

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

IN THE MATTER OF:

A.B.R.A. Agenda

September 30, 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  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HERMAN JONES, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

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

2:49 p.m.

CHAIRPERSON MILLER: Okay. The Board will now work through its agendas for September 30, 2015. I'm going to start with the Legal Agenda.

The first item on the Legal Agenda is a settlement agreement between ANC-6E and Shaw's Tavern dated September 2015. Shaw's Tavern is located at 520 Florida Avenue, N.W., License No. 098037.

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

MEMBER SHORT: Second.

CHAIRPERSON MILLER: Mr. Short has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? The motion passes 4-0-0. And this will be set forth in Board Order 2015-443.

1           Second on the Legal Agenda is another  
2           settlement agreement between ANC-5D and Bodega  
3           market dated September 1, 2015. Bodega Market is  
4           located at 1136 Florida Avenue, N.E., License No.  
5           094621.

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

8           MEMBER SILVERSTEIN: Second.

9           CHAIRPERSON MILLER: Mr. Silverstein  
10          seconded the motion.

11          All those in favor say aye.

12          ALL: Aye.

13          CHAIRPERSON MILLER: All those  
14          opposed? All those abstaining? The motion  
15          passes 5-0-0. And this will be set forth in  
16          Board Order 2015-444.

17          So that is the Legal Agenda, but there  
18          are some supplements. Okay. We have a  
19          Supplemental Legal Agenda.

20          The first item on the agenda is a  
21          review of a Motion to Dismiss the protest of  
22          Central Shaw Neighborhood Association dated

1 September 16, 2015 submitted by Dacha Beer  
2 Garden. Dacha Beer Garden is located at 1600 7th  
3 Street, N.W., License No. 092773.

4 No. 2 and 3 are related to this Motion  
5 to Dismiss. No. 2 is a response to Dacha Beer  
6 Garden's Motion to Dismiss the protest of Central  
7 Shaw Neighborhood Association dated September 22,  
8 2015 submitted by Brian Peters, President of  
9 Central Shaw Neighborhood Association.

10 And No. 3 is a reply to the response  
11 submitted by Dacha Beer.

12 I move that we grant the Motion to  
13 Dismiss on the same grounds as we decided between  
14 the case in which the same group was a party,  
15 Central Shaw Neighborhood Association, for the  
16 same reasons.

17 MEMBER RODRIGUEZ: Second it.

18 CHAIRPERSON MILLER: Okay. Mr.  
19 Rodriguez 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               Okay. And No. 2 and 3 no action is  
4       required because that was encompassed in the vote  
5       on No. 1.

6               Okay. No. 4 is a settlement agreement  
7       between ANC-2B and District Distilling Company  
8       dated September 22, 2015. District Distilling  
9       Company is located at 1414-1418 U Street, N.W.,  
10       License No. 098271.

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

13               MEMBER SILVERSTEIN: Second.

14               CHAIRPERSON MILLER: Mr. Silverstein  
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 4-0-0. And this will be embodied in Board  
21       Order 2015-445.

22               No. 5 is a settlement agreement

1 between ANC-4A and Decadence, LLC dated September  
2 6, 2015. Decadence, LLC is located at 6204  
3 Georgia Avenue, N.W., License No. 097611.

4 All right. I move to approve this  
5 settlement agreement with modifications as  
6 follows: Page 1, Clause 3, replace the words,  
7 one second, okay, the words are "no form of  
8 dancing will be allowed." Replace those words  
9 with "dancing will be discouraged by the  
10 applicant."

11 The second modification No. 4, Page 1,  
12 dealing with light entertainment. Remove easy  
13 listening and jazz music. Those are the two  
14 modifications.

15 Do I have a second to my motion?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr. Silverstein  
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed? All those abstaining? The motion

1 passes 4-0-0.

2 No. 6 is a settlement agreement  
3 between ANC-6C and Sugar Factory dated September  
4 15, 2015. Sugar Factory is located at 50  
5 Massachusetts Avenue, N.E., License No. 099949.

6 I move that we approve with  
7 modifications. Page 2, Clause 7, replace  
8 "applicant shall endeavor" with "applicant is  
9 encouraged." I think that's it.

