

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Goodlife 1207, LLC	
t/a Irish Whiskey	Show Cause
1207 19th Street N.W.	Hearing
Retailer CT	(Status)
License No. 87685	
ANC 2B	
Case No. 14-CMP-00594	

June 3, 2015

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

PRESENT:

RUTHANNE MILLER, Chairperson  
DONALD BROOKS, Member  
MICHAEL SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member

ALSO PRESENT:

Louise Phillips, OAG

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

2 1:40 p.m.

3 MS. PHILLIPS: And Madam Chair, I just  
4 need a few more minutes to speak about the next  
5 case on the docket, but everybody would be here  
6 if you needed to go back, or would be calling  
7 forward and not wait until 2:30 if that's  
8 convenient with you?

9 CHAIR MILLER: Just to speak about it?

10 MS. PHILLIPS: I just need time to do  
11 a little more talking. I just didn't get enough  
12 talking in before you called this case.

13 CHAIR MILLER: Oh, you mean talking  
14 not with us, but with yourself.

15 MS. PHILLIPS: With the party in the  
16 --

17 CHAIR MILLER: With the other parties,  
18 right, right not us. Right so we're going to  
19 adjourn. We're going to reconvene --

20 MS. PHILLIPS: Yes, and then I can  
21 call you earlier than 2:30 then?

22 CHAIR MILLER: Oh, you may be ready

1 before 2:30? Oh, okay.

2 MALE PARTICIPANT: Oh, okay.

3 MS. PHILLIPS: I thought I got it out  
4 clearly, guess not.

5 CHAIR MILLER: Okay, thank you. So  
6 we're going to do recess -- oh, no, you know  
7 what? We could do our agenda right now.

8 (Off the record comments)

9 CHAIR MILLER: No. Ms. Phillips, I  
10 was just saying we have you know, our agendas  
11 that we do. So I think that we may do that while  
12 you're conversing with your parties. Okay. I'll  
13 go get it.

14 (Whereupon, the above-entitled matter  
15 went off the record at 1:47 p.m. and resumed at  
16 2:01 p.m.).

17 CHAIR MILLER: Ms. Phillips are you  
18 ready for --

19 MS. PHILLIPS: I am indeed ready,  
20 that's why I'm here.

21 CHAIR MILLER: Okay good. Okay, yes.  
22 All right, so you're ready for us to call the

1 case?

2 MS. PHILLIPS: Yes, ma'am.

3 CHAIR MILLER: All right then, I just  
4 want to go get my file on this case and I'll be  
5 right back.

6 CHAIR MILLER: All right. This is the  
7 Irish Whiskey case?

8 MS. PHILLIPS: Yes, ma'am.

9 CHAIR MILLER: Okay, all right, so I'm  
10 calling now, Case No. 14-CMP-00594, Irish Whiskey  
11 located at 1207 19th Street N.W., License No.  
12 87685.

13 Would you introduce yourselves?

14 MS. PHILLIPS: Louise Phillips,  
15 Assistant Attorney General for the District of  
16 Columbia. Good afternoon again.

17 CHAIR MILLER: Okay.

18 MR. GARDNER: Reese Gardner, Equity  
19 Partner.

20 CHAIR MILLER: Okay. This is a Show  
21 Cause Hearing. Are there any preliminary  
22 matters?

1 MS. PHILLIPS: Yes, Madam Chair, there  
2 are. We have an Offer in Compromise that we  
3 would like to present to the Board.

4 And I would also like to clear up just  
5 for the record, some evidentiary issues within  
6 the investigative report. Exhibits 5,6, and 7  
7 are not this establishment at all.

8 CHAIR MILLER: Oh, no.

9 MS. PHILLIPS: And not an  
10 establishment owned by this Equity partner. The  
11 pictures at 2, 3, and 4, are the back door of  
12 Second State?

13 MR. GARDNER: Second State.

14 MS. PHILLIPS: Second State, which is  
15 owned by this Equity Partner owner. And if we  
16 were putting on evidence, we would put on some  
17 evidence about how there's co-mingling of the  
18 grease trap, shall we say.

