

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

March 25, 2015

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
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

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

11:15 p.m.

CHAIRPERSON MILLER: Okay. Ready?

MEMBER RODRIGUEZ: Yes, ma'am.

CHAIRPERSON MILLER: All right. We are here to do our agendas for March 25, 2015. But before we get into the agendas as published, we had a hearing this morning on Ibiza, Case Nos. 14-251-00308 and 15-251-00004, regarding a Cease and Desist Order that the Board issued and the licensee requested a hearing which we held this morning. And we heard his arguments and said that we would take it under advisement and make a decision today, if we could.

And therefore, I would move, since we have had that opportunity, that we issue a final order affirming Board Order No. 2015-102 on the grounds that the Cease and Desist Order still stands and it speaks for itself regarding the conditions that must be met before it can be lifted.

MEMBER SILVERSTEIN: I second, Madam

1 Chair.

2 CHAIRPERSON MILLER: Okay. Mr.
3 Silverstein seconded the motion. Any other
4 comments?

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 5-0-0. And we will issue a written order
10 which will be Order No. 2015-111.

11 MEMBER ALBERTI: Actually, I think the
12 -- it was 7-0-0. I think everyone was here.

13 CHAIRPERSON MILLER: Oh, for the vote?
14 Oh, people were --

15 MEMBER ALBERTI: For the vote, yes.
16 If you will reflect that.

17 CHAIRPERSON MILLER: Oh, okay. Thank
18 you.

19 MEMBER ALBERTI: Okay.

20 CHAIRPERSON MILLER: All right. Next,
21 now we can return to our published agendas
22 starting with the Supplemental Legal Agenda.

1 There was no regular Legal Agenda, just a
2 Supplemental.

3 The first item is a Motion for
4 Reconsideration denying license class change
5 dated March 13, 2015 filed by the applicant in
6 Good Hope Deli and Market located at 1736 Good
7 Hope Road, S.E., License No. 093974.

8 And No. 2 is a response to that Motion
9 for Reconsideration dated March 20, 2015 filed by
10 ANC-8A.

11 I would move that we deny the Motion
12 for Reconsideration on grounds that nothing has
13 changed really since our order.

