

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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APRIL 18, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

JEANNETTE MOBLEY, Member

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

5:56 p.m.

CHAIRPERSON MILLER: Okay. We are
back on the record for our agenda items.

And the first item on the agenda
is a review of manager's application for
Sajjad Nazar Mahar.

Does anyone have a motion with
respect to this application?

MEMBER ALBERTI: I move that we
approve the manager's application for Sajjad
Nazar Mahar.

Is the a second?

MEMBER BROOKS: Second.

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

(Ayes.)

CHAIRPERSON MILLER: I think we
should take a roll call. Well, is that three
eyes or four eyes? I think we need to take a
roll call.

MEMBER ALBERTI: Take a roll call.

1 It would be easier.

2 CHAIRPERSON MILLER: Mr. Nophlin?

3 MEMBER NOPHLIN: I agree.

4 CHAIRPERSON MILLER: Okay. Mr.

5 Brooks?

6 MEMBER BROOKS: I disagree.

7 CHAIRPERSON MILLER: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON MILLER: Ms. Miller

10 disagrees. Ms. Mobley?

11 MEMBER MOBLEY: I abstain.

12 CHAIRPERSON MILLER: Okay. And

13 Mr. Jones?

14 MEMBER JONES: I agree.

15 CHAIRPERSON MILLER: Okay. Let me

16 get this right. Okay. Agreed is Nophlin,

17 Alberti. Nophlin. Alberti. Anybody else?

18 MEMBER NOPHLIN: Jones.

19 CHAIRPERSON MILLER: Jones.

20 That's three yes. Disagree is Miller and

21 Brooks and abstain is Mobley. So, the motion

22 passes on a vote of 3-2-1.

1 Okay. Second on the agenda is a
2 review of a request from Candace Fitch on
3 behalf of Licensee requesting approval of a
4 change of address from 3813-3815 Georgia
5 Avenue, N.W. to 3813 Georgia Avenue, N.W. and
6 an update of the licensed premises to include
7 the second floor with a new occupancy load of
8 183 with 116 seats. The Licensee was
9 placarded for occupancy load of 190 with 146
10 seats. There's no voluntary agreement in this
11 case and this is in ANC 4C and the
12 establishment is Billy's, 3813-3815 Georgia
13 Avenue, N.W., License Number 87703.

14 I would move that we approve this
15 request.

16 Do I have a second?

17 MEMBER MOBLEY: Second.

18 CHAIRPERSON MILLER: Any comments?

19 Okay. All those in favor of approving the
20 request say aye.

21 (Ayes.)

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? Then the vote
2 is 6-0-0.

3 Number three is the review of a
4 change of hours application to change the
5 hours of operation and hours of alcoholic
6 beverage sales. The current hours of
7 operation for the alcoholic beverage sales are
8 Monday through Thursday 9:00 a.m. to 9:00
9 p.m., Friday and Saturday 9:00 a.m. to 10:00
10 p.m. The proposed hours of operations and
11 hours of sales of alcoholic beverages are
12 Monday through Saturday 9:00 a.m. to 12:00
13 a.m. and in this case, there's no voluntary
14 agreement. It's in ANC 1B. The establishment
15 is Fairmont Liquor & Grocery at 2633 Sherman
16 Avenue, N.W., License Number 80900.

17 I would move that we approve this
18 application.

19 Do I have a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Any comments?

22 All those in favor say aye.

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(Ayes.)

CHAIRPERSON MILLER: All those opposed? All those abstaining? And the motion passes 6-0-0.

Number four is a review of a letter from the Licensee requesting approval to extend premises to adjoining space located at 3232 11th Street, N.W., review of a trade name change from Eleventh Hour Wine Bar to Room 11, change of hours to commence hours of operation from 11:00 a.m. Monday through Sunday to 6:00 a.m. Monday through Sunday and change of license class/type from a CR to a CT. This is for Eleventh Hour Wine Bar located at 3234 11th Street, N.W., License Number 79568.

And I would move that we placard the establishment.

Do I have a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Comment? All those in favor say aye.

1 (Ayes.)

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? Then the vote
4 is 6-0-0.

5 Number five is a letter form Paul
6 Pascal requesting issuance of a storage
7 facility permit to Domaine D.C., LLC for a
8 site located a 4221 Connecticut Avenue, N.W.

