NOTICE OF PUBLIC HEARINGS CALENDAR

WEDNESDAY, DECEMBER 12, 2012 2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson Members: Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00308

Mac's Wine & Liquors, Inc., t/a Mac's Wine & Liquors 401 Rhode Island Ave NE License #60758 Retailer A ANC 5C

No ABC Manager on Duty, Knowingly Sold Drug Paraphernalia

Disposition: The Board accepted an Offer in Compromise: \$1,500 to be paid within 30 days, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00262

Central Wines, LLC, t/a Central Liquors 625 E Street NW License #86268 Retailer A ANC 2C No ABC Manager on Duty

Disposition: The Board set this matter for a Show Cause Hearing on January 23, 2013 at 10:00 am, 4-0.

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Show Cause Hearing (Status)

9:30 AM

Case # 11-CMP-00111

Lamaree, Inc., t/a Aroma Indian Restaurant 1919 I Street NW License #1847 Retailer CR ANC 2B

Failed to Comply with Board Order No. 2012-016

Disposition: The Board set this matter for a Show Cause Hearing on February 13, 2013 at 4:30 pm, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00367

Bardia's, Inc., t/a New Orleans Café 2412 18th Street NW License #21784 Retailer CR ANC 1C

Failed to File Quarterly Statements (1st Quarter 2012)

Disposition: The Board set this matter for a Show Cause Hearing on February 13, 2013 at 3:30 pm, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00264

on December 12, 2012, 4-0.

Nispero, LLC, t/a El Nuevo Migueleno 1721 Columbia Road NW License #75403 Retailer CR ANC 1C **No ABC Manger on Duty**

Disposition: The Board accepted an Offer in Compromise: \$1,000 to be paid

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Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00491

Al-Hamd Incorporated, t/a Aatish On The Hill 609 Pennsylvania Ave SE License #25153 Retailer CR ANC 6B

Failed to File Quarterly Statements (2nd Quarter 2012)

Disposition: The Board accepted an Offer in Compromise: \$350 to be paid on December 12, 2012, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00497

Arlington Beverage Corp., t/a Sheffield Wine and Liquors 5025 Connecticut Ave NW License #60563 Retailer A ANC 3F Sold Less Than Six Miniature Bottles of Spirits

Disposition: The Board set this matter for a Show Cause Hearing on January 30, 2013 at 3:30 pm, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00410

Me & JJJS, Inc., t/a Family Food and Delicatessen Store 3713 New Hampshire Ave NW License #86078 Retailer B ANC 4C Sold Go-Cups

Disposition: The Board accepted an Offer in Compromise: \$350 to be paid within 7 days, 4-0.

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Show Cause Hearing (Status)

9:30 AM

Case # 11-251-00372

De Amigo, LLC, t/a Sesto Senso/Andulo/Spot/Lupe/MIA 1214 18th Street NW License #81092 Retailer CT ANC 2B

Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose, Failed to Follow Security Plan

Disposition: The Board set this matter for a Show Cause Hearing on February 6, 2013 at 10:00 am, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00235

19th & K, Inc., t/a Ozio Martini & Cigar Lounge 1813 M Street NW License #23167 Retailer CN ANC 2B

Violation of Voluntary Agreement, Substantial Change (Sidewalk Café)

Disposition: The Board set this matter for a Show Cause Hearing on January 30, 2013 at 1:30 pm, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00306

Bar 9, LLC, t/a DC 9 1940 9th Street NW License #71156 Retailer CN ANC 1B

Violation of Voluntary Agreement, Operating After Board Approved Hours

Disposition: The Board accepted an Offer in Compromise: \$1,500 to be paid within 30 days; dismissal of Charge I, 4-0.

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Show Cause Hearing (Status)

9:30 AM

Case #'s 12-AUD-00402, 12-AUD-00024, 12-AUD 00024(a)

Ping Pong Holding, Inc., t/a Ping Pong 900 7th Street NW License #82097 Retailer CR ANC 2C

Failed to File Quarterly Statements (2nd Quarter 2011), Failed to File Quarterly Statements (4th Quarter 2011)

Disposition: The Board accepted an Offer in Compromise: \$2,000 to be paid within 30 days, 4-0.

