DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + + MEETING

IN THE MATTER OF:

:
LEGAL AGENDA
:
SUPPLEMENTAL LEGAL AGENDA:
SUPPLEMENTAL LEGAL AGENDA:

LICENSING AGENDA : SUPPLEMENTAL LICENSING :

AGENDA :
SECOND SUPPLEMENTAL :
LICENSING AGENDA :
THIRD SUPPLEMENTAL :
LICENSING AGENDA :

CANCELLATION AGENDA :

Wednesday, January 30, 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

NICK ALBERTI, Member

BOBBY CATO, JR., Member

MIKE SILVERSTEIN, Member

JAMES SHORT, Member

1	P-R-O-C-E-E-D-I-N-G-S
2	1:43 p.m.
3	CHAIRPERSON ANDERSON: All right. We
4	are back on the record. We will be doing our
5	Legal Agenda.
6	The first matter on our Legal Agenda
7	is the review of a letter dated November 26, 2018
8	from MPD Chief of Police Peter Newsham regarding
9	a Fact-Finding Hearing regarding Fox and Hound
10	Lounge, License No. 000168.
11	I make a motion that we approve this
12	request. Is there a second?
13	MEMBER SILVERSTEIN: Second.
14	CHAIRPERSON ANDERSON: Mr. Silverstein
15	has seconded the motion.
16	All those in favor say aye.
17	ALL: Aye.
18	CHAIRPERSON ANDERSON: Those opposed?
19	The matter passes 3-0-0.
20	The next matter is the review of the
21	settlement agreement dated January 9, 2019
22	between Korean BBQ and ANC-1B. Korean BBQ,

1	License No. 112322.
2	I make a motion that we approve this
3	request with modification. Is there a second?
4	MEMBER SILVERSTEIN: Second.
5	CHAIRPERSON ANDERSON: Mr. Silverstein
6	has seconded the motion.
7	All those in favor say aye.
8	ALL: Aye.
9	CHAIRPERSON ANDERSON: Those opposed?
10	The matter passes 5-0-0.
11	The next matter is the review of the
12	settlement agreement dated January 15, 2019
13	between DCAA, the Group of 3 or More and Vintage
14	78, License No. 111709.
15	I make a motion that we approve this
16	request with modifications. Is there a second?
17	MEMBER SILVERSTEIN: Second.
18	CHAIRPERSON ANDERSON: Mr. Silverstein
19	has seconded the motion.
20	All those in favor say aye.
21	ALL: Aye.
22	CHAIRPERSON ANDERSON: Those opposed?

1	The matter passes 5-0-0.
2	The next matter is a review of Seven
3	Seas Restaurant's request for reinstatement of
4	its liquor license. Seven Seas Restaurant,
5	License No. 000654.
6	I make a motion that we continue this
7	matter for a week. Is there a second?
8	MEMBER SHORT: Second.
9	MEMBER SILVERSTEIN: Second.
10	CHAIRPERSON ANDERSON: Mr. Silverstein
11	and Mr. Short have seconded the motion.
12	All those in favor say aye.
13	ALL: Aye.
14	CHAIRPERSON ANDERSON: Those opposed?
15	The matter passes 5-0-0.
16	The next matter is review of the
17	amended settlement agreement dated January 15,
18	2019 between ANC-6B and Little Pearl, License No.
19	107792.
20	I make a motion that we approve this
21	request. Is there a second?
22	MEMBER SILVERSTEIN: Second.

1	CHAIRPERSON ANDERSON: Mr. Silverstein
2	has seconded the motion.
3	All those in favor say aye.
4	ALL: Aye.
5	CHAIRPERSON ANDERSON: Those opposed?
6	The matter passes 5-0-0.
7	The next matter is review of Smokin'
8	Pig's request for reinstatement of its transfer
9	application dated January 15, 2019, License No.
10	104866.
11	I make a motion that we deny this
12	request. Is there a second?
13	MEMBER SHORT: Second.
14	CHAIRPERSON ANDERSON: Mr. Short has
15	seconded the motion.
16	All those in favor say aye.
17	ALL: Aye.
18	CHAIRPERSON ANDERSON: Those opposed?
19	The matter passes 5-0-0.
20	The next matter is the review of ANC-
21	6A's opposition to Smokin' Pig's request for
22	reinstatement of license.