9 I would move that we approve this
10 request.

11 MEMBER MOBLEY: Second, Madam
12 Chair.

13 CHAIRPERSON MILLER: Any comments?
14 All those in favor say aye.

15 (Ayes.)

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? Okay. Then
18 request is granted by a vote of 6-0-0.

19 Number six is a review of
20 correspondence dated april 8, 2012 from Danny
21 Lai requesting a waiver of the import
22 requirements to ship more than a case of

1 alcohol to the Alcohol and Tobacco Tax and
2 Trade Bureau in a one-month period.

3 I would suggest that we postpone
4 this one and come back to this next week or
5 so. Okay. Any objections to that?

6 Hearing none, we move on to number
7 seven. Number seven is a resolution dated
8 March 15th, 2012 from ANC 6B regarding single
9 sales exceptions.

10 This is an FYI and doesn't require
11 any action from the Board at this time.

12 Number eight is a review of a
13 request for reinstatement dated April 4th,
14 2012 from Commissioner Michael Benardo of ANC
15 2F on the basis that the ANC did not review
16 enough notice of the roll call Hearing. The
17 establishment is to be determined located at
18 1610 14th Street, N.W. and this license number
19 is 88785.

20 I would -- I reluctantly would
21 move to deny this request and I say that I
22 would reluctantly do so because I don't like

1 to see an ANC that represents our community
2 being eliminated from participating as a party
3 in the case and they indicated that didn't
4 have notice.

5 However, based on notice that is
6 sent to them of a hearing and their
7 participation as a protestant, it appears that
8 they did, in fact, have notice long before the
9 hearing date -- of the roll call date. So,
10 there are public records that were sent out to
11 them certainly as early as February 3rd
12 according to our official record and this also
13 was placarded with the same information. So.

14 Motion is to deny.

15 Do I have a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Any comments
18 by other Board Members?

19 MEMBER JONES: Yes, ma'am.

20 CHAIRPERSON MILLER: Yes, Mr.

21 Jones.

22 MEMBER JONES: I just want for the

1 record to state that the ANC just like
2 everyone else has to follow the rules and
3 adhere to the policies of ABRA as well as the
4 Board and it's fairly clear that based on the
5 evidence in the records that we have that they
6 did not -- they did have notice and they did
7 not show up on a roll call hearing as
8 requested and required by ABRA. So, for that
9 reason, I think we're well within our rights
10 and supported grounds to deny their request.

11 CHAIRPERSON MILLER: Okay.
12 Others?

13 MEMBER MOBLEY: I support Board
14 Member Jones' statement.

15 CHAIRPERSON MILLER: Has the
16 motion been seconded?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Okay. Any
19 other comments? All right.

20 There's a motion that's been
21 seconded to deny the request. All those in
22 favor say aye?

1 (Ayes.)

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? Then the
4 motion passes by a vote of 5-0-0.

5 Next on the agenda is number nine
6 a review of a motion to intervene dated April
7 4th, 2012 from Matthew LeFande for K Street
8 Lounge located at 1301 K Street, N.W., License
9 Number 72225.

10 I would suggest that we postpone
11 ruling on this motion today until next week.

12 Any objections?

13 Okay. Number ten is a review of a
14 voluntary agreement dated april 3, 2012
15 between B Caf, and Protestants. B Caf, is
16 located at 3740 12th Street, N.E., License
17 Number 83121.

18 MEMBER MOBLEY: For the record,
19 Madam Chair, Board Member Mobley recuses
20 herself.

21 CHAIRPERSON MILLER: Okay. Do we
22 have a motion on this one?

1 MEMBER ALBERTI: Oh, yes, I think
2 the motion is to accept the voluntary
3 agreement.

4 CHAIRPERSON MILLER: Do we have a
5 second on that?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: All those in
8 favor say aye.

9 (Ayes.)

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? Abstain.

12 So, the vote is 3 -- did you
13 abstain or recuse yourself? Okay. So, the
14 vote is 3-0-1 and the motion passes to
15 approve.

16 Okay. Number 11, review of a
17 voluntary agreement dated April 5, 2012
18 between Menomale, LLC and ANC 5B and
19 Protestants. The establishment is to be
20 determined, 2711 12th Street, N.E., License
21 Number 88564.

