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

- - - - -X  
IN THE MATTER OF: :  
ABRA Agenda for :  
November 4, 2015 :  
- - - - -X

Wednesday, November 4, 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 DONOVAN W. ANDERSON, Presiding

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4 BOARD MEMBERS:

5 JAMES SHORT

6 MICHAEL SILVERSTEIN

7 RUTHANNE MILLER

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

2 [4:19 p.m.]

3 MS. MILLER: We're back on the record to  
4 do the agendas for November 4th, 2015. And let's  
5 start with the legal agenda.

6 First two items on the agenda are related  
7 to Hotel Helix. And Hotel Helix has another  
8 pleading related to this same issue that is  
9 Number 3 on the supplemental agenda.

10 So Number 1 is a motion for continuance  
11 and motion to confirm standing as abutting  
12 property owners, dated October 13th, 2015,  
13 submitted by abutting property owner for testing  
14 group. And Hotel Helix is located at 1430 Rhode  
15 Island Avenue Northwest. License No. 079243.

16 Number 2 is the opposition to that  
17 motion.

18 And Number 3 on the supplemental legal  
19 agenda is a motion for withdrawal, which we'll  
20 get to later. But since this is being withdrawn  
21 I would just say that the motion for Number 1 and  
22 2 are moot because the motion being withdrawn.

1 And we can get to that further when we get to the  
2 supplemental agenda.

3 Number 3 is a motion to vacate, dated  
4 October 13th, 2015, submitted by Kathy Henderson,  
5 Chairperson of ANC 5D. Kovak's Liquors is  
6 located at 1237 Mount Olivet Road Northeast,  
7 License No. 076573. And I would move to vacate.  
8 I mean, I would move to deny the motion to  
9 vacate. Do I have a second?

10 MR. ALBERTI: Second.

11 MS. MILLER: Any comments? I would just  
12 state that -- oh, I'm sorry, let me reference  
13 Number 4 is the rebuttal to that motion to  
14 vacate, received October 21st, 2015 from Keisha  
15 L. Shropshire. Commissioner ANC 5D02. And also  
16 there is, on our supplemental agenda, a response  
17 to the motion to vacate dated -- that we received  
18 October 28th, 2015 by Kovak's Liquors, the  
19 establishment. So both of those were in  
20 opposition to the motion to vacate. And my  
21 motion is to deny that motion to vacate.

22 And did I get a second on that?

1 MR. ALBERTI: You did.

2 MS. MILLER: Okay. And so I would say  
3 that both the opposition pleadings showed that  
4 the Commissioner Shropshire did have authority to  
5 enter into the settlement agreement on behalf of  
6 the ANC. I thought that things were done in  
7 accordance with proper procedures, so that's why  
8 I moved to deny.

9 Any other comments?

10 Okay. The rationale, also for our  
11 decision will be set forth into Board order 2015-  
12 508. I move now that we do deny the motion to  
13 vacate.

14 [Vote taken.]

15 MS. MILLER: Motion passes then, five,  
16 zero, zero.

17 Number 5 on the legal agenda is a  
18 petition to terminate settlement agreement filed  
19 by Marleny's restaurant, located at 3201 Mount  
20 Pleasant Northwest, License No. 077454.

21 I move that we deny the petition to  
22 terminate the settlement agreement as it's

1 untimely. It needs to be -- petitions need to be  
2 filed in conjunction with renewals.

3 MR. ALBERTI: Second.

4 MS. MILLER: Mr. Alberti seconded the  
5 motion.

6 [Vote taken.]

7 MS. MILLER: Motion passes, five, zero,  
8 zero. And this will be set forth in Board Order  
9 2015-476.

10 Number 6, are public comments by Sarah  
11 Egebergh, contained in an e-mail titled Proposed  
12 Alcoholic Beverage License ABRA-100316, received  
13 on October 19th, 2015 and this is just an FYI and  
14 no action is required from the Board.

15 So that completes our legal agenda and  
16 I've already made reference to the supplemental  
17 agenda. Supplemental legal agenda Number 1 is a  
18 settlement agreement dated October 9th, 2015,  
19 submitted by Hop, Cask, and Barrel, the Citizen's  
20 Association of Georgetown, and ANC 2E.