This matter is now moot.

The next matter is the review of Group of Five or More's request that ANC-4D

Commissioner Jamie Barden, the group's designated representative, have an early time slot in which to testify in the Costello Restaurant & Lounge,

License No. 100259, Protest Hearing.

This issue is now moot.

The next matter on our agenda is the review of applicant's Motion for Continuance of the Protest Hearing, Costello Restaurant & Lounge, License No. 100259.

This matter is now moot.

The next matter is the review of protestant's groups opposition to Motion for Continuance of the Protest Hearing for Costello Restaurant & Lounge, License No. 100259.

This matter is also moot.

The next matter on our agenda is the review of a settlement agreement dated January 23, 2019 between ANC-6C and Café Fili, License No. 110971.

1	I make a motion that we approve this
2	request with modifications. Is there a second?
3	MEMBER ALBERTI: Second.
4	CHAIRPERSON ANDERSON: Mr. Alberti has
5	seconded the motion.
6	All those in favor say aye.
7	ALL: Aye.
8	CHAIRPERSON ANDERSON: Those opposed?
9	The matter passes 5-0-0.
10	We now move to our Supplemental Legal
11	Agenda.
12	The first matter on our Supplemental
12 13	The first matter on our Supplemental Legal Agenda is the review of Green Island Café/
	
13	Legal Agenda is the review of Green Island Café/
13 14	Legal Agenda is the review of Green Island Café/ Heaven & Hell's Motion to Rescind or Modify Board
13 14 15	Legal Agenda is the review of Green Island Café/ Heaven & Hell's Motion to Rescind or Modify Board Order No. 2017-439. Green Island Café/Heaven &
13 14 15 16	Legal Agenda is the review of Green Island Café/ Heaven & Hell's Motion to Rescind or Modify Board Order No. 2017-439. Green Island Café/Heaven & Hell, License No. 074503.
13 14 15 16 17	Legal Agenda is the review of Green Island Café/ Heaven & Hell's Motion to Rescind or Modify Board Order No. 2017-439. Green Island Café/Heaven & Hell, License No. 074503. I make a motion that we approve this
13 14 15 16 17	Legal Agenda is the review of Green Island Café/ Heaven & Hell's Motion to Rescind or Modify Board Order No. 2017-439. Green Island Café/Heaven & Hell, License No. 074503. I make a motion that we approve this request. Is there a second?
13 14 15 16 17 18	Legal Agenda is the review of Green Island Café/ Heaven & Hell's Motion to Rescind or Modify Board Order No. 2017-439. Green Island Café/Heaven & Hell, License No. 074503. I make a motion that we approve this request. Is there a second? MEMBER CATO: Second.

1	All those in favor say aye.
2	ALL: Aye.
3	CHAIRPERSON ANDERSON: Those opposed?
4	The matter passes 5-0-0.
5	The next matter is the review of Green
6	Island Café/Heaven & Hell's Motion to Consolidate
7	all pending cases for violations of ABRA Board
8	Order No. 2017-439. Green Island Café/Heaven &
9	Hell, License No. 074503.
10	I make a motion that we approve this
11	request. Is there a second?
12	MEMBER SILVERSTEIN: Second.
13	CHAIRPERSON ANDERSON: Mr. Silverstein
14	has seconded the motion.
15	All those in favor say aye.
16	ALL: Aye.
17	CHAIRPERSON ANDERSON: Those opposed?
18	The matter passes 5-0-0.
19	The next matter is the review of
20	affidavit of Christopher J. Reagan regarding
21	Dirty Martini Inn Bar/Dirty Bar, License No.
22	083919.

