

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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MAY 2, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

JEANNETTE MOBLEY, Member

CALVIN NOPHLIN, Member

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

7:43 p.m.

CHAIRPERSON MILLER: All right.

We're back on the record for the meeting agenda for May 2nd, 2012.

The first item on the agenda is a review of a change of hours application to change the hours of operation and hours of alcoholic beverage sales/service for T's Market at 1795 Lanier Place, N.W., License No. 76415 in ANC 1C. The current hours of operation are Monday through Sunday 9:00 a.m. to 10:00 p.m. The current hours of alcoholic beverage sales/ service are Monday through Saturday 9:00 a.m. to 10:00 p.m.; Sunday 10:00 a.m. to 10:00 a.m. And the proposed hours of operation and hours of alcoholic beverage sales/service are Monday through Sunday 10:00 a.m. to 12:00 a.m. So there's no voluntary agreement in this case.

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

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Any

3 comments?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those in

6 favor, say aye?

7 (Chorus of ayes.)

8 CHAIRPERSON MILLER: All those

9 opposed?

10 (No audible response.)

11 CHAIRPERSON MILLER: All those

12 abstaining?

13 (No audible response.)

14 CHAIRPERSON MILLER: Then the

15 vote is 6-0-0.

16 No. 2 on the agenda is a review

17 of an application for license class change

18 to change from a class C restaurant license

19 to a class C tavern license. No pending

20 investigative matters, no outstanding

21 citations or fines, no conflict with a

22 voluntary agreement. It's in ANC 1C. This

1 is for the Ghion Restaurant and Lounge, 2010
2 9th Street, N.W., License No. 86205.

3 I would recommend that we placard
4 this and I would move accordingly. Do I
5 have a second?

6 MEMBER MOBLEY: Second.

7 CHAIRPERSON MILLER: Any
8 comments?

9 (No audible response.)

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

21 No. 3 is a safekeeping
22 application for one year due to loss of the

1 lease. There's no pending investigative
2 matters, no outstanding citations or fines,
3 no voluntary agreement. It's in ANC 2B.
4 The establishment is Pho DC Bar & Grill
5 located at 1140 19th Street, N.W., License
6 No. 86855.

7 I would move approval of this
8 application for a period for one year. Do I
9 have a second?

10 MEMBER MOBLEY: Second.

11 CHAIRPERSON MILLER: Comments?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those in
14 favor, say aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those
17 opposed?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those
20 abstaining?

21 (No audible response.)

22 CHAIRPERSON MILLER: The vote is

1 6-0-0.

2 No. 4 on the agenda is a review
3 of a request to extend safekeeping until
4 March 31st, 2013 to allow for the transfer
5 of the license to a different location on
6 the university's campus. This is for George
7 Washington University Club, 1918 F Street,
8 N.W., License No. 26668. There's no
9 outstanding citations or fines, no voluntary
10 agreement.

11 I would move approval of this
12 safekeeping request until March 31st, 2013.
13 Do I have a second?

14 MEMBER ALBERTI: Second.

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

17 (Chorus of ayes.)

18 CHAIRPERSON MILLER: All those
19 opposed?

20 (No audible response.)

21 CHAIRPERSON MILLER: All those
22 abstaining?

1 (No audible response.)

2 CHAIRPERSON MILLER: The motion
3 passes 6-0-0.

4 No. 5 is a request to extend
5 safekeeping until March 31st, 2013 to allow
6 for the transfer of the license to a
7 different location on the university's
8 campus. No pending investigative matters,
9 no outstanding citations or fines, no
10 voluntary agreement. It's in ANC 2A. It's
11 the Alumni House at 1925 F Street, N.W.,
12 License No. 60219.

13 I would move that we approve this
14 safekeeping request as well until March
15 31st, 2013. Do I have a second?

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Okay.

18 Comments?

19 (No audible response.)

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

22 (Chorus of ayes.)

1 CHAIRPERSON MILLER: All those
2 opposed?

3 (No audible response.)

4 CHAIRPERSON MILLER: Those
5 abstaining?

6 (No audible response.)