10 MEMBER RODRIGUEZ: Second.

11 CHAIRPERSON MILLER: Do I have a  
12 second?

13 MEMBER RODRIGUEZ: Second.

14 CHAIRPERSON MILLER: Okay. Mr.  
15 Rodriguez 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 4-0-0.

21 No. 7 is a Motion to Dismiss the  
22 protest of the protestant group of five or more

1 individuals dated September 22, 2015 submitted by  
2 Mess Hall. Mess Hall is located at 703 Edgewood  
3 Street, N.E., License No. 095398.

4 This is a case I believe where the  
5 protestant didn't show up for mediation.

6 Therefore, the applicant is seeking to dismiss  
7 her as a party.

8 I move that we deny the Motion to  
9 Dismiss. Oh, wait a second, No. 8 is a response  
10 to the Motion to Dismiss submitted that the group  
11 of five did, in response to the Motion to Dismiss  
12 submitted by the applicant, okay.

13 So I move that we deny this because  
14 I'm not sure that there is a requirement that she  
15 necessarily show up to mediation, but there is,  
16 in Section 45(e) of our statute, a requirement  
17 that they act in good faith and that we let them  
18 know that they need to show up for mediation.

19 That we're working in good faith to arrange  
20 mediation or otherwise the protest will be then  
21 considered withdrawn.

22 Is there a second?

1 MEMBER RODRIGUEZ: Second.

2 CHAIRPERSON MILLER: Are there any  
3 comments? Okay. All right. Then there is a  
4 motion to deny the Motion to Dismiss that has  
5 been seconded.

6 All those in favor say aye.

7 ALL: Aye.

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

11 And No. 8 no action required. It was  
12 considered in connection with No. 7.

13 Okay. No. 9 is a joint request to  
14 continue a Protest Hearing dated September 24,  
15 2015 submitted by El Sol and ANC-2F. El Sol  
16 Restaurant & Tequileria is located at 1227 11th  
17 Street, N.W., License No. 099065.

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

20 MEMBER BROOKS: Second.

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

1 All those in favor say aye.

2 ALL: Aye.

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

6 No. 10 is a request for reinstatement  
7 of a protest dated September 18, 2015 submitted  
8 by the protestant group of five or more  
9 individuals. The establishment that is involved  
10 is The Savoy Suites Hotel located at 2505  
11 Wisconsin Avenue, N.W., License No. 090804.

12 And related to this request is a  
13 letter of support for the reinstatement of the  
14 protestant group of five or more individuals  
15 protest dated September 20, 2015 submitted by  
16 ANC-3C.

17 I move that we grant this request. Do  
18 I have a second?

19 MEMBER RODRIGUEZ: Second.

20 CHAIRPERSON MILLER: Mr. Rodriguez  
21 seconded the motion. Any other comments?

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. 11, no action required because it  
6 is considered with No. 10.

7 No. 12 is a request for off-site  
8 storage dated July 29, 2015 submitted by Big Bear  
9 Cafe. Big Bear Cafe is located at 1700 First  
10 Street, N.W., License No. 084379.

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

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks has  
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 5-0-0.

21 No. 13 is a Motion to Reconsider Board  
22 Order granting Trinity Motion to Dismiss the

1 protest of the Central Shaw Neighborhood  
2 Association submitted by Brian Peters, President  
3 of Central Shaw Neighborhood Association.  
4 Trinity is located at 1606 7th Street, N.W.,  
5 License No. 098042.

6 And in connection with No. 13 is an  
7 opposition to the Motion to Reconsider dated  
8 September 24, 2015 submitted by Trinity. Okay.

9 So I would move that we deny the  
10 Motion to Reconsider the Board Order granting  
11 Trinity Motion to Dismiss. Do I have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brook 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 6-0-0.

20 No action is required on No. 14 as it  
21 was considered in No. 13.

22 No. 15 is a request of use of monthly

1 sales reports to comply with 23 DCMR § 1204 dated  
2 September 28, 2015 submitted by Macombo Lounge  
3 located at 5335 Georgia Avenue, N.W., License No.  
4 00147.

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

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Mr. Silverstein  
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 6-0-0.

15 Okay. That completes the Supplemental  
16 Legal Agenda. The Second Supplemental Legal  
17 Agenda. I'll be right back. I think I left it  
18 in the Executive Board room.

19 (Whereupon, the above-entitled matter  
20 went off the record at 3:02 p.m. and resumed at  
21 3:03 p.m.)