Fact Finding Hearing

9:30 AM

Cabo Negro, Inc., t/a The Guards 2915 M Street NW Retailer CR ANC 2E

Request for Termination of MPD Reimbursable Detail

Disposition: The Board lifted the RDO requirement conditioned upon the trade name change and other conditions represented by the Applicant at the Fact Finding Hearing, 4-0.

Fact Finding Hearing

10:00 AM

Manager's Application Timothy M. Gleason

Disposition: The Applicant failed to appear. The Board denied the application, 5-0.

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Fact Finding Hearing

10:30 AM

Manager's Application

Travis A. Reeves

Disposition: The Board granted the application, 5-0.

Show Cause Hearing

11:00 AM

Case # 11-CMP-00321

Asefu Alemayehu, t/a Yegna 1920 9th Street NW License #74241 Retailer CT ANC 1B

Allowed the Sale or Delivery of Alcoholic Beverages Outside of the Allowed Hours

Disposition: The Board granted the Respondent's Motion for Continuance and rescheduled the Show Cause Hearing for January 9, 2013 at 1:30 pm, 3-1-1 (Deny: Jones; Abstention: Silverstein).

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA 1:00 PM

Show Cause Hearing

1:30 PM

Case # 12-CMP-00110

Vap H Street, LLC, t/a Vapiano 623 H Street NW License #76727 Retailer CR ANC 2C

No ABC Manager on Duty, Failed to Obtain Importation Permit, Failed to Maintain Books and Records

Disposition: The Board accepted an Offer in Compromise: \$3,000 to be paid on December 12, 2012; Dismissal of Charge II, 4-1 (Jones).

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Protest Hearing 3:00 PM

Case # 12-PRO-00058

Three Way Liquors, Inc., t/a Three Way Liquors Inc 4823 Georgia Ave NW License #21972 Retailer A ANC 4D

Renewal Application-this is a continuation of the hearing commenced November 7, 2012.

Disposition: The Board granted the Licensee's Motion for Continuance and rescheduled the Protest Hearing for January 9, 2013 at 3:30 pm, 5-0.

NOTICE OF MEETING AGENDA

WEDNESDAY, DECEMBER 12, 2012 AT 1:00 PM 2000 14^{TH} STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

Review of Change of Hours Application to change Entertainment Hours. *Current Entertainment Hours:* Thursday 10pm-1:30am. *Proposed Entertainment Hours:* Sunday through Thursday 6pm-1:30am, Friday and Saturday 6pm-2:30am. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 2E. *Bodega*, 3116 M Street NW Retailer CR01, Lic.#: 78301.

Decision: Approved, 5-0.

- Review of Entertainment Endorsement Application for live band, dancing, and karaoke.
 Proposed Hours of Entertainment: Monday through Sunday 6pm-12am. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 3G. *Tian Tian Fang*, 5540 Connecticut Avenue NW Retailer CR01, Lic.#: 12671.
 Decision: Approved, 5-0.
- 3. Review of pending Retailer's Class "C" Restaurant License Application for David Sakai, t/a International House of Pong, located at 1010 Wisconsin Avenue, NW, Retailer's Class CR03, Lic.#: 084905 (Georgetown Moratorium)(submitted June 18, 2010).

 Decision: Fact Finding, 5-0.
- 4. Review of Sidewalk Café Application for 22 seats. *Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:* Sunday through Thursday 11am-2am, Friday and Saturday 11am-3am. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 2C. *Fuel Pizza & Wings*, 600 F Street NW Retailer CR01, Lic.#: 88727.

Decision: Placard, 5-0.

5. Review of Safekeeping Application for a period of $2\frac{1}{2}$ years to close business while redevelopment takes place in the area. ANC 1B. *Serve-u-Liquors*, 1935 9th Street NW Retailer A, Lic.#: 60026.

Decision: Approved for one year, 4-1 (Jones).

6. Review of Safekeeping Application because the store is undergoing repairs due to a fire. ANC 8B *Raymond's Liquor*, 3035 Naylor Road SE Retailer A, Lic.#: 82054. *Decision: Approved for 6 months*, 5-0.