7 CHAIRPERSON MILLER: The vote is
8 6-0-0 to approve.

9 No. 6 on the agenda is the review
10 of a change of hours application to change
11 the hours of operation and hours of
12 alcoholic beverage sales. The current hours
13 of operation and hours of alcoholic beverage
14 sales are Monday through Saturday 9:00 a.m.
15 to 9:00 p.m. The proposed hours of
16 operation and hours of alcoholic beverage
17 sales are Monday through Saturday 9:00 a.m.
18 to 12:00 a.m. No pending investigative
19 matters, no outstanding citations or fines,
20 no conflicts with voluntary agreement. It's
21 in ANC 4A. The establishment is Victor
22 Liquors at 6220 Georgia Avenue, N.W.,

1 License No. 88173.

2 I would move that we approve this
3 change of hours.

4 MEMBER ALBERTI: Second.

5 CHAIRPERSON MILLER: Any
6 comments?

7 (No audible response.)

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

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those
12 opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those
15 abstaining?

16 (No audible response.)

17 CHAIRPERSON MILLER: Motion
18 passes to approve 6-0-0.

19 No. 7 is a review of a request to
20 extend safekeeping to allow for completion
21 of renovations and sale of business license.
22 There are no pending investigative matters,

1 no outstanding citations or fines, no
2 voluntary agreement. It's in ANC 1C. The
3 establishment is California Liquors at 2100
4 18th Street, N.W., License No. 5018.

5 Okay. In this case we were not
6 given a specific date or time frame for the
7 requested safekeeping, so I would move that
8 we refer this request back to licensing to
9 determine a requested length of time as
10 required by 704.1 of ABRA Regulations. Do I
11 have a second?

12 MEMBER MOBLEY: Second.

13 CHAIRPERSON MILLER: Okay. All
14 those in favor of the motion to refer this
15 back to licensing, 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 vote is
2 6-0-0 to approve the motion.

3 No. 8 is a review of an
4 application for safekeeping to allow the
5 Licensee to reconfigure the store. There's
6 no pending investigative matters, no
7 outstanding citations or fines, no voluntary
8 agreement. It's in ANC 3B. And it's for
9 Whole Foods Market at 2323 Wisconsin Avenue,
10 N.W., License No. 86069.

11 As in the previous request, I
12 would move that we refer this back to
13 licensing to provide a specifically
14 requested length of time for the safekeeping
15 as required by Section 704.1. Do I have a
16 second?

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Okay. Any
19 comments?

20 (No audible response.)

21 CHAIRPERSON MILLER: 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 vote is
9 6-0-0 to approve referring it back to
10 licensing.

11 No. 9 is a review of an
12 application for safekeeping to allow the
13 Licensee to reconfigure the store. This is
14 for the Whole Foods Market at 1440-1446 P
15 Street, N.W., License No. 86071. Again no
16 outstanding citations or fines, no voluntary
17 agreement, and again no specific length of
18 time requested.

19 So I would move that we refer
20 this request back to licensing to determine
21 the requested length of time as required by
22 704.1. Do I have a second?

1 MEMBER JONES: Second.

2 CHAIRPERSON MILLER: Any

3 comments?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those in

6 favor, say aye?

7 (Chorus of ayes.)

8 CHAIRPERSON MILLER: All those

9 opposed?

10 (No audible response.)

11 CHAIRPERSON MILLER: All those

12 abstaining?

13 (No audible response.)

14 CHAIRPERSON MILLER: The vote is

15 6-0-0 to refer it back to licensing.

16 No. 10 is a review of an

17 application for safekeeping to allow the

18 Licensee to build a new bar area. There's

19 no pending investigative matters, no

20 outstanding citations or fines, no conflict

21 with voluntary agreement. It's for Zonobia

22 Lounge at 1025 31st Street, N.W., License

1 No. 85003 in ANC 2E.

2 Again, this does not request a
3 specific length of time, so I would move
4 that we refer it back to licensing to
5 determine that length of time as required by
6 704.1. Do I have a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Any
9 comments?

10 (No audible response.)

11 CHAIRPERSON MILLER: 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 vote is
21 6-0-0 to refer it back to licensing.

22 No. 11, a review of application

1 for safekeeping for 14 months to allow for
2 the build-out of location. There's no
3 pending investigative matters, no
4 outstanding citations or fines, no conflict
5 with voluntary agreement. It's in ANC 2B.
6 It's for Utopia Bar & Grill at 1416-1418 U
7 Street, N.W., License No. 23516.

8 I would move to approve the
9 application for safekeeping for a period of
10 14 months. Do I have a second?

11 MEMBER MOBLEY: Second.

12 CHAIRPERSON MILLER: Comments?

13 (No audible response.)

14 CHAIRPERSON MILLER: 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.)

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CHAIRPERSON MILLER: The vote is
6-0-0.

