

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 24, 2013

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

HERMAN JONES, Member

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

2:47 p.m.

CHAIRPERSON MILLER: All right.

So we're now back on the record for our meeting agenda for April 24th, 2013.

And the first item on the agenda is an application of an entertainment endorsement from an establishment named Meze located at 2437 18th Street, N.W., License No. 60347 in ANC 1C. And it appears that we need some more information from legal, so I would move that we postpone consideration of this application and refer to legal for their further analysis. Do I have a second on that?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Okay. Mr. Brooks has seconded the motion. All those in favor, say aye?

(Chorus of ayes.)

CHAIRPERSON MILLER: All those opposed?

1 (No audible response.)

2 CHAIRPERSON MILLER: All those  
3 abstaining?

4 (No audible response.)

5 CHAIRPERSON MILLER: Then the  
6 motion passes 3-0-0.

7 No. 2 is a letter dated April  
8 5th, 2013 from Christopher Nwaeze requesting  
9 reconsideration of the Board's denial of a  
10 request for reconsideration. This involves  
11 Hush Restaurant and Lounges, 2121 New York  
12 Avenue, N.E., License No. 89332.

13 Okay. So I would move that we  
14 deny it for two reasons: One is it's not  
15 our policy still to refund these fees and we  
16 have already considered one request for  
17 reconsideration. So I would move denial.  
18 Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks  
21 has seconded the motion. All those in  
22 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 motion  
9 passes that we deny this request.

10 No. 3 is a request dated October  
11 18, 2012 for an amendment to a settlement  
12 agreement dated October 15th, 2012 by and  
13 between Boomerang Boat Tours, LLC and  
14 Advisory Neighborhood Commission 6D.  
15 They're adding an additional boat on the  
16 license. The establishment is Boomerang  
17 Boat Tours, LLC located at 600 Water Street,  
18 S.W., License No. 90816.

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

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion. All those in  
2 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 motion  
11 passes 3-0-0 to approve.

12 No. 4 is an application for a  
13 sidewalk caf, endorsement. It's from Millie  
14 and Al's Ballances Columbia Restaurant  
15 located at 2440 18th Street, N.W. Sidewalk  
16 caf, is proposed to operate and sell alcohol  
17 Sunday 12:00 p.m. to 1:45 a.m.; Monday  
18 through Thursday 4:00 p.m. to 1:45 a.m.; and  
19 Friday 4:00 p.m. to 2:45 a.m.; and Saturday  
20 12:00 p.m. to 2:45 a.m. There are no  
21 pending investigative matters, no pending  
22 enforcement matters, no outstanding fines or

1 citations, no conflict with the settlement  
2 agreement, but I would move that we placard  
3 this application. Do I have a second, or  
4 any comment? Well, do I have a second?

5 MEMBER ALBERTI: I second.

6 CHAIRPERSON MILLER: Okay. Mr.  
7 Alberti has seconded the motion. Are there  
8 comments on the motion, or the request?

9 (No audible response.)

10 CHAIRPERSON MILLER: Okay. The  
11 motion has been seconded to placard. All  
12 those in favor, say aye? Aye.

13 MEMBER ALBERTI: Aye.

14 CHAIRPERSON MILLER: All those  
15 opposed?

16 MEMBER BROOKS: No.

17 CHAIRPERSON MILLER: All those  
18 abstaining?

19 (No audible response.)

20 CHAIRPERSON MILLER: Then the  
21 vote is 2-1-0; Mr. Brooks is opposed, and  
22 the motion passes.

1                   Okay. No. 5 is a letter dated  
2                   April 8th, 2013 from Jackie Greenbaum  
3                   requesting permission to store records off  
4                   premises at another location in the  
5                   District. The establishment is El Chucho-  
6                   Cocina Superior, 3313 11th Street, N.W.,  
7                   License No. 85471. I move that we approve  
8                   this request. Do I have a second?

9                   MEMBER BROOKS: Second.

10                   CHAIRPERSON MILLER: Mr. Brooks  
11                   has seconded the motion. All those in  
12                   favor, say 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: The motion  
21                   passes 3-0-0.

