

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF:

April 2015 Agenda

CLOSED
HEARING

April 1, 2015

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Ms. La Verne Fletcher, Agent, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member HECTOR RODRIGUEZ, Member

MICHAEL SILVERSTEIN, Member

JAMES SHORT, Member

HERMAN JONES, Member

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

(5:48 p.m.)

1
2
3 CHAIR MILLER: Okay, we're back on the
4 record for the agendas for April 1, 2015. I
5 think we'll start with the legal agendas. First
6 item on the legal agenda is a settlement
7 agreement between ANC 2B and Parlay dated
8 February 24, 2015.

9 Parlay is located at 1827 M Street --
10 I think that's Northwest. Anyway, in Washington,
11 D.C. The License Number's 097074. So I would
12 move that we approve this settlement agreement
13 with certain modifications, which I will try to
14 identify.

15 Paragraph Number 2, Page 2, Clause 4,
16 the reference to dB's in noise measurement needs
17 to come out. Page 4, Clause 7, there is a
18 restraint on ownership that needs to come out, as
19 well.

20 And Page 1, there is a reference to
21 substantial change, and the Board has standard,
22 more appropriate language for that concept that

1 our counsel can discuss with the parties. So
2 that needs to be changed. So with those three
3 modifications, I move for approval. Do I have a
4 second?

5 MEMBER SHORT: Second.

6 CHAIR MILLER: Mr. Short has seconded
7 the motion. All those in favor, say I.

8 (Simultaneously Speaking)

9 CHAIR MILLER: All those opposed? All
10 those abstaining? Motion passes, 4-0-0. We next
11 go to our supplemental legal agenda, and the
12 first item on that supplemental legal agenda is a
13 letter requesting modification of the consent
14 order regarding events submitted by Sarah Steele.

15 So I don't think she's really --
16 well, wait a minute, AMR, LLC on behalf of Stroga
17 dated March 23, 2015. Stroga's located at 1808
18 Adams Mill Road Northwest. I don't know if she's
19 asking for a modification of the order, but she's
20 asking perhaps for some leeway in the order.

21 In sections to the order, she wants to
22 have -- she's requesting to be able to have three

1 events per month for just a few months where
2 there's a request for more events, such as
3 weddings, in the nicer weather.

4 MEMBER SILVERSTEIN: Madam Chair?

5 CHAIR MILLER: Yep?

6 MEMBER SILVERSTEIN: My understanding
7 was that she was willing to accept a yearly cap,
8 but was asking that we be flexible on the number
9 per month and did not set it at three. If, for
10 example, in June, there were a number of events
11 beyond that because of weddings.

12 I thought -- my understanding was
13 simply that the cap of 12, and that she would ask
14 permission for anything beyond two, that we would
15 approve anything beyond two per month.

16 CHAIR MILLER: Okay. So she
17 identified some in, like, August. She's already
18 identified three.

19 MEMBER SILVERSTEIN: Sure.

20 CHAIR MILLER: So my understanding,
21 and maybe it's really the same as yours, but
22 where she's identified them already in her

1 request, we could grant approval if we so choose.

2 MEMBER SILVERSTEIN: Sure.

3 CHAIR MILLER: And then you were
4 saying, you know, yes what do we want to say to -
5 -

6 MEMBER SHORT: Well I --

7 CHAIR MILLER: Yeah?

8 MEMBER SHORT: -- I understood
9 anything that went past the two, we would have to
10 look at separately, which the two -- we said two
11 per month. Any time she went past the two a
12 month, up to the 12, any time it was more than
13 two a month, then we'd have to look at it on a
14 case by case basis.

15 CHAIR MILLER: Right, except -- all
16 I'm saying is --

17 MEMBER SILVERSTEIN: It's beyond the
18 current --

19 CHAIR MILLER: -- she's already
20 requested some in her letter here so that we can
21 approve those if we so choose now. And then in
22 the future, if she requests more than -- greater

1 than two for another month, she'd have to submit
2 the request to us.

3 MEMBER SHORT: Now, two per month.

4 So how many does she have more than two per month
5 through the end of the year as of this date?

6 MEMBER ALBERTI: She has --

7 CHAIR MILLER: One.

8 MEMBER ALBERTI: -- not reached her
9 cap of 12.

10 CHAIR MILLER: No.

11 MEMBER ALBERTI: We're not giving a
12 blanket approval. She has not reached her cap of
13 12.

14 MEMBER SHORT: Okay.

15 MEMBER ALBERTI: She has requested
16 events beyond two for, I think August and --

17 MEMBER SILVERSTEIN: And June.

18 MEMBER ALBERTI: -- and June.

19 CHAIR MILLER: No, well --

20 MEMBER ALBERTI: And I think the
21 motion is to approve her request for those
22 additional events.

1 CHAIR MILLER: All right. I'm going
2 to read her little paragraph. It says, "We write
3 to you today with a logistics question in which
4 we would like your input. Per Consent Order
5 2015-016, Stroga is permitted to have 12 events
6 per year, and no more than two per month.

