

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Agenda
Hearing

A.B.R.A Agenda

May 7, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

(9:44 p.m.)

CHAIRPERSON MILLER: Okay. We are back on the record with today's agendas starting with the Licensing Agenda for May 7, 2014.

The first item is a request for a substantial change from Attorney Andrew Kline on behalf of the licensee, Penthouse Pool and Lounge located at 1612 U Street, N.W., License No. 086789.

I move that we placard this for a substantial change.

MEMBER RODRIGUEZ: Second it.

CHAIRPERSON MILLER: Mr. Rodriguez has seconded the motion.

All those in favor say aye.

ALL: Aye.

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

No. 2 is an application for an

1 entertainment endorsement for the same
2 establishment and I move that we placard this
3 as well. Do I have a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON MILLER: Mr. Short has
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

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

12 No. 3 is an application for an
13 entertainment endorsement for Bardo located at
14 1216 Bladensburg Road, N.E., License No.
15 090430.

16 I move that we have a Fact-Finding
17 Hearing on this application and notify the
18 ANC. Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks
21 has seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? The motion
4 passes 5-0-0.

5 No. 4 is an application for a
6 substantial change for a rooftop summer
7 garden, that's for Takoma Station Tavern
8 located at 6419 4th Street, N.W., License No.
9 079370.

10 I move that we placard this
11 application. Do I have a second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON MILLER: Mr. Short has
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

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

20 No. 6 is a request to extend a
21 license in safekeeping. It's by the Roberts
22 Law Group located at 1029 Vermont Avenue,

1 N.W., and the License No. 083728.

2 I move that we approve this
3 request to extend it for six months. Do I
4 have a second?

5 MEMBER RODRIGUEZ: Second.

6 CHAIRPERSON MILLER: Mr. Rodriguez
7 has seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 5-0-0. And after six months, they will
13 have to reapply if they haven't moved it out
14 of safekeeping.

15 No. 6 is an application to place
16 license in safekeeping by Living Social
17 located at 918 7th Street, N.W., License No.
18 088360.

19 As in the first one, I move that
20 we grant the application and place it in
21 safekeeping for six months and if they don't
22 take it out of safekeeping within six months,

1 then they would need to reapply.

2 Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks
5 has seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

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

11 No. 7 is a letter from a new
12 applicant requesting consideration to
13 reinstate a canceled license. This is from
14 Minnesota Food Mart located at 3728 Minnesota
15 Avenue, N.E., and it is License No. 072048.

16 I would move that we refer this to
17 licensing. Do I have a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks
20 has seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 5-0-0.

4 No, 8 is an application for a new
5 retailer full-service grocery in ANC-5D. It's
6 MOM's Organic Market located at 1401 New York
7 Avenue, N.E., License No. 094996.

8 I move that we refer this to
9 licensing because we haven't received a floor
10 plan yet. Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks
13 has seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

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

19 No. 9 is an application for change
20 of hours of operation only and it's for Ming's
21 located at 617 H Street, N.W., License No.
22 083415.

1 I move that we have a Fact-Finding
2 on this application. Do I have a second?

3 MEMBER SHORT: Second.

4 CHAIRPERSON MILLER: Mr. Short has
5 seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

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

11 No. 6 is an application for change
12 of hours for The Bottom Line.

13 MEMBER RODRIGUEZ: No. 10.

14 CHAIRPERSON MILLER: I'm sorry.
15 No. 10, thank you.

16 For The Bottom Line. And it's
17 also change of hours and also has proposed
18 hours of live entertainment. It's for The
19 Bottom Line located at 1716 I Street, N.W.,
20 License No. 000755.

21 I move that we placard this
22 application. Do I have a second?

1 MEMBER BROOKS: Second.

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

4 All those in favor say aye.

5 ALL: Aye.

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

9 No. 11 is an application and
10 letter for change of hours for Sixth Engine
11 located at 438 Massachusetts Avenue, N.W.,
12 License No. 084584.

