

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

IN THE MATTER OF: :
 :
LEGAL AGENDA :
SUPPLEMENTAL LEGAL :
AGENDA :
LICENSING AGENDA :
CEASE AND DESIST AGENDA :
CANCELLATION AGENDA :

Wednesday,
November 28, 2018

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 4:11 p.m.

3 CHAIRPERSON ANDERSON: All right.

4 Let's now do our Legal Agenda.

5 The first matter on our Legal Agenda
6 is the review of settlement agreement dated
7 November 10, 2018 between ANC-6D and Whole Foods
8 Market, License No. 110432.

9 I make a motion that we approve the
10 settlement agreement. Is there a second?

11 MEMBER SHORT: Second.

12 CHAIRPERSON ANDERSON: Mr. Short has
13 seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON ANDERSON: Those opposed?
17 The matter passes 5-0-0.

18 The next matter is to review letter
19 dated October 15, 2018 from MPD Chief Newsham
20 requesting the Board hold a Fact-Finding Hearing
21 concerning La Morenita, License No. 086595.

22 This is an FYI because this matter

1 will be sent to OAG for a Show Cause.

2 The next matter is the review of
3 Zenebe Shewayne's Motion to Late File and/or the
4 Alternative Motion for Reconsideration of the
5 Order canceling license in safekeeping entered on
6 May 16, 2018. Zenebe Shewayne, License No.
7 100620.

8 I make a motion that we approve this
9 request. 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 The next matter is the review of
18 Costello Restaurant & Lounge's Motion to Dismiss
19 Protest. Costello Restaurant & Lounge, License
20 No. 100259.

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

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON ANDERSON: Mr. Alberti 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 the review of the
9 protestant group of five or more's opposition to
10 Costello Restaurant & Lounge Motion to Dismiss
11 Protest, License No. 100259.

12 This matter is now moot.

13 The next matter is the review of
14 settlement agreement dated November 8, 2018
15 between ANC-2F and The Mirror, License No.
16 111099.

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

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON ANDERSON: Mr. Silverstein
21 has seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON ANDERSON: Those opposed?

3 The matter passes 5-0-0.

4 The next matter is the review of ANC-
5 4A's Resolution #4A-18-1103 regarding Champion
6 Kitchen, License No. 103055.

7 I make a motion that we refer this
8 matter to enforcement. Is there a second?

9 MEMBER SHORT: Second.

10 CHAIRPERSON ANDERSON: Mr. Short has
11 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 the review of
17 settlement agreement dated November 8, 2018
18 between ANC-6A and O2, License No. 111354.

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

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON ANDERSON: Mr. Silverstein

1 has seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON ANDERSON: Those opposed?

5 The matter passes 5-0-0.

6 The next matter is the review of
7 settlement agreement dated November 1, 2018
8 between ANC-1B and Brooklyn, License No. 111411.

9 I make a motion that we approve this
10 request with modifications. Is there a second?

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON ANDERSON: Mr. Silverstein
13 has seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON ANDERSON: Those opposed?

17 The matter passes 5-0-0.

18 The next matter is the review of
19 Hopeful, Inc.'s second request for a continuance
20 of its Contested Fact-Finding Hearing. Hopeful,
21 Inc. t/a To Be Determined, License No. 091955.

22 I make a motion that we deny this

1 request. Is there a second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON ANDERSON: Mr. Short has
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON ANDERSON: Those opposed?
8 The matter passes 5-0-0.

9 The next matter is the review of
10 Hopeful, Inc.'s Motion for Reconsideration of
11 granting continuance for Board Order No. 2018-
12 672. Hopeful, Inc. t/a To Be Determined, License
13 No. 091955.

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

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON ANDERSON: Mr. Silverstein
18 has seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON ANDERSON: Those opposed?
22 The matter passes 5-0-0.

1 The next matter is the review of ANC-
2 3D's Motion for Reconsideration of order denying
3 petition to terminate settlement agreement for
4 Millie's, License No. 100214.

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

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON ANDERSON: Mr. Silverstein
9 has seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON ANDERSON: Those opposed?
13 The matter passes 5-0-0.

