

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, JULY 31, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members:**

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Protest Hearing (Status)

9:30 AM

Case # 13-PRO-00066

Pure Hospitality, LLC, t/a Bandolero

3241 M Street NW

License #75631

Retailer CR

ANC 2E

Renewal Application

**Disposition: The Board scheduled the matter for a Protest Hearing on
September 25, 2013 at 4:30 pm.**

Protest Hearing (Status)

9:30 AM

Case # 13-PRO-00065

GBP, LLC, t/a Tackle Box

3245 M Street NW

License #84952

Retailer CR

ANC 2E

Renewal Application

**Disposition: The Board scheduled the matter for a Protest Hearing on
September 25, 2013 at 4:30 pm.**

Protest Hearing (Status)

9:30 AM

Case # 13-PRO-00062

The Griffin Group, LLC, t/a Policy
1904 14th Street NW
License #76804
Retailer CR
ANC 2B

Renewal Application

Disposition: The Board scheduled the matter for a Protest Hearing on September 25, 2013 at 4:30 pm.

Show Cause Hearing (Status)

9:30 AM

Case # 13-CMP-00111

Sammy, LLC, t/a D.C. Mini Supermarket
1828 1st Street NW
License #77803
Retailer B
ANC 5E

Failed to Post ABC License, No ABC Manager on Duty

Disposition: The Respondent failed to appear. The Board scheduled the matter for a Show Cause Hearing on August 14, 2013 at 11:00 am.

Show Cause Hearing (Status)

9:30 AM

Case # 13-AUD-00038

Mixtec, Inc., t/a Mixtec
1792 Columbia Road NW
License #7374
Retailer CR
ANC 1C

Failed to File Quarterly Statements (4th Quarter 2012)

Disposition: The Respondent failed to appear. The Board scheduled the matter for a Show Cause Hearing on October 30, 2013 at 4:30 pm.

Show Cause Hearing (Status)

9:30 AM

Case # 13-AUD-00028

La Teberna Del Alabardero, Inc., t/a Taberna Del Alarbardero
1776 I Street NW
License #13218
Retailer CR
ANC 2B

Failed to File Quarterly Statements (4th Quarter 2012)

Disposition: The Respondent failed to appear. The Board scheduled the matter for a Show Cause Hearing on August 14, 2013 at 11:00 am.

Show Cause Hearing (Status)

9:30 AM

Case # 13-AUD-00040

Hyatt Corporation, t/a Park Hyatt Washington
1201 24th Street NW
License #23759
Retailer CH
ANC 2A

Failed to File Quarterly Statements (4th Quarter 2012)

Disposition: The Board accepted an Offer in Compromise: \$2,000 to be paid within 14 days, 4-0.

Show Cause Hearing

10:00 AM

Case # 12-CMP-00677

Tanger Corporation, t/a Tangier Lounge
2305 18th Street NW
License #87902
Retailer CR
ANC 1C

Substantial Change In Operation Without Board Approval, Permitting Sale/Service/Consumption of Alcoholic Beverages After Hours, Violation of Settlement Agreement

Disposition: The Board held a Closed Meeting under the Open Meetings Act and will issue an Order within 90 days.

Show Cause Hearing

Case # 12-AUD-00057

11:00 AM

Garay Corporation, t/a Corina's Restaurant
831 Kennedy Street NW
License #79873
Retailer CR
ANC 4D

Failed to file Quartely Statements.

Disposition: The Board accepted an Offer in Compromise: \$500 to be paid July 31, 2013, 4-0.

BOARD RECESS AT 12:00 PM

**ADMINISTRATIVE AGENDA
1:00 PM**

Fact Finding Hearing*

1:30 PM

Each Peach, LLC, t/a Each Peach Market
3068 Mount Pleasant Street NW
License #92449
Retailer B
ANC 1D
New Application

**This public hearing listed above was not published in the D.C. Register.*

Disposition: The Board requested the Applicant to submit a revised floor diagram.

