

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

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

July 8, 2015

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
MIKE SILVERSTEIN, Member
DONALD BROOKS, Member
HECTOR RODRIGUEZ, Member

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

2 2:23 p.m.

3 CHAIRPERSON MILLER: Okay. The Board
4 is back on the record, at least we have a quorum
5 here, to do our agendas for July 8, 2015.

6 And I'm going to start with the
7 Licensing Agenda.

8 The first item on the Licensing Agenda
9 is an application for a class change from
10 Retailer CR to Retailer CT in ANC-2F. And the
11 name of the establishment is Veranda. It is
12 located at 1100 P Street, N.W., License No.
13 073443.

14 I'm going to move that we placard the
15 application.

16 MEMBER RODRIGUEZ: Second it.

17 CHAIRPERSON MILLER: Mr. Rodriguez has
18 seconded the motion. And we just about always
19 placard class changes. And so this falls in that
20 category.

21 All those in favor say aye.

22 ALL: Aye.

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

4 No. 2 is also an application for a
5 class change from Retailer CR to Retailer CT and
6 it's for Freedom Lounge located at 1920 9th
7 Street, N.W., License No. 097277.

8 For the same reasons as the previous
9 one, I would move that we placard this
10 application. Do I have a second?

11 MEMBER RODRIGUEZ: Second.

12 CHAIRPERSON MILLER: Mr. Rodriguez
13 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 3-0-0.

19 No. 3 is also an application for a
20 class change from Retailer CR to Retailer CT for
21 Madrid Restaurant, formerly Odeon Cafe, located
22 at 1714 Connecticut Avenue, N.W., License No.

1 005811.

2 For the same reasons as the previous
3 two, I move that we placard this application. Do
4 I have a second?

5 MEMBER SILVERSTEIN: Second.

6 CHAIRPERSON MILLER: Mr. Silverstein
7 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 3-0-0.

13 No. 4 is an application for a class
14 change from Retailer DR to Retailer CR for Java
15 House located in ANC-2B. And Java House is
16 located at 1645 Q Street, N.W., License No.
17 072780.

18 For the same reasons as the previous
19 three, I move that we placard this application.
20 Do I have a second?

21 MEMBER RODRIGUEZ: Second.

22 CHAIRPERSON MILLER: Mr. Rodriguez

1 seconded the motion.

2 All those in favor say aye.

3 MEMBER RODRIGUEZ: Aye.

4 CHAIRPERSON MILLER: Aye.

5 All those opposed? All those

6 abstaining?

7 MEMBER SILVERSTEIN: No.

8 CHAIRPERSON MILLER: No?

9 MEMBER SILVERSTEIN: No. I believe
10 it's a de minimis change.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER SILVERSTEIN: And should not
13 require placarding in this particular case.

14 CHAIRPERSON MILLER: Okay. All right.

15 So Mr. Silverstein makes a good point. However,

16 it still is a class change and out of an

17 abundance of caution, I still will vote for

18 placard. Any other comments? All right.

19 All those in favor of placarding then
20 say aye.

21 MEMBER RODRIGUEZ: Aye.

22 CHAIRPERSON MILLER: Aye.

1 All those opposed?

2 MEMBER SILVERSTEIN: No.

3 CHAIRPERSON MILLER: All those
4 abstaining? The motion passes 2-1-0 with Board
5 Member Silverstein opposed.

6 No. 5 is an application for summer
7 garden endorsement for Ivy and Coney located at
8 1537 7th Street, N.W., License No. 092860, in ANC-
9 6E.

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

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr. Silverstein
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 3-0-0.

20 No. 6 is a request for a portable bar
21 and summer garden for Bidwell located at 1309 5th
22 Street, N.E., License No. 092990.

1 I move that we approve. Do I have a
2 second?

3 MEMBER RODRIGUEZ: Second.

4 CHAIRPERSON MILLER: Mr. Rodriguez
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 3-0-0.

11 No. 7 is a request to temporarily
12 reactivate previously used secondary warehouse
13 space located at 3525 V Street, N.E., for three
14 to four months. It is by Capital Eagle located
15 at 2815 V Street, N.E., License No. 026023.