13 I move that we placard this
14 application. Do I have a second?

15 MEMBER SHORT: Second.

16 CHAIRPERSON MILLER: Mr. Short has
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 5-0-0.

1 That concludes our regular agenda.

2 We have a Supplemental Agenda for Licensing.

3 No. 1 is a request for a
4 stipulated license and with that request is a
5 Letter of Support from ANC-5B. And the
6 establishment is Smith Public Trust located at
7 3514 12th Street, N.E., License No. 094424.

8 I move that we approve the
9 stipulated license.

10 MEMBER RODRIGUEZ: Second it.

11 CHAIRPERSON MILLER: Mr. Rodriguez
12 has seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

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

18 No. 2 is a review of additional
19 documentation supporting the request for a new
20 Retailer Class B Full-Service Grocery for Aldi
21 located at 901 17th Street, N.E., License No.
22 094098.

1 I move that we postpone this one
2 week. Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks
5 has seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

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

11 So that completes the Licensing
12 Agendas for May 7, 2014.

13 And we have a Legal Agenda.

14 The first item on the Legal Agenda
15 is a letter from Emanuel Mpras, counsel for
16 Red Line DC, LLC. Red Line is located at 707
17 G Street, N.W., License No. 85225.

18 And this is an FYI, this letter.

19 Okay. No. 2 is request for
20 payment extension dated April 25, 2014 from
21 Adeba Beyene, owner of Vita Restaurant and
22 Lounge which is located at 1318 9th Street,

1 N.W., License No. 86037, which is requesting
2 an extension to pay a fine because she doesn't
3 have the money to pay it, at this time.

4 MEMBER RODRIGUEZ: What is the
5 business name again?

6 CHAIRPERSON MILLER: This is Adeba
7 Beyene from Vita Restaurant and Lounge.

8 MEMBER RODRIGUEZ: What is the
9 full payment?

10 CHAIRPERSON MILLER: She owes
11 \$2,000 for failure to pay an OIC in a timely
12 basis. And she is saying she can't afford it,
13 at this time, so she is asking for a 60 day
14 extension of the time to pay this fine.

15 Does somebody have a motion on
16 this one?

17 MEMBER ALBERTI: I move that we
18 deny this. This has been our practice with
19 every similar request we have gotten for the
20 last five years is to deny extension of
21 payments or partial payment from any licensee
22 on fines owed. This is a Board Order. This

1 is a Board Order.

2 CHAIRPERSON MILLER: Right. I
3 would say that this has been the policy. I
4 have never known us to deviate as a Board.

5 MEMBER ALBERTI: That's absolutely
6 right.

7 CHAIRPERSON MILLER: In any event,
8 I also think that it's a difficult situation
9 because when people can't --

10 MEMBER ALBERTI: What's the
11 difficulty?

12 CHAIRPERSON MILLER: If people
13 can't afford to pay and then what happens. If
14 they can't afford to pay it now, but they can
15 afford it in 60 days, I guess, they are then
16 in violation of another deadline.

17 MEMBER ALBERTI: You know, someone
18 once said to me if you can't do the time,
19 don't do the crime.

20 CHAIRPERSON MILLER: Um-hum.

21 MEMBER ALBERTI: You know, she --
22 we didn't force her into this violation.

1 MEMBER SILVERSTEIN: This is not--

2 MEMBER ALBERTI: And she was given
3 probably 60 days. I'm guessing she was given
4 60 or 90 days to pay it. I don't know for
5 sure. But she was given an ample amount of
6 time to pay.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: My motion -- do I
9 have a second for my motion?

10 MEMBER SILVERSTEIN: Second.

11 MEMBER ALBERTI: All right. Do
12 you want to take a vote, Ruthanne, please?

13 CHAIRPERSON MILLER: All right.
14 Chairman Miller? Any other comments on this
15 motion? Okay. And I just would say for the
16 record, and I'm not saying that we did, but
17 she does say that, you know, an order of our's
18 did hinder her business and that's why she is
19 unable to pay. Whether that is true or not,
20 that's what her argument is. Okay.

21 MEMBER ALBERTI: Yes, and our
22 order was to make her have reimbursable -- no,

1 no, not to have promoters.