22                   No. 6 is correspondence dated

1 April 13th, 2013 from Ann Gossett requesting  
2 for the Board to deny a one-day substantial  
3 change request from Justice Caf, for block  
4 parties. Justice Caf, is located at 1025  
5 1st Street, S.E., License No. 83690.

6 This is FYI as there's no pending  
7 application and no further action is  
8 required by the Board on this  
9 correspondence.

10 Nos. 7 through 9 are letters from  
11 Denis James requesting that the Board deny  
12 establishments' request to terminate  
13 settlement agreements. No. 7 relates to  
14 Havana Village, No. 8 relates to The  
15 Blaguard, and No. 9 relates to Bistro 18.  
16 These actually do not require action on our  
17 part at this time and are just FYIs.

18 No. 10 is a petition to terminate  
19 or amend a settlement agreement dated April  
20 8th, 2013 for Red Lounge. The petition was  
21 untimely filed and not submitted with its  
22 renewal application. Red Lounge is located

1 at 2013 14th Street, N.W., License No.  
2 76011.

3 And No. 11 is similarly situated.  
4 It's Sisys located at 3911 14th Street,  
5 N.W., License No. 76125.

6 They are both reviews of a  
7 petition to terminate or amend settlement  
8 agreements that weren't timely filed. I  
9 think that both of these need to be referred  
10 to legal for further completion, or legal's  
11 further analysis. So I would move that we  
12 refer these two to legal. Do I have a  
13 second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: All those in  
16 favor of the motion to refer Nos. 10 and 11  
17 to legal, say aye?

18 (Chorus of ayes.)

19 CHAIRPERSON MILLER: All those  
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1       abstaining?

2                   (No audible response.)

3                   CHAIRPERSON MILLER:   Then the  
4       motion passes 3-0-0 to refer Nos. 10 and 11  
5       to legal.

6                   Okay.  No. 12 is a settlement  
7       agreement dated April 9th, 2013 between  
8       Fresh Fields Whole Foods Market and ANC 2F.  
9       Fresh Foods Whole Foods Market is located at  
10      1440 P Street, N.W., License No. 60167.

11                  I move that we approve this  
12      settlement agreement.  Do I have a second?

13                  MEMBER BROOKS:  Second.

14                  CHAIRPERSON MILLER:  Mr. Brooks  
15      has seconded the motion.  All those in  
16      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: The motion  
3 to approve passes 3-0-0.

4 No. 13 is a settlement agreement  
5 dated April 10, 2013 between Mothership and  
6 ANC 1A. Mothership is located at 3301  
7 Georgia Avenue, N.W., License No. 91237.

8 I move that we approve this  
9 settlement agreement. Do I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks  
12 has seconded the motion. All those in  
13 favor, say aye?

14 (Chorus of ayes.)

15 CHAIRPERSON MILLER: All those  
16 opposed?

17 (No audible response.)

18 CHAIRPERSON MILLER: All those  
19 abstaining?

20 (No audible response.)

21 CHAIRPERSON MILLER: The motion  
22 passes to approve this settlement agreement

1 by a vote of 3-0-0.

2 No. 14 is a settlement agreement  
3 dated April 3rd, 2013 between Black Whiskey  
4 and ANC 2F. Black Whiskey is located at  
5 1410 14th Street, N.W., License No. 91434.

6 I move that we approve this  
7 settlement agreement. Do I have a second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks  
10 has seconded the motion. All those in  
11 favor, say aye?

12 (Chorus of ayes.)

13 CHAIRPERSON MILLER: All those  
14 opposed?

15 (No audible response.)

16 CHAIRPERSON MILLER: All those  
17 abstaining?

18 (No audible response.)

19 CHAIRPERSON MILLER: Then the  
20 motion passes by a vote of 3-0-0.

21 Okay. So that is our meeting  
22 agenda. We have a supplemental agenda.

1                   No. 1 on the supplemental agenda  
2                   is review of correspondence dated April  
3                   23rd, 2013 from Sally Marshall requesting  
4                   permission to accept four cases of wine as a  
5                   donation from Washington Wholesalers. The  
6                   donation costs \$311.72. The establishment  
7                   is Washington Wholesale Liquor Company, LLC  
8                   located at 2800 V Street, N.E., who is the  
9                   wholesaler. And the License No. is 60518.