16 I move that we approve. Do I have a
17 second?

18 MEMBER RODRIGUEZ: Second.

19 CHAIRPERSON MILLER: Mr. Rodriguez
20 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 3-0-0.

4 No. 8 is an application for a
5 manager's license for Erinn M. Smith, ABRA No.
6 099406.

7 I move that we postpone consideration
8 of this application. Do I have a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr. Silverstein
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 3-0-0.

17 No. 9 is an application for a
18 manager's license for Francisco Valenzuela-
19 Guzman, ABRA No. 099504.

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

22 MEMBER RODRIGUEZ: Second.

1 CHAIRPERSON MILLER: Mr. Rodriguez
2 seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

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

8 No. 10 is an application for a
9 manager's license for Carlos A. Palma, ABRA No.
10 099549.

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

13 MEMBER RODRIGUEZ: Second.

14 CHAIRPERSON MILLER: Mr. Rodriguez
15 seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 3-0-0.

21 No. 11 is an application for a
22 manager's license renewal application and it's

1 for Ronald A. Cestoni, ABRA No. 092460.

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

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr. Silverstein
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 3-0-0.

12 We have a Supplemental Licensing
13 Agenda.

14 The first item on that Supplemental
15 Licensing Agenda is "Celebrity" and "Finished
16 Business" located at 1300 Maine Avenue, S.W.,
17 License No. 099365. It's a request for a
18 stipulated license with letter of ANC support.

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

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON MILLER: Mr. Silverstein

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

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

7 No. 2 is an application for a sidewalk
8 cafe endorsement for Creme located at 2436 14th
9 Street, N.W., License No. 093542, in ANC-1B.

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

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr. Silverstein
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 3-0-0.

20 No. 3 is a request for approval to
21 provide gifts more than \$50 but not to exceed
22 \$500 to Republic National Distributing Company.

1 And it's La Crema located at 235 Healdsburg
2 Avenue, Building A, License No. 465749.

3 And I guess the Republic National
4 Distributing Company's number is ABRA-076499.

5 Anyway, I move that we approve the
6 provision of these gifts. Do I have a second?

7 MEMBER RODRIGUEZ: Second.

8 CHAIRPERSON MILLER: Mr. Rodriguez has
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 3-0-0.

15 No. 4 is also a request for approval
16 to provide gifts that do not exceed \$500 to
17 Republic National Distributing Company, ABRA No.
18 076499. And the establishment is Kendall-Jackson
19 Winery, 421 Aviation Boulevard, Santa Rosa,
20 California, License No. 364901.

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

1 MEMBER RODRIGUEZ: Second it.

2 CHAIRPERSON MILLER: Mr. Rodriguez
3 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 3-0-0.

9 Okay. No. 5 is another request for
10 approval to provide gifts that don't exceed \$500
11 to Republic National Distributing Company, ABRA
12 No. 076499. The establishment is Murphy-Goode
13 Winery located at 20 Matheson Street, Healdsburg,
14 California, License No. 463424.

15 I move that we approve this request.
16 Do I have a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr. Silverstein
19 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 3-0-0.

3 No. 6 is a request from Landry's
4 Management, LP to tender checks for their wholly
5 owned subsidiary, Mastro's Restaurant, LLC, to
6 pay for alcoholic beverages in the District of
7 Columbia. This is in ANC-2C. Mastro's
8 Steakhouse is located at 600 13th Street, N.W.,
9 License No. 096192.

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

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr. Silverstein
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 3-0-0.

20 No. 7 are floor plans to be reviewed
21 at the request of Attorney Paul Pascal for
22 determination of substantial change. This is in

1 ANC-2E for Il Canale located at 1063-1065 31st
2 Street, N.W., License No. 083707.

3 I move that we approve the plans that
4 there is no substantial change. Do I have a
5 second?

6 MEMBER RODRIGUEZ: Yes, I second it.

7 CHAIRPERSON MILLER: Okay. Mr.
8 Rodriguez seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 3-0-0.

14 We have a Second Supplemental
15 Licensing Agenda with one item on it and that's
16 an application for entertainment endorsement to
17 include weekly open mike, stand-up comedy, night
18 featuring local comedians and possibly a monthly
19 karaoke night in ANC-1C. The establishment is
20 High Dive located at 2337 18th Street, N.W.,
21 License No. 097821.

22 I move that we placard this

1 application. Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr. Silverstein
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 3-0-0.

