

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :

AGENDA OF WEDNESDAY, :
NOVEMBER 20, 2013 :

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Wednesday,
November 20, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 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
- MIKE SILVERSTEIN, Member
- HERMAN JONES, Member

P R O C E E D I N G S

3:39 p.m.

CHAIRPERSON MILLER: All right,
let's go. We're back on the record to do the

1 agenda for November 20, 2013.

2 First item on the agenda is a
3 review to remove the license from safekeeping
4 by Zenobia Lounge located at 1025 31st Street,
5 N.W. Wait a second.

6 MEMBER ALBERTI: Placard.

7 CHAIRPERSON MILLER: Yes, placard,
8 yes. I'm sorry. Placard. Do I have a second?

9 MEMBER ALBERTI: Second.

10 CHAIRPERSON MILLER: Mr. Alberti
11 seconded the motion. All those in favor say
12 aye.

13 (Chorus of ayes.)

14 All those opposed?

15 (No response.)

16 All those abstaining?

17 (No response.)

18 Motion passes, 4 to 0 to 0.

19 The second is a request for
20 stipulated license and it's submitted by Sushi
21 Capitol located at 325 Pennsylvania Avenue,
22 S.E. License No. 92785. I move that we deny

1 this request. The ANC did not file a
2 resolution supporting the stipulated license
3 and that's required by 200.1(b) of our regs.

4 Do I have a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks
7 has seconded the motion. All those in favor
8 of the motion say aye.

9 (Chorus of ayes.)

10 All those opposed?

11 (No response.)

12 All those abstaining?

13 (No response.)

14 Motion passes 4-0-0.

15 Number three is a request for
16 license class from Class B to Class A. And
17 this is for Westchester Market at 4000
18 Cathedral Avenue, N.W., License No. 77798.

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

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion. All those in favor
2 say aye.

3 (Chorus of ayes.)

4 All those opposed?

5 (No response.)

6 All those abstaining?

7 (No response.)

8 Motion passes 4-0-0.

9 Number four is a request for a
10 change of hours by Brother's Liquors located
11 at 1140 Florida Avenue, N.E., License No.
12 84857. I move that we approve this change of
13 hours request. Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion. All those in favor
17 say aye.

18 (Chorus of ayes.)

19 All those opposed?

20 (No response.)

21 All those abstaining?

22 (No response.)

1 Motion passes 4-0-0.

2 Number five is a request for a
3 change of hours by Lou's Bar and Grill located
4 at 1400 Irving Street, N.W., License No.
5 86419. I move that we approve this request.
6 Mr. Brooks has seconded the motion. All those
7 in favor say aye.

8 (Chorus of ayes.)

9 All those opposed?

10 (No response.)

11 All those abstaining?

12 (No response.)

13 Motion passes 5-0-0.

14 Number six is a request for a new
15 Class A license. This is for Newton Food
16 Mart, located at 3600 12th Street, N.E. Well,
17 I have in my notes to deny.

18 MEMBER ALBERTI: Yes.

19 CHAIRPERSON MILLER: Do you want
20 to speak to that?

21 MEMBER ALBERTI: Yes, the property
22 for this application is within 400 feet of a

1 charter school.

2 CHAIRPERSON MILLER: Thank you.
3 Okay. So there's been a motion that's been
4 seconded to deny.

5 All those in favor say aye.

6 (Chorus of ayes.)

7 All those opposed?

8 (No response.)

9 All those abstaining?

10 (No response.)

11 Motion passes 5-0-0.

12 Number seven is just an FYI for
13 WRAP SoberRide, so no action is required.

14 Number eight is the settlement
15 agreement dated October 12, 2013 between ANC
16 6B and Kilala Enterprises, LLC. Sushi
17 Capitol, located at 325 Pennsylvania Avenue,
18 S.E., License No. 092785. I move that we
19 approve with modifications.

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: To paragraph

22 5. Mr. Brooks has seconded the motion. All

1 those in favor say aye.

2 (Chorus of ayes.)

3 All those opposed?

4 (No response.)

5 All those abstaining?

6 (No response.)

7 This modification goes to a
8 clarification.

9 Number nine is a Motion for
10 Reconsideration dated November 4, 2013 from
11 Carlos M. Recio, Counsel for Group of Five or
12 More and ANC 5B. The establishment is
13 Brookland's Finest, located at 326-3128 12th
14 Street, N.E., License No. 092010. I want to
15 say there is another pleading related to this
16 in our supplemental agenda which is
17 supplemental agenda item number four which is
18 an opposition to that Motion for
19 Reconsideration by Andrew Kline, counsel for
20 Brookland's.