7 Due to the abrupt halt to the event
8 pipeline at the end of last year and the meetings
9 in January, we missed five event possibilities.
10 We're getting a lot of inquiries for weddings in
11 August and October, and we'd like to know if we
12 can do more than two events per month, so long as
13 we stay within the parameter of doing no more
14 than 12 per year."

15 So okay, this is what I'm saying.
16 She's requested, in this letter, that they
17 already have identified an extra event in August,
18 beyond two, it's three. We can approve that
19 today, I think, if we so choose.

20 And then I'm saying, in the future
21 though, are we saying she can request it? She
22 has to request it if it's more than two --

1 MEMBER ALBERTI: In the future, she
2 must request permission for any events beyond two
3 per month.

4 CHAIR MILLER: Right.

5 MEMBER ALBERTI: And any events beyond
6 12 per year.

7 CHAIR MILLER: Fine. I would agree
8 with that. Okay.

9 MEMBER SHORT: So in August, she will
10 have three --

11 CHAIR MILLER: In August.

12 MEMBER SHORT: -- if we grant this.

13 CHAIR MILLER: Yes.

14 MEMBER SHORT: How many people, and
15 what times?

16 CHAIR MILLER: Up to 200 people, up
17 until midnight. All of their requests appear to
18 be only until midnight. So they're not going
19 beyond the hours.

20 MEMBER SILVERSTEIN: And you could
21 explain what they are, which are --

22 CHAIR MILLER: That's a rehearsal

1 dinner.

2 MEMBER SILVERSTEIN: Okay.

3 CHAIR MILLER: Most of these are
4 related to weddings and, you know, weddings. So
5 this would be a rehearsal dinner, cocktail
6 reception.

7 MEMBER SHORT: And that sounds clear.
8 That's clear, and --

9 CHAIR MILLER: Okay.

10 MEMBER RODRIGUEZ: And Madam Chair,
11 what times do they -- at least give me a time
12 range for it.

13 CHAIR MILLER: They don't go beyond
14 midnight, any of them. They start at, like, four
15 to midnight.

16 MEMBER RODRIGUEZ: Oh.

17 CHAIR MILLER: Or two to midnight, a
18 couple, and they're all here related to weddings
19 that I can see.

20 MEMBER RODRIGUEZ: Yeah. And it does
21 have a -- there's parking in the neighborhood,
22 that's for sure, particularly for the --

1 CHAIR MILLER: Yeah, and she's still
2 governed by the rest -- by the order.

3 MEMBER RODRIGUEZ: Yeah.

4 CHAIR MILLER: We're just saying --
5 she just wanted to know, the order limited them
6 to two a month. So we're saying, okay, you can
7 have three, but on a case by case basis. You've
8 presented August to us, we're approving it. We
9 just want to see it. Correct?

10 MEMBER SHORT: Anything about June?
11 So nothing's been --

12 CHAIR MILLER: I don't see June.

13 MEMBER ALBERTI: No, that was an
14 error.

15 MEMBER SHORT: Okay. All right.

16 CHAIR MILLER: She anticipates
17 October. I think they may have more requests for
18 in October.

19 MEMBER ALBERTI: And we'll entertain
20 those when she makes --

21 CHAIR MILLER: Yeah.

22 MEMBER ALBERTI: -- the request.

1 CHAIR MILLER: When she identifies
2 what they are, exactly --

3 MEMBER ALBERTI: Okay.

4 CHAIR MILLER: -- and how many people,
5 same kind of thing. Okay?

6 MEMBER ALBERTI: All right. Yeah.

7 CHAIR MILLER: Okay. So as I said, we
8 approve it as articulated, unless you want me to
9 articulate --

10 MEMBER ALBERTI: So really, what we're
11 approving is the one additional event for August?

12 CHAIR MILLER: One additional event
13 for August, and then she -- the Board will
14 consider additional events, you know, beyond two
15 on a case by case basis.

16 MEMBER ALBERTI: Yes, I'll second that
17 motion.

18 CHAIR MILLER: Okay. All those in
19 favor, say I.

20 (Simultaneously Speaking)

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

1 Okay, Number 2 is a petition to unilaterally
2 amend or terminate a settlement agreement for
3 Logan Circle Liquors, located at 1018 Rhode
4 Island Avenue Northwest, License Number 086950.

5 I move that we deny this
6 petition on grounds that they didn't show due
7 diligence in contacting the -- I believe, the
8 parties -- the signature is to the settlement
9 agreement. At least, they did indicate it
10 sufficiently on the application. Any comments --
11 do I have a second on that?

12 MEMBER SHORT: Second.

13 CHAIR MILLER: Any comments on that?

14 Okay, then all in favor, say I.

15 (Simultaneously Speaking)

16 CHAIR MILLER: All opposed? All
17 abstaining? Motion passes, 6-0-0. Number 2 is a
18 petition to unilaterally amend or terminate a
19 settlement agreement by Rose's Liquors, located
20 at 830 Bladensburg Road Northeast. License Number
21 60822.

