

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

IN THE MATTER OF: :
 :
Legal Agenda :
Supplemental Legal Agenda: :
Licensing Agenda :
Supplemental Licensing :
Agenda :
 :

Wednesday
September 18, 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
BOBBY CATO, JR., Member
ALIYA RAFI CROCKETT, Member
JAMES SHORT, Member

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

2:14 p.m.

CHAIRPERSON ANDERSON: We are back on the record. All right. So let's now do our Legal Agenda.

The first matter on our Legal Agenda is the review of the Trump International Hotel's Motion to Dismiss the Protest in the Trump Old Post Office, Trump International Hotel, License No. 100648.

The Board will take this matter under advisement.

The second matter on our Legal Agenda is the review of the protestant's opposition to Motion to Dismiss Protest due to lack of standing in the Trump International Hotel, License No. 100648.

This matter the Board will take under advisement.

The next matter is the review of Bistro du Coin's request to store invoices off-site, License No. 076495.

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

3 MEMBER SHORT: Second.

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

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON ANDERSON: Those opposed?

9 The matter passes 4-0-0.

10 The next matter is the review of
11 protestant's request to withdraw its protest,
12 Pacific District Lessee Corporation, Eaton DC,
13 License No. 095442.

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

16 MEMBER CATO: Second.

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

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON ANDERSON: Those opposed?

22 The matter passes 4-0-0.

1 The next matter is the review of
2 Amendment #1 to Cooperative Agreement between
3 ANC-6D and Potomac Distilling Company, License
4 No. 106554.

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

7 MEMBER CROCKETT: Second.

8 CHAIRPERSON ANDERSON: Ms. Crockett
9 has seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON ANDERSON: Those opposed?
13 The matter passes 4-0-0.

14 The next matter is the review of
15 settlement agreement dated September 10, 2019
16 between the Kalorama Citizens Association, the
17 Reed-Cooke Neighborhood Association, ANC-1C and
18 Sakuramen Ramen Bar, License No. 114465.

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

21 MEMBER CROCKETT: Second.

22 CHAIRPERSON ANDERSON: Ms. Crockett

1 has seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON ANDERSON: Those opposed?

5 The matter passes 4-0-0.

6 The next matter is the review of the
7 amendment to the settlement agreement dated
8 September 11, 2019 between ANC-6B and The Brig,
9 License No. 085710.

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

12 MEMBER SHORT: Second.

13 MEMBER CROCKETT: Second.

14 CHAIRPERSON ANDERSON: Mr. Short and
15 Ms. Crockett have seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON ANDERSON: Those opposed?

19 The matter passes 4-0-0.

20 The next matter is the review of the
21 amendment to the settlement agreement dated
22 September 10, 2019 between ANC-6B and Emilie's,

1 License No. 111597.

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

4 MEMBER CROCKETT: Second.

5 CHAIRPERSON ANDERSON: Ms. Crockett
6 has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON ANDERSON: Those opposed?

10 The matter passes 4-0-0.

11 The next matter is the review of
12 settlement agreement dated September 11, 2019
13 between ANC-1A and Kokeb Ethiopian Restaurant,
14 License No. 089933.

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

17 MEMBER CROCKETT: Second.

18 CHAIRPERSON ANDERSON: Ms. Crockett
19 has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON ANDERSON: Those opposed?

1 The matter passes 4-0-0.

2 We now move to our Supplemental Legal
3 Agenda.

4 The first matter on our Supplemental
5 Legal Agenda is the review of Trump International
6 Hotel's reply to the Group of 5 of More's
7 opposition to his Motion to Dismiss Protest.
8 Trump International Hotel, License No. 100648.

9 The Board will take this matter under
10 advisement.

11 The next matter is the review of the
12 Group of 5 or More's request to file a surreply
13 in response to the licensee's reply to the
14 group's opposition to his Motion to Dismiss
15 Protest and surreply brief in opposition to the
16 Motion to Dismiss. Trump International Hotel,
17 License No. 100648.

