

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

2 5:33 p.m.

3 CHAIRPERSON ANDERSON: And so let me
4 wrap up our day. I am going to now do our Legal
5 Agenda. So we will be doing our Legal Agenda.

6 The first matter on our Legal Agenda
7 is the review of ANC-3D's request that the Board
8 terminate the settlement agreement between
9 Millie's, ANC-3D and the Group of Five or More.

10 I make a motion that we deny 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 The second matter on our agenda is the
20 review of settlement agreement dated September 5,
21 2018 between Petworth Cigars and ANC-4C.
22 Petworth Cigars, License No. 110934.

1 I make a motion that we approve with
2 modification. Is there a second?

3 MEMBER CATO: Second.

4 CHAIRPERSON ANDERSON: Mr. Cato 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 The next matter is the review of a
11 settlement agreement dated September 25, 2018
12 between ANC-3/4G and The New ACD, License No.
13 110576.

14 I make a motion that we approve 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 We now move to our Supplemental Legal
2 Agenda.

3 The first matter on our Supplemental
4 Legal Agenda is the review of a Group of Five or
5 More's request for reinstatement of its protest.
6 Cube & Bale, LLC t/a Sandbox Restaurant, License
7 No. 110062.

8 I make a motion that we deny 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 MEMBER CATO: Aye.

15 MEMBER ALBERTI: Aye.

16 CHAIRPERSON ANDERSON: Aye.

17 MEMBER SHORT: Aye.

18 CHAIRPERSON ANDERSON: Those opposed?
19 Anyone abstaining?

20 MEMBER SILVERSTEIN: Abstain, Mr.
21 Chairman.

22 CHAIRPERSON ANDERSON: Mr. Silverstein

1 has abstained and the matter passes 4-0-1 with
2 Mr. Silverstein abstaining.

3 Yes, sir?

4 MEMBER SILVERSTEIN: Mr. Chairman,
5 this is a difficult issue for me personally. The
6 protestant in this case asked that the hearing be
7 moved because it conflicted with the Jewish high
8 holiday of Yom Kippur. The protestant emailed to
9 request a change and was advised that there was
10 consent of the applicant required.

11 The applicant in that case denied, but
12 the protestant did not follow-up with the Board.
13 I do not believe that -- I do believe that the
14 failure to follow-up is the fatal flaw here. It
15 is a difficult situation, but had the person
16 simply called and said this was the state of
17 play, we would have had the opportunity to
18 rectify this.

19 He did not and we were unable to do
20 so. It is extremely unfortunate, but that was
21 the failure there. Thank you, Mr. Chairman.

22 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Silverstein. I just wanted this case for the
2 record, the protestant had requested -- had
3 stated that because it was a religious holiday at
4 the Roll Call Hearing, that they might not be
5 able to attend.

6 The protestant from that group was
7 specifically given instruction to contact the
8 legal to get further instructions. The
9 protestant did contact legal. Legal told --
10 informed him that he needed to get the consent of
11 the additional parties. He did reach out, the
12 protestant did reach out to the other parties.
13 The other parties denied his request.

14 We had the hearing. The protestant
15 was not here. There was no -- the protestant did
16 not inform the Board that he could not -- that
17 neither him or the missing members of his group
18 could not appear based on a religious
19 observation.

20 The protestant basically stated that
21 he did not follow-up. After the other parties
22 denied his request, he dropped the ball. And so

1 therefore, because the protestant was given
2 specific instructions and what to do and that was
3 not done, from a legal perspective, the Board has
4 no choice but to deny the request.

5 MEMBER SILVERSTEIN: Thank you, Mr.
6 Chairman.

7 CHAIRPERSON ANDERSON: All right.
8 Thank you.

9 The next matter on the agenda is the
10 review of Costello Restaurant and Lounge's
11 request for reinstatement of its application.
12 Costello Restaurant and Lounge, License No.
13 100259.

14 I make a motion that we approve 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 MEMBER CATO: Aye.

21 MEMBER ALBERTI: Aye.

22 CHAIRPERSON ANDERSON: Aye.

1 MEMBER SHORT: Aye.

2 CHAIRPERSON ANDERSON: Those opposed?

3 The matter passes 5-0-0.

4 I need to correct the record. I mean,
5 I think Mr. Silverstein -- are you voting in
6 favor of this or do you want to also abstain from
7 this matter?

8 MEMBER SILVERSTEIN: I'm sorry, Mr.
9 Chairman?

10 CHAIRPERSON ANDERSON: The Omar case.

11 MEMBER SILVERSTEIN: No, I do not wish
12 to talk about the matter.

13 CHAIRPERSON ANDERSON: No, but I'm
14 saying do you want to vote on it or do you want
15 to abstain?

16 THE WITNESS: I abstain.

17 CHAIRPERSON ANDERSON: Okay. So the
18 matter passes 4-0-1 with Mr. Silverstein
19 abstaining from the Omar matter.

20 MEMBER ALBERTI: 4-0-1.

21 CHAIRPERSON ANDERSON: 40 -- well, it
22 passes 4-0 and with Mr. Silverstein abstaining.

1 MEMBER ALBERTI: I know. I'm just
2 trying to make sure we got it covered.

3 CHAIRPERSON ANDERSON: All right. We
4 now move to our Second Supplemental Legal Agenda.

5 The first matter on our Second
6 Supplemental Legal Agenda is the review of a
7 settlement agreement dated October 2, 2018
8 between the Group of Five or More, the Kenilworth
9 Market and -- between the Group of Five or More
10 and Kenilworth Market, License 087818.