No. 12 is the review of an
amended entertainment endorsement
application to add cover charge. The
current hours of operation and hours of
sales/service of alcoholic beverages are
Sunday through Thursday 4:00 p.m. to 2:00
a.m.; Friday and Saturday 4:00 p.m. to 3:00
a.m. The current hours of entertainment are
Sunday 8:00 p.m. to 12:00; Monday through
Wednesday 6:00 p.m. to 1:00 a.m.; Thursday
10:00 p.m. to 2:00 a.m.; Friday and Saturday
10:00 p.m. to 3:00 a.m. No outstanding
fines, investigations, no conflict with
voluntary agreement. It is Bachelor's
Mill/Back Door Pub at 1104 8th Street, S.E.
in ANC 6B, License No. 11277.

I would move that we approve.
This is only requesting a cover charge. Do
I have a second?

MEMBER MOBLEY: Second.

1 CHAIRPERSON MILLER: Comments?

2 (No audible response.)

3 CHAIRPERSON MILLER: All those in
4 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 vote is
13 6-0-0.

14 No. 13 is a review of a change of
15 hours application to change the hours of
16 operation. Current hours of operation are
17 Sunday through Thursday 4:00 p.m. to 2:00
18 a.m.; Friday and Saturday 4:00 p.m. to 3:00
19 a.m. The proposed hours of operation will
20 be Sunday through Thursday 4:00 p.m. to 4:00
21 a.m.; Friday and Saturday 4:00 p.m. to 5:00
22 a.m. There's no conflict with the voluntary

1 agreement, no outstanding citations or
2 fines. And it's in ANC 6B. It's Bachelor's
3 Mill/Back Door Pub, 1104 8th Street, S.E.,
4 License No. 11277.

5 I would recommend that we placard
6 this. The hours are pretty late. Do I have
7 a second?

8 MEMBER MOBLEY: Second.

9 CHAIRPERSON MILLER: And any
10 comments?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those in
13 favor of placarding, 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 vote is
22 6-0-0 to placard.

1 No. 14 is a review of a sidewalk
2 caf, application for four seats. The
3 proposed hours of operation, hours of
4 alcoholic beverage sales, Sunday through
5 Thursday 11:00 a.m. to 2:00 a.m.; Friday and
6 Saturday 11:00 a.m. to 3:00 a.m. No
7 outstanding fines/citations, no voluntary
8 agreement. It's in ANC 1C. It's for the
9 Blaguard, 2003 18th Street, N.W., License
10 No. 86012.

11 I'd move that we approve this
12 application. Do I have a second?

13 MEMBER MOBLEY: Second.

14 CHAIRPERSON MILLER: Okay. Any
15 comments?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those in
18 favor, say aye?

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those
21 opposed?

22 (No audible response.)

1 CHAIRPERSON MILLER: All those
2 abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: The vote is
5 6-0-0 to approve.

6 No. 15 is a review of a letter
7 from Stephen O'Brien on behalf of Thalia,
8 LLC, landlord of Food and Fun Network, LLC,
9 trading as Slaviya, holder of a Retail Class
10 C Restaurant license located at 2424 18th
11 Street, N.W., and assignee of said license
12 requesting that license be held in
13 safekeeping to allow for transfer of license
14 to replacement tenant. Okay. This is in
15 ANC 1C. No conflict with voluntary
16 agreement or fines/citations. It's for
17 Slaviya, 2424 18th Street, N.W., License No.
18 83910.

19 Just want to see if this one had
20 an amount of time that the license be held
21 in safekeeping. Okay. We don't have a
22 specific amount of time, but based on the

1 information in the record it appears that
2 this is going through a transfer process,
3 and so a period of six months should be
4 adequate and something reasonable for us to
5 do. So I would recommend based on the
6 information in the record that we approve
7 the safekeeping for a period of six months.
8 Do I have a second?

9 MEMBER ALBERTI: Second.

10 CHAIRPERSON MILLER: Comments?

11 (No audible response.)

12 CHAIRPERSON MILLER: Okay. All
13 those in favor of the motion to approve the
14 safekeeping for six months, say aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those
17 opposed?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those
20 abstaining?

21 (No audible response.)

22 CHAIRPERSON MILLER: The vote is

1 6-0-0.