21 Hop, Cask, and Barrel is located at 1717  
22 Wisconsin Avenue Northwest, License No. 097883.

1 I move that we approve with modifications  
2 to delete the words, "And assignees" which is set  
3 forth in Number 3 of the recitals. And do I have  
4 a second?

5 MR. ALBERTI: Second.

6 MS. MILLER: Mr. Alberti seconded the  
7 motion.

8 [Vote taken.]

9 MS. MILLER: Motion passes, five, zero,  
10 zero.

11 Number 2 is a settlement agreement dated  
12 October 20th, 2015 submitted by Banana Leaf D.C.  
13 at ANC 3F. Banana Leaf D.C. is located at 5014  
14 Connecticut Avenue Northwest, License No. 099122.  
15 I move that we approve this settlement agreement.  
16 Do I have a second?

17 MR. SILVERSTEIN: Second.

18 MS. MILLER: Mr. Short seconded the  
19 motion. All those -- Mr. who?

20 CHAIRPERSON ANDERSON: Mr. Silverstein.

21 MS. MILLER: Silverstein seconded the  
22 motion.

1 [Vote taken.]

2 MS. MILLER: Motion passes, five, zero,  
3 zero.

4 Okay. I made reference to this motion  
5 previously when we were discussing the legal  
6 agenda. This is the motion for withdrawal. This  
7 is Number 3, motion for withdrawal dated October  
8 28th, 2015, submitted by abutting property owner  
9 protesting group, Hotel Helix. And I've already  
10 given their address.

11 I move that we approve their motion for  
12 withdrawal without prejudice. Do I have a  
13 second?

14 MR. SHORT: Second.

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

17 [Vote taken.]

18 MS. MILLER: Motion passes, five, zero,  
19 zero.

20 Number 4 is a settlement agreement dated  
21 October 13th, 2015, submitted by Las Placitas and  
22 ANC 6B. Las Placitas is located 1100 8th Street

1 Northwest, License No. 100267. Did anybody have  
2 any concerns with this settlement agreement?

3 MR. ALBERTI: I have just finished  
4 looking at it. I have no problem.

5 MS. MILLER: Okay. Good. All right.  
6 Because I haven't noted any either. Then I move  
7 to approve.

8 MR. ALBERTI: Second.

9 MS. MILLER: Mr. Alberti seconded the  
10 motion.

11 [Vote taken.]

12 MS. MILLER: Motion passes, five, zero,  
13 zero.

14 Number 5 was the responsive motion to  
15 vacate related to the Kovak's Liquors on our  
16 legal agenda, and we have already addressed that.

17 And Number 6 is a request for outside  
18 storage of invoices for the Penthouse Pool and  
19 Lounge located at 1212 4th Street Southeast,  
20 License No. 093303. I move that it be approved.  
21 Do I have a second?

22 CHAIRPERSON ANDERSON: Second.

1 MS. MILLER: Mr. Silverstein seconded the  
2 motion.

3 [Vote taken.]

4 MS. MILLER: Motion passes, five, zero,  
5 zero.

6 Okay. You know what? I think we should  
7 interrupt this because our witness is here,  
8 correct, in this other case that we just paused  
9 on.

10 I thought that, we're doing our legal  
11 agenda and we're almost done with the page, but I  
12 see there is a second page. So we'll pick up  
13 after this so they don't have to sit through  
14 that.

15 [Case passed to take up other matters.]

16 MS. MILLER: Okay. We are returning now  
17 to supplemental legal agenda, which we  
18 interrupted to continue a hearing. All right.  
19 Now we're on Number 7.

20 Okay. Which is a request for offsite  
21 storage of invoices received October 28th, 2015  
22 by Rappahannock Oyster Bar located at 1309 5th

1 Street Northeast, License No. 089982 and I move  
2 that we approve this request.

3 MR. ALBERTI: Second.

4 MS. MILLER: Mr. Alberti has seconded the  
5 motion.

6 [Vote taken.]

