

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, OCTOBER 5, 2011
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

Nick Alberti, Interim Chairperson

Members:

Donald Brooks, Herman Jones, Calvin Nophlin, and Mike Silverstein

Protest Hearing (Status)

9:30 AM

Case # 11-PRO-00037

Zewdie, Inc. t/a Dukem Ethiopian Market & Restaurant

1114-1118 U Street NW

License #72469

Retailer CR

Substantial Change (Expansion to the 2nd Floor)

**Disposition: The ABC Board cancelled the Hearing due to the parties' submission of a
Voluntary Agreement.**

Protest Hearing (Status)

9:30 AM

Case # 11-PRO-00034

1626 Fire Station, LLC t/a Engine Company 12

1626 North Capitol Street NW

License #87123

Retailer CR

New Application

**Disposition: The ABC Board cancelled the Hearing due to the parties' submission of a
Voluntary Agreement.**

Fact Finding Hearing

9:30 AM

Case # 11-251-00181

The Fab Lounge, Inc. t/a The Fab Lounge
1805 Connecticut Avenue NW
License #70719
Retailer CT

Altercations and Fights Outside of the Establishment

Disposition: The ABC Board took no further action (4-0-1 Jones abstained) and admonished Licensee to consider more security personnel or the weekends.

Fact Finding Hearing

9:30 AM

Hard Rock Café International (STP), Inc. t/a Hard Rock Café
999 E Street NW
License #14130
Retailer CR

One Day Substantial Change Application

Date of Event: October 11, 2011
(Hearing Cancelled by the Board)

Disposition: The ABC Board cancelled the Hearing.

Show Cause Hearing

10:00 AM

Case # 11-CMP-00097

Fantazia Corporation t/a Legends Restaurant and Carry Out
2157 P Street NW
License #73982
Retailer DR

Failed to File Quarterly Statements

Disposition: The Office of the Attorney General moved to dismiss the charges. The ABC Board granted the Motion 5-0.

Show Cause Hearing

11:00 AM

Case # 10-CMP-00793

Lamaree, Inc. t/a Aroma Indian Restaurant
1919 I Street NW
License #1847
Retailer CR
11-CMP-00111

Failed to File Quarterly Statements

Disposition: The ABC Board held a closed meeting under the Open Meetings Act and will issue an Order within 90 days.

BOARD RECESS

ADMINISTRATIVE AGENDA

1:00 PM

Fact Finding Hearing

1:30 PM

Case # 11-251-00198

1218 Wisconsin Incorporated t/a Third Edition/The Taqueria
1218 Wisconsin Avenue NW
License #604
Retailer CT

MPD Officer Assaulted Outside of the Establishment

Disposition: The ABC Board took no further action.

Fact Finding Hearing

2:30 PM

Festa Italiana Foundation of Washington DC, Inc.
595 3rd Street NW
License #87981
Retailer F

Temporary License Application

Date of Event: October 9, 2011

Disposition: The ABC Board approved the Application 5-0.

Fact Finding Hearing

3:00 PM

The Stadium Group LLC t/a Stadium
2121 Queens Chapel Road NE
License #82005
Retailer CN

One Day Substantial Change Application

Disposition: The ABC Board approved the Application 4-1 (Jones)

Protest Hearing

4:00 PM

Case # 11-PRO-00026

The Old Naval Hospital Foundation t/a The Old Naval Hospital Foundation
921 Pennsylvania Avenue SE
License #86926
Retailer CX

New Application

(Protest Withdrawn - Hearing Cancelled)

Disposition: The ABC Board cancelled the Hearing due to the parties' submission of a Voluntary Agreement.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
AGENDA**

**WEDNESDAY, OCTOBER 5, 2011 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of Manager's Application for *Amy L. Gessel*. **
Decision: Approved 5-0
2. Review of Manager's Application for *Bruce J. Patterson*. **
Decision: Fact Finding 5-0
3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service. *Current Hours of Operation:* Monday through Sunday 8am-8:30pm. *Current Hours of Alcoholic Beverage Sales/Service:* Monday through Sunday 9am-8:30pm. *Proposed Hours of Operation:* Monday through Sunday 24hrs/day. *Proposed Hours of Alcoholic Beverage Sales/Service:* Monday through Sunday 9am-12am. No pending violations. No outstanding citations/fines. No conflict with voluntary agreement. ANC 8C. *K&H Grocery*, 3333 Martin Luther King Jr. Ave SE Retailer B, Lic.#: 74359.
Decision: Approved 5-0
4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service. *Current Hours of Operation and Hours of Alcoholic Beverage Sales/Service:* Monday through Saturday 10am-10pm, Sunday closed. *Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:* Monday through Saturday 10am-12am, Sunday closed. No pending violations. No outstanding citations/fines. No conflict with voluntary agreement. ANC 2B. *Universal Liquors*, 2018 Florida Ave NW Retailer A, Lic.#: 72213.
Decision: Approved 5-0
5. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service. *Current Hours of Operation:* Monday through Sunday 10am-11pm. *Current Hours of Alcoholic Beverage Sales/Service:* Monday through Sunday 10am-10pm. *Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:* Monday through Sunday 9am-12am. No pending violations. No outstanding citations/fines. No voluntary agreement. ANC 1A. *D'Vines*, 3103 14th Street NW Retailer B, Lic.#: 77775.
Decision: Approved 5-0

