve this
4 one.

5 MEMBER SILVERSTEIN: Second.

6 CHAIRPERSON MILLER: Any
7 comments?

8 (No audible response.)

9 CHAIRPERSON MILLER: Okay. All
10 those in favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those
16 abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: The vote
19 passes 6-0-0.

20 No. 5 is a review of a change of
21 hours application to add Sunday hours of
22 operation and Sunday hours of sales and

1 service. It's for Nam's Market at 1327 W
2 Street, S.E., License No. 87641 in ANC 8A.

3 I would move that we approve
4 this. Do I have a second?

5 MEMBER NOPHLIN: Second.

6 CHAIRPERSON MILLER: Any
7 comments?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those in
10 favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those
16 abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: The vote is
19 6-0-0. It passes.

20 No. 6, review of letter from
21 Stephen O'Brien on behalf of Applicant
22 requesting approval of a temporary operating

1 retail permit until the license transfer
2 application is approved. It's in ANC 2B.
3 Hotel Palomar at 2121 P Street, N.W.,
4 License No. 71829.

5 I'd move that we would approve
6 this.

7 MEMBER ALBERTI: I second it.

8 CHAIRPERSON MILLER: All those in
9 favor, say aye?

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those
12 opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those
15 abstaining?

16 (No audible response.)

17 CHAIRPERSON MILLER: The vote is
18 6-0-0 to approve.

19 No. 7, review of change of hours
20 application.

21 MEMBER ALBERTI: For Bistro 18.

22 CHAIRPERSON MILLER: Okay. This

1 is a review of changes of hours application
2 involving Bistro 18 in ANC 1C at 2420 18th
3 Street, N.W., License No. 86876.

4 I would move that we deny this
5 change of hours. Do I have a second?

6 MEMBER ALBERTI: Second.

7 CHAIRPERSON MILLER: Any
8 comments?

9 MEMBER ALBERTI: I'll just note
10 that the request is in conflict with their
11 current voluntary agreement.

12 CHAIRPERSON MILLER: Right.
13 Okay. Any other comments?

14 (No audible response.)

15 CHAIRPERSON MILLER: Okay. All
16 those in favor, say aye?

17 (Chorus of ayes.)

18 CHAIRPERSON MILLER: All those
19 opposed?

20 (No audible response.)

21 CHAIRPERSON MILLER: All those
22 abstaining?

1 (No audible response.)

2 CHAIRPERSON MILLER: Then the
3 motion passes to deny this change in hours
4 as it's in conflict with an amendment to the
5 voluntary agreement.

6 No. 9, review of a change of
7 hours application to change premises hours
8 of operation and hours of sales,
9 consumption, hours of entertainment and
10 sidewalk caf, hours of operation and hours
11 of sales consumption for Cities at 919 19th
12 Street, N.W., License No. 86319. There's no
13 voluntary agreement in this case.

14 I would recommend that we approve
15 the application. Do I have a second?

16 MEMBER ALBERTI: Second it.

17 CHAIRPERSON MILLER: Any
18 comments?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those in
21 favor, say aye?

22 (Chorus of ayes.)

1 CHAIRPERSON MILLER: All those
2 opposed?

3 (No audible response.)

4 CHAIRPERSON MILLER: All those
5 abstaining?

6 (No audible response.)

7 CHAIRPERSON MILLER: The motion
8 passes by a vote of 6-0-0.

9 MEMBER ALBERTI: Madam Chair?

10 CHAIRPERSON MILLER: Yes?

11 MEMBER ALBERTI: I may have
12 missed it, but I believe you might have
13 skipped item 8, JB's Liquors?

14 CHAIRPERSON MILLER: Oh, I think
15 you're right. Okay. Let's go back to 8.

16 Eight, review of change of hours
17 application to change hours of operation and
18 hours of sales, service for JB Liquors
19 located at 3914 14th Street, N.W. in ANC 4C,
20 License No. 84240. And there's no voluntary
21 agreement in this case.

22 I would recommend that we approve

1 the application. Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Comments?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those in
6 favor, say aye?

7 (Chorus of ayes.)

8 CHAIRPERSON MILLER: All those
9 opposed?

10 (No audible response.)