2 Okay. No. 16 on the agenda is
3 mistakenly on the agenda. We addressed this
4 issue last week, so I'm going to move onto
5 No. 17 on the agenda, which is a review of a
6 letter dated April 23rd, 2012 from Paul
7 Pascal requesting permission to DOPS, Inc.
8 to provide services to their clientele such
9 as line cleaning, troubleshooting,
10 adjustments to pressure, and solution-based
11 repairs. Each line costs approximately
12 \$3.50 to fix and the average number of lines
13 per establishment is 7.75. DOPS, Inc. is
14 requesting approval for cases that will
15 exceed \$50 but would be under the \$500
16 limitation.

17 Anybody have any comments on this
18 one while I check the Regs?

19 (No audible response.)

20 CHAIRPERSON MILLER: Okay. I
21 would move that we approve this request
22 pursuant to 904.3 of our Regulations. Do I

1 have a second?

2 MEMBER MOBLEY: Second.

3 CHAIRPERSON MILLER: Thank you.

4 Any comments?

5 (No audible response.)

6 CHAIRPERSON MILLER: Okay. All
7 those in 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 vote is
16 6-0-0 to approve.

17 Okay. No. 18 is review of a
18 letter dated April 7th, 2012 from Mike
19 Isabella requesting permission to store
20 invoices for Graffiato in Lanham, Maryland,
21 707 6th Street, N.W. The restaurant's
22 Graffiato, License No. 86500.

1 I would move that we approve this
2 request provided that copies are kept in the
3 District. Do I have a second?

4 MEMBER MOBLEY: Second.

5 CHAIRPERSON MILLER: Any
6 comments?

7 (No audible response.)

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

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those
12 opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those
15 abstaining?

16 (No audible response.)

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

19 No. 19 is a letter dated April
20 16th, 2012 from Michael Fonseca requesting
21 permission to store books and records for
22 Capital Yacht Charters, LLC in a locked sea

1 container in Washington, D.C. The
2 establishment is Celebrity, Finished
3 Business, Virginia's Jewels, 1300 Maine
4 Avenue and the License Nos. are 84410,
5 84413, 8758.

6 I would move that we approve this
7 request. Do I have a second?

8 MEMBER ALBERTI: Second.

9 CHAIRPERSON MILLER: Any
10 comments?

11 (No audible response.)

12 CHAIRPERSON MILLER: 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: Those
19 abstaining?

20 (No audible response.)

21 CHAIRPERSON MILLER: The vote is
22 6-0-0.

1 The next item is No. 21 on the
2 agenda. It's a motion to intervene dated
3 April 4th, 2012 from Matthew LeFande for K
4 Street Lounge, 1301 K Street, N.W., License
5 No. 72225. And this is related to a case
6 that I didn't participate in, so would
7 someone else on the Board who participated
8 in this case take this?

9 MEMBER ALBERTI: Madam Chair, I
10 will move that we deny the motion. And I'll
11 note that there is a recusal in this matter
12 by Board Members Silverstein and Nophlin on
13 this matter.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: Both of those
16 people were present on the Board when we
17 considered this, but they are recusing
18 themselves from this matter.

19 CHAIRPERSON MILLER: Okay. But
20 there is a quorum of those who participated
21 here to vote on the motion on this today,
22 correct?

1 MEMBER ALBERTI: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: There are three
4 Board members present here today who will be
5 voting.

6 MEMBER JONES: I second the
7 motion.

8 MEMBER ALBERTI: Thank you.

9 CHAIRPERSON MILLER: Is there a
10 motion?

11 MEMBER ALBERTI: Yes, I moved to
12 deny the motion.

13 CHAIRPERSON MILLER: Okay.
14 There's a motion that's been seconded.

15 MEMBER ALBERTI: Yes.

16 CHAIRPERSON MILLER: Are there
17 any comments that anyone wants to make on
18 that motion?

19 (No audible response.)

20 CHAIRPERSON MILLER: Okay. Do
21 you want me to call the vote?

22 MEMBER ALBERTI: Yes.

1 CHAIRPERSON MILLER: Okay. All
2 those in favor who participated on this
3 case, all those in favor of the motion, say
4 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: So the vote
13 is 3-0-0. Okay.

14 No. 22 is a letter dated April
15 13th, 2012 for Souk requesting reinstatement
16 for its application. Souk was dismissed for
17 failure to appear during a roll call
18 hearing. The establishment is Souk
19 Restaurant, 1208 8th Street, N.E., License
20 No. 88675.

21 I would move that we approve the
22 request for reinstatement. Do I have a

1 second?