22 CHAIRPERSON MILLER: Okay. The Second

1 Supplemental Legal Agenda. The first item is a  
2 review of a request to resume operations dated  
3 September 28, 2015 submitted by Bliss located at  
4 2122 24th Place, N.E., License No. 095711.

5 This was shut down by Chief Lanier  
6 pursuant to D.C. Code § 25-827 on September 28,  
7 2015.

8 I move that we consider this request  
9 as an FYI and we will be dealing with the  
10 suspension in another context later on in this  
11 agenda. So I move to consider this as an FYI.  
12 Does someone have a second?

13 MEMBER SILVERSTEIN: Second.

14 CHAIRPERSON MILLER: Mr. Silverstein  
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 6-0-0.

21 No. 2 is a proposed amendment to the  
22 West Dupont Circle Moratorium Rulemaking

1 submitted by Dumbarton Place Condominium  
2 residents.

3 I move that we consider this also as  
4 an FYI in connection with the rulemaking.

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 6-0-0.

13 No. 3 is a request for a Fact-Finding  
14 Hearing dated September 29, 2015 submitted by  
15 Echostage. Echostage is located at 2135 Queens  
16 Chapel Road, N.E., License No. 090250.

17 I move that we approve this request  
18 and schedule a Fact-Finding Hearing on a date to  
19 be determined. Do I have a second?

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON MILLER: Mr. Silverstein  
22 seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

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

6 No. 4 is another request for a Fact-  
7 Finding Hearing dated September 29, 2015  
8 submitted by Layla Lounge. Layla Lounge is  
9 located at 501 Morse Street, N.E., License No.  
10 097367.

11 Similarly, I move that we approve the  
12 request for a Fact-Finding Hearing on a date to  
13 be determined. Do I have a second?

14 MEMBER SILVERSTEIN: I second, Madam  
15 Chair.

16 CHAIRPERSON MILLER: Okay. Any  
17 comments?

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed? All those abstaining? The motion  
22 passes 6-0-0.

1           No. 5 is a request for cancellation of  
2 license dated September 30, 2015 submitted by  
3 Cities. Cities is located at 919 19th Street,  
4 N.W., License No. 086319.

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

7           MEMBER SILVERSTEIN: Second.

8           CHAIRPERSON MILLER: Mr. Silverstein  
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 6-0-0. This will be embodied in Board  
15 Order 2015-442.

16          No. 6 is a request for cancellation of  
17 a license dated September 30, 2015 submitted by  
18 DC Pizza. DC Pizza is located at 919 19th Street,  
19 N.W., License No. 094699.

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

22          MEMBER SILVERSTEIN: Second.

1                   CHAIRPERSON MILLER: Mr. Silverstein  
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 6-0-0. This will be embodied in Board  
8                   Order 2015-441.

9                   Okay. And that's the Legal Agendas.  
10                  Now, we have Licensing Agendas. The first item  
11                  on the Licensing Agenda is a request to extend  
12                  safekeeping status for an additional year and  
13                  this is for 1720 Club located at 2600 Virginia  
14                  Avenue, N.W., License No. 015251.

15                  I move that we approve this extension  
16                  of safekeeping for a period of six months, until  
17                  March 31, 2016. Do I have a second?

18                  MEMBER SILVERSTEIN: Second.

19                  MEMBER RODRIGUEZ: Second.

20                  CHAIRPERSON MILLER: Mr. Rodriguez  
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 6-0-0.

5 No. 2 is a request for a change of  
6 hours. This is by TC Cigars located at 1118 9th  
7 Street, N.W., License No. 097774.

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

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr. Silverstein  
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 6-0-0.

18 No. 3 is an application for an  
19 entertainment endorsement to include weekly Latin  
20 dancing and live music in ANC-6A. This is for  
21 Ocopa located at 1324 H Street, N.E., License No.  
22 088102.

1 I move that we placard.

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 6-0-0.

10 Okay. We have a Supplemental  
11 Licensing Agenda. The first item is a request to  
12 extend safekeeping status of a license for one  
13 year. It's a first request by Dollar Plus Food  
14 Store located at 1443 Howard Road, S.E., License  
15 No. 088380.

16 I move that we approve this request to  
17 extend safekeeping status of the license for six  
18 months until March 31st. Do I have a second?

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON MILLER: Mr. Silverstein  
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 6-0-0.

5 No. 2 is a request to extend  
6 safekeeping status of a license through March 31,  
7 2016. This is a first request and it is by  
8 Greenbee Cafe, formerly Bread & Brew, located at  
9 1129 20th Street, N.W., License No. 079660.