22 I move that we deny this
application to terminate for the same reasons,

1 that the diligence has not --

2 MEMBER SHORT: Second.

3 CHAIR MILLER: -- been indicated in
4 the petition.

5 MEMBER SHORT: Second.

6 CHAIR MILLER: Okay. It's been
7 seconded. All those in favor, say I.

8 (Simultaneously Speaking)

9 CHAIR MILLER: All those opposed? All
10 those abstaining? Motion passes, 6-0-0. Number
11 4, petition to unilaterally amend or terminate a
12 settlement agreement for S&S Liquors, located at
13 6925 4th Street Northwest. License Number
14 072300.

15 I move that we deny this petition, as
16 well, for the same reasons, that the due
17 diligence is not indicated in the -- sufficiently
18 in the application. Do I have a second?

19 MEMBER ALBERTI: Second.

20 CHAIR MILLER: Mr. Alberti seconded
21 the motion. All those in favor, say I.

22 (Simultaneously Speaking)

1 CHAIR MILLER: All those opposed? All
2 those abstaining? 6-0-0, motion passes.

3 MEMBER SHORT: Mr. Rodriguez.

4 CHAIR MILLER: Oh, did you --

5 MEMBER RODRIGUEZ: No, no, no --

6 CHAIR MILLER: -- I'm sorry.

7 MEMBER RODRIGUEZ: -- I have a
8 question --

9 CHAIR MILLER: Okay.

10 MEMBER RODRIGUEZ: -- after you finish
11 this.

12 CHAIR MILLER: Would it have changed
13 the vote?

14 MEMBER RODRIGUEZ: I would like to --

15 CHAIR MILLER: Yes.

16 MEMBER RODRIGUEZ: -- kind of with
17 respects

18 CHAIR MILLER: Okay.

19 MEMBER RODRIGUEZ: Reconsider my vote
20 on Stoga. And I want to vote opposed. I was
21 not clearly thinking, and I'm opposing to the
22 Stoga request. I --

1 CHAIR MILLER: You need --

2 MEMBER RODRIGUEZ: -- apologize for
3 any inconvenience.

4 CHAIR MILLER: -- you need to make --

5 MEMBER RODRIGUEZ: I don't know if
6 it's too late.

7 CHAIR MILLER: -- It already -- I
8 don't know. All right. Officially, you need to
9 make a motion to reconsider, and have it be
10 seconded, and we vote again.

11 MEMBER RODRIGUEZ: Oh. When can I do
12 that?

13 (Simultaneously Speaking)

14 CHAIR MILLER: You can do it right
15 now.

16 MEMBER RODRIGUEZ: Can I do it?

17 CHAIR MILLER: Mm-hmm.

18 (Simultaneously Speaking)

19 MEMBER RODRIGUEZ: Okay. Madam Chair,
20 I make a motion to -- that we oppose the --

21 MEMBER ALBERTI: No, just say you make
22 a motion to reconsider.

1 CHAIR MILLER: To reconsider.

2 MEMBER RODRIGUEZ: Oh. I make a
3 motion to reconsider the Stroga vote.

4 MEMBER ALBERTI: Second.

5 CHAIR MILLER: Okay. Motion to -- Mr.
6 Rodriguez made a motion to reconsider the vote.
7 It's been seconded by Mr. Alberti. So the vote
8 is to approve the Stroga request --

9 MEMBER ALBERTI: No, the vote is to --
10 whether to --

11 CHAIR MILLER: To reconsider.

12 MEMBER ALBERTI: -- to reconsider.

13 MEMBER RODRIGUEZ: Reconsider the
14 vote.

15 MEMBER ALBERTI: So just take a vote
16 on whether to reconsider.

17 CHAIR MILLER: Okay. All those in
18 favor, say I.

19 (Simultaneously Speaking)

20 CHAIR MILLER: All those opposed?

21 MEMBER RODRIGUEZ: I.

22 CHAIR MILLER: You're not opposed to

1 reconsidering?

2 MEMBER ALBERTI: No, he didn't say
3 he's approving. It's unanimous to reconsider.

4 MEMBER SHORT: It's his motion.

5 MEMBER ALBERTI: Right, it's his
6 motion.

7 CHAIR MILLER: It's your motion.

8 MEMBER ALBERTI: So the motion to
9 reconsider is passed unanimously.

10 MEMBER SHORT: Oh all right.

11 CHAIR MILLER: You passed it.

12 MEMBER ALBERTI: No. No, no, no, no,
13 no, no, no, no, no. No. So we are now
14 reconsidering.

15 CHAIR MILLER: We took a vote to
16 reconsider.

17 MEMBER ALBERTI: Right, voted to
18 reconsider. And now we're back to the original
19 topic.

20 CHAIR MILLER: Okay, does everybody
21 recall the -- that the vote for Stroga was a
22 motion to basically approve their request that

1 they could have more than three -- two events in
2 a month. Including in the approval is
3 the third one they identified for August, and
4 then all other ones would need to be brought to
5 the Board, though, on a case by case basis.