2 CHAIRPERSON MILLER: Not to have
3 promoters.

4 MEMBER ALBERTI: And if I
5 remember, that was the result of several
6 violent acts at her establishment when
7 promoters were present. So I mean --

8 MEMBER RODRIGUEZ: There is a
9 motion seconded on the floor.

10 CHAIRPERSON MILLER: She probably
11 is the -- she isn't the only one that is
12 disallowed promoters.

13 MEMBER SILVERSTEIN: I move we
14 call the question.

15 CHAIRPERSON MILLER: Okay. There
16 is a motion to deny on the table.

17 All those in favor say aye.

18 MEMBER ALBERTI: Aye.

19 MEMBER BROOKS: Aye.

20 MEMBER RODRIGUEZ: Aye.

21 MEMBER SILVERSTEIN: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? Opposed. All those abstaining?

2 Okay. The motion passes 4-1-0 to deny.

3 Okay. No. 3 is a letter of
4 support for a license renewal for Barcode
5 located at 1101 17th Street, N.W., License No.
6 82039. This is from Leona Agourdis, Executive
7 Director of Golden Triangle BID.

8 And this is just an FYI. No
9 action is required.

10 No. 4 is a resolution to amend
11 settlement agreement dated February 12, 2014
12 between ANC-1A and Juanita's Restaurant.
13 Juanita's Restaurant is located at 3251 14th
14 Street, N.W., License No. 91432.

15 I move that we approve the
16 settlement agreement.

17 MEMBER RODRIGUEZ: Second it.

18 CHAIRPERSON MILLER: Mr. Rodriguez
19 has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 4-0-0.

3 No, 5 is a settlement agreement
4 dated April 10, 2014 between ANC-2B and 1624
5 U Street, Inc., Chi-Cha Lounge located at 1624
6 U Street, N.W., License No. 26519.

7 I move that we approve the
8 settlement agreement. Do I have a second?

9 MEMBER SHORT: Second.

10 CHAIRPERSON MILLER: Mr. Short has
11 seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 4-0-0.

17 No. 6 is a proposed amendment to a
18 voluntary agreement dated April 5, 2014
19 between ANC-2B, Group of 5 or More and Inner
20 Circle 1223, LLC. The establishment is Dirty
21 Martini/Dirty Bar located at 1223 Connecticut
22 Avenue, N.W., License No. 83919.

1 I move that we postpone
2 consideration of this settlement agreement one
3 week.

4 And before we vote on this, I'm
5 going to move that we postpone consideration
6 of the proposed amendment to the voluntary
7 agreement from Midtown, which is located at
8 1219 Connecticut Avenue, N.W., License No.
9 72087, that both of these be postponed one
10 week.

11 Do I have a second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON MILLER: Mr. Short has
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 4-0-0.

20 Okay. No. 8 is a review of five
21 requests from E & J Gallo to provide retailers
22 with products valued at more than \$50 and less

1 than \$500.

2 I move that we approve these
3 requests. Do I have a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr.

6 Silverstein has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 4-0-0.

12 So that concludes our Legal Agenda
13 for May 7, 2014, And all that is left are the
14 votes on deliberating in closed session on our
15 agendas for investigation and adjudication.

16 Okay. So as Chairperson of the
17 Alcoholic Beverage Control Board for the
18 District of Columbia and in accordance with DC
19 Official Code Section 2-574(b) of the Open
20 Meetings Act, I move that the ABC Board hold
21 a closed meeting on our agenda and
22 investigative agenda for the purpose of

1 seeking legal advice from our counsel on the
2 matters identified on the Board's Agenda for
3 May 14, 2014 as published in the DC Register
4 on May 9, 2014.

5 Is there a second?

6 MEMBER RODRIGUEZ: Second.

7 CHAIRPERSON MILLER: Mr.

8 Rodriguez has seconded the motion. I'll now
9 take a roll call vote on the motion before us
10 now that it has been seconded.