11 CHAIRPERSON MILLER: All those
12 abstaining?

13 (No audible response.)

14 CHAIRPERSON MILLER: Then the
15 motion passes by a vote of 6-0-0.

16 I did 9, right?

17 MEMBER ALBERTI: Yes, you did 9.

18 CHAIRPERSON MILLER: Okay. No.

19 10 is also a review of a change of hours
20 application to change hours of operation and
21 hours of sales for Uncle Lee's Seafood in
22 ANC 7C at 1102 Eastern Avenue, N.E., License

1 No. 85918. And there's also no voluntary
2 agreement here.

3 I would move that we approve the
4 application.

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Any
7 comments?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those in
10 favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those
16 abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: The motion
19 passes 6-0.

20 No. 11 is a review of a letter
21 from licensee requesting reinstatement of a
22 canceled license. This is Dorchester

1 Market, 2480 16th Street, N.W., License No.
2 24861 in ANC 1C.

3 I would move that we approve this
4 upon payment of all outstanding fees. Do I
5 have a second?

6 MEMBER MOBLEY: Second.

7 CHAIRPERSON MILLER: Comments?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those in
10 favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those
16 abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: The motion
19 passes by a vote of 6-0-0.

20 No. 12, review of a letter dated
21 February 24th, 2012 from Paul Pascal
22 requesting permission to provide pipe

1 cleaning services for Premium Distributors
2 of WDC, LLC's products.

3 I would move to approve. Do I
4 have a second?

5 MEMBER NOPHLIN: Second.

6 CHAIRPERSON MILLER: Any
7 comments?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those in
10 favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those
16 abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: The vote is
19 6-0-0 on the motion. It passes.

20 No. 13, this is a review of
21 correspondence dated February 23rd, 2012
22 from Andrew Kline requesting review of a

1 report from the Applicant's sound engineer.
2 The establishment is To Be Determined, 3313
3 11th Street, N.W. and the License No. is
4 85471.

5 This is related to I believe a
6 case that I didn't participate on, so I will
7 defer to somebody else with respect to
8 action on this one.

9 MEMBER ALBERTI: I believe we're
10 postponing this for one week, so there
11 really is not vote, Madam Chair.

12 CHAIRPERSON MILLER: Okay. Good.
13 So that's the action.

14 No. 14, review of letter dated
15 February 10, 2012 regarding the January 18,
16 2012 summary suspension Board order for Mood
17 Lounge. Mood is at 1318 9th Street, N.W.,
18 License No. 86037. This is a letter which
19 asks for a reconsideration of one of our
20 conditions in an order after having a
21 summary suspension hearing regarding
22 promoters in which the establishment was

1 disallowed having may more promoters. And
2 they're asking us to consider that based on
3 the fact they're alleging that it's hurting
4 their business.

5 Okay. I would move to deny the
6 request given that the promoter was a big
7 part of the problem that we were dealing
8 with that day and an important part of our
9 order. Are there other -- do I have a
10 second, first of all?

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Okay. Are
13 there other comments on this?

14 MEMBER SILVERSTEIN: Madam Chair,
15 our permanent obligation is to ensure public
16 health and safety, peace, order and quiet.
17 We should deny this.

18 CHAIRPERSON MILLER: Okay.

19 Others?

20 (No audible response.)

21 CHAIRPERSON MILLER: All right.

22 Then there's a motion to deny the request

1 and it's been seconded. All those in favor,
2 say aye?

3 (Chorus of ayes.)

4 CHAIRPERSON MILLER: All those
5 opposed?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those
8 abstaining?

9 (No audible response.)

10 CHAIRPERSON MILLER: The vote is
11 6-0-0 to deny the request then.

12 Moving onto No. 15, review of a
13 joint motion to continue a show cause
14 hearing submitted on February 21, 2012 from
15 Andrew Kline, Rumors Restaurant, 1900 M
16 Street, N.W., License No. 71717.

17 Okay. So this is just a request
18 to reschedule and I'd move that we
19 reschedule it for June 13th, 2012 at 10:00
20 a.m. I think we announced that actually at
21 the end of our hearing that that was the
22 date that we would do it. Yes.

