DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD
MEETING

IN THE MATTER OF: :
Cancellation Agenda :
Investigative Agenda :
Legal Agenda :
Supplemental Legal Agenda:
Licensing Agenda :

Wednesday
September 25, 2019

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
Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
JAMES SHORT, Member
9:02 p.m.

CHAIRPERSON ANDERSON: We will now do our legal agenda. The first matter on our legal agenda is a review of the protestant's motion to continue the protest hearing in Po Boy Jim 2, license number 105468. This motion was withdrawn. The case is over. Okay, the motion was withdrawn.

We now move to supplemental legal agenda. The first matter on our supplemental legal agenda is a review of licensee's opposition to the motion to continue the protest hearing in the Po Boy Jim 2 matter, license number 105468. This matter is now moot.

The next matter on our calendar is a review of the amendment to the settlement agreement dated September 12, 2019, between the ANC 1B and the Brixton, license number 082871. I make a motion that we approve this request. Is there a second?

MEMBER SHORT: Second.
CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed? The matter passes three, zero, zero.

The next matter is a review of Il Canale's motion to continue the protest matter. I make a motion that we, excuse me, approve this request. Is there a second?

MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed? The matter passes three, zero, zero.

The next matter is a review of Sidamo Coffee and Tea's request for reconsideration of the Board's denial of its reinstatement of its license in the Sidamo Coffee and Tea matter, license number 109491.
I make a motion that we approve in part and deny in part. The motion is to approve the reinstatement request, but deny the request to waive the renewal fee, the late renewal fees. Is there a second?

MEMBER SHORT: Second.

MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato and Mr. Short have seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

We now move to our second supplemental legal agenda. The first matter on the second supplemental legal agenda is the review of the consent motion to continue Black's Pearl Dive Oyster Palace/Black Jack, license number 085382, the protest hearing.

I make a motion that we approve this matter and schedule the protest hearing for November 20 at 4:30 p.m. Is there a second?
MEMBER SHORT: Second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review of Macombo Lounge's motion for a declaratory order and affidavit. The Macombo Lounge license number is 000771. I make a motion that we set this matter for a fact finding hearing. Is there a second?

MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

We now move to our third supplemental legal agenda. The first matter on our third supplemental legal agenda is the review of
Commissioner Dan Orlansky's Letter of Support of
a protest filed by the abutting property owner in
the Po Boy Jim 2 matter. This is just an FYI for
the board.

We now move to our licensing agenda.

The first matter on our licensing agenda is a
review request to extend safekeeping of license,
A-1 Grocery, license number 112305. I make a
motion that we grant this request through March
31, 2020. Is there a second?

MEMBER SHORT: Second.

CHAIRPERSON ANDERSON: Mr. Short has
seconded the motion. All those in favor, say,
"Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?
The matter passes three, zero, zero.

The next matter is a review request to
extend safekeeping of license, The Roberts Law
Group, license number 083728. I make a motion
that we grant the request through March 31, 2020.
Is there a second?
MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review request to extend safekeeping of license for To Be Determined, formerly 456, LLC, license number 098732. I make a motion that we grant this request through March 31, 2020. Is there a second?

MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review of an application for a sidewalk café with seating for
12 patrons for Le Pain Quotidien, license number 088176. I make a motion that we placard this matter. Is there a second?

MEMBER SHORT: Second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is the review request to extend operations in the second floor of the adjacent premises for Prestige Beverage, license number 092845. 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."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.
The next matter is a review request to install Dragon Ascent electronic game at premises for Penn Social. The license number is 086808.

I make a motion that we have a fact-finding hearing. Is there a second?

MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

We now move to our supplemental licensing agenda. The first matter on our supplemental licensing agenda is to review a request to remove license from safekeeping to reopen this week for L'Annexe, license number 109013. 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."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review of application for a display license for transfer to a new location with a letter of anti-support, Montana Liquors, license number 097473. I make a motion that we approve this request. Is there a second?

MEMBER SHORT: Second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review of a transfer application for Rewind, license number 107182. I make a motion that we have a fact-finding hearing. Is there a second?

MEMBER CATO: Second.
CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review of a transfer application for L8. The license number is 099695. I make a motion that we have a fact-finding hearing. Is there a second?

MEMBER CATO: Second.

MEMBER SHORT: Second.

CHAIRPERSON ANDERSON: Mr. Short and Mr. Cato have seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review of a transfer application for Decades, license number 103505. I make a motion that we have a fact-finding hearing. Is there a second?
MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review of police history of an applicant for a new Class C license for Mayahuel Cocina Mexicana, license number 115103. 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."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is the review request for Attorney Ely Hurwitz to allow the licensee to renew the license without a Clean Hands
Certificate based on provisions of D.C. Code Section 472862 for Ukmaya, license number 094099.

I make a motion that we have a fact-finding hearing. Is there a second?

MEMBER SHORT: Second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review request for approval to provide a gift of Unite the District tickets that do not exceed $500 in value to various licensed D.C. retailers from Breakthru Beverage, license number 060518. 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."

(Chorus of aye.)
CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

We now move to our second supplemental licensing agenda. The first matter on our second supplemental licensing agenda is to review a request to extend safekeeping of license for Macombo Lounge, license number 000771. I make a motion that we have a fact-finding hearing. Is there a second?

MEMBER SHORT: Second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

The next matter is a review of an application for a third summer garden on the ground floor with seating for 10 patrons for Potomac Distillery Company, license number 106554. 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."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed?

The matter passes three, zero, zero.

We now move to the cancellation agenda. The ABC Board will be cancelling the following licenses on the September 25 agenda for the following reasons, La Loma, license number 026051, the licensee did not pay safekeeping fees within 30 days; Seoul Spice, license number 109844, the licensee requested cancellation; Chinatown Coffee Company, license number 083981, the licensee requested cancellation; To Be Determined for 3000 M. Street, LLC, license number 102572, the licensee requested cancellation.

I make a motion that ABC cancel the licenses as listed on the cancellation agenda for September 25, 2019. Is there a second?
MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion. All those in favor, say, "Aye."

(Chorus of aye.)

CHAIRPERSON ANDERSON: Those opposed? The matter passes three, zero, zero.

As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia, in accordance with D.C. Official Code Section 2574(b) of the Open Meetings Act, I move that the ABC Board hold a closed meeting on October 2, 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 October 2, 2019, as published in the DC Register on September 27, 2019. Is there a second?

MEMBER CATO: Second.

CHAIRPERSON ANDERSON: Mr. Cato has seconded the motion. I will now take a roll call vote on the motion before us now that it's been
seconded. Mr. Cato?

    MEMBER CATO:  I agree.

    CHAIRPERSON ANDERSON:  Mr. Short?

    MEMBER SHORT:  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 practical.

    It is 9:14 p.m. and we are adjourned
for the day. Thank you.

    (Whereupon, the above-entitled matter
went off the record at 9:13 p.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Agenda

Before: DCABRA

Date: 09-25-19

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.

Neal R. Gross
Court Reporter