14 MEMBER RODRIGUEZ: Seconded.

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

17 All those in favor say aye.

18 MEMBER BROOKS: Aye.

19 CHAIRPERSON MILLER: Aye.

20 MEMBER RODRIGUEZ: Aye.

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

1 MEMBER ALBERTI: I will abstain from
2 this vote.

3 CHAIRPERSON MILLER: Okay. So then
4 the vote is 3-0-1 to --

5 MEMBER ALBERTI: Mr. Jones, how do you
6 vote?

7 CHAIRPERSON MILLER: There are only
8 four here.

9 MEMBER JONES: Could you repeat that?
10 The whole thing?

11 CHAIRPERSON MILLER: I thought you
12 raised your hand.

13 MEMBER JONES: I didn't raise my hand.

14 CHAIRPERSON MILLER: Oh, okay.

15 MEMBER JONES: I apologize.

16 CHAIRPERSON MILLER: This is --

17 MEMBER JONES: It's totally my fault,
18 so I ask that you repeat that.

19 CHAIRPERSON MILLER: This is the
20 Motion for Reconsideration by Good Hope Deli and
21 Market.

22 MEMBER JONES: Oh.

1 MEMBER ALBERTI: I have to respect the
2 majority of the Board and I abstained. And I ask
3 that you do the same.

4 MEMBER JONES: Donald?

5 MEMBER ALBERTI: I respectfully --

6 MEMBER JONES: Are you involved in
7 this?

8 CHAIRPERSON MILLER: Did you vote?

9 MEMBER BROOKS: Good Hope?

10 CHAIRPERSON MILLER: It's 11:19. I
11 think that's why we are having a problem. Okay.
12 Did you vote?

13 MEMBER BROOKS: The first is to deny,
14 right?

15 CHAIRPERSON MILLER: Yes.

16 MEMBER BROOKS: And the second one is
17 moot.

18 CHAIRPERSON MILLER: Right. It's
19 related to that and we are -- yes.

20 MEMBER ALBERTI: So you're denying the
21 Motion for Reconsideration?

22 MEMBER BROOKS: Yes.

1 MEMBER ALBERTI: Okay.

2 MEMBER JONES: So it's 3-2.

3 CHAIRPERSON MILLER: Okay. So maybe
4 I -- how do you vote, Mr. Jones?

5 MEMBER JONES: Yes, for the Good Hope
6 situation, I'm in favor of them having an
7 opportunity to revisit this, so I'm not inclined
8 to vote in favor of that, but I --

9 CHAIRPERSON MILLER: So you're
10 opposed?

11 MEMBER JONES: -- will abstain.

12 CHAIRPERSON MILLER: You abstain?

13 MEMBER JONES: Yes, I'll abstain.

14 CHAIRPERSON MILLER: Are you
15 abstaining?

16 MEMBER ALBERTI: I --

17 CHAIRPERSON MILLER: Okay. Yes?

18 MEMBER ALBERTI: I will just comment
19 that I must respect the opinion -- I must respect
20 the decision of the majority of the Board, even
21 though I don't agree with it. So I can't bring
22 myself to oppose this, but I will abstain. I'm

1 not sure that makes sense, but --

2 CHAIRPERSON MILLER: Okay. Got it.

3 MEMBER ALBERTI: -- I'll leave it at
4 that.

5 CHAIRPERSON MILLER: Okay. All right.
6 So that's 3-0-2 with Alberti and Jones
7 abstaining. And the motion passes. Okay.

8 No. 3 is a settlement agreement
9 between ANC-3F and Thai Pad Restaurant dated
10 March 17, 2015. Thai Pad Restaurant is located
11 at 4481-B Connecticut Avenue, N.W., License No.
12 097573.

13 I move that we approve with
14 modifications to page 2, Clause 12. Let's look
15 at this, okay, which deals with meeting with the
16 ANC. I'm just trying to read my writing here.
17 No. 2, no. Okay. No. 3 and 4, paragraphs 3 and
18 4 should be modified so that they are consistent.
19 And there is one more.

20 MEMBER ALBERTI: No. 2.

21 CHAIRPERSON MILLER: No. 2?

22 MEMBER ALBERTI: So that --

1 CHAIRPERSON MILLER: Oh, that's right.
2 Go ahead, Mr. Alberti.

3 MEMBER ALBERTI: -- the verbiage
4 accurately reflects or so the verbiage is
5 consistent with the --

6 CHAIRPERSON MILLER: Certificate of
7 Occupancy?

8 MEMBER ALBERTI: -- Certificate of
9 Occupancy and that's all we are suggesting is
10 that they change the phrase 33 seats to 33 total
11 occupancy and that will make it consistent with
12 the C of O.

13 CHAIRPERSON MILLER: Okay. And I
14 believe our attorney, Ms. Raines is probably
15 going to go over these with the parties. Also,
16 I'm just wondering and I would like to -- I think
17 our attorney will ask them whether or not they
18 have a resolution by the ANC authorizing the
19 settlement agreement, which we normally get into
20 with settlement agreements.

21 All right. That being said, I'm going
22 to move that we approve with those modifications.

1 Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 5-0-0. Okay.

10 No. 4 is a settlement agreement
11 between ANC-3E and Burger Tap and Shake dated
12 March 12, 2015. Burger Tap and Shake is located
13 at 4445 Wisconsin Avenue, N.W., License No.
14 097478.

15 I move that we approve this settlement
16 agreement with modifications.

17 MEMBER ALBERTI: No. 1, the last
18 bullet contains a reference to a noise
19 measurement and we are recommending that that be
20 struck, but we are requiring that that
21 requirement be struck.