1 MEMBER ALBERTI: No, we didn't.

2 CHAIRPERSON MILLER: They were
3 supposed to be here?

4 MEMBER SILVERSTEIN: This is
5 matter is pending.

6 MEMBER ALBERTI: No, that was a
7 different matter.

8 CHAIRPERSON MILLER: That was a
9 different one?

10 MEMBER ALBERTI: That was a
11 different matter.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER SILVERSTEIN: This is a
14 matter pending before --

15 CHAIRPERSON MILLER: Okay. I'm
16 sorry. This is a different matter.

17 Okay. As this has come to us in
18 motion form, I would move that we approve
19 the motion. Do I have a second?

20 MEMBER NOPHLIN: Second.

21 CHAIRPERSON MILLER: Okay. All
22 those in favor, say aye?

1 (Chorus of ayes.)

2 CHAIRPERSON MILLER: All those
3 opposed?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those
6 abstaining?

7 (No audible response.)

8 CHAIRPERSON MILLER: The vote
9 passes 6-0-0.

10 No. 16 is review of a voluntary
11 agreement dated February 20th, 2012 between
12 Caf, Sorriso and a Group of Five or More
13 Individuals. Caf, Sorriso is located at
14 2311 Calvert Street, N.W., License No.
15 88262.

16 I would move that we approve this
17 voluntary agreement. Do I have a second?

18 MEMBER NOPHLIN: Second.

19 CHAIRPERSON MILLER: Any
20 comments?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those in

1 favor, say aye?

2 (Chorus of ayes.)

3 CHAIRPERSON MILLER: All those
4 opposed?

5 (No audible response.)

6 CHAIRPERSON MILLER: All those
7 abstaining?

8 (No audible response.)

9 CHAIRPERSON MILLER: And the vote
10 is 6-0-0 to approve.

11 Okay. As Chairperson of the
12 Alcoholic Beverage Control Board for the
13 District of Columbia and in accordance with
14 Section 405 of the Open Meetings Amendment
15 Act of 2010 I move that the ABC Board hold a
16 closed meeting on March 14th, 2012 for the
17 purpose of seeking legal advice from our
18 counsel on the matters identified on the
19 Board's agenda for March 14th, 2012 as
20 published in the D.C. Register on March 9th,
21 2012. Is there a second?

22 MEMBER NOPHLIN: Second.

1 CHAIRPERSON MILLER: I'll take a
2 roll call on the motion before us.

3 Mr. Nophlin?

4 MEMBER NOPHLIN: Agree.

5 CHAIRPERSON MILLER: Mr. Brooks?

6 MEMBER BROOKS: I agree.

7 CHAIRPERSON MILLER: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON MILLER: Ms. Miller
10 agrees.

11 Mr. Silverstein?

12 MEMBER SILVERSTEIN: I agree.

13 CHAIRPERSON MILLER: Ms. Mobley?

14 MEMBER MOBLEY: I agree.

15 CHAIRPERSON MILLER: As
16 Chairperson of the Alcoholic Beverage
17 Control Board for the District of Columbia
18 and in accordance with Section 405 of the
19 Open Meetings Amendment Act of 2010, I move
20 that the ABC Board hold a closed meeting on
21 March 14th, 2012 for the purpose of
22 discussing and hearing reports concerning

1 ongoing or planned investigations of alleged
2 criminal or civil misconduct or violations
3 of law or regulations and seeking legal
4 advice from our counsel on the Board's
5 investigative agenda for March 14th as
6 published in the D.C. Register on March 9,
7 2012. Is there a second?

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON MILLER: I'll take a
10 roll call now on the motion.

11 Mr. Nophlin?

12 MEMBER NOPHLIN: I agree.

13 CHAIRPERSON MILLER: Mr. Brooks?

14 MEMBER BROOKS: I agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON MILLER: Ms. Miller
18 agrees.

19 Mr. Silverstein?

20 MEMBER SILVERSTEIN: I agree.

21 CHAIRPERSON MILLER: Ms. Mobley?

22 MEMBER MOBLEY: I agree.

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CHAIRPERSON MILLER: Then the
motion passes by a vote of 6-0.

And that concludes our matters
for today. Thank you.

(Whereupon, the hearing was
concluded at 3:21 p.m.)

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