10 I move that we approve this request to  
11 extend the safekeeping status of the license for  
12 six months to March 31, 2016. Do I have a  
13 second?

14 MEMBER SILVERSTEIN: I second.

15 CHAIRPERSON MILLER: Mr. Silverstein  
16 has seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those  
20 opposed? All those abstaining? The motion  
21 passes 6-0-0.

22 No. 3 is a request to remove the

1 license from safekeeping status for Serv-U-  
2 Liquors located at 1935 9th Street, N.W., License  
3 No. 060026.

4 I move that we placard this request.  
5 Do I have a second?

6 MEMBER SILVERSTEIN: Second.

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

14 No. 4 is a request to remove license  
15 from safekeeping status. It's Skewers/Cafe Luna  
16 located at 1633 P Street, N.W., License No.  
17 099313, in ANC-2B.

18 I move that we approve this removal  
19 pending the approval of the transfer.

20 MEMBER SILVERSTEIN: I second, Madam  
21 Chair.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Silverstein has 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 6-0-0.

7 No. 5 is a request for a stipulated  
8 license with letter of ANC support for Buffalo  
9 Wild Wings located at 1220 Half Street, S.E.,  
10 License No. 099597.

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

13 MEMBER SILVERSTEIN: Second.

14 CHAIRPERSON MILLER: Mr. Silverstein  
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 6-0-0.

21 No. 6 is a request to withdraw change  
22 of hours application for Kenny's Smokehouse

1 located at 732 Maryland Avenue, N.E., License No.  
2 099385.

3 I move that we approve this request.  
4 Do 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 6-0-0.

13 No. 7 is a request for a refund for 1-  
14 day substantial change application, as the  
15 establishment has received its permanent license  
16 to operate as specified in the substantial change  
17 requests. This is Stoney's on P Street located  
18 at 1433 P Street, N.W., License No. 075613.

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

21 MEMBER BROOKS: Second.

22 MEMBER RODRIGUEZ: Second.

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

3 All those in favor say aye.

4 ALL: Aye.

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

8 No. 8 is a request to reinstate the  
9 canceled license, renewal and late fees have been  
10 rendered to ABRA. This is Columbia Wine &  
11 Liquors located at 1151 Bladensburg Road, N.E.,  
12 License No. 060113.

13 I move that we approve this request  
14 and schedule a Fact-Finding on the safekeeping.  
15 Do I have a second?

16 MEMBER SHORT: Second.

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

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 Herman?

3 MEMBER JONES: Yes?

4 CHAIRPERSON MILLER: I was wondering  
5 if you had a comment on No. 9, grocery store?

6 MEMBER JONES: Oh, it's postponed.

7 Refer to legal.

8 CHAIRPERSON MILLER: Refer to --

9 MEMBER JONES: To licensing.

10 CHAIRPERSON MILLER: Okay.

11 No. 9 are floor plans for a new Class  
12 B full-service grocery store for Glen's Garden  
13 Market Shaw. They are located at 1924 8th Street,  
14 N.W., License No. 100252.

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

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr. Silverstein  
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 6-0-0.

3               No. 10 is a request for approval to  
4       provide gifts for more than \$50 but not to exceed  
5       \$500. This is by Republic National Distributing  
6       Company located at 4235 Sheriff Road, N.E.,  
7       License No. 076499.

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

10              MEMBER SILVERSTEIN: Second.

11              CHAIRPERSON MILLER: Mr. Silverstein  
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 6-0-0.

18              No. 12 are revised architectural floor  
19       plans for a new full-service grocery store in  
20       ANC-2E. It is Dean & DeLuca located at 3276 M  
21       Street, N.W., License No. 018083.

22              I move that we refer this to licensing

1 for another week. Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr. Silverstein  
4 has 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 6-0-0.

10 MEMBER ALBERTI: Ms. Miller?

11 CHAIRPERSON MILLER: Yes?

12 MEMBER ALBERTI: Did we do No. 11? I  
13 have that we didn't do 11.

14 CHAIRPERSON MILLER: Oh, thank you.  
15 Okay. Going back to No. 11, which I  
16 inadvertently skipped, is an application for an  
17 entertainment endorsement to include occasional  
18 DJ or live band in ANC-1B. It's for Dunya  
19 Restaurant & Lounge located at 801 Florida  
20 Avenue, N.W., License No. 091607.