14 We now move to our Supplemental Legal
15 Agenda.

16 The next matter is the review of
17 settlement agreement dated November 13, 2018
18 between ANC-6B and Supreme Market, License No.
19 111567.

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

22 MEMBER SHORT: Second.

1 CHAIRPERSON ANDERSON: Mr. Short has
2 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 the review of The
8 Stanton's request for reinstatement of its
9 license dated November 16, 2018. The Stanton,
10 License No. 096484.

11 I make a motion that we approve this
12 request with the licensee to pay the renewal and
13 late fees. 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 We now move to our Licensing Agenda.

22 The first matter on our Licensing

1 Agenda is to review application for safekeeping.
2 A-1 Grocery, License No. 023329.

3 I make a motion that we grant this
4 request through March 31, 2019. Is there a
5 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 The next matter is to review
14 application for safekeeping of license. Pal the
15 Mediterranean Spot, License No. 092484.

16 I make a motion that we grant this
17 request through March 31, 2019. Is there a
18 second?

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON ANDERSON: Mr. Silverstein
21 has seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON ANDERSON: Those opposed?

3 The matter passes 5-0-0.

4 The next matter is to review
5 application for safekeeping of license for
6 Marrakech/Aura Lounge, License No. 090204.

7 I make a motion that we grant this
8 request through March 31, 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 a class change from Retailer B
19 grocery to Retailer A liquor store for Kusa
20 Market, License No. 002109.

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

1 MEMBER SILVERSTEIN: Second.

2 MEMBER SHORT: Second.

3 CHAIRPERSON ANDERSON: Mr. Silverstein
4 and Mr. Short have seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON ANDERSON: Those opposed?
8 The matter passes 5-0-0.

9 The next matter is to review
10 application for a sidewalk cafe with seating for
11 52 patrons for Elevate, License No. 100316.

12 I make a motion that we placard this
13 matter. 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
22 application for summer garden with seating for 28

1 patrons for Alta Strada, License No. 100140.

2 I make a motion that we placard this
3 matter. 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 to review
12 application for a rooftop summer garden with
13 seating for 12 patrons, The Elroy, License No.
14 096771.

15 I make a motion that we placard this
16 matter. 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 to review
3 application to add dancing and cover charge to
4 existing entertainment endorsement for Al
5 Crostino, License No. 095433.

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

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON ANDERSON: Mr. Silverstein
10 has 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 The next matter is to review request
16 to add dancing and cover charge to existing
17 entertainment endorsement for Cloud Restaurant &
18 Lounge, License No. 093572.

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

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON ANDERSON: Mr. Silverstein

1 has seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON ANDERSON: Those opposed?

5 The matter passes 5-0-0.

6 The next matter is to review request
7 for off-premises storage permit to store
8 alcoholic beverage at 1401 W Street, NE and 50
9 Massachusetts Avenue, NW. Amtrak, License No.
10 111308.

11 I make a motion that we approve 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 to review
21 application for a tasting permit and letter of
22 explanation regarding the nature of the tasting

1 events for Cellar Trading, License No. 094230.

2 I make a motion that we approve this
3 request. 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:

10 MEMBER SHORT: Those opposed? The
11 matter passes 5-0-0.

12 We now move to our Supplemental
13 Licensing Agenda.

14 The first matter on our Supplemental
15 Licensing Agenda is to review application for a
16 stipulated license with letter of ANC support,
17 Agora, License No. 098029.

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

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON ANDERSON: Mr. Silverstein
22 has seconded the motion.

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 to review
6 application for a stipulated license with letter
7 of ANC support for Taco City DC, License No.
8 111960.

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

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON ANDERSON: Mr. Silverstein
13 has seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON ANDERSON: Those opposed?

17 The matter passes 5-0-0.

18 The next matter is to review
19 architectural floor plans for a new full-service
20 grocery store, Union Kitchen Grocery, License No.
21 111996.

22 I make a motion that we placard this

1 matter. Is there a second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON ANDERSON: Mr. Short has
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON ANDERSON: Those opposed?
8 The matter passes 5-0-0.