18 The Board will take this matter under
19 advisement.

20 The next matter is the review of
21 settlement agreement dated September 12, 2019
22 between ANC-4C and Golden Paradise Restaurant,

1 License No. 098205.

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

4 MEMBER CROCKETT: Second.

5 CHAIRPERSON ANDERSON: Ms. Crockett
6 has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON ANDERSON: Those opposed?

10 The matter passes 4-0-0.

11 The next matter is the review of
12 settlement agreement dated September 12, 2019
13 between ANC-6A and Kitchen Cray, License No.
14 113864.

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

17 MEMBER CROCKETT: Second.

18 CHAIRPERSON ANDERSON: Ms. Crockett
19 has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON ANDERSON: Those opposed?

1 The matter passes 4-0-0.

2 The next matter is the review of
3 settlement agreement dated September 12, 2019
4 between ANC-2F and Eaton DC, License No. 095442.

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

7 MEMBER SHORT: Second.

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

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON ANDERSON: Those opposed?

13 The matter passes 4-0-0.

14 The next matter on our agenda is the
15 review of the Jefferson Hotel's request to store
16 invoices off-site. Jefferson Hotel, License No.
17 075526.

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

20 MEMBER CROCKETT: Second.

21 MEMBER CATO: Second.

22 CHAIRPERSON ANDERSON: Ms. Crockett

1 and Mr. Cato have seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON ANDERSON: Those opposed?

5 The matter passes 4-0-0.

6 We now move to our Second Supplemental
7 Legal Agenda.

8 The first matter on our Second
9 Supplemental Legal Agenda is the review of the
10 amended settlement agreement dated September 17,
11 2019 between ANC-6E and Communal Restaurant,
12 License No. 108392.

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

15 MEMBER CROCKETT: Second.

16 CHAIRPERSON ANDERSON: Ms. Crockett
17 has seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON ANDERSON: Those opposed?

21 The matter passes 4-0-0.

22 The next matter is the review of ANC-

1 2C's Letter of Support of the Group of 5 or
2 More's Protest Petition. Trump International
3 Hotel, License No. 100648.

4 This is an FYI for the Board.

5 The next matter on our agenda is the
6 review of Chez Billy Sud's request to store
7 invoices off-site. Chez Billy Sud, License No.
8 096103.

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

11 MEMBER CROCKETT: Second.

12 CHAIRPERSON ANDERSON: Ms. Crockett
13 has seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON ANDERSON: Those opposed?
17 The matter passes 4-0-0.

18 The next matter on our agenda is the
19 review of settlement agreement dated September
20 17, 2019 between ANC-6A and 12 Twelve DC/Kyss
21 Kyss, License No. 072734.

22 I make a motion that we approve 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 4-0-0.

9 We now move to our Licensing Agenda.

10 The first matter on our Licensing
11 Agenda is to review application for safekeeping
12 of license. Assets, License No. 113585.

13 I make a motion that we refer this
14 matter back to licensing. Is there a second?

15 MEMBER CROCKETT: Second.

16 CHAIRPERSON ANDERSON: Ms. Crockett
17 has seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON ANDERSON: Those opposed?
21 The matter passes 4-0-0.

22 The next matter is to review request

1 to increase total occupancy load from 65 to 205
2 for Unity, License No. 109064.

3 I make a motion that we placard this
4 matter. Is there a second?

5 MEMBER SHORT: Second.

6 CHAIRPERSON ANDERSON: Mr. Short has
7 seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON ANDERSON: Those opposed?
11 The matter passes 4-0-0.

12 The next matter is to review
13 application for change of hours for summer garden
14 for Little Miss Whiskey's Golden Dollar, License
15 No. 079090.

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

18 MEMBER CROCKETT: Second.

19 CHAIRPERSON ANDERSON: Ms. Crockett
20 has seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON ANDERSON: Those opposed?
2 The matter passes 4-0-0.