2 MEMBER NOPHLIN: Second.

3 CHAIRPERSON MILLER: Any

4 comments?

5 (No audible response.)

6 CHAIRPERSON MILLER: 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: Those

13 abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: The vote is

16 6-0-0.

17 No. 23 is a motion to continue a

18 protest hearing dated April 20th, 2012 from

19 Pascal Weiss for the protest hearing

20 scheduled for May 2, 2012. The

21 establishment is Aman Liquor Store, 3661

22 Georgia Avenue, N.W., License No. 88128.

1 This Board already canceled the
2 hearing last week and this case is related
3 to the King's Deli Grocery application. And
4 the Applicant would be within 400 feet, so
5 the application would be denied. So in any
6 event, there is no hearing, which was
7 scheduled for today, May 2nd. I don't think
8 any motion is really even necessary.

9 Twenty-four is a voluntary
10 agreement dated November 22nd, 2011 between
11 727 Market and ANC 1B. 727 Market is
12 located at 2820 Georgia Avenue, N.W.,
13 License No. 78015.

14 Okay. All right. Just getting
15 that before me. So I would move that we
16 approve this voluntary agreement subject to
17 some minor modifications to language in No.
18 1 of the voluntary agreement addressing the
19 change of hours constituting a substantial
20 change in No. 3, which provides that a log
21 of calls to MPD be made available to the
22 Protestant upon request. It's been the

1 Board's policy that such logs be made
2 available to the Board and then a Protestant
3 may request them from the Board. So our
4 legal staff will communicate that to the
5 parties. Is there a second to that motion?

6 MEMBER ALBERTI: Second.

7 CHAIRPERSON MILLER: Any other
8 comments?

9 (No audible response.)

10 CHAIRPERSON MILLER: Okay. All
11 those in favor of approving then with
12 modifications as indicated, 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 vote is
21 6-0-0.

22 We're going to go back to No. 20,

1 which I skipped by mistake.

2 No. 20 is a review of
3 correspondence dated April 8th, 2012 from
4 Danny Lai requesting a waiver of the import
5 requirements to ship more than a case of
6 alcohol to the Alcohol and Tobacco Tax and
7 Trade Bureau in a one-month period.

8 I would move that we approve this
9 request because the Tobacco Tax and Trade
10 Bureau is only receiving the alcohol for a
11 label investigation, which is a national
12 function under the Home Rule Act and exempt
13 from the ABC laws. Do I have a second?

14 MEMBER MOBLEY: Second.

15 CHAIRPERSON MILLER: Any
16 comments?

17 (No audible response.)

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

20 (Chorus of ayes.)

21 CHAIRPERSON MILLER: All those
22 opposed?

1 (No audible response.)

2 CHAIRPERSON MILLER: All those
3 abstaining?

4 (No audible response.)

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

7 So that brings us to No. 25,
8 review of a voluntary agreement dated April
9 20th, 2012 between Quan, LLC, a Group of
10 Five or More, and ANC 2B. The establishment
11 is To Be Determined. Quan, LLC located at
12 1800 14th Street, N.W., License No. 88683.

13 I would move that we approve this
14 with modifications to paragraph 21 of the
15 agreement to reflect that an amendment may
16 be made to the voluntary agreement at
17 renewal after a four-year period. Do I have
18 a second?

19 MEMBER MOBLEY: Second.

20 CHAIRPERSON MILLER: Any
21 comments?

22 (No audible response.)

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

3 (Chorus of ayes.)

4 CHAIRPERSON MILLER: All those
5 opposed?

6 CHAIRPERSON MILLER: Then the
7 vote is 6-0-0 to approve the voluntary
8 agreement with the modification to 21.

9 MEMBER MOBLEY: And section 14.

10 CHAIRPERSON MILLER: Would you
11 like to move that? I didn't move that.

12 MEMBER MOBLEY: Oh, I'm sorry.

13 CHAIRPERSON MILLER: But you can
14 if you want to.

15 MEMBER MOBLEY: No, that's fine.

16 MEMBER ALBERTI: Madam Chair,
17 with respect to item 25, I'd like to move
18 that we also require a modification to
19 section 14 of the voluntary agreement and
20 that be a condition of our approval. Is
21 there a second?

22 MEMBER JONES: Second.

1 CHAIRPERSON MILLER: Any
2 comments?

3 (No audible response.)