Motions Hearing*

2:30 PM

Case # 13-PRO-00032
Tropicalia Project, LLC, t/a Bossa Brazilian Bistro
2463 18th Street NW
License #84505
Retailer CR
ANC 1C
Renewal Application

**The Protest Hearing originally scheduled at 2:30 p.m., has been converted to a Motions Hearing. The Protest Hearing is now scheduled for August 7, 2013 at 4:30 pm.*

Diposition: Pursuant to DCMR 1704.1, The Board requested the KCA to produce copies of a redacted membership roll, The KCA meeting agenda and the Notice to ABRA and opposing counsel by COB August 2, 2013.

The Board scheduled the matter for a Protest Hearing on August 7, 2013 at 4:30 pm.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
AGENDA**

**WEDNESDAY, JULY 31, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of Settlement Agreement, dated July 9, 2013, between Union Kitchen and ANC6C. **Union Kitchen**, 1100 3rd Street NW, Retailer CT02, Lic#: 91912.*
Decision: Approved with modifications, 5-0-0.
2. Review of requests dated July 15, 2013, July 17, 2013 and July 22, 2013 from **E& J Gallo Winery** for approval to provide retailers with products valued at more than \$50 and less than \$500.
Decision: Approved, 5-0-0.
3. Review of Settlement Agreement dated June 17, 2013 between Dacha Beer Garden and ANC6E. **Dacha Beer Garden**, 1600 7th Street NW, Retailer D, Lic#: 92773.
Decision: Approved with modifications, 5-0-0.
4. Review of Settlement Agreement dated July 22, 2013 between Bin 1301 and Shaw-Dupont Citizens Alliance. **Bin 1301**, 1301 U Street NW, Retailer CT, Lic#: 091682.
Decision: Approved with modifications, 5-0-0.
5. Request to Change Hours. *Approved Hours of Operation*-Sunday Closed. Monday through Saturday 9am – 9pm; *Approved Hours of Alcoholic Beverage Sales and Consumption*-Sunday Closed; Monday through Saturday 11am-9pm. *Approved Hours of Summer Garden*-Sunday Closed. Monday-Saturday 11am-9pm. *Proposed Hours of Operation*-Sunday Closed. Monday through Saturday 7am-9pm; *Proposed Hours of Summer Garden and Alcoholic Beverage Sales and Consumption*-No Change requested. **Rice Bar**, 1020 19th Street NW, Retailer DR, Lic#: 091948.
Decision: Approved, 5-0-0.
6. Request to Change Hours. *Approved Hours of Operation*-Sunday through Saturday 8am – 6am; *Approved Hours of Alcoholic Beverage Sales and Consumption*-Sunday through Thursday 8am-2am; Friday and Saturday 8am-3am. *Proposed Hours of Operation*-24-hours. *Proposed Hours of Alcoholic Beverage*-No Change. **The 9:30 Club**, 815 V Street NW, Retailer CX Lic#: 021837.
Decision: Fact Finding, 4-0-1.
7. Request to Change Hours of Sales and Entertainment. *Approved Hours of Operation*-Sunday through Saturday 24-hours; *Alcoholic Beverage Sales and Consumption*-Sunday through Saturday 11am-1am; *Live Entertainment*-6pm-3am. *Proposed Hours of Sales and*

Cosumption-Sunday through Saturday 11am – 2:30am. *Proposed Hours of Live Entertainment*-Sunday through Saturday 11am-3am. **L'Enfant Plaza**, 480 L'Enfant Plaza SW, Retailer CH Lic.#: 076156.

Decision: Postponed to August 7, 2013, 5-0-0.

8. Request Change of Hours. *Approved Hours of Operations*-Sunday 11am-2am. Monday through Thursday 6:30am-2am. Friday and Saturday 6:30am-3am; Alcoholic Beverage Sales and Consumption-Sunday 11am-2am. Monday through Thursday 8am-2am. Friday and Saturday 8am-3am. *Proposed Hours of Operation*; Sunday 11-2. Monday through Wednesday 6:30am-2am. Friday and Saturday 6:30-5:30am. No protests. No conflicts with Settlement Agreements. **Takeateasy** 1990 M Street NW, Retailer CR, Lic#: 089631.

Decision: Fact Finding, 5-0-0.

9. Review request for Entertainment Endorsement. Live and recorded music with dancing. No protests. No violations. **Takeateasy** 1990 M Street NW, Retailer CR, Lic#: 089631.