21 I move that we deny the Motion for
22 Reconsideration.

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MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Mr. Brooks has seconded the motion. And I would say that the record was closed in this case and we can't accept new evidence and Mr. Kline cites 1719.3 and 1719.4 for grounds for Motion for Reconsideration which would be errors of law which this isn't and if there was an affidavit showing why they couldn't have raised the evidence, arguments about new evidence in the hearing which they didn't include. Okay, so motion to deny. All those in favor say aye.

(Chorus of ayes.)

All those opposed?

(No response.)

All those abstaining?

(No response.)

Motion passes 5-0-0.

Number 10 is a -- I'm going to do 10 through 13 together. They're all requests from E & J Gallo to provide retailers with products valued at more than \$50 and less than

1 \$500. So I would move that we approve all of
2 these and so that would be 10 through 13. Do
3 I have a second?

4 MEMBER BROOKS: Second.

5 MEMBER JONES: Mr. Brooks has
6 seconded the motion. All those in favor say
7 aye.

8 (Chorus of ayes.)

9 All those opposed?

10 (No response.)

11 All those abstaining?

12 (No response.)

13 Motion passes 5-0-0.

14 Number 14 is Emergency and
15 Proposed Rules for East Dupont Circle
16 Moratorium. We already voted on them earlier
17 in the afternoon to approve, so I would say no
18 further action on this one.

19 That completes our regular agenda.

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21 (Whereupon, at 3:47 p.m., the
22 regular agenda was concluded.)

A			LLC 6:16	O
<p>\$50 8:22 \$500 9:1 abstaining 2:16 3:12 4:6,21 5:11 6:9 7:5 8:16 9:11 accept 8:5 action 6:13 9:18 affidavit 8:8 afternoon 9:17 agenda 1:7 2:1,2 7:16,17 9:19,22 agreement 6:15 Alberti 1:17 2:6,9 2:10 5:18,21 Alcoholic 1:2,12,12 ANC 3:1 6:15 7:12 Andrew 7:19 application 5:22 approve 4:12 5:5 6:19 9:1,17 arguments 8:10 Avenue 2:21 3:18 4:11 6:17 aye 2:12 3:8 4:2,17 5:7 6:5 7:1 8:12 9:7 eyes 2:13 3:9 4:3,18 5:8 6:6 7:2 8:13 9:8</p>	<p>Capitol 2:21 6:17 Carlos 7:11 case 8:4 Cathedral 3:18 Chairperson 1:13 1:16,22 2:7,10 3:6 3:22 4:15 5:19 6:2 6:21 8:2 change 4:10,12 5:3 charter 6:1 Chorus 2:13 3:9 4:3,18 5:8 6:6 7:2 8:13 9:8 Circle 9:15 cites 8:5 clarification 7:8 class 3:16,16,16 5:15 closed 8:4 COLUMBIA 1:1 completes 9:19 concluded 9:22 Control 1:2,12,12 counsel 7:11,19</p>	<p>4:16 5:7 6:5 7:1 8:12 9:6 feet 5:22 file 3:1 Finest 7:13 First 2:2 five 5:2 7:11 Florida 4:11 Food 5:15 four 4:9 7:17 further 9:18 FYI 6:12</p>	<p>located 2:4,21 4:10 5:3,16 6:17 7:13 Lou's 5:3 Lounge 2:4</p>	<p>O 1:21 October 6:15 Okay 6:3 8:11 opposed 2:14 3:10 4:4,19 5:9 6:7 7:3 8:14 9:9 opposition 7:18</p>
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<hr/> S <hr/> S 1:21 S.E 2:22 6:18 safekeeping 2:3 school 6:1 second 2:5,8,9,19 3:4,5,20,21 4:13 4:14 6:20 8:1 9:3 9:4 seconded 2:11 3:7 4:1,16 5:6 6:4,22 8:3 9:6 settlement 6:14 seven 6:12 showing 8:9 SILVERSTEIN 1:18 six 5:14 SoberRide 6:13 sorry 2:8 speak 5:20 stipulated 2:20 3:2 Street 1:13 2:4 5:4 5:16 7:14 submitted 2:20 Suite 1:13 supplemental 7:16 7:17 supporting 3:2 Sushi 2:20 6:16 <hr/> T p 1:5,9 Thank 6:2 three 3:15 <hr/> U				