19 So with those things in mind, and to  
20 correct the record in that regard. We have an  
21 OIC. \$300 to be paid within 30 days, or the  
22 license will be suspended, if you don't pay it

1 within 30 days.

2 CHAIR MILLER: How much? I'm sorry,  
3 I missed the amount.

4 MS. PHILLIPS: \$300.

5 CHAIR MILLER: \$300.

6 MS. PHILLIPS: Because as I count, its  
7 the first secondary within the time frame.

8 CHAIR MILLER: Okay.

9 MS. PHILLIPS: So basically this case  
10 is about leaving the lid up. And so not all the  
11 other litter and garbage and stuff that's going  
12 on in those pictures. Those are other entities.

13 CHAIR MILLER: Okay. So it's \$300 to  
14 be paid within 30 days, am I correct? If not  
15 paid within 30 days, license will be suspended  
16 until paid?

17 MS. PHILLIPS: Yes, indeed, Madam  
18 Chair.

19 CHAIR MILLER: So sir, do you agree  
20 with this Offer in Compromise? It's a penalty  
21 \$300 paid within 30 days, if not paid within 30  
22 days, license is suspended.

1                   Okay, yes you do?

2                   MR. GARDNER: Yes.

3                   CHAIR MILLER: And do you understand  
4 you waive your right to a hearing, and your right  
5 to an appeal?

6                   MR. GARDNER: I do.

7                   CHAIR MILLER: Okay. Any questions by  
8 Board Members?

9                   MEMBER SILVERSTEIN: I would like to  
10 have a brief discussion after we approve this  
11 because I think, I would like to thank Ms.  
12 Phillips for bringing this up, correcting this.

13                   This is a serious problem here, in  
14 terms of rodent control especially with this  
15 great conglomeration of different establishments.  
16 And I'd like to clear up what the problem is  
17 here. And the difficulties that we may have in  
18 determining who is in fact at fault.

19                   This is my neighborhood. I'm a block  
20 away from these places and I'm fully aware of the  
21 difficulty that everyone has in this situation,  
22 often determining who put what, where?

1 MS. PHILLIPS: Right. And it'll be  
2 interesting once you approve it, to have that  
3 conversation. Because he has some interesting  
4 things to say about his efforts to get that  
5 cleaned up.

6 CHAIR MILLER: After we're done.  
7 Okay.

8 MEMBER SILVERSTEIN: I'd like to have  
9 that on the record so I'd like to first approve  
10 this, or at least vote on this and then I would  
11 like to verify that, because I think it would be  
12 positive for everyone.

13 MR. GARDNER: I would love for  
14 somebody to listen.

15 MEMBER RODRIGUEZ: We're here.

16 MEMBER SILVERSTEIN: Cry me a river.

17 CHAIR MILLER: I'm going to first take  
18 care of this matter. Moving to approve the Offer  
19 in Compromise of \$300 to be paid within 30 days.  
20 If not paid within 30 days the license will be  
21 suspended until the fine is paid. Okay.

22 MEMBER SILVERSTEIN: I'll second that

1 motion.

2 CHAIR MILLER: Okay. Mr Silverstein  
3 seconded the motion.

4 All those in favor say, aye.

5 (Multiple ayes)

6 CHAIR MILLER: All those opposed?

7 (No audible response)

8 CHAIR MILLER: All those abstaining?

9 (No audible response)

10 CHAIR MILLER: Motion passes 4-0-0.

11 Okay, thank you. Mr. Silverstein.

12 MEMBER SILVERSTEIN: I'd like to open  
13 this by saying that years and years ago when I  
14 was beginning as an ANC Commissioner in that  
15 area, we worked very hard to put, to get all the  
16 clubs on 18th Street, between M and Thomas  
17 Jefferson to buy into a single trash compactor  
18 because of the problems that we had there. The  
19 lack of space to put their trash.

20 And in that case, there were cases  
21 where people were taking trash across the street  
22 from their establishment and putting it in the

1 dumpsters of other establishments and we were  
2 able to determine that by the trail of trash.

3 So this, what's happening here is  
4 nothing new. There's a great collection of  
5 different places that are all producing trash and  
6 there's not a lot of space behind it to put it.