6 MEMBER ALBERTI: Right.

7 CHAIR MILLER: Okay, that's the
8 motion. Do I have a second?

9 MEMBER ALBERTI: Second.

10 CHAIR MILLER: Okay, all those in
11 favor say I.

12 (Simultaneously Speaking)

13 CHAIR MILLER: All those opposed?

14 MEMBER RODRIGUEZ: Opposed.

15 CHAIR MILLER: Okay, then the motion
16 passes, 5-0-1, with Mr. Rodriguez dissenting.

17 MEMBER SHORT: 5-1-0.

18 CHAIR MILLER: You're right, thank
19 you. Correction, 5-1-0. Okay. Finally on this
20 supplemental legal agenda is a settlement
21 agreement between ANC 6C and Addis Ethiopian
22 Restaurant dated March 19, 2015. Addis Ethiopian

1 Restaurant is located at 707 8th Street
2 Northeast. License Number 097534.

3 I move that we approve this settlement
4 agreement, with modifications as follows. It
5 says Page 1, okay, last paragraph, some words
6 apparently need to be -- apparently are missing
7 after the word "noise" in the second sentence of
8 that last paragraph.

9 So they need to be added in to make
10 sense of that sentence. Page 2, Clause 8. Okay,
11 let's look at Clause 8. Oh, you don't have it in
12 front of you. Can I read it?

13 MEMBER ALBERTI: Yeah, go ahead.

14 CHAIR MILLER: Because I'm not sure --
15 Clause 8 says, "Communication with Protestant.
16 Applicant agrees to meet, as reasonably requested
17 but not less than every 30 days if so requested,
18 with the Protestants --" okay, "or any of them
19 to address any proceed problems arising from the
20 operation of the business.

21 Applicant agrees to work in good faith
22 with the Protestants to resolve any such

1 problems." So I think that the issue is, with
2 respect to the first sentence, mandating that
3 they meet every -- not less than every 30 days.

4 MEMBER ALBERTI: Well, they can't even
5 require a meeting.

6 CHAIR MILLER: Yeah. This last
7 sentence is okay, "Agrees to work in good faith -
8 -".

9 MEMBER ALBERTI: Yes.

10 CHAIR MILLER: Okay.

11 MEMBER ALBERTI: The last sentence is
12 fine.

13 CHAIR MILLER: All right. And Number
14 -- so Number 1 would need to come out or be
15 modified, and -- the first sentence, I mean, in
16 Clause 8. And then Number 10, it's another place
17 where -- refers to show cause language, and the
18 Board has some standard show cause language that
19 is more appropriate.

20 So that needs to be substituted, and
21 our general counsel will work with them on it.
22 Okay, so I move that we approve this settlement

1 agreement with modifications, as indicated, to
2 those three areas. Do I have a second?

3 MEMBER SILVERSTEIN: Second.

4 CHAIR MILLER: Mr. Silverstein has
5 seconded the motion. All those in favor, say I.

6 (Multiple Speakers)

7 CHAIR MILLER: I. All those opposed?
8 All those abstaining? Motion passes, 6-0-0.

9 Okay, that completes the legal agenda.

10 (Off the record comments.)

11 CHAIR MILLER: Licensing agenda, okay.
12 First item on the licensing agenda is a review
13 for safekeeping of license for Beau Thai
14 Restaurant, located 1700 New Jersey Avenue
15 Northwest. License Number 086393. I move that
16 we approve safekeeping for a period of six
17 months. Do I have a second?

18 MEMBER ALBERTI: Second.

19 CHAIR MILLER: Mr. Silverstein
20 seconded the motion. All those in favor, say I.

21 (Simultaneously Speaking)

22 CHAIR MILLER: All those opposed? All

1 those abstaining? Motion passes, 6-0-0. Number
2 2 is an application for safekeeping of license
3 for New Orleans Café, located at 2412 18th Street
4 Northwest. License Number 021784. I move that
5 we approve --

6 MEMBER SHORT: Second.

7 CHAIR MILLER: -- for a period of six
8 months. Mr. Short seconded the motion. All
9 those in favor, say I.

10 (Simultaneously Speaking)

11 CHAIR MILLER: I. All those opposed?
12 All those abstaining? Motion passes 6-0-0.
13 Number 3 is an application for safekeeping for De
14 Vinos, which is at 2001 18th Street Northwest.
15 Retailer B Grocery License Number 074817. I move
16 that we approve for a period of six months. Do I
17 have a second?

18 MEMBER ALBERTI: Second.

19 CHAIR MILLER: Mr. Alberti seconded
20 the motion. All those in favor, say I.

21 (Simultaneously Speaking)

22 CHAIR MILLER: All those opposed?

1 Motion passes, 6-0-0. Number 4 is a letter from
2 Andrew Kline conceding the substantial change in
3 the nature of operations of the establishment to
4 include expansion of the premises, and additional
5 requests of forthcoming and developing agendas.