7. Review of Safekeeping Application because business is closed and license is being transferred to landlord. ANC 1C. *District Lounge and Grille*, 2473 18th Street NW Retailer CR04. Lic.#: 81908.

Decision: Approved for six months, 5-0.

8. Review of Safekeeping Application because license is being transferred to landlord pending opening of new business. ANC 1D. *Sangria Café*, 3636 16th Street NW Retailer CR02, Lic.#: 60551.

Decision: Approved for six months, 5-0.

9. Review of Application for License Class Change from a Retailer's Class B to a Retailer's Class A. No pending investigative matters. No outstanding fines/citations. No conflict with voluntary agreement. ANC 8D. *Chesapeake Big Market*, 601 Chesapeake Street SE Retailer B, Lic.#: 60677.

Decision: Placard, 5-0.

10. Review of Request for a Disposal Permit, dated November 29, 2012, from Barry Berkowitz. The Melting Pot closed permanently on November 30, 2012. *The Melting Pot*, 1220 19th Street NW Retailer CR03, Lic.#: 60600.

Decision: Approved, 5-0.

- 11. Review of Motion for Reconsideration, dated November 30, 2012, from John Ray. *Costco Wholesale #1120*, 2441 Market Street NE Retailer A, Lic.#: 89498. *Decision: Denied*, *4-1 (Miller)*.
- 12. Review of Protestant's Motion to Reconsider Findings of Fact, Conclusions of Law, and Order, dated December 3, 2012, from Commissioner Stuart Ross of ANC 3D. *Town Square Gourmet*, 4418 MacArthur Boulevard NW Retailer A, Lic.#: 78664.

 Decision: Postponed until January 9, 2013.

* In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.

NOTICE OF MEETING SUPPLEMENTAL AGENDA

WEDNESDAY, DECEMBER 12, 2012 AT 1:00 PM 2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

- 1. Review of Manager's Application for David Gehring.** *Decision: Approved, 5-0.*
- 2. Review of letter, dated December 10, 2012, from Andrew Kline requesting that the Board reconsider its decision to delay the issuance of It's Called INCEPTION's license until after a Fact Finding Hearing. *It's Called INCEPTION*, 645 Florida Avenue NW Retailer CT04, Lic.#: 87890.*

Decision: Fact Finding, 5-0.

3. Review of Request for a Continuance, dated December 11, 2012, from Bernard Dietz for the Three Way Liquors Inc Protest Hearing scheduled for December 12, 2012 at 3:00 pm. The Protestants consent to the request. *Three Way Liquors Inc*, 4823 Georgia Avenue NW Retailer A, Lic.#: 21972.

Decision: Approved. The Board scheduled the Protest Hearing for January 9, 2013 at 3:30 pm, 5-0.

4. Review of Petitioner's Request for Waiver of Fine, dated November 7, 2012, from Phyllis Outlaw, along with a Profit and Loss Statement. *Gee's Market*, 3583 Warder Street NW Retailer B, Lic.#: 83125.

Decision: Denied, 5-0.

5. Review of Motion in Limine and to Dismiss for Lack of Standing, dated December 7, 2012, from Richard Bianco. Mr. Bianco moves in limine to exclude certain testimony and evidence, and moves to dismiss the Reed-Cooke Neighborhood Association. *Madam's Organ*, 2461 18th Street NW Retailer CT01, Lic.#: 25273.*

Decision: The Board will hear the oral argument at the Protest Hearing scheduled for December 13, 2012 at 9:00 am, 5-0.

6. Review of Licensee's Opposition to the Motion for Reconsideration, dated December 7, 2012, from Kristina Crooks. *Costco Wholesale #1120*, 2441 Market Street NE Retailer A, Lic.#: 89498.*

Decision: FYI.

7. Review of Reply of Protestants to Licensee's Opposition to Motion for Reconsideration, dated December 10, 2012, from John Ray. *Costco Wholesale #1120*, 2441 Market Street NE Retailer A, Lic.#: 89498.

Decision: FYI.

8. Review of Consent Line Concerning Postponement of Status Hearing, dated November 26, 2012, from Raj Singh requesting a postponement of Central Liquors' Status Hearing scheduled for December 12, 2012 at 9:30 am. *Central Liquors*, 625 E Street NW Retailer A, Lic.#: 86268.