22 I move that we accept this

1 voluntary agreement.

2 Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Okay. Any
5 comments? All those in favor say aye.

6 (Ayes.)

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? Mr. Jones,
9 did you vote?

10 MEMBER JONES: Yes, ma'am, I voted
11 aye.

12 CHAIRPERSON MILLER: Okay. So,
13 then the vote is 5-0-0 to approve.

14 Okay. Number 12 is a review of a
15 voluntary agreement dated April 6, 2012
16 between DGS Delicatessen, ANC 2B and
17 Protestants. The establishment is DGS
18 Delicatessen at 1317 Connecticut Avenue, N.W.,
19 License Number 88831.

20 I move to approve with
21 modifications to paragraphs 26 and 7. No.
22 No, I'm sorry. Scratch that.

1 I move to approve with
2 modifications to sections 8 and 9.

3 Is there a second?

4 MEMBER NOPHLIN: Second.

5 CHAIRPERSON MILLER: Any comments?
6 All those in favor say aye.

7 (Ayes.)

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The vote is
10 6-0-0 to approve with those modifications.

11 Okay. I think that concludes our
12 regular agenda.

13 Now, we have a supplemental
14 agenda.

15 Okay. Number one on the
16 supplemental agenda is a review of a request
17 from Licensee to extend safekeeping period for
18 120 days to allow for the transfer of the
19 license to the new tenant. No conflicts with
20 the voluntary agreement. It's in ANC 2E. The
21 establishment is Garrett's Restaurant, 3003 M
22 Street, N.W., License Number 15721.

1 I move that we approve to extend
2 safekeeping for 120 days.

3 Is there a second?

4 MEMBER MOBLEY: Second.

5 CHAIRPERSON MILLER: Any comments?

6 All those in favor say aye.

7 (Ayes.)

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The vote is
10 6-0-0 to approve.

11 Number two is a review of a
12 request from Licensee to expand to adjacent
13 warehouse space located at 249 Florida Avenue,
14 N.W. No pending investigative matters. No
15 outstanding citations or fines. No voluntary
16 agreement. It's in ANC 5C. The establishment
17 is Ledroit Wines & Beer located at 247 Florida
18 Avenue, N.W. and the License Number is 76612.

19 I would move that we approve this
20 request.

21 Do I have a second?

22 MEMBER NOPHLIN: Second.

1 CHAIRPERSON MILLER: Any comments?

2 All those in favor say aye.

3 (Ayes.)

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The vote is
6 6-0-0 to approve.

7 Number three is a letter from
8 Stephen O'Brien on behalf of Licensee
9 requesting approval of the addition of a
10 second vessel, the Harbor Bell, to the license
11 pursuant to D.C. Code 25-113(h)(3) without
12 deeming the addition a substantial change.
13 There's no pending investigative matters. No
14 outstanding citations or fines. It's in ANC
15 6D.

16 I would move that we approve this
17 request.

18 Is there a second?

19 MEMBER NOPHLIN: Second.

20 CHAIRPERSON MILLER: Any comments?

21 All those in favor say aye.

22 (Ayes.)

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? Then the vote
3 is 6-0-0 to approve.

4 Number four is a review of
5 correspondence dated April 10th, 2012 from
6 Gary Bortnick requesting that the Board reduce
7 or waive the placard period for Magruder's
8 request to remove two voluntary agreements.
9 Magruder's is located at 5618 Connecticut
10 Avenue, N.W. and the License Number is 67.
11 Okay. And he's asking for this because due to
12 a clerical error it was not posted until
13 Friday, April 6, 2012.

14 But, I would move that we deny
15 this request. That it's important that -- I
16 mean to comply with the law further required
17 amount of notice to the public.

18 Do I have second?

19 MEMBER NOPHLIN: Second.

20 CHAIRPERSON MILLER: Any comments?
21 All those in favor of denying the request say
22 aye.

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(Ayes.)

CHAIRPERSON MILLER: All those
opposed? All those abstaining? The vote is
6-0-0 to deny this request.

Number five is a review of a
request for a single sale moratorium exception
for B&M Food Store dated March 5, 2012. ANC
6C supports the request. The establishment is
B&M Food Store located at 215 New York Avenue,
N.W. and the License Number is 1213.

I would move that we approve this
request.

