

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

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda  
Hearing

December 10, 2014

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  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

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

2 (3:32 p.m.)

3 CHAIRPERSON MILLER: Okay. We are  
4 back on the dias to do our agendas for  
5 December 10, 2014.

6 The first item on the agenda is a  
7 request to extend safekeeping status of a  
8 license for one year. And this is for, what  
9 was formerly, Balducci's located at 3263 M  
10 Street, N.W. It's a Retailer B Grocery  
11 License.

12 It's their second request for a  
13 one-year extension, so I move that we have a  
14 Fact-Finding Hearing on this.

15 MEMBER RODRIGUEZ: Second it.

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

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed? All those abstaining? The motion  
22 passes 5-0-0.

1           Okay. No. 2 is a request for a  
2 change of hours and this is by Coppi's Organic  
3 Restaurant located at 3321 Connecticut Avenue,  
4 N.W., License No. 096458. And Coppi's is  
5 requesting later hours going until 2:00 a.m.

6           I move that we placard this  
7 application. Do I have a second?

8           MEMBER SHORT: Second.

9           CHAIRPERSON MILLER: Mr. Short has  
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.

16          No. 3 is also related to Coppi's.  
17 They are also seeking an entertainment  
18 endorsement. It says entertainment to include  
19 live jazz, live flamenco, live poetry and live  
20 music. And this is in ANC-3C, by the way.

21          I move that we also placard this  
22 entertainment endorsement. Do I have a

1 second?

2 MEMBER ALBERTI: Second.

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

10 Okay. We have a Supplemental  
11 Licensing Agenda.

12 The first item on that  
13 Supplemental Licensing Agenda is a letter from  
14 Michael Fonseca requesting an extension of  
15 safekeeping for a license through November 30,  
16 2015. It is related to L'Enfant Plaza Hotel  
17 located at 480 L'Enfant Plaza, S.W., License  
18 No. 093846, in ANC-6B.

19 I move that we request that they  
20 submit a construction schedule to the Board by  
21 February 2, 2015.

22 MEMBER BROOKS: Were we going to

1 give them six months?

2 CHAIRPERSON MILLER: And approve  
3 the application for six months?

4 MEMBER BROOKS: Yes.

5 CHAIRPERSON MILLER: Okay. All  
6 right.

7 All those in favor then of  
8 approving for six months and having them  
9 submit to the Board a construction schedule by  
10 February 2, 2015 say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those  
13 opposed? All those abstaining? The motion  
14 passes 5-0-0.

15 No. 2 is a request for a  
16 stipulated license for change of hours upon  
17 submission of ANC letter of support. This is  
18 in ANC-1B. It's Satellite Room located at  
19 2047 9th Street, N.W., License No. 087296.

20 I move that we continue this  
21 request. It's not right. We have not  
22 received a letter from the ANC yet.

1                   So all those in favor of  
2 continuing say aye.

3                   ALL: Aye.

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

7                   No. 3 is also related to the  
8 Satellite Room. They are requesting new hours  
9 of operations and summer garden.

10                  I move that we placard this and  
11 actually hold a Fact-Finding Hearing to get  
12 more information.

13                  MEMBER RODRIGUEZ: Second.

14                  CHAIRPERSON MILLER: Mr. Rodriguez  
15 has 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. 4 is an application from WW,  
22 641 S Street, LLC to assess business details

1 and feasibility of proposal before formal  
2 presentation of application before the Board.  
3 This is in ANC-1B. And this is for We Work  
4 located at 641 S Street, N.W., Retailer CX,  
5 License No. 097412.

6 I would move that we advise them  
7 to apply for a CT License. Is there a second?

8 MEMBER RODRIGUEZ: Second.

9 CHAIRPERSON MILLER: Any comments  
10 on that? Okay.

11 MEMBER ALBERTI: I'll -- I mean  
12 just for clarity.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: They applied for  
15 a CX and we have determined that that's not  
16 the appropriate class of license for the  
17 business plan that they described.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: So that's why we  
20 are suggesting that they apply for a CT.

21 CHAIRPERSON MILLER: Thank you.

22 All right.

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 Okay. I think that completes the  
7 Licensing Agendas.

8 And we have the Legal Agendas.

9 The first item on the Legal Agenda  
10 is an amendment to a settlement agreement  
11 between ANC-2F and Capitol Supermarket dated  
12 November 10, 2014. Capitol Supermarket is  
13 located at 1231 11th Street, N.W., License No.  
14 001688.