4 CHAIRPERSON MILLER: I'd like to
5 make a comment, and that is this type of
6 provision has been traditionally removed
7 from voluntary agreements because it is seen
8 to be difficult to enforce by a show cause
9 action, which is what the remedy is for
10 violations of a voluntary agreement. And I
11 guess I've been ambivalent about this
12 provision because I think it's a positive
13 provision and I'm not sure that it would
14 ever be a subject of a show cause agreement.
15 So in any event, that's my --

16 MEMBER ALBERTI: May I see the
17 provision?

18 CHAIRPERSON MILLER: Oh, sure.
19 Sure. It's cooperation with residents.

20 MEMBER ALBERTI: Yes. Oh, I
21 know. I just want to refresh my memory.

22 CHAIRPERSON MILLER: You want to

1 read it?

2 MEMBER ALBERTI: No.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER ALBERTI: My thoughts on
5 this are that we as a Board cannot require
6 the parties to meet. It is not in our
7 purview to dictate that these parties meet.
8 It says they agree to meet as needed. If
9 one of the two parties decides that it's
10 needed and comes to us, then it would be
11 left to us to dictate to the other party
12 meet with them. And I don't believe it's
13 within the Board's purview to dictate to the
14 parties that they have to meet. So that's
15 why I made my recommendation.

16 CHAIRPERSON MILLER: Okay. And I
17 certainly respect that point of view. I
18 guess I don't interpret it that way. I
19 guess I interpret they will agree to meet as
20 opposed to we dictate that they meet. But
21 in any event, do you want to call the vote
22 on that?

1 MEMBER ALBERTI: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: We have a --

4 CHAIRPERSON MILLER: Oh, Mr.

5 Jones wants to make a comment.

6 MEMBER ALBERTI: Mr. Jones?

7 CHAIRPERSON MILLER: Yes.

8 MEMBER JONES: I just would like

9 to request clarification on the motion.

10 MEMBER ALBERTI: The motion is

11 that we modify that section 14 either be

12 modified or removed so that it no longer

13 would require the parties to meet -- so it

14 no longer would as a requirement of the VA

15 require the parties to meet.

16 MEMBER JONES: And just for

17 purposes of the clarification, only section

18 14?

19 MEMBER ALBERTI: Well, we've

20 already voted in an earlier motion to modify

21 section 21.

22 CHAIRPERSON MILLER: And the rest

1 of the voluntary agreement has been
2 approved.

3 MEMBER ALBERTI: Right. And so
4 this motion is to make the approval the VA
5 contingent upon modification of section 14
6 with the understanding that a previous
7 motion already addressed section 21.

8 CHAIRPERSON MILLER: Since we're
9 spending this time on it, I want to read 14.
10 It says, "Cooperation with residents.
11 Applicant agrees to meet as needed with the
12 Protestants to discuss any problems arising
13 from the operation of the establishment.
14 The Applicant agrees to work in good faith
15 with the Protestants to resolve any such
16 problem."

17 MEMBER ALBERTI: And if one of
18 the parties came to us -- the only way we
19 would find a violation is if one of the
20 parties came to us and said the opposing
21 party does not deem it necessary or refuses
22 to meet. And so that was my comment on the

1 only way -- so the only way we could find
2 them in violation is to decide that they
3 must meet, and I don't think it's in the
4 purview of the Board to dictate that these
5 parties must meet.

6 MEMBER JONES: Not sure how to
7 properly introduce this or get this on the
8 record here after the motion is on the
9 floor. I have concerns regarding
10 clarification of section 2 to make it
11 consistent.

12 CHAIRPERSON MILLER: Section 2?

13 MEMBER ALBERTI: Okay. You want
14 to offer it as a friendly amendment?

15 MEMBER JONES: If I may.

16 MEMBER ALBERTI: Sure.

17 CHAIRPERSON MILLER: Section 2?

18 MEMBER JONES: I'd like to offer
19 as a friendly amendment to the existing
20 motion made by Board Member Alberti to
21 provide or request clarification of section
22 2 consistent with 25-446 as well as part of

1 the motion to modify -- approve the VA
2 pending --

3 CHAIRPERSON MILLER: Hours of
4 operation?

5 MEMBER ALBERTI: I will accept
6 that as a friendly amendment --

7 MEMBER JONES: Thank you.

8 MEMBER ALBERTI: -- Board Member
9 Jones.

10 CHAIRPERSON MILLER: Could you --
11 wait a minute.

12 MEMBER ALBERTI: Oh, okay.

13 MEMBER JONES: No problem.

14 MEMBER ALBERTI: Do you want
15 withdraw that motion?

16 MEMBER JONES: I do withdraw that
17 motion.

18 MEMBER ALBERTI: Okay.

19 MEMBER JONES: I apologize for
20 the --

21 MEMBER ALBERTI: That's all
22 right.

1 MEMBER JONES: Thanks for the
2 clarification.

3 MEMBER ALBERTI: I was confused,
4 too. Thank you.

5 CHAIRPERSON MILLER: Okay. Any
6 other comments?

7 (No audible response.)