7 MS. MILLER: Motion passes, five, zero,  
8 zero.

9 Number 8 is another request for offsite  
10 storage of invoices, and it was received October  
11 28th, 2015. It's by Pennsylvania 6DC located at  
12 1305 I Street Northwest, License No. 0988879. I  
13 move that we approve. Do I have a second?

14 MR. SILVERSTEIN: Second.

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

17 [Vote taken.]

18 MS. MILLER: Motion passes, five, zero,  
19 zero.

20 Number 9 is a request for a fact finding  
21 hearing dated October 27th, 2015, submitted by  
22 MPT Chief of Police Cathy Lanier. It's for

1 Player's Lounge located at 2737 MLK Avenue  
2 Southeast, License No. 086271. I move that we  
3 grant this request for a fact finding hearing and  
4 hold it on November 19th.

5 MR. ALBERTI: Second.

6 MS. MILLER: 2015. Okay. Mr. Alberti  
7 has seconded the motion.

8 [Vote taken.]

9 MS. MILLER: Motion passes, five, zero,  
10 zero.

11 If we get the time that it could be held  
12 we'll come back to this. But as of now at least  
13 the date is set.

14 Number 10 is a joint request dated  
15 October 30th, 2015 to continue a protest status  
16 hearing scheduled for November 4th, 2015,  
17 submitted by Holland and Knight, counsel for the  
18 applicant. And the establishment is the Savoy  
19 Suites Hotel located at 2505 Wisconsin Avenue  
20 Northwest, license No. 090804.

21 I move that we grant this request for a  
22 continuance. We actually did it this morning,

1 for December 2nd at 9:30 a.m., and I guess we can  
2 vote on it again.

3 [Vote taken.]

4 MS. MILLER: Motion passes, five, zero,  
5 zero.

6 Number 11 is a request from ANC 2F dated  
7 October 30th, 2015 for Catered Site Protest.  
8 Against Long View Gallery located at 1234 9th  
9 Street Northwest. My understanding of the facts  
10 in this case is that the event took place on  
11 September 3rd and this request was filed October  
12 30th. And therefore it is late pursuant to our  
13 regulation 2008.3, which provides that if you  
14 want to file a protest related to a problem event  
15 you have to file it 30 days from the date --  
16 within 30 days of the date of the event. So this  
17 is late. So I am moving to deny.

18 MR. ALBERTI: Second.

19 MS. MILLER: Mr. Alberti seconded the  
20 motion.

21 [Vote taken.]

22 MS. MILLER: Motion passes, five, zero,

1 zero.

2 And this will be set forth in Board order  
3 2015-509.

4 Number 12 is a letter from ANC 2B dated  
5 November 2nd, 2015, expressing concerns regarding  
6 the operations at Midtown. Midtown is located at  
7 1219 Connecticut Avenue Northwest, License No.  
8 072087.

9 I would note that we recently had a  
10 protest hearing on Midtown and ANC 2B was a party  
11 and that this letter should be considered as an  
12 FYI but not in connection with the protest as we  
13 have a closed record on the protest at this  
14 point. Any comments? Okay. So that's an FYI.

15 Thirteen is a letter from Commissioner  
16 Abigail Nichols of ANC 2B. She's a single member  
17 district, ANC 2B05, dated November 3rd, 2015  
18 regarding Barcode. And Barcode is located at  
19 1101 17th Street Northwest, License No. 082039,  
20 and this also is an FYI, no action is required  
21 (indiscernible)\*\*38:30.

22 So that concludes our legal agenda. We

1 have licensing agendas. First item on the  
2 licensing agenda is an application for a  
3 safekeeping of license. It's an original request  
4 by L8. Sorry. 727 50th Street Northwest.  
5 License No. 099695. I move that we approve this  
6 application until March 31st.

7 MR. ALBERTI: Second.

8 MS. MILLER: And Mr. Alberti has seconded  
9 the motion and that's March 31st, 2016.

10 [Vote taken.]

11 MS. MILLER: Motion passes five, zero,  
12 zero.

13 Number 2 is a request for a change of  
14 hours by L8, located at 727 50th Street  
15 Northwest, License No. 099695. Same  
16 establishment as Number 1, which we were  
17 requested an application for a safekeeping of  
18 license. So I'm going to request -- I'm going to  
19 move that we schedule a fact finding hearing on  
20 this case.