10 We have a Cancellation Agenda. The
11 first item on the Cancellation Agenda is ABRA No.
12 024682, Town House Tavern Restaurant located at
13 1637 R Street, N.W. The licensee has requested
14 cancellation of license.

15 I'm going to read these, I think, and
16 then we can just vote on the whole list unless
17 someone wants me to pull any from the list.

18 So the second one is ABRA No. 097290,
19 Todd Brill, a solicitor's license, 2800 V Street,
20 N.E. The employer Bacchus Importers, LTD has
21 requested cancellation of this license as the
22 employee no longer works for the company.

1 The third one is ABRA No. 090123,
2 Jason S. Parsons, it's a solicitor's license also
3 for 2800 V Street, N.E. Just like the previous
4 one, the employer Bacchus Importers, LTD has
5 requested cancellation of this license as the
6 employee no longer works for the company.

7 Fourth is ABRA No. 085932, Jeffrey M.
8 Snow, also a solicitor's license at 2800 V
9 Street, N.E. The same reason, employee no longer
10 works for the company. The employer has asked
11 for it.

12 And finally, ABRA No. 083886, Robert
13 A. Moulthrop, also a solicitor's license, same
14 address 2800 V Street, N.E. The employee,
15 Bacchus Importers, LTD, has requested
16 cancellation of this license as the employee no
17 longer works for the company.

18 Okay. So I will move that we approve
19 cancellation of the five cancellations that I
20 have just read. Do I have a second?

21 MEMBER RODRIGUEZ: I second that
22 motion, ma'am.

1 CHAIRPERSON MILLER: Okay. Mr.
2 Rodriguez has seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

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

8 Now, we can turn to the Legal Agenda.
9 Maybe we can just take a quick break before we
10 start the legal.

11 MEMBER RODRIGUEZ: Yes.

12 CHAIRPERSON MILLER: Okay. We will be
13 right back.

14 (Whereupon, the above-entitled matter
15 went off the record at 2:38 p.m. and resumed at
16 2:47 p.m.)

17 CHAIRPERSON MILLER: Okay. We are
18 back on the record to do the Legal Agendas.

19 The first item on the Legal Agenda is
20 Beacon Hotel & Corporate Headquarters. It's a
21 settlement agreement between them and ANC-2B.
22 Beacon Hotel and Corporate Headquarters is

1 located at 1615 Rhode Island Avenue, N.W.,
2 License No. 077109.

3 I move that we approve this settlement
4 agreement. Do I have a second?

5 MEMBER BROOKS: Second.

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has
8 seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 3-0-0.

14 No. 2 is a Final Rulemaking for Adams
15 Morgan Moratorium Zone approved by the Council on
16 June 16, 2015.

17 I move that we approve this final
18 rulemaking. Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks has
21 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 3-0-0.

5 Next we have a Supplemental Legal
6 Agenda.

7 The first item on that sup is a review
8 of a settlement agreement between ANC-2E and
9 Citizens Association of Georgetown and After
10 Peacock Room dated June 1, 2015. After Peacock
11 Room is located at 1417 27th Street, N.W., License
12 No. 095964.

13 I move that we approve the settlement
14 agreement with modifications, including deleting
15 paragraph 4, which is blank, and, one second,
16 paragraph 5, Page 2, I think the second paragraph
17 deals with a provision in which we would add
18 "Constituted grounds for the protestants to file
19 a complaint with the ABC Board." And there is
20 another provision in which we would add language
21 to the effect of "otherwise allowed by law." I
22 think that one deals with modifying the

1 agreement.

2 And I think that's it for those. And
3 our counsel will work with the parties on those
4 few changes.

5 So I move that we approve as modified.
6 Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks has
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 3-0-0.

15 The second one is a settlement
16 agreement between ANC-2F and All Purpose Pizzeria
17 dated June 3, 2015. All Purpose Pizzeria is
18 located at 1250 9th Street, N.W., License No.
19 098919.

20 I move that we approve this settlement
21 agreement modifying -- with modifications to
22 paragraph 2 deleting the phrase "Any change from

1 this model shall require prior approval by the
2 ABC Board."

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Okay.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 3-0-0.

10 No. 3 is a letter requesting Board
11 clarification and reconsideration dated June 29,
12 2015 submitted by Andrew Kline on behalf of Dacha
13 Beer Garden located at 1600 7th Street, N.W.,
14 License No. 092773.

