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

IN THE MATTER OF: :

Legal Agenda :
Supplemental Legal Agenda:
Licensing Agenda :
Cancellation Agenda :
Ceases and Desist Agenda :
- Class A Licensees :
Investigative Agenda :

Wednesday,
April 24, 2019


PRESENT:

DONOVAN W. ANDERSON, Chairperson
NICK ALBERTI, Member
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
REMA WAHABZADAH, Member
11:51 a.m.

CHAIRPERSON ANDERSON: I am now going
to do our Licensing Agenda.

The first matter on our Licensing
Agenda is to review application for safekeeping
of license, Ben's Chili Bowl/Ben's Upstairs/Ten
01, License No. 093103.

I make a motion that we grant this
request through September 30, 2019. Is there a
second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein
has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?
The matter passed 6-0-0.

The next matter is to review
application for safekeeping of license for Cafe
Romeo's, License No. 088282.

I make a motion that we grant this
request through September 30, 2019. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 6-0-0.

The next matter is to review application for safekeeping of license for EatBar, License No. 099210.

I make a motion that we grant this request through September 30, 2019. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 6-0-0.
The next matter is to review application for safekeeping of license for Sally's Middle Name, License No. 097355.

I make a motion that we refer this matter back to licensing. Is there a second?

MEMBER SILVERSTEIN:  Second.

CHAIRPERSON ANDERSON:  Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL:  Aye.

CHAIRPERSON ANDERSON:  Those opposed?

The matter passed 6-0-0.

The next matter is to review application for safekeeping of license for Teaism, License No. 070916.

I make a motion that we grant this request through September 30, 2019. Is there a second?

MEMBER SILVERSTEIN:  Second.

CHAIRPERSON ANDERSON:  Mr. Silverstein has seconded the motion.

All those in favor say aye.
ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 6-0-0.

The next matter is to review application for safekeeping of license, Teaism, License No. 060060.

I make a motion that we grant this request through September 30, 2019. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request to extend safekeeping of license, Mr. Henry's, License No. 017006.

I make a motion that we grant this request through September 30, 2019. Is there a second?
MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 6-0-0. I'm sorry, 5-0-0.

The next matter is to review request to extend safekeeping of license, To Be Determined, License No. 108135.

I make a motion that we have a Fact-Finding Hearing. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request to extend safekeeping of license, The Rhino Bar & Pumphouse, License No. 000523.
I make a motion that we have a Fact-Finding. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request to extend safekeeping of license, To Be Determined, License No. 107282.

I make a motion that we grant this request through September 30, 2019. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.
The next matter is to review request to extend safekeeping of license, Capitol Hill Tandoor and Grill, License No. 060689.

I make a motion that we grant this request through September 30, 2019. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request to extend safekeeping of license, Smokin' Pig (formerly ToucheLive), License No. 104866.

I make a motion that we grant this request through September 30, 2019. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.
All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request to extend safekeeping of license for the Eritrean Cultural Center, License No. 015698.

I make a motion that we grant this request through September 30, 2019. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request to extend safekeeping of license, Capitol City Wine & Spirits, License No. 060423.

I make a motion that we grant this request through September 30, 2019. Is there a
second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request for application for summer garden with seating for 44 seats for Circa at Navy Yard/El Bebe, License No. 109955.

I make a motion that we placard this matter. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review
application for change of hours for Choongman Chicken and Seafood, License No. 108755.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request for change of hours, The Shoreham Hotel, License No. 013816.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?
The matter passed 5-0-0.

The next matter is to review request for change of hours for live entertainment, Mr. Henry's, License No. 000259.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review a letter from Rosalind R. Ray regarding The V.I.P. Room, License No. 105823.

I make a motion that we refer this back to licensing. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.
The matter passed 5-0-0.

We now move to our Supplemental Licensing Agenda.

The first matter on our Supplemental Licensing Agenda is to review request for a 90-day extension to continue operations for Ella's Wood-Fired Pizza, License No. 060635.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request for Temporary Operating Permit for The Basement, License No. 113535.

I make a motion that we approve this
request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request for Temporary Operating Permit for Makan, License No. 113518.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request for approval to provide a gift of a draft truck
rental at the site of the retailer's event not to exceed $500 to The Wonderland Ballroom, License No. 071202, by Premium Distributors, License No. 060290.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review letter from Attorney Risa Hirao requesting the Board to reconsider its determination of a Fact-Finding Hearing in the FreshDirect, License No. 104699.

I make a motion that we approve this matter and cancel the Fact-Finding hearing. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein
has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review

application for a manager's license for Darby S. Fallon, License No. 113475.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

We now move to our Second Supplemental Licensing Agenda.

The first matter on our Second Supplemental Licensing Agenda is to review

application for a class change from D Restaurant

I make a motion that we placard this matter. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review letter from Andrew J. Kline regarding ownership and renewal of the license for Rito Loco-El Techo, License No. 104119.

I make a motion that we deny this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.
CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to review request to store existing alcohol inventory on the premises with the condition that it not be sold or consumed until the license is removed from safekeeping or disposal permit for Ben's Chili Bowl/Ben's Upstairs/Ten 01, License No. 093103.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

We now move to our Cease & Desist License. I'm sorry, our Cease & Desist Agenda for Class A Licenses. The Board will be issuing Cease & Desist Orders for the following licenses:

Ezra's, License No. 089730; Van Ness
Liquors, License No. 109780.