This is just an FYI. 1 2 The next matter is the review of Dirty 3 Martini Inn Bar/Dirty Bar's motion for an expedited hearing on the cease and desist. 4 5 Martini Inn Bar/Dirty Bar, License No. 083919. This matter is now moot. 6 The next matter on the agenda is the 7 review of the settlement agreement dated January 8 9 23, 2019 between ANC-6D and Walters, License No. 10 111554. 11 I make a motion that we approve this 12 Is there a second? request. 13 MEMBER SHORT: Second. 14 CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. 15 16 All those in favor say aye. 17 ALL: Aye. 18 CHAIRPERSON ANDERSON: Those opposed? 19 The matter passes 5-0-0. 20 The next matter is the review of Dirty 21 Martini Inn Bar/Dirty Bar's notice to withdraw 22 the request for an expedited hearing on the cease

1	and desist, License No. 083919.
2	This is just an FYI.
3	We now move to our Licensing Agenda.
4	The first matter on our Licensing
5	Agenda is to review application for safekeeping
6	of license, Halo, License No. 107018.
7	I make a motion that we approve this
8	request through September 30, 2019. Is there a
9	second?
10	MEMBER SILVERSTEIN: Second.
11	CHAIRPERSON ANDERSON: Mr. Silverstein
12	has seconded the motion.
13	All those in favor say aye.
14	ALL: Aye.
15	CHAIRPERSON ANDERSON: Those opposed?
16	The matter passes 5-0-0.
17	The next matter is to review
18	application for safekeeping of license, Hen
19	Quarter, License No. 076102.
20	I make a motion that we approve this
21	request through September 30, 2019. Is there a
22	second?

1	MEMBER SILVERSTEIN: Second.
2	CHAIRPERSON ANDERSON: Mr. Silverstein
3	has seconded the motion.
4	All those in favor say aye.
5	ALL: Aye.
6	CHAIRPERSON ANDERSON: Those opposed?
7	The matter passes 5-0-0.
8	The next matter is to review
9	application for change of hours for Moreland's
10	Tavern, License No. 106162.
11	I make a motion that we placard this
12	matter. Is there a second?
13	MEMBER SHORT: Second.
14	CHAIRPERSON ANDERSON: Mr. Short has
15	seconded the motion.
16	All those in favor say aye.
17	ALL: Aye.
18	CHAIRPERSON ANDERSON: Those opposed?
19	The matter passes 5-0-0.
20	The next matter is to review
21	application for an entertainment endorsement to
22	provide live entertainment indoors and outdoors

1	with dancing and cover charge. Moreland's
2	Tavern, License No. 106162.
3	I make a motion that we placard this
4	matter. Is there a second?
5	MEMBER SILVERSTEIN: Second.
6	CHAIRPERSON ANDERSON: Mr. Silverstein
7	has seconded the motion.
8	All those in favor say aye.
9	ALL: Aye.
10	CHAIRPERSON ANDERSON: Those opposed?
11	The matter passes 5-0-0.
12	The next matter is to review request
13	to store alcoholic beverage inventory in
14	underground storage area below licensed premises,
15	Imperial Wine & Spirits, License No. 084123.
16	I make a motion that we approve this
17	request. Is there a second?
18	MEMBER SHORT: Second.
19	CHAIRPERSON ANDERSON: Mr. Short has
20	seconded the motion.
21	All those in favor say aye.
22	ALL: Aye.