22 CHAIRPERSON MILLER: Relating to

1 decibel level. Is that right?

2 MEMBER ALBERTI: Relating to decibel
3 levels.

4 CHAIRPERSON MILLER: Right.

5 MEMBER ALBERTI: And I am offering a
6 friendly amendment that we approve the settlement
7 agreement under the stipulation that we first get
8 proof that the public space application has been
9 amended. So approval --

10 CHAIRPERSON MILLER: Right.

11 MEMBER ALBERTI: -- is contingent upon
12 the proof that the public space application has
13 been amended as alluded to in the settlement
14 agreement.

15 CHAIRPERSON MILLER: Okay. I also
16 have a note about adding that a reference to
17 unilateral termination. I think with respect to
18 -- I'm not sure which paragraph this is right now
19 for the application, that the agreement can be
20 unilaterally --

21 MEMBER ALBERTI: It's probably towards
22 the end.

1 CHAIRPERSON MILLER: -- amended. And

2 MEMBER ALBERTI: I didn't jot that
3 down. I'm sorry.

4 CHAIRPERSON MILLER: Okay. But that's
5 what -- okay, I see.

6 MEMBER ALBERTI: I'm sure it's towards
7 the end, it always is.

8 CHAIRPERSON MILLER: And then in
9 paragraph no. 6, the reference to successors and
10 assigns to be deleted. Remember that?

11 MEMBER ALBERTI: Um-hum.

12 CHAIRPERSON MILLER: Okay. So those
13 are the modifications. I'm going to move now
14 that we approve with those modifications. Do I
15 have a second?

16 MEMBER ALBERTI: Second. And
17 contingent upon proof that the public space
18 permit has been amended.

19 CHAIRPERSON MILLER: Yes. Including
20 that, yes, okay.

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Alberti 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 5-0-0.

7 Okay. No. 5 is a review of a letter
8 requesting modifications of Consent Order
9 regarding events submitted by Sarah Steele on
10 behalf of Stroga dated March 23, 2015. Stroga is
11 located at 1808 Adams Mill Road, N.W.

12 I am going to move that we postpone
13 this a week. I think we were interested in
14 getting a little bit more information. Am I
15 right?

16 MEMBER ALBERTI: Yes.

17 CHAIRPERSON MILLER: So do I have a
18 second?

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Mr. Alberti
21 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 5-0-0.

5 No. 6 is a settlement agreement
6 between ANC-6C and Sticky Fingers Bakery dated
7 March 20, 2015. Sticky Fingers Bakery is located
8 at 406 H Street, N.E., License No. 097260.

9 I move that we approve this settlement
10 agreement with two modifications. I believe the
11 first one is on page 2.

12 MEMBER ALBERTI: I have --

13 CHAIRPERSON MILLER: Do you have a
14 copy there?

15 MEMBER ALBERTI: No, I don't, but I
16 have the modifications to No. 8 and No. 10.

17 CHAIRPERSON MILLER: Okay. So No. 8
18 deals with ANC meetings and No. 10 deals with
19 Show Cause language, yes. Okay.

20 I move that we approve the settlement
21 agreement with respect to those modifications. I
22 mean, not with respect to those. I mean with

1 those modifications. Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 5-0-0.

10 No. 7 is a settlement agreement
11 between Washington Square Limited Partnership,
12 LLC and S&R Liquors dated March 11, 2015. S&R
13 Liquors is located at 1015 18th Street, N.W.,
14 License No. 097252.

15 I would move that we approve this
16 settlement agreement with the following
17 modifications: Page 1, Clause 2, deleting any
18 references to specific brands. And page 2, No.
19 7, also has some Show Cause language that needs
20 to be replaced with the correct language.

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Alberti 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 5-0-0.

7 That concludes our Supplemental Legal
8 Agenda. We can now turn to our Licensing
9 Agendas.

10 The first Licensing Agenda item is a
11 request from the landlord for involuntary
12 transfer of the license placed into safekeeping
13 by an evicted licensee. This is in reference to
14 New Town Kitchen and Lounge located at 1336 U
15 Street, N.W., License No. 093095.