6 This is for Dacha Beer Garden, located
7 at 1600 7th Street Northwest. License Number
8 092773. This establishment is also the subject
9 of requests in Number 5, 6, and 7. Five deals
10 with class change, 6 deals with --

11 MEMBER ALBERTI: Change of hours.

12 CHAIR MILLER: -- change of hours, 7
13 deals with an entertainment endorsement. I move
14 that we postpone consideration of all four for a
15 -- one, two, three, all three requests until next
16 week.

17 MEMBER SHORT: Second.

18 CHAIR MILLER: Okay, seconded. Mr.
19 Short seconded the motion. All those in favor,
20 say I.

21 (Simultaneously Speaking)

22 CHAIR MILLER: All those opposed? All

1 those abstaining? Motion passes 6-0-0. Number 8
2 is a request for change of hours for Super Saver
3 Grocery and Deli located at 4413 14th Street
4 Northwest. License Number 011247. And I move
5 that we approve their request. Do I have a
6 second?

7 MEMBER ALBERTI: Second.

8 CHAIR MILLER: Mr. Alberti seconded
9 the motion. All those in favor, say I.

10 (Simultaneously Speaking)

11 CHAIR MILLER: All those opposed? All
12 those abstaining? Motion passes 6-0-0. Number 9
13 is a request for change of hours to an
14 entertainment endorsement for Stetson's, located
15 at 1610 U Street Northwest. License Number
16 060455. I move that we placard this request. Do
17 I have a second?

18 MEMBER RODRIGUEZ: Second.

19 CHAIR MILLER: Mr. Rodriguez seconded
20 the motion. All those in favor, say I.

21 (Simultaneously Speaking)

22 CHAIR MILLER: All those opposed? All

1 those abstaining? Motion passes 6-0-0. Number
2 10 is an application for entertainment
3 endorsement for Kokeb, located at 3013 Georgia
4 Avenue Northwest. License Number 089933. And I
5 move that we placard this.

6 MEMBER ALBERTI: Second.

7 CHAIR MILLER: All those in favor?
8 I'm sorry, Mr. Alberti seconded the motion. All
9 those in favor, say I.

10 (Simultaneously Speaking)

11 CHAIR MILLER: All those opposed? All
12 those abstaining? Motion passes, 6-0-0. Number
13 11 is an application for a new Retailer B grocery
14 store with accompanying Retailer C restaurant.
15 It's Centrolina located at 974 Palmer Alley
16 Northwest. License Numbers 098356/098364. I
17 move that we refer to licensing. Do I have a
18 second?

19 MEMBER SHORT: Second.

20 CHAIR MILLER: Mr. Short seconded the
21 motion. All those in favor, say I.

22 (Simultaneously Speaking)

1 CHAIR MILLER: All those opposed? All
2 those abstaining? Motion passes 6-0-0. Number
3 12 is an application for a manager's license for
4 Gary Matthew Bridges, ABRA Number 098355. I move
5 that we approve. Do I have a second?

6 MEMBER ALBERTI: Second.

7 CHAIR MILLER: Mr. Alberti seconded
8 the motion. All those in favor, say I.

9 (Simultaneously Speaking)

10 CHAIR MILLER: All those opposed?

11 MEMBER SHORT: Opposed.

12 CHAIR MILLER: All those abstaining?

13 The motion passes 5-1-0, with Mr. Short
14 dissenting. We have a supplemental licensing
15 agenda. First on the agenda is a request to
16 remove license from safekeeping status by
17 Optimism, located at 3301 12th Street Northeast.
18 License Number 083552. I move that we approve
19 this request.

20 MEMBER ALBERTI: Second.

21 CHAIR MILLER: Mr. Alberti seconded
22 the motion. All those in favor, say I.

1 (Simultaneously Speaking)

2 CHAIR MILLER: All those opposed? All
3 those abstaining? Motion passes 6-0-0. Number 2
4 is a letter from Roderic Woodson requesting a
5 summer garden endorsement for the penthouse
6 rooftop bar of Beacon Hill and Corporate
7 Quarters, located at 1615 Rhode Island Avenue
8 Northwest. License Number 077109. I move that
9 we placard this request.

10 MEMBER ALBERTI: Second.

11 CHAIR MILLER: Mr. Alberti seconded
12 the motion. All those in favor, say I.

13 (Simultaneously Speaking)

14 CHAIR MILLER: All those opposed? All
15 those abstaining? Motion passes 6-0-0. Number 3
16 is a request for reinstatement of a cancelled
17 license upon payment of second year fees and
18 associated late fees. This is for Recess Bar,
19 727 15th Street Northwest. I move that we deny
20 this request.

21 MEMBER ALBERTI: Second.

22 CHAIR MILLER: Mr. Alberti has

1 seconded the motion. All those in favor, say I.

2 (Simultaneously Speaking)

3 CHAIR MILLER: All those opposed? All
4 those abstaining? Motion passes 6-0-0. Number 4
5 is a request for involuntary transfer of license
6 to AMS Limited Partnerships. This is for
7 Heritage India/Skewers/Café Luna, located at 1633
8 P Street Northwest. License Number 090128. I
9 move that we approve this request.