1	CHAIRPERSON ANDERSON: Those opposed?
2	The matter passes 5-0-0.
3	The next matter is to review
4	application for a Tasting Permit for 7 Days
5	Market, License No. 109916.
6	I make a motion that we approve this
7	request. Is there a second?
8	MEMBER CATO: Second.
9	CHAIRPERSON ANDERSON: Mr. Cato has
10	seconded the motion.
11	All those in favor say aye.
12	ALL: Aye.
13	CHAIRPERSON ANDERSON: Those opposed?
14	The matter passes 5-0-0.
15	We now move to our Supplemental
16	Licensing Agenda.
17	The first matter on our Supplemental
18	Licensing Agenda is to review request to remove
19	license from safekeeping for Tasty Burger,
20	License No. 100284.
21	I make a motion that we approve this
22	request. Is there a second?

1	MEMBER SILVERSTEIN: Second.
2	CHAIRPERSON ANDERSON: Mr. Silverstein
3	has seconded the motion.
4	All those in favor say aye.
5	ALL: Aye.
6	CHAIRPERSON ANDERSON: Those opposed?
7	The matter passes 5-0-0.
8	The next matter is to review letter of
9	appeal from Nolan Rodman regarding denial of
10	license based on 400 foot rule, Rodman's Discount
11	Gourmet, License No. 000394.
12	I make a motion that we deny this
13	request. Is there a second?
14	MEMBER SILVERSTEIN: Second.
15	CHAIRPERSON ANDERSON: Mr. Silverstein
16	has seconded the motion.
17	All those in favor say aye.
18	ALL: Aye.
19	CHAIRPERSON ANDERSON: Those opposed?
20	The matter passes 5-0-0.
21	The next matter is to review request
22	to receive a refund for late fee, licensing fee

of \$130 for a Temporary Class F Temporary License 1 2 for an event that was from the Junior League of 3 Washington, License No. 112667. 4 I make a motion that we approve this 5 Is there a second? request. MEMBER SHORT: Second. 6 7 CHAIRPERSON ANDERSON: Mr. Short has 8 seconded the motion. 9 All those in favor say aye. 10 ALL: Aye. 11 CHAIRPERSON ANDERSON: Those opposed? 12 The matter passes 5-0-0. 13 We now move to our Second Supplemental 14 Licensing Agenda. The first matter on our Second 15 16 Supplemental Licensing Agenda is to review 17 request for a Disposal Permit to transport 18 unopened alcoholic beverages to The Salt Line 19 located at 79 Potomac Avenue from Sixth Engine, 20 License No. 084584. 21 I make a motion that we approve this 22 request. Is there a second?

1	MEMBER SHORT: Second.
2	CHAIRPERSON ANDERSON: Mr. Short has
3	seconded the motion.
4	All those in favor say aye.
5	ALL: Aye.
6	CHAIRPERSON ANDERSON: Those opposed?
7	The matter passes 5-0-0.
8	The next matter is to review request
9	to withdraw application for a change of hours,
10	Costello Restaurant & Lounge, License No. 100259.
11	I make a motion that we approve this
12	request. Is there a second?
13	MEMBER SILVERSTEIN: Second.
14	CHAIRPERSON ANDERSON: Mr. Silverstein
15	has seconded the motion.
16	All those in favor say aye.
17	ALL: Aye.
18	CHAIRPERSON ANDERSON: Those opposed?
19	The matter passes 5-0-0.
20	We now move to our Third Supplemental
21	Licensing Agenda.
22	The first matter on our Third

1	Supplemental Licensing Agenda is to review
2	application for a stipulated license with letter
3	of ANC support, Kraken Axes, License No. 112519.
4	I make a motion that we approve this
5	request. Is there a second?
6	MEMBER SILVERSTEIN: Second.
7	CHAIRPERSON ANDERSON: Mr. Silverstein
8	has seconded the motion.
9	All those in favor say aye.
10	ALL: Aye.
11	CHAIRPERSON ANDERSON: Those opposed?
12	The matter passes 5-0-0.
13	We now move to our Cancellation
14	Agenda.
15	The Board will be canceling the
16	following license for the reasons outlined below:
17	Requin, License No. 106176, the
18	licensee requested cancellation.
19	Kapnos, License No. 091148, the
20	licensee requested cancellation.
21	Kapnos, License No. 104693, the
22	licensee requested cancellation.

