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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X

IN THE MATTER OF: : Agenda Hearing

ABRA Agenda :

- - - - -X

Wednesday, October 14, 2015

Whereupon, the above-referenced matter came on for hearing at the Alcoholic Beverage Control Board, Reeves Center, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 RUTHANNE MILLER, Presiding

3

4 BOARD MEMBERS:

5 DONALD BROOKS

6 HECTOR RODRIGUEZ

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

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

2 [2:08 p.m.]

3 CHAIRPERSON MILLER: Okay. Starting with
4 our Legal Agenda, that is the settlement
5 agreement that I actually just referenced. It's
6 between ANC-6E, Association and Joe Englert,
7 dated October 2nd, 2015 involving Trinity located
8 at 1630 7th Street, Northwest, License No.
9 098042.

10 I move that we approve this settlement
11 agreement.

12 MR. RODRIGUEZ: Second.

13 CHAIRPERSON MILLER: And Mr. Rodriguez
14 seconded the motion.

15 All those in favor say "aye."

16 [Chorus of ayes.]

17 CHAIRPERSON MILLER: All those opposed?

18 [No audible response.]

19 CHAIRPERSON MILLER: All those
20 abstaining?

21 [No audible response.]

22 CHAIRPERSON MILLER: Motion passes,

1 5-zero-zero.

2 And that is set forth in Board Order
3 2015-468.

4 Next case is No. 2, withdrawal of
5 application, dated October 2nd, 2015 by Burn by
6 Rocky Patel located at 477 H Street, Northwest,
7 License No. 099947, and that's an FYI.

8 No. 3 is a request for off-site storage
9 of invoices dated September 23rd, 2015, submitted
10 by Hard Rock Cafe. Hard Rock Cafe is located at
11 999 E Street, License No. 014130.

12 I move that we approve this request
13 provided there are at least access to copies
14 electronically on site.

15 Do I have a second?

16 MR. SHORT: Second.

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

19 All those in favor say "aye."

20 [Chorus of ayes.]

21 CHAIRPERSON MILLER: All those opposed?

22 [No audible response.]

1 CHAIRPERSON MILLER: All those
2 abstaining?

3 [No audible response.]

4 CHAIRPERSON MILLER: Motion passes,
5 5-zero-zero.

6 No. 4 is a motion for continuance and a
7 motion to confirm standing as abutting property
8 owners dated October 13, 2015, submitted by
9 Abutting Property Owner Protestant Group, and the
10 establishment is Hotel Helix located at 1430
11 Rhode Island, Northwest, License No. 079243.

12 This morning, the parties were before us,
13 and we granted the continuance of the status
14 until next Wednesday the 21st, and we also
15 granted the Applicant the opportunity to file an
16 opposition to the motion to confirm standing as
17 abutting property owner.

18 So we could revote right now, I guess, on
19 those two motions, but it would be granting the
20 motion for continuance and allowing the Applicant
21 to respond in writing to the motion to confirm
22 standing.

1 Is there a second?

2 MR. SILVERSTEIN: Second.

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

5 All those in favor say "aye."

6 [Chorus of ayes.]

7 CHAIRPERSON MILLER: All those opposed?

8 [No audible response.]

9 CHAIRPERSON MILLER: All those
10 abstaining?

11 [No audible response.]

12 CHAIRPERSON MILLER: Motion passes,
13 5-zero-zero.

14 That completes the Legal Agenda.

15 Okay. We have some Licensing Agendas.

16 No. 1 on the Licensing Agenda is an application
17 for a class change from Retailer B to Retailer A
18 for Texas Grocery Store located at 4350 Texas
19 Avenue, Southeast, License No. 094776. I move
20 that we placard this application.

21 MR. RODRIGUEZ: Second.

22 CHAIRPERSON MILLER: Mr. Rodriguez

1 seconded the motion.

2 All those in favor say "aye."

3 [Chorus of ayes.]

4 CHAIRPERSON MILLER: All those opposed?

5 [No audible response.]

6 CHAIRPERSON MILLER: All those

7 abstaining?

8 [No audible response.]

9 CHAIRPERSON MILLER: Motion passes,

10 5-zero-zero.

11 No. 2 is the application for class change

12 from Retailer CR to Retailer CT, and that's for

13 The Manor located at 1327 Connecticut Avenue,

14 Northwest, License No. 099536.

15 I move that we placard this application.

16 MR. SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr. Silverstein

18 seconded the motion.