15 I move that we postpone this one week.
16 Do I have a second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks has
19 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 3-0-0.

3 No. 4 is a review of a petition for
4 reconsideration dated June 29, 2015 submitted by
5 Richard Bianco on behalf of Madam's Organ.
6 Madam's Organ is located at 2461 18th Street,
7 N.W., License No. 025273.

8 And No. 5 is the Government's
9 opposition to the petition for reconsideration
10 dated July 7, 2015.

11 I move that we deny the Motion for
12 Reconsideration.

13 MEMBER BROOKS: Second it.

14 CHAIRPERSON MILLER: Mr. Brooks has
15 seconded the motion. And I would just like to
16 affirm my vote on the original case that I think
17 it deserves a warning, but not that there was no
18 violation here. Okay. Any other comments?

19 Not hearing any, all those in favor of
20 denying the Motion for Reconsideration say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 3-0-0.

3 And no vote is required on No. 5, as
4 it was encompassed in No. 4.

5 No. 6 is a letter of withdrawal of
6 protest dated July 1, 2015 submitted by ANC-3C
7 Chairperson Carl Roller. This is with respect to
8 The Grilled Oyster Company located at 3401 Idaho
9 Avenue, N.W., License No. 098875.

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

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks 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 3-0-0.

20 No. 7 is a request for reinstatement
21 of application dated June 30, 2015 submitted by
22 Ceyus Talati, President on behalf of Joe Caplan

1 Liquors. Joe Caplan Liquors is located at 1913
2 7th Street, N.W., License No. 060351.

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

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks has
7 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 3-0-0.

13 Okay. I think that completes our
14 agenda items, our Legal Agenda, and that's all of
15 our agendas. So we just need to vote on the
16 closed sessions for next week.

17 As Chairperson of the Alcoholic
18 Beverage Control Board for the District of
19 Columbia and in accordance with Section 405 of
20 the Open Meetings Amendment Act of 2010, I move
21 that the ABC Board hold a closed meeting on July
22 15, 2015 for the purpose of seeking legal advice

1 from our counsel on the matters identified on the
2 Board's Agenda for July 15, 2015 as published in
3 the DC Register on July 10, 2015.

4 Is there a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks has
7 seconded the motion. I'll now take a roll call
8 vote on the motion before us now that it has been
9 seconded.

10 Mr. Brooks?

11 MEMBER BROOKS: I agree.

12 CHAIRPERSON MILLER: Ms. Miller
13 agrees.

14 Mr. Silverstein?

15 MEMBER SILVERSTEIN: I agree.

16 CHAIRPERSON MILLER: It appears that
17 the motion has passed by a 3-0-0 vote.

18 I hereby give notice that the ABC
19 Board will hold this aforementioned closed
20 meeting pursuant to the Open Meetings Amendment
21 Act of 2010. Notice will also be posted on the
22 ABC Board hearing room bulletin board, placed on

1 the electronic calendar on ABRA's website and
2 published in the DC Register in as timely a
3 manner as practicable.

4 As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with Section 405 of
7 the Open Meetings Amendment Act of 2010, I move
8 that the ABC Board hold a closed meeting on July
9 15, 2015 for the purpose of discussing and
10 hearing reports concerning ongoing or planned
11 investigations of alleged criminal or civil
12 misconduct or violations of law or regulations
13 and seeking legal advice from our counsel on the
14 Board's Investigative Agenda for July 15, 2015 as
15 published in the DC Register on July 10, 2015.

16 Is there a second? Second?

17 MEMBER BROOKS: Second.

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

20 I'll take a roll call vote now on the
21 motion before us now that it has been seconded.

22 Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Ms. Miller

3 agrees.

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree.

6 CHAIRPERSON MILLER: It appears that
7 the motion has passed by a 3-0-0 vote.

8 I hereby give notice that the ABC
9 Board will hold this aforementioned closed
10 meeting pursuant to the Open Meetings Amendment
11 Act of 2010. Notice will also be posted on the
12 ABC Board hearing room bulletin board, placed on
13 the electronic calendar on ABRA's website and
14 published in the DC Register in as timely a
15 manner as practicable.

16 Okay. And that completes our business
17 for July 8, 2015 and we are adjourned.

18 (Whereupon, the A.B.R.A. Agenda in the
19 above-entitled matter was concluded at 2:57 p.m.)
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21
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