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

17 MEMBER BROOKS: Second.

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

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1       opposed? All those abstaining? The motion  
2       passes 5-0-0.

3               And the Board's Order on approval  
4       of this amendment will be in Board Order  
5       #2014-519.

6               Okay. We have a Supplemental  
7       Legal Agenda. The first item on the  
8       Supplemental Legal Agenda is a review of a  
9       settlement agreement between ANC-6C and Sixth  
10      and H Street Bar and Grill dated November 25,  
11      2014. Sixth and H Street Bar and Grill is  
12      located at 523 H Street, N.E., License No.  
13      096761.

14              Okay. I move that we approve this  
15      settlement agreement with modifications to  
16      paragraph 9, the first sentence to be deleted  
17      and then paragraph 11, there is some Show  
18      Cause language that needs to be reworked and  
19      they can confer with our General Counsel,  
20      Martha Jenkins, on that.

21              So the motion is to modify with  
22      respect to -- approve with modifications to

1 paragraph 9 and 11. Do I have a second?

2 MEMBER BROOKS: Second.

3 MEMBER ALBERTI: Mr. Brooks.

4 CHAIRPERSON MILLER: Mr. Brooks  
5 has seconded the motion. Any other comments?

6 All those in favor then say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those  
9 opposed? All those abstaining? The motion  
10 passes 5-0-0.

11 No. 2 is a settlement agreement  
12 between ANC-8E and Wheeler Market dated  
13 November 28, 2014. Wheeler Market is located  
14 at 4133 Wheeler Road, S.E., License No.  
15 088835.

16 So I move that we approve this  
17 settlement agreement with modifications to  
18 paragraphs 3, 7, 7 is blank right now, that  
19 should just be removed, 10, 19, 23 and the  
20 last two paragraphs of the agreement which are  
21 not numbered. I guess they are part of 27.  
22 Is there a second?

1 MEMBER SHORT: Second.

2 CHAIRPERSON MILLER: Okay. Mr.  
3 Short has 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 5-0-0.

9 And again, some of those  
10 modifications could be explained by our  
11 General Counsel.

12 No. 3 is a review of concerns  
13 raised by ANC-6B in response to Board's  
14 request to modifications to a settlement  
15 agreement between ANC-6B and Radici dated  
16 November 12, 2014. Radici is located at 303  
17 7th Street, S.E., License No. 0756434. The  
18 License No. is 088503.

19 In essence, I believe that the ANC  
20 is concerned that we are changing a policy  
21 from this year to last year with respect to  
22 enforcing noise and DBAs. I move that we

1 refer to legal to explain, but I think, in  
2 essence, if I understand it, that our policy  
3 is based on our understanding of it. The  
4 enforcement of noise with respect to DBAs is  
5 really done by more than one Agency. It's the  
6 Task Force that is made up of ABRA, MPD and  
7 DCRA and the settlement agreements are really  
8 only for ABRA's enforcement.

9 And I expect that General Counsel  
10 can say more, but then if there is anything  
11 else anyone else wants to say, at this point,  
12 feel free. All right.

13 Then the motion is to refer to  
14 legal. Do I have a second?

15 MEMBER RODRIGUEZ: Second.

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

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed? All those abstaining? The motion  
22 passes 5-0-0.

1           No. 4 is a request for off-site  
2 storage dated November 28, 2014 submitted by  
3 Alex Curley for Barcelona Wine Bar and Alex  
4 Curley is the area director. And the  
5 Barcelona Wine Bar is located at 1622 14th  
6 Street, N.W., License No. 089785.

7           I move that we approve with the  
8 proviso that the records must be kept in the  
9 District, some records at least or a copy of  
10 the records. There must be copies in the  
11 District.

12           MEMBER ALBERTI: At a --

13           CHAIRPERSON MILLER: Yes?

14           MEMBER ALBERTI: -- site, at a  
15 designated site that --

16           CHAIRPERSON MILLER: Okay. Right.

17           MEMBER ALBERTI: -- ABRA has been  
18 informed of.

19           CHAIRPERSON MILLER: Thank you.  
20 Okay. And I think I have moved then. And I  
21 accept your friendly amendment.

22           I'll say it again. I move that we

1 approve that the records can be kept off-site,  
2 but they must have copies in the District at  
3 a designated site that ABRA is informed of.

4 Do I have a second?

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: All right.