19 All those in favor say "aye."

20 [Chorus of ayes.]

21 CHAIRPERSON MILLER: All those opposed?

22 [No audible response.]

1 CHAIRPERSON MILLER: All those
2 abstaining?

3 [No audible response.]

4 CHAIRPERSON MILLER: Motion passes,
5 5-zero-zero.

6 No. 3 is an application for a class
7 change from Retailer DR to Retailer DT. This is
8 for Amsterdam Falafelshop, located at 1830 14th
9 Street, Northwest, License No. 093449. I move
10 that we placard this application.

11 Do I have a second?

12 MR. SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr. Silverstein
14 seconded the motion.

15 All those in favor say "aye."

16 [Chorus of ayes.]

17 CHAIRPERSON MILLER: All those opposed?

18 [No audible response.]

19 CHAIRPERSON MILLER: All those
20 abstaining?

21 [No audible response.]

22 CHAIRPERSON MILLER: Motion passes,

1 5-zero-zero.

2 No. 4 is a request for a change of hours
3 for Laughing Man located at 1310 G Street,
4 Northwest, License No. 079786, and this involves
5 earlier hours. I would move that we approve the
6 application.

7 MR. SHORT: Second.

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

10 All those in favor say "aye."

11 [Chorus of ayes.]

12 CHAIRPERSON MILLER: All those opposed?

13 [No audible response.]

14 CHAIRPERSON MILLER: All those
15 abstaining?

16 [No audible response.]

17 CHAIRPERSON MILLER: Motion passes,
18 5-zero-zero.

19 No. 6 [sic] is also a request for a
20 change in hours. That is for Benning Heights
21 Market located at 547 42nd Street, Northeast,
22 License No. 099470.

1 I move that we approve their request for
2 a change of hours.

3 Do I have a second?

4 MR. RODRIGUEZ: Second.

5 CHAIRPERSON MILLER: Mr. Rodriguez
6 seconded the motion.

7 All those in favor say "aye."

8 [Chorus of ayes.]

9 CHAIRPERSON MILLER: All those opposed?

10 [No audible response.]

11 CHAIRPERSON MILLER: All those
12 abstaining?

13 [No audible response.]

14 CHAIRPERSON MILLER: Motion passes,
15 5-zero-zero.

16 We have a Supplemental Licensing Agenda.
17 First item is a request for a stipulated license
18 with letter of ANC support, and that is for Red,
19 White, and Basil located at 1781 Florida Avenue,
20 Northwest, License No. 100236.

21 I move that we approve this application
22 or request.

1 Do I have a second?

2 MR. BROOKS: Second.

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

5 All those in favor say "aye."

6 [Chorus of ayes.]

7 CHAIRPERSON MILLER: All those opposed?

8 [No audible response.]

9 CHAIRPERSON MILLER: All those
10 abstaining?

11 [No audible response.]

12 CHAIRPERSON MILLER: Motion passes,
13 5-zero-zero.

14 No. 2 is an amended application for
15 change of hours for Kenny's Smokehouse located at
16 732 Maryland avenue, Northeast, License No.
17 099385.

18 And I move that we approve this amended
19 application. Do I have a second?

20 MR. SHORT: Second.

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

1 All those in favor say "aye."

2 [Chorus of ayes.]

3 CHAIRPERSON MILLER: All those opposed?

4 [No audible response.]

5 CHAIRPERSON MILLER: All those
6 abstaining?

7 [No audible response.]

8 CHAIRPERSON MILLER: Motion passes,
9 5-zero-zero.

10 No. 3 is a request to store alcoholic
11 beverages off site at 2510 24th Street,
12 Northeast, and the establishment is LeDroit Wines
13 and Beer, located at 247-251 Florida Avenue,
14 Northwest, License No. 094679.

15 I move that we approve this request.

16 Do I have a second?

17 MR. RODRIGUEZ: Second.

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

20 All those in favor say "aye."

21 [Chorus of ayes.]

22 CHAIRPERSON MILLER: All those opposed?

1 [No audible response.]

2 CHAIRPERSON MILLER: All those
3 abstaining?

4 [No audible response.]