7 Mr. Gardner, tell me what you can add  
8 on the record to be helpful to all of us?

9 MR. GARDNER: Well, there's 11  
10 dumpsters and nine recycle bins in a 20 by 20  
11 alley, or behind the Malaysian. It's 1829 M  
12 Street, so there's a lot of dumpsters right there  
13 and not a lot of responsibility. And everybody  
14 is pointing the finger at everybody else.

15 I happen to have two restaurants,  
16 Second State and Irish Whiskey, and the reason  
17 why I'm so passionate about this right now, is I  
18 just closed the doors to my restaurant, Second  
19 State.

20 I've personally talked and went to see  
21 in person, Sonya Chance, the Lead Inspector at  
22 the Department of Public Works, Gabriel Curtis,

1 Supervisor of D.C. Pest Control Department of  
2 Health, Roberto Medrano, Inspector of Code  
3 Enforcement for the Bureau of Community Hygiene.

4 I've went to Mr. Evans office, twice.  
5 I've been very vocal about this. I go to all the  
6 Golden Triangle Meetings. I have a serious,  
7 serious rodent problem because the side of my  
8 restaurant, Second State, is right beside the  
9 dumpsters.

10 So these rodents breed there, and the  
11 first place they go is right inside my  
12 restaurant. And I have a long list of Steritech  
13 bills, which is the company that I hire to keep  
14 the rodents out. We plugged holes. I even  
15 changed my concept.

16 It used to be called the Mighty Pint,  
17 and before that it was the Mad Hatter, you  
18 remember. And as I get older and I open up more  
19 restaurant style places, because this is my fifth  
20 one, I've changed the atmosphere to more of a sit  
21 down, white table cloth style restaurant because  
22 that's what my company's doing now. So I figure

1 maybe that will change things a little bit.

2 But as I did that, and I remodeled the  
3 place, and made it a little more upscale, you  
4 know, and we started cleaning it up, and ripping  
5 the walls, the rat infestation has been so bad  
6 now, we've been closed for 13 days.

7 And you know, Andrew Kline's my  
8 counsel, and we're now looking at who's to point  
9 the finger at this. I can't -- this is pages and  
10 pages, and it's been going on for I would say  
11 five and a half months. And I couldn't get a  
12 resolve to it.

13 To the point where you can only take  
14 so many Yelp reviews of somebody seeing a rat run  
15 across your dining room floor. And you know,  
16 nobody wanted to listen. And everybody said they  
17 would do something about it, but nothing got  
18 done. And it cost me my restaurant, and I've  
19 never lost a restaurant before. We're a very  
20 successful company.

21 We have, you know, Irish Whiskey has  
22 been there now for our fourth year. You know I

1 had my other ones in Virginia, and I had my  
2 Georgetown Waterfront space. And they controlled  
3 the trash in Georgetown Waterfront, with all  
4 those restaurants in there, so much better  
5 because they have the big dumpsters like you're  
6 talking about. The big recycle bins.

7 And it's just I'm really frustrated  
8 right now because it's, that restaurant was a  
9 good revenue producing restaurant, and I just  
10 spent a lot of money to remodel it. And I can't  
11 have, I mean it's done. I have rats, I have  
12 pictures of rodents, I have employee reports, I  
13 have my Steritech reports. And I'm the one that  
14 called the Golden Triangle about all these  
15 dumpsters.

16 So when I get a violation for my  
17 grease trap lid being open, which absolutely, my  
18 grease trap lid was open. But my area around my  
19 grease trap and my particular dumpster, no trash  
20 around them. I take care of the space.

21 Every morning, my staff gets up and we  
22 squirt down the alley. We take responsibility

1 for that. We don't have to, because we're  
2 sharing it with Boqueria, Chipotle, all the  
3 places on M Street.

4 But we have the hose connection on our  
5 building so we take it as part of our busboy  
6 duties. I don't have to do that, but I want to  
7 do that because it's my neighborhood too. It's  
8 my alley, but the fact that it's gotten to the  
9 point where I had to close down is just --

10 MEMBER SILVERSTEIN: Mr. Gardner, I'm  
11 not sure how much the trash compactor on 18th  
12 Street helped. We were told that it did. And we  
13 were told that among other things, it also saved  
14 everybody money. Because they didn't have to  
15 have as many pickups and whatever.