3 We now move to our Supplemental
4 Licensing Agenda.

5 The first matter on our Supplemental
6 Licensing Agenda is to review application for a
7 stipulated license with new ABC License with
8 Letter of ANC Support for Puddin', License No.
9 114842.

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

12 MEMBER CROCKETT: Second.

13 CHAIRPERSON ANDERSON: Ms. Crockett
14 has seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON ANDERSON: Those opposed?
18 The matter passes 4-0-0.

19 The next matter is to review
20 application for stipulated license for new ABC
21 License with Letter of ANC Support for The Golden
22 Bar Room/Lounge, License No. 114757.

1 I make a Motion that we have a Fact-
2 Finding Hearing on this matter. Is there a
3 second?

4 MEMBER CROCKETT: Second.

5 CHAIRPERSON ANDERSON: Ms. Crockett
6 has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON ANDERSON: Those opposed?
10 The matter passes 4-0-0.

11 The next matter is to review
12 application for a stipulated license for a new
13 ABC License with Letter of ANC Support for
14 Taqueria Nacional, License No. 114980.

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

17 MEMBER CROCKETT: Second.

18 CHAIRPERSON ANDERSON: Ms. Crockett
19 has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON ANDERSON: Those opposed?

1 The matter passes 4-0-0.

2 The next matter is to review
3 application for a stipulated license for a
4 sidewalk cafe with Letter of ANC Support, The
5 Moxy Washington DC, License No. 109673.

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

8 MEMBER CROCKETT: Second.

9 CHAIRPERSON ANDERSON: Ms. Crockett
10 has seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON ANDERSON: Those opposed?

14 The matter passes 4-0-0.

15 The next matter is to review
16 application -- review request to withdraw
17 safekeeping application due to planned opening of
18 the establishment, Assets, License No. 113585.

19 This is an FYI for the Board.

20 The next matter is to review request
21 to withdraw application to expand sidewalk cafe
22 seating for Raku-Ya, License No. 023943.

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

3 MEMBER SHORT: Second.

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

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON ANDERSON: Those opposed?

9 The matter passes 4-0-0.

10 We now move to our Second Supplemental
11 Licensing Agenda.

12 The first matter on our Second
13 Supplemental Licensing Agenda is to review
14 request for Temporary Operating Permit for Hotel
15 Madera, License No. 115191.

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

18 MEMBER CROCKETT: Second.

19 CHAIRPERSON ANDERSON: Ms. Crockett
20 has seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON ANDERSON: Those opposed?
2 The matter passes 4-0-0.

3 The next matter is to review request
4 for Temporary Operating Retail Permit for
5 Mexicue, License No. 115173.

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

8 MEMBER SHORT: Second.

9 CHAIRPERSON ANDERSON: Mr. Short has
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON ANDERSON: Those opposed?
14 The matter passes 4-0-0.

15 As Chairperson of the Alcoholic
16 Beverage Control Board for the District of
17 Columbia and in accordance with Title 3, Chapter
18 405 Office of Open Government, I move that the
19 ABC Board hold a closed meeting on September 25,
20 2019 for the purpose of discussing and hearing
21 reports concerning ongoing or planned
22 investigations of alleged criminal or civil

1 misconduct or violations of law or regulations
2 and seeking legal advice from our Legal Counsel
3 on the Board's Investigative Agenda, Legal Agenda
4 and Licensing Agenda for September 25, 2019 as
5 published in the DC Register on September 20,
6 2019.