10 MEMBER ALBERTI: Second.

11 CHAIR MILLER: Mr. Alberti seconded
12 the motion. All those in favor, say I.

13 (Simultaneously Speaking)

14 CHAIR MILLER: All those opposed? All
15 those abstaining? Motion passes 6-0-0. Number 5
16 is a request for temporary storage permits until
17 transferred to new locations or approved.

18
19 This is for Winebow, at least that's
20 one of them, I believe, at 3330 New York Avenue
21 Northeast. License Number 072284. I move that
22 we hold a fact finding here on all those

1 requests. Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIR MILLER: Mr. Alberti seconded
4 the motion. All those in favor, say I.

5 (Simultaneously Speaking)

6 CHAIR MILLER: All those opposed? All
7 those abstaining? Motion passes 6-0-0.

8 MEMBER ALBERTI: On Number 5, the
9 other establishment that's related to this is
10 Country Vintners.

11 CHAIR MILLER: Thank you. Okay.
12 Number 6 is an application to a letter from
13 attorney Stephen J. O'Brien requesting the
14 addition of two additional vessels to the
15 licensee's fleet to be operated under one
16 license. Potomac Riverboat Company, LLC-Cherry
17 Blossom 205. License Number 007235. I move that
18 we approve.

19 MEMBER ALBERTI: Second.

20 CHAIR MILLER: Mr. Alberti seconded
21 the motion. All those in favor, say I.

22 (Simultaneously Speaking)

1 CHAIR MILLER: All those opposed? All
2 those abstaining? Motion passes 6-0-0. Number 7
3 is District Liquors, it's a -- let's see. Oh,
4 it's information that we reviewed in connection
5 with their application for Class A Renewal.

6 District Liquors is located at 1211
7 11th Street Northwest. License Number 00023. I
8 move that we deny the application, and would
9 state that applicant will be provided an
10 opportunity to request a hearing of this
11 decision. Do I have a second?

12 MEMBER SHORT: Second.

13 CHAIR MILLER: Mr. Short has seconded
14 the motion. All those in favor, say I.

15 (Simultaneously Speaking)

16 CHAIR MILLER: All those opposed? All
17 those abstaining? Motion passes 6-0-0. Number 8
18 is an application for a Retailer Class C tax
19 license with Summer Garden.

20 MEMBER ALBERTI: This is the same
21 place. This is the in the area of the first
22 builds. First Street.

1 CHAIR MILLER: This is for Bardo
2 Riverfront, 25 Potomac Avenue Southeast. License
3 Number 098547.

4 MALE PARTICIPANT: Everybody wants it.
5 (Simultaneously Speaking)

6 MALE PARTICIPANT: This is a fact
7 finding.

8 CHAIR MILLER: Yeah.

9 MEMBER ALBERTI: The recommendation
10 was fact finding.

11 CHAIR MILLER: And you --

12 MEMBER ALBERTI: All right, I'm just
13 -- okay.

14 (Multiple Speakers)

15 MEMBER ALBERTI: This one is -- we're
16 talking about Bardo Riverfront?

17 MALE PARTICIPANT 1: Did we go off the
18 record?

19 CHAIR MILLER: No, we're on the
20 record. He's --

21 MEMBER ALBERTI: We're on the record.

22 CHAIR MILLER: Yeah.

1 MEMBER ALBERTI: Bardo Riverfront,
2 this is an application for a liquor license that
3 would occupy two acres along Potomac Avenue,
4 south of --

5 CHAIR MILLER: Oh.

6 MEMBER ALBERTI: -- the stadium.

7 CHAIR MILLER: Okay.

8 MEMBER ALBERTI: We have considered
9 applications for this area before, if you
10 remember.

11 CHAIR MILLER: Yeah.

12 MEMBER SHORT: Yeah.

13 CHAIR MILLER: Okay.

14 MEMBER ALBERTI: And so this would be

15 --

16 CHAIR MILLER: Okay.

17 MEMBER ALBERTI: -- so the sports
18 fields and the liquor licensing of a beer garden.
19 So that's what this is about.

20 CHAIR MILLER: All right. I
21 definitely would move for a fact finding. Okay.

22 MEMBER ALBERTI: I'll second that.

1 CHAIR MILLER: Okay.

2 MEMBER ALBERTI: Thought you would.

3 CHAIR MILLER: Mr. Alberti seconded
4 the motion. All those in favor, say I.

5 (Simultaneously Speaking)

6 CHAIR MILLER: All those opposed? All
7 those abstaining? Motion passes 6-0-0. Second
8 supplemental licensing agenda is a request from
9 landlord for involuntary transfer on license.
10 License to safekeeping by evicted licensee.

11 So this description says this is
12 related to New Town Kitchen and Lounge, located
13 1336 U Street Northwest. License Number 093095.
14 My understanding, and please correct me if I'm
15 wrong, is that the landlord is actually in
16 possession of the license, but it should be in
17 safekeeping right now.