21 MR. ALBERTI: Second.

22 MS. MILLER: Mr. Alberti has seconded the

1 motion.

2 [Vote taken.]

3 MS. MILLER: Motion passes, five, zero,  
4 zero.

5 Number 11 is a request for change of  
6 hours for operation and (indiscernible)\*\*40:16  
7 and entertainment. It's by Sol Mexican  
8 Restaurant -- it's called Sol Mexican Grill,  
9 located at 1251 H Street Northeast, License No.  
10 092192 and (indiscernible)\*\*40:28. Do I have a  
11 second?

12 MR. ALBERTI: Second.

13 MS. MILLER: Mr. Alberti seconded the  
14 motion.

15 [Vote taken.]

16 MS. MILLER: Motion passes, five, zero,  
17 zero.

18 Number 4 is a request for change of hours  
19 by Ventnor Sports Café, located at 2411 18th  
20 Street Northwest, License No. 072529. It appears  
21 that this request conflicts with the settlement  
22 agreement so I would move that we deny the

1 request. Do I have a second?

2 MR. SHORT: Second.

3 MS. MILLER: Mr. Short has seconded the  
4 motion.

5 [Vote taken.]

6 MS. MILLER: Motion passes, five, zero,  
7 zero.

8 Number 5 is the application for a summer  
9 garden seating 60 patrons and ANC 2A, the  
10 establishment is Abdotel located at 2224 F Street  
11 Northwest. License No. 090189 and I move that we  
12 placard this. Oh, I skipped one but I'll get  
13 back to it. So this is Number 6. Placard, the  
14 rooftop summer garden. Do I have a second?

15 MR. SILVERSTEIN: Second.

16 MS. MILLER: Mr. Silverstein has seconded  
17 the motion.

18 [Vote taken.]

19 MS. MILLER: Motion passes, five, zero,  
20 zero.

21 I'm just going to go to Number 7 and then  
22 I'll go back to 5 because Number 7 involves the

1 same establishment, Abdotel, and it's an  
2 application for a sidewalk café seating 26  
3 patrons. I move that we also placard this  
4 application. Do I have a second?

5 MR. SHORT: Second.

6 MS. MILLER: Mr. Short has seconded the  
7 motion.

8 [Vote taken.]

9 MS. MILLER: Motion passes, five, zero,  
10 zero.

11 Okay. So Number 5 I skipped and that is  
12 -- I'm going to that now -- an application for a  
13 new Retailer DX multipurpose facility. It's for  
14 West End Cinema Beverage Service located at 2301  
15 M Street. It's going for DX License No. 10005.  
16 So I would move that we move the fact finding  
17 hearing, get more information on this  
18 establishment.

19 CHAIRPERSON ANDERSON: Second.

20 MS. MILLER: And Mr. Anderson has  
21 seconded the motion.

22 [Vote taken.]

1 MS. MILLER: Motion passes, five, zero,  
2 zero.

3 Moving down to Number 8, that's an  
4 application for a sidewalk café, seating 20  
5 patrons, in ANC 2C for Absolute Noodle located at  
6 772 5th Street Northwest, License No. 090241. I  
7 move that we placard this application. Do I have  
8 a second?

9 MR. SHORT: Second.

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

12 [Vote taken.]

13 MS. MILLER: Motion passes, five, zero,  
14 zero.

15 Number 9 is an application for a  
16 manager's license for David Grant. ABRA No.  
17 100819. I move that we approve that application  
18 and do I have a second?

19 MR. ALBERTI: Second.

20 MS. MILLER: Mr. Alberti seconded the  
21 motion.

22 [Vote taken.]

1 MS. MILLER: So the vote is three to one  
2 to one. I believe with Mr. Short opposed and Mr.  
3 Anderson abstained.

4 Okay. That completes this licensing  
5 agenda and we have supplemental agenda.

6 Number 1 on the supplemental agenda is a  
7 request to extend safekeeping status of a license  
8 for six months. It's the first request and it's  
9 by 2401 Penn Avenue Holding Entity, LLC. Located  
10 at 2401 Pennsylvania Avenue Northwest, License  
11 No. 098988. I move that we approve this request  
12 to extend for safekeeping and let it be extended  
13 to March 31st, 2016. Do I have a second?