Decision: Denied and set for a Show Cause Hearing on January 23, 2013 at 10:00 am, 5-0.

9. Review of correspondence, dated December 5, 2012, from Commissioner Raymond requesting clarification of the Board's requested modifications to the CherCher Voluntary Agreement, dated November 19, 2012. *CherCher Ethiopian Restaurant & Mart*, 1334 9th Street NW Retailer CR01, Lic.#: 90311. *

Decision: The Board will leave #2 as written in the original Voluntary Agreement, 5-0.

- 10. Review of Voluntary Agreement, dated July 12, 2012, between Fever Bar & Lounge and ANC 6A. *Fever Bar & Lounge*, 816 H Street NE Retailer CT01, Lic.#: 89716. * *Decision: Approved with modifications*, 5-0.
- 11. Review of Voluntary Agreement, dated December 5, 2012, between Bar Bari and ANC 2F. *Bar Bari*, 1401 R Street NW Retailer CR01, Lic.#: 90488. * *Decision: Approved*, *5-0*.
- 12. Review of Voluntary Agreement, dated December 3, 2012, between Gypsy Sally's, the Citizens Association of Georgetown, and William R. Maroney. *Gypsy Sally's*, 3401 K Street NW Retailer CR03, Lic.#: 90582.*

Decision: Approved with modifications, 5-0.

- 13. Review of Voluntary Agreement, dated December 6, 2012, between Thally, ANC 2F, and a Group of Five or More. *Thally*, 1316 9th Street NW Retailer CR01, Lic.#: 90403.* *Decision: Approved*, 5-0.
- 14. Review of Voluntary Agreement, dated December 5, 2012, between Duchess and The Queen, ANC 1C, the Kalorama Citizens Association, and a Group of Five or More. *Duchess and The Queen*, 2102 18th Street NW Retailer CR03, Lic.#: 89545.*

 Decision: Approved, 5-0.
- * In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.

** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations. The Board's vote will be held in an open session, and the public is permitted to attend.

NOTICE OF MEETING CVS MOTIONS AGENDA

WEDNESDAY, DECEMBER 12, 2012 AT 1:00 PM 2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

- 1. Review of Motion in Limine, dated October 17, 2012, from Paul Pascal requesting the Board to exclude testimony and evidence not related to the "appropriateness" of the establishment. *CVS Pharmacy #1354*, 2601 Connecticut Avenue NW Retailer B, Lic.#: 88912.* *Decision: Postponed until January 10, 2013.*
- 2. Review of Opposition to Motion in Limine, dated November 14, 2012, from Scott Rome. *CVS Pharmacy #1354*, 2601 Connecticut Avenue NW Retailer B, Lic.#: 88912.* *Decision: Postponed until January 10, 2013*.
- 3. Review of Motion to Dismiss Application, dated November 13, 2012, from Scott Rome. *CVS Pharmacy #1354*, 2601 Connecticut Avenue NW Retailer B, Lic.#: 88912.* *Decision: Postponed until January 10, 2013*.
- 4. Review of Opposition to Protestant's Motion to Dismiss Application and Reply to Protestants' Opposition to Applicant's Motion in Limine, dated November 21, 2012, from Paul Pascal. *CVS Pharmacy #1354*, 2601 Connecticut Avenue NW Retailer B, Lic.#: 88912.*

Decision: Postponed until January 10, 2013.

5. Review of Request for a Continuance, dated December 10, 2012, from Richard Bianco for the Motions Hearing scheduled for December 13, 2012. Paul Pascal consents to the request as long as the Protest Hearing set for January 10, 2013 holds firm. *CVS Pharmacy #1354*, 2601 Connecticut Avenue NW Retailer B, Lic.#: 88912.

Decision: Approved, 5-0.

^{*} In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.

NOTICE OF MEETING CHANGE OF HOURS AGENDA

WEDNESDAY, DECEMBER 12, 2012 AT 1:00 PM 2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

 Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No conflict with voluntary agreement. ANC 6A. J&K Market, 234 15th Street, NE, Retailer's B, Lic.#: 090684.

Decision: Approved, 5-0.