18 And that therefore, I would move that
19 the landlord put it into safekeeping now, and
20 then make a request that it come out of
21 safekeeping.

22 MEMBER SHORT: Physically put it into

1 safekeeping?

2 MEMBER ALBERTI: Well actually, may I
3 make the motion? I move --

4 CHAIR MILLER: Yes, go ahead.

5 MEMBER ALBERTI: -- I move that we
6 approve the transfer, contingent upon placing the
7 license in safekeeping.

8 MEMBER SHORT: Then it'd be
9 surrendered to the ABC Board.

10 MEMBER ALBERTI: Contingent upon
11 placing it in safekeeping. So when the landlord
12 who now possesses it comes in and places it in
13 safe -- makes an application to put it in
14 safekeeping, and that's approved, then we will
15 approve the transfer.

16 CHAIR MILLER: Okay.

17 MEMBER ALBERTI: Okay?

18 MEMBER RODRIGUEZ: I second that
19 motion, Madam Chair.

20 CHAIR MILLER: Okay, but just to say,
21 we're not necessarily -- we're going to have to
22 approve it again. We're going to have to approve

1 it -- correct?

2 MEMBER ALBERTI: No, it'll be
3 approved. As soon as the safekeeping -- as soon
4 as it is placed into safekeeping, the transfer
5 will approve -- will trigger the -- it'll trigger
6 the approval of the transfer. So we will see the
7 safekeeping application --

8 CHAIR MILLER: Yeah.

9 MEMBER ALBERTI: -- and we will
10 approve that. And once that's approved, the
11 transfer application will automatically trigger.
12 That will have been approved.

13 CHAIR MILLER: Okay. So at any --

14 MEMBER ALBERTI: So that's what our
15 action is today.

16 CHAIR MILLER: -- in any event,
17 though, we will need to do one more approval
18 before --

19 MEMBER ALBERTI: On the safekeeping,
20 yes.

21 CHAIR MILLER: Yeah. Okay. Well,
22 everybody comfortable with Mr. Alberti's motion?

1 MEMBER RODRIGUEZ: I second that.

2 CHAIR MILLER: Okay. All those in
3 favor, say I.

4 (Simultaneously Speaking)

5 CHAIR MILLER: All those opposed? All
6 those abstaining? Motion passes 6-0-0, its
7 approval contingent upon placement in
8 safekeeping. Two, the letter from Ron Park of
9 Capital Hill Cabaret, Inc., requesting an
10 involuntary transfer of license.

11 This is for AKA Inc., 2046 West
12 Virginia Avenue Northeast. License Number
13 084241. I would move to deny on the basis that
14 the court order that's referenced doesn't address
15 specifically enough the transfer of the license.
16 Do I have a second?

17 MEMBER ALBERTI: Second. The --

18 CHAIR MILLER: No further comments?

19 MEMBER ALBERTI: -- yeah, the court
20 order does not address the license at all.

21 CHAIR MILLER: Okay.

22 MEMBER ALBERTI: That's the problem.

1 CHAIR MILLER: Which makes it
2 inadequate.

3 MEMBER ALBERTI: It just doesn't
4 address the alcoholic beverage license.

5 CHAIR MILLER: Okay. There's a motion
6 to deny. All those in favor, say I.

7 (Simultaneously Speaking)

8 CHAIR MILLER: All those opposed? All
9 those abstaining? Motion passes 6-0-0. Almost
10 done. Finally, we have a cancellation agenda
11 with just one item, and that is ABRA 089396,
12 Lawson's, located at 601 13th Street Northwest.

13
14 The establishment appears to have
15 ceased operations. The licensee was advised in a
16 letter dated January 14, 2015 to put the license
17 in safekeeping within 10 days, and the licensee
18 did not respond. It also appears from Internet
19 resources that that establishment closed.
20 Therefore, I move to cancel the license. Do I
21 have a second?

22 MEMBER SHORT: Second.

1 CHAIR MILLER: Mr. Short has seconded
2 the motion. All those in favor, say I.

3 (Simultaneously Speaking)

4 CHAIR MILLER: All those opposed? All
5 those abstaining? Motion passes 6-0-0. Okay,
6 that concludes our agenda items. And we just
7 have to take a vote on our closed meetings for
8 next week.

9 Chairperson of the Alcoholic Beverage
10 Control Boards of the District of Columbia, in
11 accordance with Section 405 of the Open Meetings
12 Amendment Act of 2010, I move that the ABC Board
13 hold a closed meeting on April 8, 2015 for the
14 purpose of seeking legal advice from our counsel
15 on the matters identified on the Board's agenda
16 for April 8, 2015, as published in the D.C.
17 Register on April 3, 2015. Do I have a second?

18 MEMBER BROOKS: Second.

19 CHAIR MILLER: Mr. Brooks has seconded
20 the motion. I'll now take a roll call vote on
21 the motion before us now that it's been seconded.
22 Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIR MILLER: Mr. Alberti?