Decision: Fact Finding, 5-0-0.

10. Review request for Safekeeping extension. **Duchess and The Queen** 2102 18th Street NW, Retailer CR, Lic.#: 089545.

Decision: Approved 6 month extension, 5-0-0.

11. Request for Substantial Change and review of supporting documentation. Expansion of the current premises to add an additional 150 seats on the 6th floor. Total Capacity 261. Settlement Agreement on file. No conflict. **Living Social**, 918 F Street NW, Retailer CX MULTIP, Lic.#: 88360.

Decision: Placard, 5-0-0.

12. Review request to add Sidewalk Café. *Proposed Hours of Operation*-Sunday through Thursday 11am to 11pm; Friday and Saturday 11am to 12am. *Proposed Hours of Alcoholic Beverages Sales*-Sunday through Thursday 11am to 11pm; Friday and Saturday 11am to 12am. No Outstanding Violations. **Hard Rock Café**, 999 E Street NW, Retailer CR, Lic.#: 14130.

Decision: Approved, 5-0-0.

13. Review 2nd request for license class change from Class B to Class A. Applicant's first request dismissed by the Board for failure to file Protest Information Form (PIF). **Lee's Mini Market**, 3853 Alabama Avenue SE, Retailer B, Lic.#: 084939.

Decision: Placard, 5-0-0.

14. Review request for Safekeeping. **Georgia Avenue Market**, 3128 Georgia Avenue NW, Retailer B, Lic.#: 0075752.

Decision: Approved 6 months in Safekeeping, 5-0-0.

15. Review and approval of Safety Plan Final Rulemaking.

Decision: Approved, 5-0-0.

16. Review and approval of Brew Pub and Wine Pub Permit Final Rulemaking.

Decision: Approved, 5-0-0.

17. Review and approval of the Technical Admendment Final Rulemaking.

Decision: Approved, 5-0-0.

18. Review and approval of Full Service Grocery Store Definition Final Rulemaking.

Decision: Approved, 5-0-0.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
SUPPLEMENTAL AGENDA**

**WEDNESDAY, JULY 31, 2013 AT 1:00 PM
2000 14TH STREET, NW, SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of Change of Hours Application for Inside premise and outside Sidewalk Café. *Hours of Operation for inside Premise:* Sunday 11 am – 2 am, Monday through Thursday 5 pm – 2 am and Friday 5 pm – 4 am and Saturday 11:30 am – 4 am. *Hours of Hours of Alcoholic beverage Sales/Service inside Premise:* Sunday 11 am – 2 am, Monday through Thursday 5 pm – 2 am and Friday 5 pm – 3 am and Saturday 11:30 am – 3 am. *Hours of Operation and Hours of Alcoholic beverage Sales/Service for outside Sidewalk Café:* Sunday 11 am – 2 am, Monday through Thursday 5 pm – 2 am and Friday 5 pm – 3 am and Saturday 11 am – 3 am. No pending citation. No investigation matters. No conflict with Settlement Agreement. ANC 1C. **Duplex Diner**, 2004 18th St. NW, Retailer CR01, Lic# 88303. *This item was continued from the July 24, 2013 Agenda.*
Decision: Approved, 5-0-0.
2. Review of Entertainment Endorsement Application. *Proposed Entertainment Hours:* Sunday through Thursday 6 pm – 2 am and Friday & Saturday 6 pm – 3 am. No pending citation. No investigation matters. No conflict with Settlement Agreement. ANC 1C. **Duplex Diner**, 2004 18th St. NW, Retailer CR01, Lic#: 88303. *This item was continued from the July 24, 2013 Agenda.*
Decision: Approved, 5-0-0.
3. Request to Review and Approve Amendment to License. The Board previously approved the Amended and Reinstated Settlement Agreement with the Kalorama Citizens Association to allow for the following modifications: Entertainment 7 days per week until 2:00am weekdays and 3:00am Fridays and Saturdays; sale of alcoholic beverages until 2:00am weekdays and 3:00am Fridays and Saturdays. **Tryst Inc. t/a Tryst**, 2459 18th Street, NW, Lic.#:025781.
Decision: Approved, 5-0-0.
4. Request for Cancellation. Owner requesting license be removed from Safekeeping and cancelled immediately. **Roadside Café**, 2101 Benning Road, NE, Retailer C Caterers, Lic#: 088358.
Decision: Denied. License to remain in Safekeeping, pending resolution Show Cause Case# 13-251-0009, 5-0-0.