16 I move that we refer this request to
17 legal. Do I have a second?

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON MILLER: Mr. Alberti
20 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 5-0-0.

4 No. 2 is a letter from Mr. Stephen
5 O'Brien, Attorney Stephen O'Brien, requesting the
6 addition of two additional vessels to the
7 licensee's fleet to be operated under one lease.
8 This is related to Potomac Riverboat Company, LLC
9 - Cherry Blossom, address 205 The Strand,
10 Alexandria, Virginia, License No. 007235.

11 I move that we refer this to
12 licensing.

13 MEMBER RODRIGUEZ: Correction, Madam
14 Chair.

15 CHAIRPERSON MILLER: Correction with
16 what?

17 MEMBER RODRIGUEZ: The correction is
18 license. I think you said lease.

19 CHAIRPERSON MILLER: Oh, okay.

20 MEMBER RODRIGUEZ: It might make a
21 difference.

22 CHAIRPERSON MILLER: Requesting two

1 additional vessels to the licensee's fleet to be
2 operated under one license. Thank you.

3 I move that we refer this to
4 licensing.

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti
7 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 5-0-0.

13 No. 3 is a review of a request for a
14 permit to administer the Washington, D.C. Alcohol
15 Certification Training Program through the
16 LIQUORExam.com online platform. LIQUORExam.com
17 is the establishment. Edward D. McLean, 2401
18 Windsong Trail, Round Rock, Texas.

19 Anyway, I move that we approve this
20 request. Do I have a second?

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Mr. Alberti

1 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 5-0-0.

7 No. 4 is an application for a
8 Manager's license for Gloria Gladys Campos
9 Verduguez, ABRA No. 098285.

10 I move that we approve. Do I have a
11 second?

12 MEMBER RODRIGUEZ: Second.

13 CHAIRPERSON MILLER: Mr. Rodriguez
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 5-0-0.

20 Next is a Supplemental Licensing
21 Agenda.

22 No. 1 is a letter from Ron Hunt of

1 Capitol Hill Cabaret, Inc. requesting an
2 involuntary transfer of license. The
3 establishment cited is AKA, Inc. located at 2046
4 West Virginia Avenue, N.E., License No. 084241.

5 I move that we refer this letter to
6 legal.

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti
9 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 5-0-0.

15 No. 2 is a request for a stipulated
16 license with letter of ANC support. This
17 establishment is Addis Ethiopian Restaurant, 707
18 H Street, N.E., License No. 097534, and the ANC
19 is ANC-6C.

20 I move that we approve.

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Mr. Alberti

1 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 5-0-0.

7 No. 3 is a review of a Certificate of
8 Occupancy for previously approved transfer of
9 license from Bud and Papa, Inc. to Precious Pies
10 and Catering, LLC. The establishment is Layla
11 Lounge located at 501 Morse Street, N.E., License
12 No. 097367.

13 This is an FYI. No action is
14 required.

15 And No. 4 is a review of revised plans
16 for a new full-service grocery store for Union
17 Kitchen located at 538 3rd Street, N.E., Retailer
18 B Grocery License No. 098204.

19 I move that we refer this again to
20 licensing for a week.

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Alberti 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 5-0-0.

7 Finally, is a Cancellation Agenda.
8 Okay. And we have one item on that Cancellation
9 Agenda, I believe. All right. That is --

10 MEMBER RODRIGUEZ: Ceiba.

11 CHAIRPERSON MILLER: -- Ceiba, ABRA
12 No. 060702, Retail C Restaurant at 1341 G Street,
13 N.W. The establishment appears to have ceased
14 operations. The licensees were advised in the
15 letter dated 2-3-15 to place license in
16 safekeeping within 10 days and the licensee did
17 not respond. Internet resources also indicate
18 that the establishment is closed.