I make a motion that the Board issue Cease & Desist Orders for the Class A Licenses listed on the Cease & Desist Agenda for April 24, 2019.

Is there a second?

MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

We now move to our Cancellation Agenda. The Board will be canceling the following licenses:

Alfie's, License No. 101301; Avery's Bar and Lounge, License No. 090527; Petworth Liquors, License No. 072626; Farmbird, License No. 105994; Pluma by Bluebird Bakery, License No. 106063; Honeysuckle by Hamilton Johnson, License No. 105120; GCDC, License No. 109911; Proof,
License No. 075357.

I make a motion that the Board cancel
the licenses that were just read in the record.

Is there a second?

MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has
seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

We now move to our Legal Agenda.

The first matter on our Legal Agenda
is the review of Gladys Nunez' request to
reinstate JJ Restaurant's license. JJ
Restaurant, License No. 107397.

I make a motion that we approve this
request. Is there a second?

MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has
seconded the motion.

All those in favor say aye.
ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is the review of MPD's Chief Peter Newsham's request for the Board to hold a Fact-Finding Hearing concerning the events that took place at DC Shenanigans, License No. 088119.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is the review of a settlement agreement dated April 8, 2019 between ANC-6D and the Residence Inn, License No. 112892.

I make a motion that we approve this agreement. Is there a second?
MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is the review of The V.I.P. Room's Motion to Amend Board Order No. 17-PRO-00042. The V.I.P. Room, License No. 105823.

I make a motion that we postpone this matter for one week. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is the review of settlement agreement dated April 9, 2019 between the Dupont Citizens Association and Tokyo Pearl
and ANC-2B. Tokyo Pearl, License No. 112100.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is the review of ANC-6E's Amended Motion for a Continuance of the Protest Hearing in Electric Cool-Aid, License No. 112294.

I make a motion that we approve this request and a Protest Hearing is now scheduled for May 8, 2019 at 1:30. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.
CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is the review of ANC-6E's Motion for Continuance of the Protest Hearing for Electric Cool-Aid, License No. 112294.

This matter is now moot.

The next matter on our agenda is review of Electric Cool-Aid's Response to ANC-6E's amended Motion for Continuance of the Protest Hearing in Electric Cool-Aid, License No. 112294.

This matter is also moot.

The next matter is the review of the application for settlement agreement dated March 15, 2019 between ANC-3B and Wingo's, License No. 108985.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.
All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is the review of Rodman's Discount Spirits' request for a hearing. Rodman's Discount Spirits, License No. 108215.

I make a motion that we approve this request. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is the review of North Michigan Park's request that the ABC Board establish a Moratorium on Class A Retailer's License.

I make a motion that we deny this request. Is there a second?
MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

The next matter is to -- I make a motion that we approve the Adams Morgan Moratorium Zone Notice of Emergency and Proposed Rulemaking. I make a motion that we sent this to the Council for review.

Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed?

The matter passed 5-0-0.

We now move to our, and I apologize if I did that out of order, but we should have --
I'm sorry, we now do our Supplemental Legal Agenda.

The first matter on our Supplemental Legal Agenda is a review of ANC-6B's Letter of Support of Trattoria Alberto's license renewal, License No. 008946.

This is an FYI.

The second matter is a review of ANC-2C's Letter of Support of Little Sesame, License No. 113187, license renewal.

This is an FYI for the Board.

The next matter is the review of ANC-6B's Letter of Support of Sizzling Express, License No. 026739.

This is an FYI for the Board.

And the next matter is the review of ANC-6B's Letter of Support of Young Chow Asian Restaurant's license renewal, License No. 088497.

This is also an FYI for the Board.

As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia and in accordance with DC Official Code
Section 2-574(b) of the Open Meetings Act, I move that the ABC Board hold a closed meeting on May 1, 2019 for the purpose of seeking legal advice from our counsel on the matters identified on the Board's Legal, Licensing and Investigative Agenda for May 1, 2019 as published in the DC Register on April 26, 2019.

Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

I will now take a roll call vote on the motion before us now that it has been seconded.

Ms. Wahabzadah?

MEMBER WAHABZADAH: I agree.

CHAIRPERSON ANDERSON: Mr. Silverstein?

MEMBER SILVERSTEIN: I agree.

CHAIRPERSON ANDERSON: Mr. Alberti?

MEMBER ALBERTI: I agree.

CHAIRPERSON ANDERSON: Mr. Cato?
MEMBER CATO: I agree.

CHAIRPERSON ANDERSON: Mr. Anderson?

I agree.

As it appears that the motion has passed, I hereby give notice that the ABC Board will hold this closed meeting pursuant to the Open Meetings Act. Notice will also be posted on the ABC Board hearing room bulletin board, placed on the electronic calendar on ABRA's website and published in the DC Register in as timely a manner as practicable.

It is 12:11 p.m. and we are adjourned for the day. Thank you.

(Whereupon, the Legal, Licensing, Cancellation, Cease & Desist and Investigative Agenda Hearings were concluded at 12:11 p.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Agenda

Before: DC ABRA

Date: 04-24-19

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]

Court Reporter

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701
(202) 234-4433 www.nealrgross.com