MEMBER MOBLEY: Second.

CHAIRPERSON MILLER: Any comments?
All those in favor say aye.

(Ayes.)

CHAIRPERSON MILLER: All those
opposed? All those abstaining? The vote is
6-0-0 to approve the request.

Number six is a review of a
voluntary agreement amendment dated March 12,
2012 between Patriot II and ANC 6C. Patriot

1 II is located at 100 Potomac Avenue, S.E. The
2 License Number is 84405.

3 I would move that we approve.

4 Do I have a second?

5 MEMBER NOPHLIN: Second.

6 CHAIRPERSON MILLER: Any comments?

7 All those in favor say aye.

8 (Ayes.)

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? And the vote
11 is 6-0-0 to approve.

12 So, that completes our
13 supplemental agenda. We have a few
14 cancellations. The Board is requested to
15 approve the following license cancellations.

16 ABRA Number 084432, Tandoori Time.
17 It's a CR License located at 1140 19th Street,
18 N.W. and ABRA Number 077380. It's for Beacon
19 Hotel Corporate Quarters, a caterer, located
20 at 1615 Rhode Island Avenue, N.W.

21 I would move that we approve the
22 cancellation of both of these licenses.

1 Do I have a second?

2 MEMBER MOBLEY: Second.

3 CHAIRPERSON MILLER: Comments?

4 All those in favor say aye.

5 (Ayes.)

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? Then the vote
8 is 6-0-0 to approve those cancellations.

9 I think that completes the items
10 on our agenda for this afternoon.

11 As Chairperson of the Alcoholic
12 Beverage Control Board for the District of
13 Columbia and in accordance with Section 405 of
14 the Open Meetings Amendment Act of 2010, I
15 move that the ABC Board hold a closed meeting
16 on April 25th, 2012 for the purpose of seeking
17 legal advice from our counsel on the matters
18 identified on the Board's agenda for April
19 25th, 2012 as published in the D.C. Register
20 on April 20th, 2012.

21 Is there a second?

22 MEMBER NOPHLIN: Second.

1 CHAIRPERSON MILLER: I will take a
2 roll call vote on the motion before us now
3 that it has been seconded.

4 Mr. Nophlin?

5 MEMBER NOPHLIN: I agree.

6 CHAIRPERSON MILLER: Mr. Alberti?

7 MEMBER ALBERTI: I agree.

8 CHAIRPERSON MILLER: Ms. Miller
9 agrees.

10 Ms. Mobley?

11 MEMBER MOBLEY: I agree.

12 CHAIRPERSON MILLER: Mr. Jones?

13 MEMBER JONES: I agree.

14 CHAIRPERSON MILLER: Okay. Then
15 the vote is 5-0-0 to approve the motion. As
16 it appears that the motion has passed, I
17 hereby give notice that the ABC Board will
18 hold this aforementioned closed meeting.

19 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 D.C.
2 Register in as timely a manner as practical.

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 April 25th, 2012 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 April 25th, 2012 as published in
15 the D.C. Register on April 20th, 2012.

16 Is there a second?

17 MEMBER NOPHLIN: Second.

18 CHAIRPERSON MILLER: I'll take a
19 roll call vote on the motion before us now
20 that it has been seconded.

21 Mr. Nophlin?

22 MEMBER NOPHLIN: I agree.

1 CHAIRPERSON MILLER: Mr. Alberti?

2 MEMBER ALBERTI: I agree.

3 CHAIRPERSON MILLER: Miller

4 agrees.

5 Ms. Mobley?

6 MEMBER MOBLEY: I agree.

7 CHAIRPERSON MILLER: Mr. Jones?

8 MEMBER JONES: I agree

9 CHAIRPERSON MILLER: The motion
10 passes by a vote of 5-0. I, therefore, give
11 notice that the ABC Board will hold its
12 aforementioned closed meeting.

13 Pursuant to the Open Meetings
14 Amendment Act of 2010, notice will also be
15 posted on the ABC Board hearing room bulletin
16 board, placed on the electronic calendar on
17 ABRA's website and published in the D.C.
18 Register in as timely a manner as practical.

19 Thank you and that concludes our
20 matters for April 18th, 2012.

21 (Whereupon, at 6:18 p.m., the
22 meeting was adjourned.)

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