19 Therefore, I move that we cancel the
20 license. Do I have a second?

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Mr. Alberti

1 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 5-0-0.

7 Okay. That concludes our agenda for
8 March 25, 2015. What is left is to vote on our
9 closed meetings for next week.

10 MEMBER ALBERTI: We are off the record
11 for the moment.

12 (Whereupon, the above-entitled matter
13 went off the record at 11:35 p.m. and resumed at
14 11:36 p.m.)

15 CHAIRPERSON MILLER: As Chairperson of
16 the Alcoholic Beverage Control Board for the
17 District of Columbia and in accordance with
18 Section 405 of the Open Meetings Amendment Act of
19 2010, I move that the ABC Board hold a closed
20 meeting on April 1, 2015 for the purpose of
21 seeking legal advice from our counsel on the
22 matters identified on the Board's Agenda for

1 April 1, 2015 as published in the DC Register on
2 no later than March 27, 2015.

3 Is there a second?

4 MEMBER ALBERTI: Second.

5 CHAIRPERSON MILLER: Mr. Alberti
6 seconded the motion. I'll now take a roll call
7 vote on the motion before us now that it has been
8 seconded.

9 Mr. Brooks?

10 MEMBER BROOKS: I agree.

11 CHAIRPERSON MILLER: Mr. Alberti?

12 MEMBER ALBERTI: I agree.

13 CHAIRPERSON MILLER: Mr. Rodriguez?

14 MEMBER RODRIGUEZ: I agree.

15 CHAIRPERSON MILLER: Ms. Miller
16 agrees.

17 And, Mr. Jones?

18 MEMBER JONES: I agree.

19 CHAIRPERSON MILLER: It appears the
20 motion has passed by a 5-0-0 vote.

21 I hereby give notice that the ABC
22 Board will hold this aforementioned closed

1 meeting pursuant to the Open Meetings Amendment
2 Act of 2010. Notice will also be posted on the
3 ABC Board hearing room bulletin board, placed on
4 the electronic calendar on ABRA's website and
5 published in the DC Register in as timely a
6 manner as practicable.

7 As Chairperson of the Alcoholic
8 Beverage Control Board for the District of
9 Columbia and in accordance with Section 405 of
10 the Open Meetings Amendment Act of 2010, I move
11 that the ABC Board hold a closed meeting on April
12 1, 2015 for the purpose of discussing and hearing
13 reports concerning ongoing or planned
14 investigations of alleged criminal or civil
15 misconduct or violations of law or regulations
16 and seeking legal advice from our counsel on the
17 Board's Investigative Agenda for April 1, 2015 as
18 published in the DC Register on March 27, 2015.

19 Is there a second?

20 MEMBER ALBERTI: Second.

21 CHAIRPERSON MILLER: Mr. Alberti

22 seconded the motion. I'll now take a roll call

1 vote on the motion before us now that it has been
2 seconded.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Mr. Alberti?

6 MEMBER ALBERTI: I agree.

7 CHAIRPERSON MILLER: Mr. Rodriguez?

8 MEMBER RODRIGUEZ: I agree.

9 CHAIRPERSON MILLER: Ms. Miller
10 agrees.

11 Mr. Jones?

12 MEMBER JONES: I agree.

13 CHAIRPERSON MILLER: It appears the
14 motion has passed by a 5-0-0 vote.

15 I hereby give notice that the ABC
16 Board will hold this aforementioned closed
17 meeting pursuant to the Open Meetings Amendment
18 Act of 2010. Notice will also be posted on the
19 ABC Board hearing room bulletin board, placed on
20 the electronic calendar on ABRA's website and
21 published in the DC Register in as timely a
22 manner as practicable.

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Okay. That concludes our business,
our agendas, our business, everything for March
25, 2015. And we are adjourned.

MEMBER ALBERTI: Great.

(Whereupon, the A.B.R.A. Agenda in the
above-entitled matter was concluded at 11:38
p.m.)

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