21 I move that we placard this  
22 application.

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr. Silverstein  
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 7-0-0.

9 Okay. We have a Second Supplemental  
10 Licensing Agenda.

11 No. 1 is a letter from Santos  
12 Maldonado regarding Marleny's Restaurant and it  
13 is requesting termination of the settlement  
14 agreement. And Marleny's Restaurant is located  
15 at 3201 Mt. Pleasant Street, N.W., License No.  
16 077454.

17 In the letter they ask that "We hope  
18 you can make a determination on how to move  
19 forward with our application." And I would move  
20 that we advise Mr. Maldonado that he needs to  
21 file an application to terminate the settlement  
22 agreement in connection with the renewal of this

1 application in March. Do I have a second?

2 MEMBER SILVERSTEIN: I don't believe  
3 we even need to move on that. It's matter of  
4 law.

5 CHAIRPERSON MILLER: It's just  
6 responding to the letter.

7 MEMBER SILVERSTEIN: Okay.

8 CHAIRPERSON MILLER: I mean, because  
9 he is kind of asking to terminate it now and I  
10 think what we are saying is you have to file it  
11 the right way.

12 MEMBER SILVERSTEIN: I would move we  
13 deny his request to terminate.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER SILVERSTEIN: And advise him  
16 that he may make such a request under terms of  
17 the law during the period in which his license  
18 renewal is up.

19 MEMBER ALBERTI: I will note that I  
20 don't believe he has made the request. He has  
21 only asked -- he hasn't made a formal request to  
22 terminate.

1                   MEMBER SILVERSTEIN: Okay. That being  
2 the case, we can advise him.

3                   MEMBER ALBERTI: So I don't think  
4 there is anything to deny. Actually, I'll second  
5 -- oh, no. We have that motion to deal with, so  
6 let's deal with the motion.

7                   CHAIRPERSON MILLER: Which one? Which  
8 one? I had a motion on the table.

9                   MEMBER ALBERTI: Mike's and we didn't  
10 get a second to yours.

11                   CHAIRPERSON MILLER: Okay.

12                   MEMBER SILVERSTEIN: I will withdraw  
13 my motion.

14                   MEMBER ALBERTI: Because we had  
15 another motion.

16                   CHAIRPERSON MILLER: Okay. He has  
17 withdrawn his motion.

18                   MEMBER ALBERTI: I'll second your  
19 motion.

20                   CHAIRPERSON MILLER: Okay.

21                   MEMBER ALBERTI: Ms. Miller.

22                   CHAIRPERSON MILLER: Okay. Other

1 comments? All right. Not hearing any, there is  
2 a motion on the table that has been seconded.

3 All those in favor say aye.

4 ALL: Aye.

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

8 No. 2 is for us to review personal  
9 history information of Retailer CR License  
10 applicant related to Lincoln Park Kitchen/Wine  
11 Bar, Ninnella, located at 106 13th Street, S.E.,  
12 License No. 100288. I move that we refer this to  
13 licensing.

14 MEMBER SHORT: Second.

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

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those --

20 MEMBER ALBERTI: So just to be clear.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: I believe this is a

1 transfer application, is it not? I'll just -- we  
2 are going to refer this to licensing.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER ALBERTI: But just for the  
5 record --

6 CHAIRPERSON MILLER: Yes.

7 MEMBER ALBERTI: -- I believe this is  
8 actually a transfer application --

9 CHAIRPERSON MILLER: Okay.

10 MEMBER ALBERTI: -- to this  
11 individual.

12 CHAIRPERSON MILLER: That's what the  
13 personal history is related to, yes.

14 MEMBER ALBERTI: Right. Because there  
15 is a license already for this establishment.

16 CHAIRPERSON MILLER: Yes, yes.

17 MEMBER ALBERTI: Or at this location.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: And it is -- it  
20 currently has the trade name of Ninnella.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: That's what it says.

1 All right. Just to clear that up. I'm sorry.

2 CHAIRPERSON MILLER: That's all right.  
3 So there is a vote that we refer to licensing. I  
4 just want -- we voted, but you started talking at  
5 the same time.

6 MEMBER ALBERTI: I'm sorry. I'm  
7 sorry.

8 CHAIRPERSON MILLER: That's all right.

9 MEMBER ALBERTI: Go ahead and take a  
10 vote.

11 CHAIRPERSON MILLER: Okay. Let's take  
12 the vote again then.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those  
16 opposed? All those abstaining? The motion  
17 passes 7-0-0.