5. Review of Request for a New Retailer Class B Full-Service Grocery with a Retailer DR Restaurant on Premises. **Little Red Fox**, 5035 Connecticut Avenue, NW, Retailer B Lic#: 092834 and Retailer DR Lic#: 092836.
Decision: Postponed to August 7, 2013, 5-0-0.
6. Request to Change Hours of Operation and Alcohol Sales. Current Hours of Operation and Sales: Sunday-Saturday 10am-10pm. Requested Change for Hours of Operations and Sales: Friday and Saturday only 10am-11am. **Smash Burger**, 1739 Connecticut Avenue NW, Retailer D, Lic#: 091650.
Decision: Approved, 5-0-0.
7. Review of Request for a Stipulated License. Settlement Agreement with ANC 6E support. **Dacha Beer Garden**, 1600 7th Street NW, Retailer DT, Lic#: 092773.
Decision: Postponed to August 7, 2013, 5-0-0.
8. Review of Notice of Continuing Default and Demand for Immediate Payment from Landlord. Show Cause Hearing Pending. Outstanding Violations: Balance of \$17,775.00 per adjudication. **Fur Factory**, 33 Patterson Street, NE, Nightclub C, Lic#: 060626.
Decision: FYI
9. Review of Manager's Application for **Jolm Adams**, ABRA-092611.
Decision: Approved, 5-0-0.
10. Review of Manager's Application for **Ruth Koerber**, ABRA-092623.
Decision: Approved, 5-0-0.
11. Review of Manager's Application for **Robert Saunderman**, ABRA-092692.
Decision: Approved, 5-0-0.

***In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, JULY 31, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On July 31, 2013 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#12-251-00384 Green Island Cafe/Heaven & Hell (The), 2327 18TH ST NW Retailer C Tavern, License#: ABRA-074503

Decision: No Further Action.

2. Case#13-CC-00041 Yes Organic Market, 3809 12TH ST NE Retailer B Retail - Grocery, License#: ABRA-075678

Decision: Sale to Minor Warning Letter.

3. Case#13-CC-00039 Hank's Oyster Bar, 1622 - 1624 Q ST NW Retailer C Restaurant, License#: ABRA-071913

Decision: Sale to Minor Warning Letter.

4. Case#13-CC-00045 Dupont Market, 1807 18TH ST NW Retailer B Retail - Grocery, License#: ABRA-021578

Decision: Staff Settlement.

5. Case#13-251-00067 Eye Bar/Garden of Eden, 1716 I ST NW Retailer C Nightclub, License#: ABRA-083133

Decision: No Further Action.

6. Case#13-CC-00046 TEL'VEH CAFE & WINE BAR, 401 Massachusetts AVE NW Retailer C Tavern, License#: ABRA-087302

Decision: Staff Settlement.

7. Case#13-CC-00038 Panas Gourmet Empanadas, 2029 P ST NW Retailer D Restaurant, License#: ABRA-088954

Decision: Sale to Minor Warning Letter/Staff Settlement (ABC Manager).

8. Case#13-CC-00040 Pulpo, 3407 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-089639

Decision: Sale to Minor Warning Letter.

9. Case#13-PRO-00032 Bozza Brazilian Bistro, 2463 18th ST NW Retailer C Restaurant, License#: ABRA-084505

Decision: FYI.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JULY 31, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On July 31, 2013, the Alcoholic Beverage Control Board will hold an emergency closed meeting regarding the matter identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed for the following reasons: (1) To consult with an attorney to obtain legal advice; (2) To discuss and hear a report concerning alleged criminal or civil misconduct or violations of the law or regulations; and (3) To discuss and take action regarding specific methods and procedures to protect the public from substantial dangers to the public, and to receive briefings by staff members, legal counsel, or law enforcement concerning these methods and procedures.

1. Case#13-251-00086 TruOrleans, 400 H ST NE Retailer C Restaurant, License#: ABRA-086210

Decision: Show Cause.