8 CHAIRPERSON MILLER: So the
9 motion's on the table to modify section --
10 what number is it --

11 MEMBER MOBLEY: Fourteen.

12 CHAIRPERSON MILLER: -- 14, or
13 remove it? Modify it?

14 MEMBER ALBERTI: That will be up
15 to the parties, but right now it either
16 needs to be modified or removed. And I will
17 leave that up to the parties.

18 CHAIRPERSON MILLER: Okay. Is
19 there a second?

20 MEMBER MOBLEY: Second.

21 CHAIRPERSON MILLER: Okay. Any
22 more comments?

1 (No audible response.)

2 CHAIRPERSON MILLER: All right.

3 All those in favor, say aye?

4 (Chorus of ayes.)

5 CHAIRPERSON MILLER: All those
6 opposed? Opposed.

7 CHAIRPERSON MILLER: All those
8 abstaining?

9 (No audible response.)

10 CHAIRPERSON MILLER: All right.

11 The vote is 5-1-0 to modify section 14?

12 MEMBER ALBERTI: Yes.

13 CHAIRPERSON MILLER: Okay. All
14 right. Next, 26, review of a voluntary
15 agreement dated April 10, 2012 between
16 Congressional Liquors and ANC 6B.

17 Congressional Liquors is located at 404 1st
18 Street, S.E., License No. 71157.

19 I would move that we approve this
20 voluntary agreement with modification to
21 section 2G and 3F. 2G sets forth what's
22 considered a substantial change, and that is

1 to be determined by the Board. And 3F again
2 provides -- wait a second. I withdraw that.
3 Just 2G.

4 MEMBER ALBERTI: No, 3F.

5 CHAIRPERSON MILLER: 3F provides
6 -- oh, I see. Okay. No, 3F. Again, I
7 misread that. 3F also talks about a log
8 being maintained by the Applicant for when
9 MPD is called and to be provided to a
10 Protestant. And the Board's policy is that
11 such logs be provided to the Board and the
12 Protestant may seek the log from the Board.

13 Okay. So I would move to approve
14 with those two modifications. Do I have a
15 second?

16 MEMBER MOBLEY: Second.

17 CHAIRPERSON MILLER: Any other
18 comments?

19 (No audible response.)

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

22 (Chorus of ayes.)

1 CHAIRPERSON MILLER: All those
2 opposed?

3 (No audible response.)

4 CHAIRPERSON MILLER: All those
5 abstaining?

6 (No audible response.)

7 CHAIRPERSON MILLER: The vote is
8 6-0-0.

9 Next we have a notice of orders
10 to cease and desist.

11 MEMBER MOBLEY: Madam Chair, may
12 I make a suggestion?

13 CHAIRPERSON MILLER: Yes.

14 MEMBER MOBLEY: Since they're all
15 applicable just to say order cease and
16 desist for all of these that we state the
17 date and then just name the establishment
18 and the license number, instead of reading
19 it individually?

20 CHAIRPERSON MILLER: Yes, I
21 would.

22 MEMBER ALBERTI: But there is one

1 exception, I believe, right?

2 CHAIRPERSON MILLER: Right. So,
3 yes, the request has been made that all of
4 these Licensees that I'm going to name have
5 not renewed by March 31st, 2012, except for
6 one on this list, which is Ba Bay, License
7 No. 085465. They paid on May 2nd.

8 I'm just going to read the names
9 quickly and not give all the other
10 identifying information, because it's going
11 to be published in the D.C. Register on May
12 9th.