7 Mr. Alberti 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 5-0-0.

13 No. 5 is an off-site storage  
14 requested dated November 25, 2014 by The Elroy  
15 located at 1423 H Street, N.E., License No.  
16 096771. And in this case, The Elroy does  
17 identify another site in the District where  
18 the records will be kept.

19 So I move that we approve this  
20 request.

21 MEMBER RODRIGUEZ: Second.

22 CHAIRPERSON MILLER: Mr. Rodriguez

1 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 5-0-0.

7 No. 6 is a review of Supplement to  
8 Notice of Sure dated December 1, 2014  
9 submitted by Brian Footer, Commissioner-Elect  
10 to ANC-1B01 and Golda Philip, President of  
11 LeDroit Park Civic Association. It's related  
12 to the Columbia Lodge #85 of I.B.P.O.E.  
13 located at 1844 3rd Street, N.W., License No.  
14 000237.

15 So in essence, this is an FYI that  
16 certainly brings to light what has been going  
17 on with the lodge and the community. It's  
18 pretty thorough. And based on this, although  
19 no action is required at this time, I would  
20 request that we refer this letter to  
21 enforcement or I would move that we do that.  
22 Do I have a second?

1 MEMBER RODRIGUEZ: Second.

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

9 No. 7 is a resolution relaxing  
10 provisions of Adams Morgan Settlement  
11 Agreements to allow participation by on-  
12 premise establishments for New Year's Eve  
13 2014, dated December 4, 2014, submitted by  
14 Billy Simpson, Chair ANC-1C.

15 This is an FYI and no action is  
16 required, but it looks like a positive step in  
17 Adams Morgan.

18 So moving on to No. 8, that is a  
19 request for a hearing in response to Board  
20 Order #2014-477, a cease and desist submitted  
21 by Sarah Lengyel Steel, consultant, on behalf  
22 of AMR, LLC dated December 3, 2014. The

1 establishment is STROGA located at 1808 Adams  
2 Mill Road, N.W., and there is not a license  
3 number.

4 Okay. So I move that we grant  
5 this request for a hearing and schedule it for  
6 January 7th at 9:30 a.m., which is our first  
7 available hearing time. Do I have a second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks  
10 has 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 4-0-0.

16 No. 9 is a request to grandfather  
17 the ANC-1B into Manchester Bar & Restaurant  
18 Protest. Manchester Bar & Restaurant is  
19 located at 944 Florida Avenue, N.W., License  
20 No. 075377.

21 I move that we grant this request.  
22 Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks  
3 has 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 4-0-0.

9 No. 10 is a review of ANC-3C  
10 Resolution 2013-022 regarding Pulpo's  
11 entertainment endorsement. Pulpo is located  
12 at 3407 Connecticut Avenue, N.W., License No.  
13 089639.

14 This is an FYI related to Coppi's  
15 application for increased hours and an  
16 entertainment endorsement that we dealt with  
17 on the Licensing Agenda.

18 No. 11 is a review of a request to  
19 declare certain applications a substantial  
20 change dated December 9, 2014 submitted by  
21 Cleveland Park Citizens Association. And this  
22 is also related to the agenda item under the

1 Licensing Agenda for the increase in hours and  
2 the entertainment endorsement, which we ruled  
3 on in our Licensing Agenda.

4 As well as No. 12, which is also  
5 related to the Coppi's application, which is  
6 a letter submitted by Evelyn and George  
7 Idelson. And again, those letters go to the  
8 application for increase of hours and  
9 entertainment endorsement that we have  
10 previously ruled on on the Licensing Agenda,  
11 so there is no action required with respect to  
12 those two items.

13 And No. 13 is a request of a  
14 stipulated license submitted by Stephen  
15 O'Brien on behalf of ShopHouse Southeast Asian  
16 Kitchen. The request is conditioned upon the  
17 receipt of the ANC's confirmatory letter,  
18 which was received today and it was dated  
19 December 8th.

20 The establishment is ShopHouse  
21 Southeast Asian Kitchen located at 50  
22 Massachusetts Avenue, N.E., License No.

1 097214.

2 I move that we approve this  
3 request for a stipulated license. Do I have  
4 a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks  
7 has 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 4-0-0.

13 Okay. So that concludes our  
14 Licensing and Legal Agendas. And we can  
15 adjourn now and be back here for our 4:30  
16 hearing or recess now and come back for our  
17 4:30 hearing.

18 (Whereupon, the A.B.R.A. Agenda in  
19 the above-entitled matter was concluded at  
20 3:51 p.m.)

**A**

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