5 CHAIRPERSON MILLER: Motion passes,
6 5-zero-zero.

7 Okay. So we're up to No. 5 and I think
8 that --

9 MR. SHORT: No. 4 or No. 5?

10 CHAIRPERSON MILLER: Did I do 4?

11 MR. SHORT: No.

12 CHAIRPERSON MILLER: No? Oh, I'm sorry.
13 No. 4. Thank you.

14 A request from Ron Hunt to apply credits
15 from previous payments to ABRA to next year's
16 license renewal payments for Heat, ABRA No.
17 084620, Capitol Hill Cabaret.

18 So I move that we refer this back to
19 licensing for clarification, more information,
20 whatever.

21 MR. SHORT: Second.

22 CHAIRPERSON MILLER: Okay. That's been

1 seconded by Mr. Short.

2 All those in favor say "aye."

3 [Chorus of ayes.]

4 CHAIRPERSON MILLER: All those opposed?

5 [No audible response.]

6 CHAIRPERSON MILLER: All those

7 abstaining?

8 [No audible response.]

9 CHAIRPERSON MILLER: Motion passes,
10 5-zero-zero.

11 So No. 5 deals with Glen's Garden Market
12 and the floor plans. I'd like to take a break
13 here and come back and see whether our other
14 Board member may have more information on that.
15 Okay.

16 So we're going to recess and come back to
17 complete the rest of the Licensing Agenda.

18 Okay, thank you.

19 [Whereupon, at 2:16 p.m., a recess was
20 taken.]

21 CHAIRPERSON MILLER: We are back on the
22 record to complete our Licensing Agendas, and we

1 left off with Supplemental Licensing Agent Item
2 No. 5, which is review of revised floor plans for
3 new Class B full-service grocery store, and this
4 is for Glen's Garden Market Shaw located at 1924
5 8th Street, Northwest, License No. 100252.

6 I am going to ask Board Member Jones if
7 he could address this item.

8 MR. JONES: Thank you, Madam Chair.

9 Based on a review of the revised drawings
10 submitted by the Applicant, it has been
11 determined that they are in compliance with both
12 test one and test two, test one being they either
13 have 6,000 square feet of their store area
14 dedicated to the sale of food items or 50 percent
15 of said area dedicated to the sale of food items.

16 In this instance, Glen's Garden was
17 compliant with test one and passed with a
18 percentage of 64.15 percent dedicated to the sale
19 of food items.

20 So that takes us to step two. Under step
21 two, the Applicant must have a minimum of six of
22 the seven food categories that are 5 percent or

1 more of the selling area, and in this instance,
2 the Applicant did have six of the seven food
3 categories that were in excess or at 5 percent,
4 those being produce was at 8.79 percent, meats
5 was at 8.97 percent, dairy 7.57 percent, canned
6 goods 23 percent even, dry and banked goods 23.35
7 percent, non-alcoholic beverages at 6.12 percent.
8 The frozen foods category came in at 1.81, but
9 that's the seventh of the seven categories. So
10 given that six of the seven were in excess of 5
11 percent and, thus, they were in compliance with
12 test two -- and for that reason, I would move
13 that we placard the Applicant for full-service
14 grocery store.

15 CHAIRPERSON MILLER: Thank you very much,
16 Mr. Jones, and I would second that motion.

17 Any other comments?

18 [No audible response.]

19 All those in favor, then, say "aye."

20 [Chorus of ayes.]

21 CHAIRPERSON MILLER: All those opposed?

22 [No audible response.]

1 CHAIRPERSON MILLER: All those
2 abstaining?

3 [No audible response.]

4 CHAIRPERSON MILLER: Motion passes,
5 6-zero-zero.

6 Okay. And now we have left a second
7 Supplemental Licensing Agenda.

8 First item on the agenda is a review of a
9 Class C restaurant transfer application by
10 Lincoln Park Kitchen/Wine Bar located at 106 13th
11 Street, Southeast, License No. 100288.

12 And I move that we approved this transfer
13 application.

14 Do I have a second?

15 MR. RODRIGUEZ: Second.

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

18 All those in favor say "aye."

19 [Chorus of ayes.]

20 CHAIRPERSON MILLER: All those opposed?

21 [No audible response.]

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 [No audible response.]

3 CHAIRPERSON MILLER: Motion passes,
4 6-zero-zero.

5 And No. 2 on this agenda is a letter from
6 Andrew Kline requesting that a stipulated license
7 be granted simultaneously with the issuance of
8 placards. This is for Glen's Garden Market Shaw,
9 1924 8th Street, Northwest, License 100252.