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

12                   MEMBER BROOKS: Second.

13                   CHAIRPERSON MILLER: Mr. Brooks  
14                   has seconded the motion. All those in  
15                   favor, say aye?

16                   (Chorus of ayes.)

17                   CHAIRPERSON MILLER: All those  
18                   opposed?

19                   (No audible response.)

20                   CHAIRPERSON MILLER: All those  
21                   abstaining?

22                   (No audible response.)

1                   CHAIRPERSON MILLER: The motion  
2 passes 3-0-0 to approve the request.

3                   No. 2 is a request dated April  
4 11th, 2013 from Paul Pascal on behalf of a  
5 non-resident supplier for approval to  
6 provide retailers with an advertisement that  
7 is valued at greater than \$500, but if  
8 divided by the number of retailers mentioned  
9 in the advertisement, would be valued at  
10 less than \$50.

11                   Okay. I move that we approve  
12 this request. Do I have a second?

13                   MEMBER BROOKS: Second.

14                   CHAIRPERSON MILLER: Mr. Brooks  
15 has seconded the motion. I would say that  
16 I'm approving this because I believe that  
17 the statute which governs these kinds of  
18 gifts did not intend to restrict and  
19 advertisement of this sort which just shows  
20 where the wholesaler's products can be  
21 bought.

22                   Are there other comments?

1 (No audible response.)

2 CHAIRPERSON MILLER: Okay. Then  
3 there's a motion that's been seconded to  
4 approve. All those in favor, say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those  
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: The motion  
13 to approve passes by a vote of 3-0-0.

14 No. 3 is a request dated April  
15 17th, 2013 from Premium Distributors of  
16 Washington, D.C., Wholesaler A License No.  
17 060290, for approval to provide retailers  
18 with products valued at more than \$50 and  
19 less than \$500. the wholesaler is Premium  
20 Distributors located at 3500 Fort Lincoln  
21 Drive, N.E., License No. 60290.

22 I believe this is the one where

1 they were providing sports tickets less than  
2 \$500. So I move to approve this request.

3 Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks  
6 has seconded the motion. All those in  
7 favor, say aye?

8 (Chorus of ayes.)

9 CHAIRPERSON MILLER: All those  
10 opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those  
13 abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: The motion  
16 passes 3-0-0.

17 No. 4 I'm going to pass by for  
18 now. I believe Mr. Jones will be joining us  
19 later and we will get back to that when he  
20 is with us.

21 No. 5 is a review of a joint  
22 request dated April 11th, 2013 from ANC 3E

1 and Casa Fiesta for an extension of the  
2 petition deadline. The placards were posted  
3 on March 22nd, 2013 and the current petition  
4 deadline is May 6th, 2013. The  
5 establishment is Casa Fiesta II located at  
6 4910 Wisconsin Avenue, N.W., License No.  
7 24766. And in this case the ANC won't --  
8 their regularly scheduled meeting is after  
9 the petition date, and that is the basis for  
10 this request so they can vote on at their  
11 next regularly scheduled meeting.

12 I would move to approve this  
13 request. Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks  
16 has seconded the motion. Any other  
17 comments?

18 (No audible response.)

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

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those

1       opposed?

2                       (No audible response.)

3                       CHAIRPERSON MILLER: All those  
4       abstaining?

5                       (No audible response.)

6                       CHAIRPERSON MILLER: Then the  
7       motion to approve passes by a 3-0-0 vote.

8                       No. 6 is a review of a petition  
9       to terminate or remand a settlement  
10      agreement dated March 29th, 2013 for Bistro  
11      18, 2420 18th Street, N.W., License No.  
12      86876. My understanding is that this case  
13      is not -- the petition is not ripe for our  
14      consideration at this point, so I move that  
15      we postpone consideration of this petition.  
16      Do I have a second?