14 MR. SHORT: Second.

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

17 [Vote taken.]

18 MS. MILLER: Motion passes, five, zero,  
19 zero.

20 Number 2 is a request for cancellation of  
21 license (indiscernible)\*\*44:55 2015 by Cava Mezza  
22 Grill, 4237 Wisconsin Avenue Northwest, License

1 No. 0940698. I move that we  
2 (indiscernible)\*\*45:07 licensing to verify their  
3 request in (indiscernible)\*\*45:11. Do I have a  
4 second?

5 MR. SILVERSTEIN: Second.

6 MS. MILLER: Mr. Silverstein has seconded  
7 the motion.

8 [Vote taken.]

9 MS. MILLER: Motion passes, five, zero,  
10 zero.

11 Number 3 is a letter from Braulio Agnese,  
12 Executive Director regarding clarification of new  
13 license application. And this is in ANC 2B, the  
14 establishment is DuPont Underground and it's  
15 located at 1718 M Street Northwest, License No. -  
16 - I mean, Member 379, License Number 099436. I'd  
17 move that we postpone consideration of this  
18 request until November 18th.

19 MR. SHORT: Second.

20 MS. MILLER: And Mr. Short has seconded  
21 the motion.

22 [Vote taken.]

1 MS. MILLER: Motion passes, five, zero,  
2 zero.

3 Number 4 is an application and floor  
4 plans for a new (indiscernible)\*\*46:12 service  
5 grocery store, and the grocery store is Trader  
6 Joe's, located at 750 Pennsylvania Avenue  
7 Southeast, License No. 100872. I move that we  
8 placard this application.

9 MR. SHORT: Second.

10 MS. MILLER: And Mr. Short has seconded  
11 the motion.

12 [Vote taken.]

13 MS. MILLER: Motion passes five, zero,  
14 zero.

15 And we have some cease and desist. Okay.  
16 We have cease and desist, order to approve for  
17 Class B retailers and wholesalers. The following  
18 establishments did not make -- send in their  
19 payments and so I'm going to move and vote that  
20 we approve cease and desist orders for them, and  
21 I will read off their numbers and names.

22 First is ABRA No. 079226, Micro Market

1 Beer and Wines. Next is ABRA No. 060593 with the  
2 Le Petite Corner Store. Third is ABRA No. 025740  
3 8th Street Deli and Market. Number 5 is ABRA No.  
4 060661, Trinity Deli and Food Market. And lastly  
5 ABRA No. 026649, D & B Deli Carryout.

6 I move that we approve orders to cease  
7 and desist for those establishments. Do I have a  
8 second?

9 MR. SHORT: Second.

10 MS. MILLER: Mr. Short Seconded the  
11 motion.

12 [Vote taken.]

13 MS. MILLER: Motion passes five, zero,  
14 zero.

15 Okay. Next we have cease and desist  
16 order for Class C retailers. And I'm just going  
17 to group them as I go by if they had a similar  
18 reason.

19 So the first three didn't make their  
20 third year payment. And then I'm going to call  
21 for a vote on all of them. ABRA No. 000869,  
22 Charlies. Next ABRA No. 060477, Aqua Restaurant.

1 And third, ABRA No. 073817.

2 I'm going to do a motion at the end.

3 CHAIRPERSON ANDERSON: I'm not going to  
4 renew them (indiscernible)\*\*49:10. You're going  
5 to group them.

6 MS. MILLER: I'm going to try to group  
7 them.

8 CHAIRPERSON ANDERSON: Okay.

9 MS. MILLER: Just for reasons so -- okay.  
10 The rest of the establishments did not make third  
11 year payments. They are ABRA No. 083420, Lost  
12 Society. Next ABRA No. 086141, Lola's. Next,  
13 ABRA No. 086613, The Capital Wine School. ABRA  
14 No. 087508, Nati Hookah Bar. ABRA No. 088059,  
15 Hawk N' Dove. ABRA No. 089141, Willie's Sport  
16 (indiscernible)\*\*49:51. ABRA No. 089342, Rose's  
17 Dejavu. ABRA No. 090204, Marrakech Restaurant.  
18 ABRA No. 090830, The Gryphon. ABRA No. 091276,  
19 Kabin. ABRA No. 091361, Mam Put. ABRA No.  
20 091434, Black Whiskey. ABRA No. 091682, BIN-  
21 1301. ABRA No. 092054, Café Midar. ABRA No.  
22 094013, Peace Lounge, ABRA No. 096761 Sixth and H