18 No. 3 is a request to remove license  
19 from safekeeping for Fairmont Market located at  
20 2628 11th Street, N.W., License No. 077898, in  
21 ANC-1B.

22 I move that we approve this request.

1 Do I have a second?

2 MEMBER RODRIGUEZ: Second.

3 CHAIRPERSON MILLER: Mr. Rodriguez  
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 7-0-0.

10 So that completes our Licensing  
11 Agendas.

12 Okay. We have one more matter that is  
13 on our Investigative Agenda for today. It's Case  
14 No. 15-251-00160, Bliss located at 2122 24th  
15 Place, N.E., License No. 095711.

16 And as I mentioned earlier, Chief  
17 Lanier closed the establishment pursuant to D.C.  
18 Code § 25-827 on September 28, 2015. And I  
19 believe the closure goes until Friday.

20 MEMBER SILVERSTEIN: 6:30.

21 CHAIRPERSON MILLER: At 6:30, okay.

22 And so the Board then has the authority to keep

1 the establishment closed pursuant to 25-826.

2 And I move that we take this action on  
3 Friday and issue a Notice of Intention pursuant  
4 to 25-826. Do I have a second?

5 MEMBER SHORT: Second.

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Mr. Short has  
8 seconded the motion. Any other comments?

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those  
12 opposed? All those abstaining? The motion  
13 passes then 7-0-0.

14 So that concludes our agenda items.  
15 Then all that remains is for us to vote on closed  
16 meetings for next week's session.

17 As Chairperson of the Alcoholic  
18 Beverage Control Board for the District of  
19 Columbia and in accordance with DC Official Code  
20 Section 2-574(b) of the Open Meetings Act, I move  
21 that the ABC Board hold a closed meeting on  
22 October 7, 2015 for the purpose of seeking legal

1 advice from our counsel on the matters identified  
2 on the Board's Agenda for October 7, 2015 as  
3 published in the DC Register on October 2, 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: Mr. Alberti?

13 MEMBER ALBERTI: I agree.

14 CHAIRPERSON MILLER: Mr. Rodriguez?

15 MEMBER RODRIGUEZ: I agree.

16 CHAIRPERSON MILLER: Ms. Miller

17 agrees.

18 Mr. Silverstein?

19 MEMBER SILVERSTEIN: I agree.

20 CHAIRPERSON MILLER: Mr. Short?

21 MEMBER SHORT: I agree.

22 CHAIRPERSON MILLER: Mr. Jones?

1 MEMBER JONES: I agree.

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

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

12 As Chairperson of the Alcoholic  
13 Beverage Control Board for the District of  
14 Columbia and in accordance with DC Official Code  
15 Section 2-574(b), closed meetings, and Section 2-  
16 574, notice of meetings, of the Open Meetings  
17 Act, I move that the ABC Board hold a closed  
18 meeting on October 7, 2015 for the purpose of  
19 discussing and hearing reports concerning ongoing  
20 or planned investigations of alleged criminal or  
21 civil misconduct or violations of law or  
22 regulations and seeking legal advice from our

1 counsel on the Board's Investigative Agenda for  
2 October 7, 2015 as published in the DC Register  
3 on October 2, 2015.

4 Is there a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks has  
7 seconded the motion. I will 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: Mr. Alberti?

13 MEMBER ALBERTI: I agree.

14 CHAIRPERSON MILLER: Mr. Rodriguez?

15 MEMBER RODRIGUEZ: I agree.

16 CHAIRPERSON MILLER: Ms. Miller  
17 agrees.

18 Mr. Silverstein?

19 MEMBER SILVERSTEIN: I agree.

20 CHAIRPERSON MILLER: Mr. Short?

21 MEMBER SHORT: I agree.

22 CHAIRPERSON MILLER: Mr. Jones?

1 MEMBER JONES: I agree.

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

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

12 Okay. And that concludes our business  
13 for September 30, 2015 in record time and we are  
14 adjourned.

15 MEMBER RODRIGUEZ: Yes, it is.

16 CHAIRPERSON MILLER: Thank you.

17 (Whereupon, the A.B.R.A. Agenda in the  
18 above-entitled matter was concluded at 3:25 p.m.)  
19  
20  
21  
22

A			
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