17                      MEMBER BROOKS: Second.

18                      CHAIRPERSON MILLER: Mr. Brooks  
19      has seconded the motion. All those in favor  
20      of the motion to postpone, say aye?

21                      (Chorus of ayes.)

22                      CHAIRPERSON MILLER: All those

1       opposed?

2                       (No audible response.)

3                       CHAIRPERSON MILLER: All those  
4       abstaining?

5                       (No audible response.)

6                       CHAIRPERSON MILLER: Then the  
7       motion passes by a vote of 3-0-0.

8                       No. 7 is correspondence from  
9       Fernando Postigo dated April 15th, 2013  
10      requesting that the establishment's license  
11      be reinstated. This is from Fernando  
12      Postigo from Sol Mexican Grill located at  
13      1251 H Street, N.E. in ANC 6A, License No.  
14      88292. And in this case Mr. Postigo claims  
15      that he didn't get notice of the  
16      cancellation.

17                      I would move that we deny this  
18      request and say that Mr. Postigo could get  
19      back in operation fairly quickly if he  
20      obtains agreement for stipulated from his  
21      ANC. So my motion would be to deny. Do I  
22      have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks  
3 has seconded the motion. Any comments?

4 (No audible response.)

5 CHAIRPERSON MILLER: Okay. All  
6 those in favor of the motion to deny, say  
7 aye?

8 (Chorus of ayes.)

9 CHAIRPERSON MILLER: All those  
10 opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those  
13 abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: Then the  
16 motion passes to deny by a vote of 3-0-0.

17 No. 8 is a review of  
18 correspondence dated April 19th, 2013 from  
19 Victor Martinez withdrawing Alero's request  
20 for an entertainment endorsement. This is  
21 for Alero Restaurant located 3500  
22 Connecticut Avenue, N.W., License No. 13738.

1 This appears to me to be an FYI in which no  
2 further action is required. Any other  
3 comments?

4 (No audible response.)

5 CHAIRPERSON MILLER: All right.  
6 No. 9 is a motion for reconsideration dated  
7 April 15th, 2013 from Town Square Gourmet  
8 for Board Order No. 2013-076. Town Square  
9 Gourmet is located at 4418 MacArthur  
10 Boulevard, N.W., License No. 78664. The  
11 Board order for which the owner is requested  
12 reconsideration was dated March 27th, 2013.  
13 Any motion for reconsideration would have  
14 been due around April 9th, and his motion is  
15 dated April 15th.

16 Therefore, I move to deny on the  
17 grounds that the motion is untimely. Do I  
18 have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks  
21 has seconded the motion. Any other  
22 comments?

1 (No audible response.)

2 CHAIRPERSON MILLER: Okay.

3 There's a motion to deny that's been  
4 seconded. All those in favor, say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those  
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Motion to  
13 deny passes by a vote of 3-0-0.

14 Okay. So we will come back to  
15 No. 4 with Mr. Jones, but in the meantime  
16 let's do -- we have another second  
17 supplemental agenda on which there's just  
18 one item, and that is a joint request to  
19 postpone the protest hearing for Mason Inn  
20 dated April 24th, 2013 from Fritz Brogan and  
21 the Protestants. The establishment is Mason  
22 Inn. It's located at 2408 Wisconsin Avenue,

1 N.W., License No. 79644.

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

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks  
6 has seconded the motion. All those in  
7 favor, say aye?

8 (Chorus of ayes.)

9 CHAIRPERSON MILLER: All those  
10 opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: The motions  
13 passes 3-0-0. This protest hearing will be  
14 rescheduled now to May 29th at 2:30 p.m.

15 1. Review of Change of Hours Application  
16 to change Hours of Operation and Hours of  
17 Alcoholic Beverage Sales. Approved Hours of  
18 Operation and Hours of Alcoholic Beverage  
19 Sales/Service: Monday through Saturday 7:00  
20 am to 12:00 am. Proposed Hours of Operation  
21 and Proposed Hours of Alcoholic Beverage  
22 Sales/Service: Sunday through Saturday 7:00

1 am to 12:00 am. No pending investigative  
2 matters. No pending enforcement matters.  
3 No outstanding fines/citations. No  
4 Settlement Agreement. ANC 5C. SMD 5C01.  
5 NDA Incorporated T/A Stop & Shop Liquors,  
6 3011 Rhode Island Ave., NE, Retailer's Class  
7 A, License No.: 088222.