16 Is there anything that you would  
17 suggest that the licensed establishments and the  
18 non-licensed establishments along M Street, and  
19 perhaps along 18th, or whatever do? Is there  
20 anything that can be done? Will it help things?

21 MR. GARDNER: The issue is the  
22 landlord at the Maylasian restaurant who has I

1 think the, Maylasian restaurant and Chipotle, or  
2 I'm sorry the Maylasian and Parlay, she makes a  
3 large profit from leasing, to leasing that space  
4 to all the other places to keep their dumpsters  
5 there.

6 So I think she charges \$1200 a month  
7 for like places like, Chipotle, Camelot's, all  
8 those places around there. I had a spot for my  
9 dumpster, so I shared it between Irish Whiskey  
10 and Second State. All the other ones there just  
11 like I said, there's 11 dumpsters. So 11  
12 businesses, some licensed, some not, all cram in  
13 there and she's making a mint leasing these --

14 MEMBER SILVERSTEIN: Is she a licensed  
15 establishment?

16 MR. GARDNER: I don't believe so.  
17 She's, it's the, she may be. I'm not positive.  
18 I could go through some notes, but I sat face-to-  
19 face with her, and she doesn't want to -- said  
20 not her problem. You know, it's--

21 MS. PHILLIPS: What's the name of the  
22 establishment that she runs?

1 MS. PHILLIPS: It's at 1829 M Street.  
2 It's a multi-use building. There's a soup  
3 kitchen there. I called I think, Super Girl  
4 Soup. And then there's a Malaysian restaurant,  
5 then there's another bar. So it's I think three  
6 different thing in one building there. And I  
7 think there's an office up-top.

8 And Chipotle also has a dumpster  
9 there. That's the third largest Chipotle in  
10 revenue in the entire country. So you can  
11 imagine what trash a Chipotle restaurant has,  
12 that goes into that space.

13 And let's face it, nobody from, the  
14 Chipotle people, they don't, a guy that does the  
15 dishes at Chipotle doesn't really care where  
16 he's putting the trash back there.

17 MEMBER SILVERSTEIN: Is there anyway  
18 that a compactor or something like that would be  
19 of help in a situation like that?

20 MR. GARDNER: That was my suggestion  
21 to have a -- not a full size one, but there's --  
22 you can get them three different sizes. And I

1 actually gave her the information for a  
2 compactor. She said well I'm losing revenue then  
3 because. I was, you're not if you think about  
4 it, you still charge everybody to use that  
5 compactor, the same amount you're charging to  
6 keep their dumpsters there. You don't lose any  
7 money. She just didn't want to hear it.

8 MEMBER SILVERSTEIN: It's been very  
9 helpful. It's been extremely helpful. Is there  
10 anything else that either of you would want to  
11 add?

12 MR. GARDNER: Well I'm just glad to  
13 get something on the record about this because  
14 even Mr. Evans, you know didn't really, it was  
15 kind of like, you know, useless.

16 MEMBER SILVERSTEIN: Well, there's  
17 great concern in the neighborhood. And there is  
18 a great concern also among entrepreneurs.

19 MR. GARDNER: Well, yes. I personally  
20 guaranteed a lease there for at least ten years.  
21 You know, I'm in my sixth year of a ten year  
22 term, so now I have Andrew Kline battling my

1 landlord about, I can't run an establishment  
2 there.

3 It's so now, I'm deep with lawyer  
4 bills with Veritas, and he's, now they're suing  
5 me, I'm suing them. This thing is costing me a  
6 fortune because of a rodent problem. And  
7 dumpsters that are beside my place.

8 MEMBER SILVERSTEIN: Mr. Gardner,  
9 thank you for putting this on the record. The  
10 fact that it is on the record will give folks  
11 outside of this room an opportunity to move  
12 forward.

