



LAST CALL

Alcoholic
Beverage
Regulation
Administration
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Who Can Sell on the 4th of July

On June 28, 2010, Mayor Adrian Fenty signed emergency legislation to allow Retailer's Class A licenses to sell and deliver alcoholic beverages on Independence Day. The legislation allows the holder of a Class A retailer's license to sell and deliver alcoholic beverages on Sunday, July 4, 2010.

A special Class A Retailer Independence Day Registration Form is

available for those businesses that want to participate. The registration fee is \$100. Once registered, you may begin selling and delivering alcoholic beverages at 9:00 a.m. on July 4th. You are required to stop selling and delivering alcoholic beverages at 10:00 p.m. on July 4th. Only licensees under an off-premises retailer's Class A license may register. The deadline to register is Thursday, July 1, 2010.

Payments must be made in person at ABRA (1250 U Street, NW, 3rd Floor) Monday through Thursday between the hours of 9:00 a.m. and 4:00 p.m. For all inquiries about this special license, please contact ABRA at 202/442-4423.

For your information a Retailer's Class A off-premises license sells beer, wine, and spirits and is generally not open on Sundays.

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HIGHLIGHTS:

- > **Class A Retailers Can Sell on the 4th of July**
- > **Off-Site Food Sales**
- > **Georgetown Moratorium Results**
- > **Omnibus Alcohol Bill**
- > **Extended Hours for July 4th**

What Constitutes "Off-Site Food Sales"

The Alcoholic Beverage Control Board will be receiving testimony on a proposed rulemaking that clarifies what constitutes "off-site food sales" for the purposes of determining whether a restaurant or hotel is meeting either of the statutory food requirements.

The proposed rulemaking clarifies that food sales occurring outside of the licensed premises at catered events or street festivals constitute off-site food sales. Under the proposed rules,

off-site food sales do not include those food sales generated at the licensed establishment as either take-out or delivery food items.

Additionally, the proposed rulemaking was adopted by the Board on March 10, 2010. A public hearing on this proposed rulemaking will take place on July 21, 2010 at 2:00 p.m. at 1250 U Street, NW, 2nd Floor Board Hearing Room.

All persons wishing to testify should contact

Cynthia Simms at 202/442-4496 or by e-mail at cynthia.simms@dc.gov. E-mail contacts should include the full name, title, and affiliation — if applicable — of the persons testifying. Witnesses should bring nine (9) copies of their written testimony to the Board hearing.

All hearings are open to the public and the Board meets every Wednesday unless otherwise advised.

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On Wednesday, June 16, 2010, the Alcoholic Beverage Control Board (Board) voted six (6) to (0) to renew the Georgetown Liquor License Moratorium for three (3) years. As part of its decision, the Board approved the request of Advisory Neighborhood Commission (ANC) 2E and the Citizens Association of Georgetown (CAG) to allow for seven (7) additional restaurant licenses in the Georgetown Moratorium Zone. The addition of seven (7) restaurant licenses marks the first time since approximately 1989 that new restaurant liquor licenses have been available in the Georgetown Moratorium Zone. The Board received strong support from the Georgetown community regarding the need to allow additional restaurant licenses in the Georgetown Moratorium Zone. There are currently sixty-one (61) restaurant licenses located in the Georgetown Moratorium Zone. The Board's

decision also institutes a cap of sixty-eight (68) restaurant licenses in the Georgetown Moratorium Zone and allows existing restaurant licenses that are cancelled to be replaced. The Board's decision was the result of testimony received by the Board at a June 9, 2010 public hearing.

The seven (7) new applicants received by ABRA are: Bills Bar and Burger, 3347 M Street, NW; Tackle Box, 3245 M Street, NW; Puro Café, 1529 Wisconsin Avenue, NW; Hu's Wear, 2906 M Street, NW; SPINDC, 1010 Wisconsin Avenue, NW; Paul's Bakery, 1078 Wisconsin Avenue, NW; and Zenobia Lounge, 1025 31st Street, NW.

The Board did not approve a separate petition request from ANC 2E and CAG to prohibit additional seating in the Georgetown Court/Prospect Place located at 3206 N Street, N.W.

Mayor Introduces Omnibus Alcohol Bill

Mayor Fenty introduced the "Omnibus Alcoholic Beverage Regulation Amendment Act of 2010" on June 17, 2010. The Bill is designed to strengthen the ability of ABRA to enforce various regulatory alcohol violations. The Bill also makes several important licensing changes to current District law. The Mayor said, "small local businesses are the back bone of the District's economic viability and stability. This Administration is committed to ensuring local establishments have the ability to expand business opportunities."

The measure allows a restaurant owner to apply for an additional license to sell unopened containers of alcohol for patrons to take home with them. The Bill also seeks to reduce the number of li-

censes currently kept in safekeeping with the Agency by charging licensees who are no longer operating a fee to maintain their license in safekeeping. The Bill would strengthen the Agency's enforcement efforts by making it a violation for an establishment to knowingly allow a patron to leave the premises with an open container of alcohol. It would also clarify that it is a regulatory violation to sell or serve alcohol on a suspended or expired license.

"The Bill provides much needed clarification to both licensees and District residents on a number of important regulatory issues and helps to strengthen ABRA's enforcement capabilities," stated by ABRA's Director, Fred Moosally.

Extended Hours of



Extended hours reminder—Licensees may remain open one extra hour to sell and serve alcoholic beverages on the night before District of Columbia and federal holidays.

Licensees are eligible for this extension if: (1) They do not have a voluntary agreement; or (2) Their voluntary agreement does not have any restrictions on hours. This policy does not extend an establishment's permitted hours of entertainment, nor does it alter the two-hour

kitchen requirement for restaurants prior to closing.

Independence Day is Sunday, July 4, and Monday, July 5. DC and Federal government offices will be closed. Therefore qualifying licensees may extend their hours on Sunday evening, July 4, until 3:00 a.m. Monday morning (on-premises).

Feel free to visit the ABRA website to review the entire 2010 Extended Hours Calendar at www.abra.dc.gov.