7 Is there a second?

8 MEMBER CROCKETT: Second.

9 CHAIRPERSON ANDERSON: Ms. Crockett
10 has seconded the motion.

11 I will now take a roll call vote on
12 the motion before us now that it has been
13 seconded.

14 Mr. Short?

15 MEMBER SHORT: I agree.

16 CHAIRPERSON ANDERSON: Mr. Cato?

17 MEMBER CATO: I agree.

18 CHAIRPERSON ANDERSON: Ms. Crockett?

19 MEMBER CROCKETT: I agree.

20 CHAIRPERSON ANDERSON: Mr. Anderson?

21 I agree.

22 As it appears that the motion has

1 passed, I hereby give notice that the ABC Board
2 will hold this aforementioned closed meeting
3 pursuant to the Open Meetings Act. Notice will
4 also be posted on the ABC Board hearing room
5 bulletin board, placed on the electronic calendar
6 on ABRA's website and published in the DC
7 Register in as timely a manner as practicable.

8 It is 2:28 p.m. and we are adjourned
9 for the day. Thank you.

10 (Whereupon, the Legal and Licensing
11 Agenda Hearing was concluded at 2:28 p.m.)
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<p style="text-align: center;">A</p> <p>ABC 14:7,20 15:13 18:19 20:1,4 ABRA's 20:6 Act 20:3 adjourned 20:8 advice 19:2 advisement 2:12,19 7:10,19 aforementioned 20:2 agenda 1:6,6,7,8 2:5,6 2:13 7:3,5 9:14 10:7,9 11:5,18 12:9,11 14:4 14:6 17:11,13 19:3,3 19:4 20:11 agree 19:15,17,19,21 agreement 4:2,15 5:7 5:21 6:12 7:21 8:12 9:3 10:10 11:19 Alcoholic 1:2,12,12 18:15 ALIYA 1:17 alleged 18:22 amended 10:10 amendment 4:2 5:7,21 ANC 14:8,21 15:13 16:4 ANC- 10:22 ANC-1A 6:13 ANC-1C 4:17 ANC-2F 9:4 ANC-4C 7:22 ANC-6A 8:13 11:20 ANC-6B 5:8,22 ANC-6D 4:3 ANC-6E 10:11 Anderson 1:14,16 2:3 3:4,8,17,21 4:8,12,22 5:4,14,18 6:5,9,18,22 8:5,9,18,22 9:8,12,22 10:4,16,20 11:12,16 12:3,7,16,20 13:6,10 13:19 14:1,13,17 15:5 15:9,18,22 16:9,13 17:4,8,19 18:1,9,13 19:9,16,18,20,20 appears 19:22 application 12:11 13:13 14:6,20 15:12 16:3,16 16:17,21 approve 3:1,14 4:5,19 5:10 6:2,15 8:2,15 9:5 9:18 10:13 11:9,22 13:16 14:10 15:15 16:6 17:1,16 18:6 Assets 12:12 16:18 Association 4:16,17 aye 3:6,7,19,20 4:10,11 5:2,3,16,17 6:7,8,20</p>	<p>6:21 8:7,8,20,21 9:10 9:11 10:2,3,18,19 11:14,15 12:5,6,18,19 13:8,9,21,22 14:15,16 15:7,8,20,21 16:11,12 17:6,7,21,22 18:11,12</p> <p style="text-align: center;">B</p> <p>back 2:3 12:14 Bar 4:18 14:22 Beverage 1:2,12,12 18:16 Billy 11:6,7 Bistro 2:21 board 1:2,12 2:11,18 7:9,18 11:4 16:19 18:16,19 20:1,4,5 Board's 19:3 BOBBY 1:17 brief 7:15 Brig 5:8 Building 1:13 bulletin 20:5</p> <p style="text-align: center;">C</p> <p>cafe 16:4,21 calendar 20:5 call 19:11 Cato 1:17 3:16,17 9:21 10:1 19:16,17 Chairperson 1:13,16 2:3 3:4,8,17,21 4:8,12 4:22 5:4,14,18 6:5,9 6:18,22 8:5,9,18,22 9:8,12,22 10:4,16,20 