

Wednesday,
October 31, 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.

DONOVAN W. ANDERSON, Chairperson
NICK ALBERTI, Member
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
DONALD ISAAC, SR., Member
REMA WAHABZADAH, Member

P-R-O-C-E-E-D-I-N-G-S

2:09 p.m.

CHAIRPERSON ANDERSON: We are going to do the Licensing Agenda.

The first matter on the Licensing Agenda is to review application for safekeeping of license for Liberte, License No. 109013.

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

MEMBER SHORT: Second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON ANDERSON: Those opposed? The matter passes 6-0-0.

The next matter on our calendar is to review application for safekeeping of license for Liberte, License No. 109012.

I make a motion that we grant this request through March 31, 2019. Is there a

1 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 6-0-0.

9 The next matter is to review
10 application for a sidewalk cafe with 42 seats, El
11 Don Restaurant, License No. 088757.

12 I make a motion that we placard this
13 matter. Is there a second?

14 MEMBER SHORT: Second.

15 CHAIRPERSON ANDERSON: Mr. Short has
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON ANDERSON: Those opposed?
20 The matter passes 6-0-0.

21 We now move to our Supplemental
22 Licensing Agenda.

1 The first matter on our Supplemental
2 Licensing Agenda is to review request for
3 stipulated license with letter of ANC support for
4 Catch 22, License No. 111880.

5 I make a motion that we approve 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 6-0-0.

14 The next matter is to review
15 application for change of hours, Legal Sea Bar,
16 License No. 106977.

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 6-0-0.

4 The next matter is to review
5 application for a Manager's License for Benjamin
6 J. Martucci, License No. 112004.

7 I make a motion that we have a Fact-
8 Finding Hearing on this request. Is there a
9 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 6-0-0.

17 We now move to our Notice of Vacated
18 Cease and Desist Orders Agenda.

19 I make a motion that the ABC Board is
20 vacating the following orders to cease and desist
21 previously issued on October 24, 2018:

22 Georgia Line Convenience Store, ABRA-

1 091196; Smith Public Trust, License No. 094424;
2 Billy Goat Tavern & Grill, License No. 070520;
3 The Elroy, License No. 096771; The Airedale,
4 License No. 100018; Cucina al Volo, License No.
5 104755; Peace Lounge, License No. 106785; L
6 Street Market, License No. 079164; Elevate,
7 License No. 100316.

8 I make a motion that the
9 establishments whose names and license numbers
10 that I just called that are listed on the Board's
11 Vacate Cease and Desist Orders for Wednesday,
12 October 31, 2018 be approved. Is there a second?

13 MEMBER CATO: Second.

14 CHAIRPERSON ANDERSON: Mr. Cato has
15 seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON ANDERSON: Those opposed?
19 The matter passes 6-0-0.

20 We now move to our Cancellation
21 Agenda.

22 The Board will be canceling the

1 following license for the reasons outlined below:

2 Imm Thai on Georgia, License No.
3 105514, the licensee did not pay safekeeping fee
4 within 30 days;

5 Duffy's Irish Restaurant, License No.
6 100438, the licensee requested cancellation.

7 I then make a motion that we cancel
8 the license for the two establishments that are
9 listed on the Board's Cancellation Agenda for
10 October 31, 2018. Is there a second?

11 MEMBER CATO: Second.

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

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON ANDERSON: Those opposed?
17 The matter passes 6-0-0.

18 The Board then will be in recess until
19 our -- all right, no, I'm sorry. Before we go on
20 recess, let me go back to our calendar.

21 (Whereupon, the above-entitled matter
22 went off the record at 2:14 p.m. and resumed at

1 2:20 p.m.)

2 CHAIRPERSON ANDERSON: All right.

3 Let's go back on the record.

4 All right. So let's do the Legal
5 Agenda.

6 The first matter on the Legal Agenda
7 is the review of settlement agreement dated
8 October 15, 2018 between ANC-6D and Circa at Navy
9 Yard/El Bebe, License No. 109955.

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

12 MEMBER SHORT: Second.

13 CHAIRPERSON ANDERSON: Mr. Short has
14 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 We now move to our Supplemental Legal
20 Agenda.

21 The first matter on our Supplemental
22 Legal Agenda is the review of settlement

1 agreement dated October 20, 2018 between ANC-1A
2 and Agave Mexican Restaurant, License No. 110928.

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

5 MEMBER SILVERSTEIN: Second.

6 MEMBER CATO: Second.

7 CHAIRPERSON ANDERSON: Mr. Silverstein
8 and Mr. Cato 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 the review of a
14 settlement agreement dated October 29, 2018
15 between Marrakech Restaurant and ANC-1A, License
16 No. 111165.

17 I make a motion that we approve this
18 request with modifications. 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 a
5 settlement agreement dated October 29, 2018
6 between ANC-5B and Big Ben Liquors, License No.
7 060652.

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

10 MEMBER SHORT: Second.

11 MEMBER CATO: Second.

12 CHAIRPERSON ANDERSON: Mr. Short and
13 Mr. Cato have 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 Thank you. We are now in recess until
19 our 4:30 hearing. Thank you.

20 (Whereupon, the Legal, Licensing,
21 Cancellation and Vacated Cease and Desist Agenda
22 Hearings were concluded at 2:22 p.m.)