9 The next matter is to review the
10 administrative request for refund of late fees
11 for annual payment for The Green Zone, License
12 No. 106839.

13 I make a motion that we approve this
14 request. And one of the reasons why we have --
15 we are refunding these fees is because the
16 licensee has proven to the Agency that their
17 check was paid -- was sent to the Agency in
18 sufficient time for us to have received it. It
19 appears that it took over two weeks for us to
20 receive the payment, so therefore it was late.

21 And with this exception, I make a
22 motion that we approve the request to refund the

1 late fees. Is there a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON ANDERSON: Mr. Silverstein
4 has seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON ANDERSON: Those opposed?
8 The matter passes 5-0-0.

9 The next matter is to review letter
10 from Laura S. Pruitt of the Choral Arts Society
11 of Washington requesting a Nonprofit Corporation
12 Auction Permit to auction off items containing
13 alcoholic beverages, such as wine donations, at a
14 fundraising event to be held December 17, 2018 at
15 the Kennedy Center, License No. 18-AUCTION-00004.

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 manager's license for Blaine
5 Soloman, License No. ABRA-112148.

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

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON ANDERSON: Mr. Silverstein
10 has 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 Cease & Desist
16 Agenda.

17 The ABC Board will be issuing Cease &
18 Desist Orders to cease & desist to the following
19 licensees for the reasons outlined below:

20 Climax Restaurant and Hookah Bar,
21 License No. ABRA-088290.

22 The licensee did not renew its basic

1 business license, which expired on June 30, 2018.

2 I make a motion that we refer this
3 matter back to licensing. 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 We now move to our Cancellation
12 Agenda.

13 The ABC Board will be canceling the
14 following license for the reasons outlined below:

15 Gordon Biersch Brewery Restaurant,
16 License No. ABRA-060326. The licensee has
17 requested cancellation.

18 Donburi DC, License No. ABRA-096770.

19 The licensee has requested cancellation.

20 I then make a motion that the two
21 establishments that are on the Cancellation
22 Agenda for November 28, 2018 as previously read

1 by me, that the Board cancel their licenses. Is
2 there a second?

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON ANDERSON: Mr. Silverstein
5 has 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 As Chairperson of the Alcoholic
11 Beverage Control Board for the District of
12 Columbia and in accordance with DC Official Code
13 Section 2-574(b), closed meetings, and Section 2-
14 574, Notice of Meetings, of the Open Meetings
15 Act, I move that the ABC Board hold a closed
16 meeting on December 5, 2018 for the purpose of
17 discussing and hearing reports concerning ongoing
18 or planned investigations of alleged criminal or
19 civil misconduct or violations of law or
20 regulations and seeking legal advice from our
21 counsel on the Board's Investigative, Legal and
22 Licensing Agenda for December 5, 2018 as

1 published in the DC Register on November 30,
2 2018.

3 Is there a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON ANDERSON: Mr. Silverstein
6 has seconded the motion.

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

10 Mr. Silverstein?

11 MEMBER SILVERSTEIN: I agree.

12 CHAIRPERSON ANDERSON: Mr. Short?

13 MEMBER SHORT: I agree.

14 CHAIRPERSON ANDERSON: Mr. Alberti?

15 MEMBER ALBERTI: I agree.

16 CHAIRPERSON ANDERSON: Mr. Cato?

17 MEMBER CATO: I agree.

18 CHAIRPERSON ANDERSON: Mr. Anderson?

19 I agree.

20 As it appears that the motion has
21 passed, I hereby give notice that the ABC Board
22 will hold this aforementioned closed meeting

1 pursuant to the Open Meetings Act. Notice will
2 also be posted on the ABC Board hearing room
3 bulletin board, placed on the electronic calendar
4 on ABRA's website and published in the DC
5 Register in as timely a manner as practicable.

6 It is 4:30 p.m. and we are adjourned
7 for the day. Thank you.

8 MEMBER SHORT: Amen.

9 (Whereupon, the Legal, Licensing,
10 Cease & Desist and Cancellation Agenda Hearings
11 were concluded at 4:30 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Agenda

Before: DCABRA

Date: 11-28-18

Place: Washington, DC

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