13 MR. GARDNER: Great, thanks for  
14 listening.

15 CHAIR MILLER: Mr. Rodriguez.

16 MR. RAMIREZ: Yes, I haven't heard  
17 anything about the city's Vector Control Program?  
18 Mr. Gardner, have you said anything to this  
19 problem? Have you contacted them?

20 MR. GARDNER: Yes, that's Gabriel  
21 Curtis.

22 MEMBER RODRIGUEZ: Excuse me.

1 MEMBER BROOKS: That's Gabriel Curtis.

2 MEMBER RODRIGUEZ: The Vector Control  
3 Program?

4 MR. GARDNER: Yes, Gabriel Curtis. I  
5 have emails back and forth. Him -- I started  
6 with Sonya Chance the Lead Inspector at the  
7 Department of Public Works. From there, she  
8 pointed me to Gabriel Curtis. Gabriel Curtis  
9 said, it might be a code violation with Roberto  
10 Medrano the lead Inspector of Code Enforcement  
11 for the Bureau of Community Hygiene.

12 And then when I didn't get anywhere  
13 with all three of them, that's when I went to Mr.  
14 Evans office and didn't get anywhere with Mr.  
15 Evans office either, so you know, what do you do?

16 It's got to the point where after five  
17 and a half months and this many emails back and  
18 forth, meeting with the Golden Triangle to --

19 MEMBER RODRIGUEZ: So no action has  
20 been taken by the city's Vector Control Office to  
21 control the situation?

22 MR. GARDNER: Actually the only action

1 that's been taken was from this office citing the  
2 one license, and so far it's been me.

3 CHAIR MILLER: Oh, no.

4 MR. GARDNER: They found my lid open  
5 on my --

6 MEMBER SILVERSTEIN: I would point out  
7 to you that we have, we've taken action against a  
8 number of establishments including several today,  
9 for in our investigative reports, for rodent  
10 violations, or for trash violations.

11 Mr. Short was quite vocal about one of  
12 them across the way because these are not only  
13 health violations, they're also in some cases  
14 safety violations involving the possibility of  
15 fire and things blocking fire escapes.

16 And after what happened on Riggs place  
17 this morning, we're very concerned about those  
18 types of things, about fires. So yes, we have  
19 taken action on this. And the information that  
20 you have given us is going to be extremely  
21 valuable.

22 That is my Single Member District as

1 an ANC Commissioner. And on matters that do not  
2 involve liquor matters, I will be very much  
3 involved in that. I live there, I walk my dog  
4 there. It's a serious, serious issue and I  
5 sympathize greatly with you. And I thank you for  
6 bringing it on the record.

7 MR. GARDNER: Great. Thanks.

8 CHAIR MILLER: So I just want to say  
9 that I'm sorry for what you're going through and  
10 that you're not getting much response from people  
11 in the city. It's just very disappointing.

12 MR. GARDNER: You know, there's  
13 bureaucracy, and it's tough. You just can't go,  
14 I just couldn't understand why can't we just take  
15 the dumpsters out of there?

16 CHAIR MILLER: Right.

17 MR. GARDNER: Just say you can't have  
18 dumpsters here anymore. And that was, just  
19 couldn't be done.

20 And you just get, I was just at the  
21 point, I just throw my hands up now, and I've  
22 resigned to the fact that I can't run a business

1 at 1831 M Street, you know, a successful little  
2 restaurant.

3 CHAIR MILLER: Yes, that doesn't sound  
4 right. And I would ask, you know, I might ask  
5 but I don't think there is, I mean is there  
6 anything that you think that this Board could do,  
7 but I don't really see it.

8 MR. GARDNER: No, I mean Andrew's  
9 office is just looking at my, anything legal that  
10 I can do to get me out of this personal guarantee  
11 that, you know because I can't run a space there.  
12 You know it's, you know so it's going to have to  
13 come down to litigation between me and the  
14 landlord.

15 CHAIR MILLER: Maybe the ANC can get  
16 on it?

17 MS. PHILLIPS: Sounds like he's --

18 CHAIR MILLER: Well good luck.

19 MS. PHILLIPS: Thank you.

20 MR. GARDNER: Thank you very much.

21 (Whereupon, the above-entitled matter  
22 went off the record at 2:21 p.m.)

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