11:12,16 12:3,7,16,20 13:6,10,19 14:1,13,17 15:5,9,18,22 16:9,13 17:4,8,19 18:1,9,13 18:15 19:9,16,18,20 change 13:13 Chapter 18:17 Chez 11:6,7 Citizens 4:16 civil 18:22 closed 18:19 20:2 Coin's 2:21 Columbia 1:1 18:17 Communal 10:11 Company 4:3 concerning 18:21 concluded 20:11 Control 1:2,12,12 18:16 Cooperative 4:2 Corporation 3:12 Counsel 19:2 Cray 8:13 criminal 18:22</p>	<p>Crockett 1:17 4:7,8,21 4:22 5:13,15 6:4,5,17 6:18 8:4,5,17,18 9:20 9:22 10:15,16 11:11 11:12 12:15,16 13:18 13:19 14:12,13 15:4,5 15:17,18 16:8,9 17:18 17:19 19:8,9,18,19</p> <p style="text-align: center;">D</p> <p>D.C 1:13 dated 4:15 5:7,21 6:12 7:21 8:12 9:3 10:10 11:19 day 20:9 DC 3:12 9:4 16:5 19:5 20:6 DC/Kyss 11:20 discussing 18:20 Dismiss 2:8,15 7:7,14 7:16 Distilling 4:3 District 1:1 3:12 18:16 Dollar 13:14 Donovan 1:14,16 du 2:21 due 2:15 16:17</p> <p style="text-align: center;">E</p> <p>Eaton 3:12 9:4 electronic 20:5 Emilie's 5:22 establishment 16:18 Ethiopian 6:13 expand 16:21</p> <p style="text-align: center;">F</p> <p>Fact- 15:1 favor 3:6,19 4:10 5:2,16 6:7,20 8:7,20 9:10 10:2,18 11:14 12:5,18 13:8,21 14:15 15:7,20 16:11 17:6,21 18:11 file 7:12 Finding 15:2 first 2:6 7:4 10:8 12:10 14:5 17:12 FYI 11:4 16:19</p> <p style="text-align: center;">G</p> <p>garden 13:13 give 20:1 Golden 7:22 13:14 14:21 Government 18:18 Group 7:6,12 11:1 group's 7:14</p>	<p style="text-align: center;">H</p> <p>hearing 1:12 15:2 18:20 20:4,11 hold 18:19 20:2 Hotel 2:9,16 7:8,16 9:16 11:3 17:14 Hotel's 2:7 7:6 9:15 hours 13:13</p> <p style="text-align: center;">I</p> <p>increase 13:1 International 2:7,9,16 7:5,8,16 11:2 investigations 18:22 Investigative 19:3 invoices 2:21 9:16 11:7</p> <p style="text-align: center;">J</p> <p>JAMES 1:18 Jefferson 9:15,16 JR 1:17</p> <p style="text-align: center;">K</p> <p>Kalorama 4:16 Kitchen 8:13 Kokeb 6:13 Kyss 11:21</p> <p style="text-align: center;">L</p> <p>lack 2:15 law 19:1 legal 1:6,6 2:5,6,13 7:2 7:5 10:7,9 19:2,2,3 20:10 Lessee 3:12 let's 2:4 Letter 11:1 14:8,21 15:13 16:4 license 2:9,16,22 3:13 4:3,18 5:9 6:1,14 7:8 7:17 8:1,13 9:4,16 10:12 11:3,7,21 12:12 12:12 13:2,14 14:7,7 14:8,20,21,22 15:12 15:13,14 16:3,5,18,22 17:15 18:5 licensee's 7:13 licensing 1:7,7 12:9,10 12:14 14:4,6 17:11,13 19:4 20:10 Little 13:14 load 13:1</p> <p style="text-align: center;">M</p> <p>Madera 17:15 manner 20:7 matter 1:5 2:6,11,13,18</p>
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This is to certify that the foregoing transcript

In the matter of: Hearing

Before: Alcoholic Beverage Control Board

Date: 09-18-19

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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