1 Street Bar and Grill. ABRA No. 098331, Salty Dog  
2 Tavern. ABRA No. 074767, Ultrabar/Chroma. ABRA  
3 No. 074894, LIV Nightclub. ABRA No. 083264,  
4 Music and Arts Club/Tropicalia.

5 I move that we approve issuance of orders  
6 to cease and desist on those establishments for  
7 the reasons identified. Do I have a second?

8 MR. SHORT: Second.

9 MS. MILLER: Mr. Short has seconded the  
10 motion.

11 [Vote taken.]

12 MS. MILLER: Motion passes, five, zero,  
13 zero.

14 Okay. That concludes our agendas and we  
15 just have to take our votes on the closed  
16 meetings for two weeks from now, which is  
17 November 18th.

18 [Reviewing notes.]

19 MS. MILLER: Okay. As Chairperson of the  
20 Alcoholic Beverage Control Board for the District  
21 of Columbia in accordance with D.C. Official Code  
22 Section 2-574B of the Open Meetings Act I move

1 that the ABC Board hold a closed meeting on  
2 November 18th, 2015 for the purpose of seeking  
3 legal advice from our counsel on the matters  
4 identified on the Board's agenda for November  
5 18th, 2015 as published in the D.C. Register on  
6 November 6th, 2015. Is there a second?

7 MR. ALBERTI: Second.

8 MS. MILLER: Mr. Silverstein second -- I  
9 mean, Mr. Alberti seconded the motion. I'll now  
10 take a roll call vote in the motion before us now  
11 that it's been seconded.

12 [Roll call taken.]

13 MS. MILLER: It appears that the motion  
14 has passed by five, zero, to zero vote. I hereby  
15 give notice that the ABC Board will hold this  
16 aforementioned closed meeting pursuant to the  
17 Open Meetings Act. Notice will also be posted on  
18 the ABC Board Hearing Room Bulletin Board, placed  
19 on the electronic calendar on ABRA's website, and  
20 published in the D.C. Register in as timely a  
21 manner as practical.

22 As Chairperson of the Alcoholic Beverage

1 Control Board for the District of Columbia in  
2 accordance with D.C. Official Code Section 2-574B  
3 and 2-574 of the Open Meetings Act, I move that  
4 the ABC Board hold a closed meeting on November  
5 18th, 2015 for the purpose of discussing  
6 (indiscernible)\*\*53:43 reports concerning ongoing  
7 or planned investigations of alleged criminal  
8 misconduct or violations of law or regulations  
9 and seeking legal advice from our counsel on the  
10 Board's investigative agenda for November 18th,  
11 2015 as published in the D.C. Register on  
12 November 6th, 2015. Is there a second?

13 MR. SILVERSTEIN: Second.

14 MS. MILLER: Mr. Silverstein seconded the  
15 motion. I'll now take a roll call vote on the  
16 motion before us now that it's been seconded.

17 [Roll call taken.]

18 MS. MILLER: It appears that the motion  
19 has passed by five, zero, zero vote. I hereby  
20 give notice that the ABC Board will note this  
21 aforementioned closed meeting. Pursuant to the  
22 Open Meetings Act notice will also be posted on

1 the ABC Board Hearing Room Bulletin Board, placed  
2 on the electronic calendar on ABRA's website, and  
3 published in the D.C. Register in as timely a  
4 manner as practical.

5 And that concludes our business for  
6 November 4th, 2015 and we are adjourned. Thank  
7 you.

8 [Whereupon, the above-entitled matter  
9 concluded at 5:23 p.m.]

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