Arroz, License No. 104996, the 1 2 licensee requested cancellation. Jake's American Grille, License No. 3 4 086013, the licensee requested cancellation. 5 I then make a motion that the licenses for the establishments that were named and that 6 7 are listed on the Cancellation Agenda for January 30, 2019, that the ABC Board cancel those 8 9 licenses. Is there a second? 10 MEMBER SHORT: Second. 11 CHAIRPERSON ANDERSON: Mr. Short has 12 seconded the motion. 13 All those in favor say aye. 14 ALL: Aye. 15 CHAIRPERSON ANDERSON: Those opposed? 16 The matter passes 5-0-0. 17 As Chairperson of the Alcoholic 18 Beverage Control Board for the District of 19 Columbia and in accordance with DC Official Code 20 Section 2-574 of the Open Meetings Act, I move 21 that the ABC Board hold a closed meeting on 22 February 6, 2019 for the purpose of seeking legal

1	advice from our counsel on the matters identified
2	on the Board's Investigative, Legal and Licensing
3	Agenda for February 6, 2019 as published in the
4	DC Register on February 1, 2019.
5	Is there a second?
6	MEMBER SILVERSTEIN: Second.
7	CHAIRPERSON ANDERSON: Mr. Silverstein
8	has seconded the motion. I will now take a roll
9	call vote on the motion before us now that it has
10	been seconded.
11	Mr. Silverstein?
12	MEMBER SILVERSTEIN: I agree.
13	CHAIRPERSON ANDERSON: Mr. Short?
14	MEMBER SHORT: I agree.
15	CHAIRPERSON ANDERSON: Mr. Alberti?
16	MEMBER ALBERTI: I agree.
17	CHAIRPERSON ANDERSON: Mr. Cato?
18	MEMBER CATO: I agree.
19	CHAIRPERSON ANDERSON: Mr. Anderson?
20	I agree.
21	As it appears that the motion has
22	passed, I hereby give notice that the ABC Board

1	will hold this aforementioned closed meeting
2	pursuant to the Open Meetings Act. Notice will
3	also be posted on the ABC Board hearing room
4	bulletin board, placed on the electronic calendar
5	on ABRA's website and published in the DC
6	Register in as timely a manner as practicable.
7	It is 1:57 p.m. and we are adjourned
8	for the day. Thank you.
9	MEMBER SHORT: Thank you, Mr. Chair.
LO	CHAIRPERSON ANDERSON: You're welcome,
L1	Mr. Short.
L2	(Whereupon, the Legal, Licensing and
L3	Cancellation Agenda Hearings were concluded at
L 4	1:56 p.m.)
L5	
L6	
L7	
L8	
L9	
20	
21	
22	