3 MEMBER ALBERTI: I.

4 CHAIR MILLER: Mr. Rodriguez?

5 MEMBER RODRIGUEZ: I agree.

6 CHAIR MILLER: Mr. Silverstein?

7 MEMBER SILVERSTEIN: I agree.

8 CHAIR MILLER: Mr. Short?

9 MEMBER SHORT: I agree.

10 CHAIR MILLER: Okay, this motion has
11 passed by a 6-0-0 vote. I hereby give notice
12 that the Agency will hold this aforementioned
13 closed meeting. Pursuant to the Open Meetings
14 Amendment Act of 2010, notice will also be posted
15 on the ABC Board Hearing and Bulletin Board,
16 placed on the electronic calendar, and the
17 website and published on the D.C. Register as
18 time may manage practical.

19 Chairperson of the Alcoholic Beverage
20 Control Board for the District of Columbia, in
21 accordance with Section 405 of the Open Meetings
22 Amendment Act of 2010, I move that the ABC Board

1 hold a closed meeting on April 8, 2015, for the
2 purpose of discussing and hearing reports
3 concerning ongoing or planned investigations of
4 alleged criminal or civil misconduct, or
5 violations of law or regulations and seeking
6 legal advice from our counsel on the Board's
7 investigative agenda for April 8, 2015, as
8 published in the D.C. Register on April 3, 2015.

9 Is there a second?

10 MEMBER BROOKS: Second.

11 CHAIR MILLER: Mr. Brooks has seconded
12 the motion. I'll now take a roll call vote on
13 the motion before us, now that it has been
14 seconded. Mr. Brooks?

15 MEMBER BROOKS: I agree.

16 CHAIR MILLER: And Mr. Alberti? Gone.
17 Okay. Mr. Rodriguez?

18 MEMBER RODRIGUEZ: I agree.

19 CHAIR MILLER: Mr. Silverstein?

20 MEMBER SILVERSTEIN: I agree.

21 CHAIR MILLER: And Mr. Short?

22 MEMBER SHORT: I agree.

1 CHAIR MILLER: It appears that the
2 motion is passed by a 5-0-0 vote. I hereby give
3 notice that the ABC Board will hold this
4 aforementioned closed meeting. Pursuant to the
5 Open Meetings Amendment Act of 2010, notice will
6 also be posted on the ABC Board Hearing and
7 Bulletin Board, placed on the electronic calendar
8 and ABRA's Web site, and published in the D.C.
9 Register in as timely a manner as practical.

10 And that concludes our business for
11 April 1, 2015, and we are adjourned. Thank you
12 very much.

13 MEMBER SHORT: Thank you, Madam.

14 (Whereupon, the above-entitled matter
15 went off the record at 6:23 p.m. and resumed at
16 6:43 p.m.)

17 CHAIR MILLER: Okay. We're back on
18 the record, just for one more item. It is an
19 item that was on our supplemental licensing
20 agenda last week that we're ready to vote on this
21 week.

22 And it was Number 4 on the

1 supplemental licensing agenda for March 25, 2015.
2 Revised plans for new full service grocery store,
3 an ANC 6C. It's a Union Kitchen, located at 538
4 3rd Street Northeast. License Number 098204, and
5 Mr. Jones is going to address this item.

6 MR. JONES: The Board has completed
7 its review of the submitted diagrams, including
8 the floor plan layout with the designated food
9 categories. And it has been determined that the
10 applicant has met the criteria to pass both Test
11 1 and Test 2.

12 Specifically, under Test 1, the
13 condition is that the total food selling area
14 must be equal to or greater than 50 percent of
15 the total selling area, and it was determined
16 that 68 percent of the selling area has been
17 dedicated to food selling items as part of the
18 drawings that were submitted.

19 Secondly, the applicant must also
20 pass Test 2, which calls for the applicant to
21 have six of the seven food categories in excess
22 of five percent of the food selling area. It was

1 determined that, based on the review of the
2 submitted drawings, that the applicant has
3 successfully passed said test by having in excess
4 of five percent, seven of the seven food
5 categories.

6 Those specifically being noted as
7 follows. Category A, fresh fruits and veggies,
8 5.42 percent. Category B, fresh and uncooked
9 meat, 7.75 percent. Category C, dairy products,
10 7.01 percent. D, canned goods, 13.16 percent.
11 E, frozen foods, 10.91 percent. F, dry groceries
12 and baked goods, 11.83 percent. And G, non-
13 alcoholic beverages, at 7.65 percent.

14 With that, I move that the application
15 be allowed to move forward, and that we placard.

16 MEMBER SHORT: Second.

17 CHAIR MILLER: Okay. Comments? I
18 just want to thank Mr. Jones for all the hard
19 work that I know he does in analyzing the
20 drawings. Anybody else? All right. All those
21 in favor, then, say I.

22 (Multiple Speakers)

1 CHAIR MILLER: All those opposed? All
2 those abstaining? Motion passes 5-0-0. Okay.
3 That concludes our business for April 1, 2015.
4 Thank you very much.

5 (Whereupon, the above-entitled matter
6 went off the record at 6:46 p.m.)
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