10 And I would move that we deny this
11 request as being contrary to our policies, and
12 that stating therein also that we will be issuing
13 -- we will be voting stipulated license on
14 October 28th after the license has been
15 placarded.

16 Do I have a second?

17 MR. SHORT: Second.

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

20 All those in favor say "aye."

21 [Chorus of ayes.]

22 CHAIRPERSON MILLER: All those opposed?

1 [No audible response.]

2 CHAIRPERSON MILLER: All those
3 abstaining?

4 [No audible response.]

5 CHAIRPERSON MILLER: Motion passes,
6 6-zero-zero.

7 Okay. That completes our agendas, and
8 what's left is voting on our closed meetings for
9 next week.

10 As Chairperson of the Alcoholic Beverage
11 Control Board for the District of Columbia and in
12 accordance with Section 405 of the Open Meetings
13 Amendment Act 2010, I move that the ABC Board
14 hold a closed meeting on October 21st, 2015, for
15 the purpose of seeking legal assistance from our
16 counsel on the matters identified on the Board's
17 agenda for October 21st, 2015, as published in
18 the D.C. Register on October 16, 2015.

19 Is there a second?

20 MR. RODRIGUEZ: Second.

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

1 I'll now take a roll call vote on the
2 motion before us, now that it's been seconded.

3 Mr. Brooks?

4 MR. BROOKS: I agree.

5 CHAIRPERSON MILLER: Mr. Rodriguez?

6 MR. RODRIGUEZ: I agree.

7 CHAIRPERSON MILLER: Ms. Miller agrees.

8 Mr. Silverstein?

9 MR. SILVERSTEIN: I agree.

10 CHAIRPERSON MILLER: Mr. Jones?

11 MR. JONES: I agree.

12 CHAIRPERSON MILLER: Mr. Short?

13 MR. SHORT: I agree.

14 It appears that the motion has passed by
15 a 6-zero-zero vote. Pursuant to the Open
16 Meetings Amendment Act of 2010, we will hold this
17 aforementioned closed meeting. Notice will also
18 be posted on the ABC Board Hearing Room bulletin
19 board, placed on the electronic calendar and
20 ABRA's website and published in the D.C. Register
21 in as timely a manner as practicable.

22 As Chairperson of the Alcoholic Beverage

1 Control Board for the District of Columbia in
2 accordance with Section 405 of the Open Meetings
3 Amendment Act of 2010, I move that the ABC Board
4 hold a closed meeting on October 21st, 2015, for
5 the purpose of discussing and hearing reports
6 concerning ongoing or planned investigations of
7 alleged criminal or civil misconduct or
8 violations of law, regulations, and seeking legal
9 advice from our counsel on the Board's
10 investigative agenda for October 21st, 2015, as
11 published in the D.C. Register on October 16,
12 2015.

13 Is there a second?

14 MR. SILVERSTEIN: Second.

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

17 I'll now take a roll call vote on the
18 motion before us, now that it's been seconded.

19 Mr. Brooks?

20 MR. BROOKS: I agree.

21 CHAIRPERSON MILLER: Mr. Rodriguez?

22 MR. RODRIGUEZ: I agree.

1 CHAIRPERSON MILLER: Ms. Miller agrees.
2 Mr. Silverstein?

3 MR. SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: Mr. Short?

5 MR. SHORT: I agree.

6 CHAIRPERSON MILLER: And Mr. Jones?

7 MR. JONES: I agree.

8 CHAIRPERSON MILLER: It appears that the
9 motion has passed by a 6-zero-zero vote. I
10 hereby give notice that the ABC Board will hold
11 this aforementioned close meeting pursuant to the
12 Open Meetings Amendment Act of 2010. Notice will
13 also be posted on the ABC Board Hearing Room
14 bulletin board, placed on the electronic calendar
15 and ABRA's website and published in the D.C.
16 Register in as timely a manner as practical.

17 Okay, and that concludes our business for
18 October 14th, 2015, and we are adjourned.

19 [Whereupon, at 4:26 p.m., the Board went
20 off the record.]

21 CHAIRPERSON MILLER: Hi. So we've come
22 back on the record because I needed to announce

1 that Cease-and-Desist Agenda for Class B
2 Retailers and Wholesalers 1 and a second
3 Cease-and-Desist Agenda for Class C Retailers,
4 they were published on October 14, 2015. These
5 agendas are being postponed until October 28th,
6 2015.

7 [Whereupon, at 4:30 p.m., the Board
8 meeting concluded.]

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