bulletin 20:4 **Control** 1:2,14,14 20:10 **appeal** 14:9 **Burger** 13:19 18:18 **ABC** 18:8,21 19:22 **appears** 19:21 **Costello** 6:6,11,16 20:3 C applicant's 6:10 16:10 **ABRA** 8:7 **Café** 6:21 application 5:9 counsel 19:1 **ABRA's** 20:5 **Café**/ 7:13 10:5,18 11:9,21 **cover** 12:1 **Act** 18:20 20:2 Café/Heaven 7:15 13:4 16:9 17:2 adjourned 20:7 D 8:6.8 approve 2:11 3:2 advice 19:1 calendar 20:4 **D.C** 1:15 3:15 4:20 7:1,17 affidavit 8:20 call 19:9 dancing 12:1 8:10 9:11 10:7,20 aforementioned cancel 18:8 dated 2:7,21 3:12 12:16 13:6.21 20:1 4:17 5:9 6:20 9:8 canceling 17:15 15:4,21 16:11 agenda 1:6,6,7,7,8 cancellation 1:11 day 20:8 17:4 1:9,10,11 2:5,6 17:13,18,20,22 **Days** 13:4 area 12:14 6:9,19 7:11,13 9:7 **DC** 18:19 19:4 20:5 18:2,4,7 20:13 **Arroz** 18:1 10:3,5 13:16,18 **DCAA** 3:13 cases 8:7 **Avenue** 15:19 15:14,16 16:21 Cato 1:20 7:19,21 denial 14:9 **Axes** 17:3 17:1,14 18:7 19:3 13:8,9 19:17,18 deny 5:11 14:12 aye 2:16,17 3:7,8 20:13 **cease** 9:4.22 designated 6:4 3:20,21 4:12,13 agree 19:12,14,16 **Chair** 20:9 desist 9:4 10:1 5:3,4,16,17 7:6,7 19:18,20 Chairperson 1:15 **Dirty** 8:21 9:2.4.20 8:1,2,15,16 9:16 agreement 2:21 1:18 2:3,14,18 3:5 Discount 14:10 9:17 10:13,14 3:12 4:17 6:20 9:8 3:9,18,22 4:10,14 Disposal 15:17 11:4,5,16,17 12:8 **Alberti** 1:19 7:3,4 5:1,5,14,18 7:4,8 **District** 1:1 18:18 12:9,21,22 13:11 19:15,16 7:21 8:3,13,17 doing 2:4 13:12 14:4,5,17 alcoholic 1:2,14,14 9:14.18 10:11.15 **Donovan** 1:16,18 14:18 15:9,10 12:13 15:18 18:17 11:2,6,14,18 12:6 16:4,5,16,17 17:9 amended 4:17 Ε 12:10,19 13:1,9 17:10 18:13,14 American 18:3 early 6:5 13:13 14:2,6,15 **ANC** 17:3 В electronic 20:4 14:19 15:7,11 **ANC-** 5:20 endorsement 11:21 back 2:4 16:2,6,14,18 17:7 ANC-1B 2:22 **Engine** 15:19 **Bar** 8:21 9:5 17:11 18:11,15,17 **ANC-4D** 6:3 entertainment **Bar's** 9:3.21 19:7,13,15,17,19 ANC-6B 4:18 11:21.22 **Bar/Dirty** 8:21 9:3,5 20:10 **ANC-6C** 6:21 establishments 9:21 **change** 11:9 16:9 **ANC-6D** 9:9 18:6 Barden 6:4 charge 12:1 **Anderson** 1:16,18 **event** 15:2 **based** 14:10 Chief 2:8 2:3,14,18 3:5,9,18 expedited 9:4,22 **BBQ** 2:22,22 Christopher 8:20 3:22 4:10,14 5:1,5 beverage 1:2,14,14 **Class** 15:1 5:14,18 7:4,8,21 F closed 18:21 20:1 12:13 18:18 8:3,13,17 9:14,18 **F** 15:1 beverages 15:18 **Code** 18:19 10:11,15 11:2,6 Fact-Finding 2:9 **board** 1:2,14 7:14 **Columbia** 1:1 18:19 11:14,18 12:6,10 **favor** 2:16 3:7,20 8:7 17:15 18:8,18 Commissioner 6:4 12:19 13:1,9,13 4:12 5:3,16 7:6 18:21 19:22 20:3 concluded 20:13 14:2,6,15,19 15:7 8:1,15 9:16 10:13 20:4 Consolidate 8:6 15:11 16:2,6,14 11:4.16 12:8.21 **Board's** 19:2 Continuance 6:10 16:18 17:7,11 13:11 14:4,17 **BOBBY** 1:20 6.16 18:11,15 19:7,13 15:9 16:4,16 17:9 Building 1:15 continue 4:6 19:15,17,19,19 18:13

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<u>C E R T I F I C A T E</u>

This is to certify that the foregoing transcript

In the matter of: Meeting Agenda

Before: DC ABRA

Date: 01-30-19

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.

Court Reporter

near Nous &