13 So those establishments are:
14 Uptown Wine and Spirits; Penn Branch
15 Liquors; City Club of Washington at Franklin
16 Square; West End Cinema; The Scene; Caf, 8;
17 Capital City Diner; El Sol de America;
18 Ethiopia Restaurant and Market; Galileo III;
19 HR 57; IPOH; Madjet Restaurant; Restaurant
20 Judy; Sizzling Express; Tandoori Time;
21 Teqeste Ethiopian Restaurant; Tortilla
22 Coast; WA-ZO-BIA; Zee's Restaurant & Bar;

1 Quite a Stir; Montserrat House Catering; ,
2 Main Event Caterers; Grand Cuisine; 3
3 Citron, LLC; Restaurant Associates, Inc.;
4 Catering by Uptown; Hamilton's Bar & Grill,
5 Epicurean Experience; The American Institute
6 of Architects, Inc.; All Tyme Catering; B
7 Caf, et Brookland Caf,; Fruit Bat/Church &
8 State; Additi Indian Kitchen; Marvelous
9 Market.

10 We have been asked to approve now
11 the following license cancellations for the
12 reasons outlined below: The first is
13 License No. 079219, Kendejah at 5828 Georgia
14 Avenue, N.W. Licensee did not make its
15 second-year payment in September 2011 and
16 cease and desist issued on March 14th, 2012.

17 And the second one is License No.
18 086024, 1820 Bar & Lounge at 1820 Benning
19 Road, N.E. Licensee did not make second-
20 year payment in September 2011 and cease and
21 desist issued on March 14th, 2012.

22 So I think that that concludes

1 our agenda for May 2nd, 2012.

2 As Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia and in accordance with Section 405
5 of the Open Meetings Amendment Act of 2010,
6 I move that the ABC Board hold a closed
7 meeting on May 9th, 2012 for the purpose of
8 seeking legal advice from our counsel on the
9 matters identified on the Board's agenda for
10 May 9th, 2012 as published in the D.C.
11 Register on May 4th, 2012. Is there a
12 second?

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: I'll take a
15 roll call vote on the motion before us now
16 that it's been seconded.

17 Mr. Nophlin?

18 MEMBER NOPHLIN: I agree.

19 CHAIRPERSON MILLER: Mr. Brooks?

20 MEMBER BROOKS: I agree.

21 CHAIRPERSON MILLER: Mr. Alberti?

22 MEMBER ALBERTI: (No audible

1 response.)

2 CHAIRPERSON MILLER: Ms. Miller
3 agrees.

4 CHAIRPERSON MILLER: Ms. Mobley?

5 MEMBER MOBLEY: I agree.

6 CHAIRPERSON MILLER: Mr. Jones?

7 MEMBER JONES: I agree.

8 CHAIRPERSON MILLER: Okay. The
9 vote is 5 --

10 MEMBER ALBERTI: I agree. Yes, I
11 agree.

12 CHAIRPERSON MILLER: -- 6-0-0.

13 CHAIRPERSON MILLER: Thank you.

14 As it appears that the motion has passed, I
15 hereby give notice that the ABC Board will
16 hold this aforementioned closed meeting.

17 Pursuant to the Open Meetings Amendment Act
18 of 2010, notice will also be posted on the
19 ABC Board hearing room bulletin Board,
20 placed on the electronic calendar on ABRA's
21 Web site and published in the D.C. Register
22 in as a timely a manner as practicable.

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with Section 405
4 of the Open Meetings Amendment Act of 2010,
5 I move that the ABC Board hold a closed
6 meeting on May 9th, 2012 for the purpose of
7 discussing and hearing reports concerning
8 ongoing or planned investigations of alleged
9 criminal or civil misconduct or violations
10 of law or regulations and seeking legal
11 advice from our counsel on the Board's
12 investigative agenda for May 9th, 2012 as
13 published in the D.C. Register on May 4th,
14 2012. Is there a second?

15 MEMBER ALBERTI: Second.

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

19 Mr. Nophlin?

20 MEMBER NOPHLIN: I agree.

21 CHAIRPERSON MILLER: Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr. Alberti?

2 MEMBER ALBERTI: I agree.

3 CHAIRPERSON MILLER: Ms. 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 vote is
10 6-0-0. Now that the motion has passed, I
11 hereby give notice that the ABC Board will
12 hold this aforementioned closed meeting.
13 Pursuant to the Open Meetings Amendment Act
14 of 2010, notice will also be posted on the
15 ABC Board hearing room bulletin Board,
16 placed on the electronic calendar on ABRA's
17 Web site and published in the D.C. Register
18 in as a timely a manner as practicable.

19 And that concludes our matters
20 for May 2nd, 2012. Thank you.

21 (Whereupon, the hearing was
22 concluded at 8:28 p.m.)

A					
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