<p>A</p> <p>ABC 5:19 above-entitled 7:21 ABRA- 5:22 Agave 9:2 Agenda 1:6,7,8,8,9,10 2:4,6 3:22 4:2 5:18 6:21 7:9 8:5,6,20,22 10:21 agreement 8:7 9:1,14 10:5 Airedale 6:3 al 6:4 ALBERTI 1:19 Alcoholic 1:2,14,14 ANC 4:3 ANC-1A 9:1,15 ANC-5B 10:6 ANC-6D 8:8 Anderson 1:16,18 2:3 2:12,16 3:3,7,15,19 4:8,12,20 5:2,11,15 6:14,18 7:12,16 8:2 8:13,17 9:7,11,20 10:2,12,16 application 2:6,19 3:10 4:15 5:5 approve 4:5,17 8:10 9:3 9:17 10:8 approved 6:12 aye 2:14,15 3:5,6,17,18 4:10,11,22 5:1,13,14 6:16,17 7:14,15 8:15 8:16 9:9,10,22 10:1 10:14,15</p>	<p>7:6,9 10:21 Catch 4:4 Cato 1:19 6:13,14 7:11 7:12 9:6,8 10:11,13 cease 1:7 5:18,20 6:11 10:21 Chairperson 1:15,18 2:3,12,16 3:3,7,15,19 4:8,12,20 5:2,11,15 6:14,18 7:12,16 8:2 8:13,17 9:7,11,20 10:2,12,16 change 4:15 Circa 8:8 COLUMBIA 1:1 concluded 10:22 Control 1:2,14,14 Convenience 5:22 Cucina 6:4</p>	<p>I</p> <p>Imm 7:2 Irish 7:5 ISAAC 1:21 issued 5:21</p> <p>J</p> <p>J 5:6 JAMES 1:20 JR 1:19</p> <p>K</p> <p>L</p> <p>L 6:5 Legal 1:9,9 4:15 8:4,6 8:19,22 10:20 let's 8:3,4 letter 4:3 Liberte 2:7,20 license 2:7,7,19,20 3:11 4:3,4,16 5:5,6 6:1,2,3 6:4,4,5,6,7,9 7:1,2,5,8 8:9 9:2,15 10:6 licensee 7:3,6 Licensing 1:6,6 2:4,5 3:22 4:2 10:20 Line 5:22 Liquors 10:6 listed 6:10 7:9 Lounge 6:5</p>	<p>8:10,14 9:3,8,17,21 10:8,13 move 3:21 5:17 6:20 8:19</p>
<p>B</p> <p>back 7:20 8:3 Bar 4:15 Bebe 8:9 Ben 10:6 Benjamin 5:5 Beverage 1:2,14,14 Big 10:6 Billy 6:2 Board 1:2,14 5:19 6:22 7:18 Board's 6:10 7:9 BOBBY 1:19 Building 1:15</p>	<p>D</p> <p>D.C 1:15 dated 8:7 9:1,14 10:5 days 7:4 desist 1:7 5:18,20 6:11 10:21 DISTRICT 1:1 Don 3:11 DONALD 1:21 Donovan 1:16,18 Duffy's 7:5</p> <p>E</p> <p>EI 3:10 Elevate 6:6 Elroy 6:3 establishments 6:9 7:8</p>	<p>M</p> <p>Manager's 5:5 March 2:9,22 Market 6:6 Marrakech 9:15 Martucci 5:6 matter 1:5 2:5,17,18 3:8 3:9,13,20 4:1,13,14 5:3,4,16 6:19 7:17,21 8:6,18,21 9:12,13 10:3,4,17 MEETING 1:3 Member 1:19,19,20,20 1:21,21 2:11 3:2,14 4:7,19 5:10 6:13 7:11 8:12 9:5,6,19 10:10 10:11 met 1:14 Mexican 9:2 MIKE 1:20 modification 10:9 modifications 9:4,18 motion 2:8,13,21 3:4,12 3:16 4:5,9,17,21 5:7 5:12,19 6:8,15 7:7,13</p>	<p>N</p> <p>N.W 1:15 names 6:9 Navy 8:8 NICK 1:19 Notice 5:17 numbers 6:9</p>
<p>C</p> <p>cafe 3:10 calendar 2:18 7:20 called 6:10 cancel 7:7 canceling 6:22 cancellation 1:8 6:20</p>	<p>F</p> <p>Fact- 5:7 favor 2:14 3:5,17 4:10 4:22 5:13 6:16 7:14 8:15 9:9,22 10:14 fee 7:3 Finding 5:8 first 2:5 4:1 8:6,21 following 5:20 7:1</p> <p>G</p> <p>Georgia 5:22 7:2 Goat 6:2 grant 2:8,21 Grill 6:2</p> <p>H</p> <p>hearing 1:14 5:8 10:19 Hearings 10:22 hours 4:15</p>	<p></p>	<p>O</p> <p>October 1:12 5:21 6:12 7:10 8:8 9:1,14 10:5 opposed 2:16 3:7,19 4:12 5:2,15 6:18 7:16 8:17 9:11 10:2,16 orders 1:8 5:18,20 6:11 outlined 7:1</p> <p>P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 p.m 2:2 7:22 8:1 10:22 passes 2:17 3:8,20 4:13 5:3,16 6:19 7:17 8:18 9:12 10:3,17 pay 7:3 Peace 6:5 placard 3:12 PRESENT 1:17 presiding 1:16 previously 5:21 Public 6:1</p>
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Agenda

Before: DCABRA

Date: 10-31-18

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

NEAL R. GROSS

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