11 I make a motion that we approve this
12 request with modifications. 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 We now move to our Licensing Agenda.

21 The first matter on our Licensing
22 Agenda is to review request to extend safekeeping

1 of license, ninth request, The Roberts Law Group,
2 PLLC, License No. 083728.

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 request
14 to extend safekeeping of license for Balducci's,
15 License No. 088667.

16 I make a motion that we have a Fact-
17 Finding Hearing. Is there a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON ANDERSON: Mr. Silverstein
20 has 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 request
4 to extend safekeeping of license for TBD,
5 formerly Bobby Lewis Saloon, License No. 091955.

6 I make a motion that we have a Fact-
7 Finding Hearing. 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 extend safekeeping of license, TBD, formerly
17 Thor 3000 M Street, LLC, License No. 102572.

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

21 MEMBER SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short has

1 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 to extend safekeeping of license, FreshDirect,
8 License No. 104699.

9 I make a motion that we have a Fact-
10 Finding Hearing. 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 request
19 to extend safekeeping of license, S&S Liquors,
20 License No. 072300.

21 I make a motion that we have a Fact-
22 Finding Hearing. 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 request
9 to extend safekeeping of license, TBD, which used
10 to be 525 8th Street, LLC, License No. 109404.

11 I make a motion that we grant this
12 request through March 31, 2019. Is there a
13 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 a Tasting Permit, Officina,

1 License No. 107663.

2 I make a motion that we approve this
3 request. Is there a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON ANDERSON: Mr. Short has
6 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 Supplemental
12 Licensing Agenda.

13 The first matter on our Supplemental
14 Licensing Agenda is to review request for
15 stipulated license with letter of ANC support,
16 All Purpose, License No. 103856.

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 to review
5 application for a new ABC License for Wisconsin
6 Wines & Spirits, License No. 111684.

7 I make a motion that we deny this
8 request. 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 to review request
17 to withdraw application for sidewalk cafe
18 endorsement, Golden Paradise Restaurant, License
19 No. 098205.

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 to review request
8 to withdraw application for a new 405.1 license,
9 The Rabbit Hole, License No. 108881.

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

12 MEMBER CATO: Second.

13 CHAIRPERSON ANDERSON: Mr. Cato 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 The next matter is to review request
20 to remove entertainment endorsement from license,
21 Laos in Town, License No. 110740.

22 I make a motion that we approve this

1 request. 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 request
10 to change date of approved temporary license
11 event from September 23rd to October 14 for Barks
12 & Brews filed by Theresa Cameron, License No.
13 111091.

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

16 MEMBER SHORT: Second.

17 CHAIRPERSON ANDERSON: Mr. Short has
18 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 to review
2 application for a manager's license for Emmanuel
3 Santos Cavalcante, License No. ABRA-111754.

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 Second Supplemental
14 Licensing Agenda.

15 The first matter on our Second
16 Supplemental Licensing Agenda is to review
17 request for stipulated license with letter of ANC
18 support, Potomac Paddle Pub, License No. 111118.

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 We now move to our Cancellation
7 Agenda.

8 The Board will be canceling the
9 following license for the reasons outlined below:

10 Formerly Dixie Liquors, License No.
11 ABRA-077295.

12 The licensee requested cancellation.
13 And Grande Curee, License No. ABRA-
14 109841.

15 The licensee requested cancellation.

16 I then make a motion that the two
17 establishments that are listed on the
18 Cancellation Agenda for October 3, 2018, that the
19 ABRA Board cancel the licenses. Is there a
20 second?

21 MEMBER CATO: Second.

22 CHAIRPERSON ANDERSON: Mr. Cato has

1 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 All right. As Chairperson of the
7 Alcoholic Beverage Control Board for the District
8 of Columbia and in accordance with DC Official
9 Code Section 2-574(b), closed meetings, and
10 Section 2-574, Notice of Meetings, of the Open
11 Meetings Act, I move that the ABC Board hold a
12 closed meeting on October 17, 2018 for the
13 purpose of discussing and hearing reports
14 concerning ongoing or planned investigations of
15 alleged criminal or civil misconduct or
16 violations of law or regulations and seeking
17 legal advice from our counsel on the Board's
18 Investigative, Legal and Licensing Agenda for
19 October 17, 2018 as published in the DC Register
20 on October 5, 2018. Is there a second?

21 MEMBER SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short has

1 seconded the motion.

2 I will take a roll call vote on the
3 motion before us now that it has been seconded.

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree, Mr.

6 Chairman.

7 CHAIRPERSON ANDERSON: Mr. Short?

8 MEMBER SHORT: I agree.

9 CHAIRPERSON ANDERSON: Mr. Alberti?

10 MEMBER ALBERTI: I agree.

11 CHAIRPERSON ANDERSON: Mr. Cato?

12 MEMBER CATO: I agree.

13 CHAIRPERSON ANDERSON: Mr. Anderson?

14 I agree.

15 As it appears that the motion has
16 passed, I hereby give notice that the ABC Board
17 will hold this aforementioned closed meeting
18 pursuant to the Open Meetings Act. Notice will
19 also be posted on the ABC Board hearing room
20 bulletin board, placed on the electronic calendar
21 on ABRA's website and published in the DC
22 Register in as timely a manner as practicable.

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This is to certify that the foregoing transcript

In the matter of: Agenda

Before: DCABRA

Date: 10-03-18

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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