11 Mr. Rodriguez?

12 MEMBER RODRIGUEZ: I approve.

13 CHAIRPERSON MILLER: Ms. Miller
14 approves.

15 Mr. Silverstein?

16 MEMBER SILVERSTEIN: I approve.

17 CHAIRPERSON MILLER: Mr. Short?

18 MEMBER SHORT: I approve.

19 CHAIRPERSON MILLER: It appears
20 that the motion has passed by a 4-0-0 vote.

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

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

7 As Chairperson of the Alcoholic
8 Beverage Control Board for the District of
9 Columbia and in accordance with DC Official
10 Code Section 2-574(b), closed meetings, and 2-
11 574, Notice of Meetings, of the Open Meetings
12 Act, I move that the ABC Board hold a closed
13 meeting on May 14, 2014 for the purpose
14 discussing and hearing reports concerning
15 ongoing or planned investigations of alleged
16 criminal or civil misconduct or violations of
17 law or regulations and seeking legal advice
18 from our counsel on the Board's investigative
19 agenda for May 14, 2014 as published in the DC
20 Register on May 9, 2014.

21 Is there a second?

22 MEMBER SHORT: Second.

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

5 Mr. Rodriguez?

6 MEMBER RODRIGUEZ: I approve.

7 CHAIRPERSON MILLER: Ms. Miller
8 approves.

9 Mr. Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON MILLER: Mr.
12 Silverstein agrees. And Mr. Short?

13 MEMBER SHORT: I agree.

14 CHAIRPERSON MILLER: Mr. Short
15 agrees. It appears that the motion has passed
16 by a 4-0-0 vote.

17 I hereby give notice that the ABC
18 Board will hold this aforementioned closed
19 meeting pursuant to the Open Meetings Act.
20 Noticed will also be posted on the ABC Board
21 hearing room bulletin board, placed on the
22 electronic calendar on ABRA's website and

1 published in the DC Register in as timely a
2 manner as practicable.

3 And that concludes our business
4 for May 7, 2014 and the Board is adjourned.
5 Thank you.

6 (Whereupon, the A.B.R.A. Agenda in
7 the above-entitled matter was concluded at
8 6:34 p.m.)

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\$2,000 12:11 \$50 18:22 \$500 19:1 A.B.R.A 1:7 23:6 ABC 19:20 20:21 21:3,12 22:17,20 above-entitled 23:7 ABRA's 21:5 22:22 absolutely 13:5 abstaining 2:20 3:10 4:3,18 5:11 6:9 7:2,17 8:9 9:7 9:21 10:16 11:9 16:1 17:1,15 18:18 19:10 Act 19:20 21:2,12 22:19 action 16:9 acts 15:6 additional 10:18 Adeba 11:21 12:6 adjourned 23:4 adjudication 19:15 advice 20:1 21:17 afford 12:12 13:13 13:14,15 aforementioned 20:22 22:18 agenda 1:6,7 2:5 10:1,2 11:13,14 19:12,21,22 20:2 21:19 23:6 agendas 2:4 11:12 19:15 Agourdis 16:6 agree 22:10,13 agreement 16:11 16:16 17:3,8,18 18:2,7 agrees 22:12,15 ALBERTI 12:17 13:5,10,17,21 14:2,8,11,21 15:4 15:18 Alcoholic 1:3,11,12	back 2:4	DC 1:13 dated 11:20 16:11 17:4,18 day 12:13 days 13:15 14:3,4 DC 11:16 19:18 20:3 21:5,9,19 23:1 deadline 13:16 deliberating 19:14 deny 12:18,20 15:16 16:2 deviate 13:4 difficult 13:8 difficulty 13:11 Director 16:7	E 18:21 electronic 21:4 22:22 Emanuel 11:15 endorsement 3:1 3:13 Engine 9:10 entertainment 3:1 3:13 8:18 establishment 3:2 10:6 15:6 17:20 event 13:7 Executive 16:6 extend 4:20 5:3 extension 11:20 12:2,14,20	F	Fact-Finding 3:16 8:1 failure 12:11 favor 2:17 3:7,22 4:15 5:8 6:6,21 7:14 8:6 9:4,18 10:13 11:6 15:17 16:20 17:12 18:15 19:7 February 16:11 fine 12:2,14 finest 12:22 first 2:7 5:19 11:14 five 12:20 18:20 floor 7:9 15:9 Food 6:14 force 13:22 full 12:9 full-service 7:5	

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