8 We have a change of hours agenda  
9 with just one item, and that is a change of  
10 hours application to change hours of  
11 operation and hours of alcoholic beverage  
12 sales/service from Monday through Saturday  
13 7:00 a.m. to 12:00 a.m. to Sunday through  
14 Saturday 7:00 a.m. to 12:00 a.m. There are  
15 no pending investigative matters, no pending  
16 enforcement matters, no outstanding fines or  
17 citations and there's no settlement  
18 agreement. It's in ANC 5C, SMD 5C01. The  
19 establishment is NDA Incorporated, trading  
20 as Stop & Shop Liquors located at 3011 Rhode  
21 Island Avenue, N.E., Retailer's Class A  
22 License No. 088222.

1 I move that we approve this  
2 change of hours request. Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks  
5 has seconded the motion. 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: The motion  
15 to approve passes by a vote of 3-0-0.

16 That concludes our change of  
17 hours. That concludes our agenda except for  
18 No. 4 on the supplemental agenda. And we  
19 will return shortly to address that one. So  
20 the Board will now go into recess and return  
21 shortly to address No. 4 on the supplemental  
22 agenda.

1 (Whereupon, at 3:10 p.m. off the  
2 record until 4:08 p.m.)

3 CHAIRPERSON MILLER: Good  
4 afternoon everyone. I'm sure you're here  
5 for the protest hearing that's scheduled for  
6 this afternoon. We have just one item on  
7 our supplemental meeting agenda that we just  
8 need to vote on and then we'll turn to the  
9 hearing.

10 And that is No. 4 on our  
11 supplemental agenda which is an application  
12 dated October 5th, 2012 for a full-service  
13 grocery store, Class B, with tasting  
14 endorsement. Smucker Farms of Lancaster  
15 County, trading as Lancaster Farms of  
16 Lancaster County located at 2118 14th  
17 Street, N.W. The proposed hours of  
18 operation and hours of alcoholic beverage  
19 sales/service are Sunday through Saturday  
20 8:00 a.m. to 12:00 a.m. It's located in ANC  
21 1B, Single Member District 1B04. And this  
22 is for Smucker Farms of Lancaster County,

1 2118 14th Street, N.W., License No. 90945.

2 The Board recently proposed new  
3 regulations defining a full-service grocery  
4 store and Smucker's has submitted a drawing  
5 and a letter asking approval under that.

6 And I would move that we actually  
7 hold a fact finding hearing on this  
8 application. It's not totally clear from  
9 the document how they meet it exactly, not  
10 to say that they don't, but it's not exactly  
11 clear. Particularly one point I note there  
12 is that they don't seem to identify the  
13 square footage of the selling area, which is  
14 the term that is in the regulation.

15 So I would move that we hold a  
16 fact finding hearing very soon, and that  
17 would be May 8th at 10:00 a.m. Are there  
18 other comments?

19 (No audible response.)

20 CHAIRPERSON MILLER: All right.  
21 Then do I have a second then?

22 MEMBER ALBERTI: Second.

1                   CHAIRPERSON MILLER: Mr. Alberti  
2                   has seconded the motion. All those in favor  
3                   of the motion to hold a fact finding hearing  
4                   on this application, say aye?

5                   (Chorus of ayes.)

6                   CHAIRPERSON MILLER: All those  
7                   opposed?

8                   (No audible response.)

9                   CHAIRPERSON MILLER: All those  
10                  abstaining?

11                  (No audible response.)

12                  CHAIRPERSON MILLER: Then the  
13                  motion passes by a vote of 3-0-0 to hold a  
14                  fact finding on this application on May 8th  
15                  at 10:00 a.m.

16                  Okay. So that concludes all our  
17                  agenda items and we can now turn to the  
18                  hearing that's on the afternoon calendar.

19                  (Whereupon, the hearing was  
20                  concluded at 4:12 p.m.)

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