- 2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Saturday 7am-12am. No conflict with voluntary agreement. ANC 2E. **Bacchus Wine Cellar**, 1635 Wisconsin Avenue, NW, Retailer's A, Lic.#: 060414. *Decision: Approved*, 5-0.
- 3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Thursday 9am-10pm, Friday and Saturday 9am-11pm. No voluntary agreement. ANC 1B. **Harvard Liquors**, 2901 Sherman Avenue, NW, Retailer's A, Lic.#: 077747.

Decision: Approved, 5-0.

4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Thursday 9am-10pm, Friday and Saturday 9am-11pm. No voluntary agreement. ANC 5B. **Rhode Island Liquor**, 914 Rhode Island Avenue, NE, Retailer's A, Lic.#: 078927.

Decision: Approved, 5-0.

NOTICE OF MEETING INVESTIGATIVE AGENDA

WEDNESDAY, DECEMER 12, 2012 2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On December 12, 2012 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed "to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations."

1. Case#12-CMP-00629 R & M Market, 4003 GAULT PL NE Retailer B Retail - Grocery,

License#: ABRA-075184

Decision: Warning.

2. Case#12-CMP-00565 Bistro La Bonne, 1340 U ST NW Retailer C Restaurant, License#:

ABRA-075284

Decision: Warning.

3. Case#12-CMP-00620 Dahlak Restaurant, 1771 U ST NW Retailer C Restaurant, License#:

ABRA-074433

Decision: Refer to Enforcement.

4. Case#12-CMP-00624 Napoleon, 1847 COLUMBIA RD NW Retailer C Restaurant, License#: ABRA-075836

Decision: Show Cause; Warning (Books and Records).

5. Case#12-CMP-00606 Lucky Strike, 701 7TH ST NW C Retailer C Nightclub, License#: ABRA-073809

Decision: Staff Settlement; Warning (Security Plan).

6. Case#12-251-00333 Madam's Organ, 2461 18TH ST NW Retailer C Tavern, License#: ABRA-025273

Decision: No Further Action.

7. Case#12-CMP-00627 Renaissance Mayflower Hotel, 1127 CONNECTICUT AVE NW Retailer C Hotel, License#: ABRA-080787

Decision: Staff Settlement (25-711); No Further Action (Books & Records).

8. Case#12-251-00355 District Lounge and Grille, 2473 18TH ST NW Retailer C Restaurant,

License#: ABRA-081908

Decision: No Further Action.

9. Case#12-CMP-00628 Toni's Market, 5319 EAST CAPITOL ST SE Retailer B Retail -

Grocery, License#: ABRA-082453

Decision: Warning.

10. Case#12-CMP-00626 The Mighty Pint, 1831 M ST NW Retailer C Tavern, License#:

ABRA-084184

Decision: Warning.

11. Case#12-CMP-00604 TEL'VEH CAFE & WINE BAR, 401 Massachusetts AVE NW

Retailer C Tavern, License#: ABRA-087302

Decision: Refer to Enforcement (Staff Settlement on Corrected Report).

12. Case#12-251-00331 Echostage, 2135 QUEENS CHAPEL RD NE Retailer C Nightclub,

License#: ABRA-090250

Decision: Show Cause.

13. Case#12-PRO-00073 Madam's Organ, 2461 18TH ST NW Retailer C Tavern, License#:

ABRA-025273 *Decision: FYI.*

NOTICE OF MEETING INVESTIGATIVE AGENDA

WEDNESDAY, DECEMBER 12, 2012 2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On December 12, 2012, the Alcoholic Beverage Control Board will hold an emergency closed meeting regarding the matter identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed for the following reasons: (1) To consult with an attorney to obtain legal advice; (2) To discuss and hear a report concerning alleged criminal or civil misconduct or violations of the law or regulations; and (3) To discuss and take action regarding specific methods and procedures to protect the public from substantial dangers to the public, and to receive briefings by staff members, legal counsel, or law enforcement concerning these methods and procedures.

1. Case#12-251-00380 The Tap & Parlour/Bohemian Caverns, 2001 11TH ST NW A Retailer C

Tavern, License#: ABRA-074895 *Decision: Summary Suspension.*