6. Review of letter from Andrew Kline on behalf of Licensee requesting an increase in seating capacity from 240 seats to 369 seats and an increase in total capacity from 290 to 395. No pending violations. No outstanding citations/fines. No voluntary agreement. ANC 2A. ***District Commons/Burger Tap & Shake***, 2200 Pennsylvania Ave NW Retailer CR, Lic.#: 85365.
Decision: Approved 5-0
7. Notice of Emergency Rulemaking regarding MPD Reimbursable Detail Subsidy Program.
Decision: Approved 5-0
8. Review of letter, dated June 15, 2011, from ANC 6B supporting The Old Naval Hospital Foundation application for a new Retailer's Class CX License. ***The Old Naval Hospital***, 912 Pennsylvania Ave SE Retailer CX, Lic.#: 86926.
Decision: ANC 6B will be given great weight, VA Approved 5-0
9. Review of Motion to Withdraw Protest, effective September 19, 2011, from Group of Five or More against The Old Naval Hospital Foundation application for a new Retailer's Class CX License. ***The Old Naval Hospital***, 912 Pennsylvania Ave SE Retailer CX, Lic.#: 86926.
Decision: For your information
10. Review of letter, dated September 23, 2011, from Claire and David Prestwood to TruOrleans, seeking compliance with the terms of the Voluntary Agreement regarding the mitigation of noise emanating from the second floor. ***TruOrleans***, 400 H Street NE Retailer CR, Lic.#: 86210.*
Decision: Refer to Enforcement for investigation
11. Review of letter, dated September 13, 2011, from ANC 1C protesting the Green Island/Heaven and Hell application for a Summer Garden. ***Green Island Café/Heaven & Hell (The)***, 2327 18th Street NW Retailer CT, Lic.#: 74503.
Decision: ANC 1C will be given great weight.
12. Review of request, dated September 20, 2011, from Roadside Café, for a Stipulated License. ***Roadside Café***, 2101 Benning Road NE Retailer CR, Lic.#: 87961.
Decision: Approved via polling on 09/29/11.
13. Review of letter, dated June 29, 2011, from ANC 7D, supporting Roadside Café's request for a Stipulated License. ***Roadside Café***, 2101 Benning Road NE Retailer CR, Lic.#: 87961.
Decision: ANC 7D will be given great weight.

14. Review of letter, dated September 19, 2011, from Jake's American Grille seeking reinstatement of its application for a substantial change. ***Jake's American Grill***, 5018 Connecticut Ave NW Retailer CR, Lic.#: 86013.
Decision: Approved 4-1 (Jones)
15. Review and approval of Order on Pi Pizzeria's Motion for Reconsideration. ***PI Pizzeria Wine Bar***, 2309 18th Street NW Retailer CR, Lic.#: 76754.
Decision: Approved 4-1 (Jones concurring part; dissenting in part)
16. Review and approval of Order on Ghana Café's Motion for Reconsideration. ***Ghana Café***, 1336 14th Street NW Retailer CR, Lic.#: 82751.
Decision: Approved 5-0
17. Review and approval of Order on Don Jaime's Motion for Termination of Voluntary Agreement. ***Don Jaime***, 3209 Mt. Pleasant Street NW Retailer CR, Lic.#: 21925.
Decision: Approved 5-0
18. Review and approval of Order on Don Juan's Motion for Termination of Voluntary Agreement. ***Don Juan Restaurant & Carryout***, 1660 Lamont Street NW Retailer CR, Lic.#: 15934.
Decision: Approved 5-0
19. Review of second request for an Advisory Opinion regarding contracts between manufacturers and wholesalers. The Board declined to issue an Advisory Opinion originally requested by Paul Pascal on January 3, 2011. (previously published in the DC Register on 9/23/2011)*
Decision: Fact Finding 5-0
20. Review of Voluntary Agreement, dated September 14, 2011, between Penthouse Bar, ANC 2B, Smith Protestants, and Mueller Protestants. ***Penthouse Bar***, 1612 U Street NW Retailer CT, Lic.#: 86789. (previously published in the DC Register on 9/23/2011)*
Decision: Approved with modifications to Sections 11.2 and 14. 5-0
21. Review of Voluntary Agreement, dated September 13, 2011, between Boxcar and ANC 6B. ***Boxcar***, 224 7th Street SE Retailer CR, Lic.#: 87549. (previously published in the DC Register on 9/23/2011)*
Decision: Approved 5-0
22. Review of Voluntary Agreement, dated September 13, 2011, between Zest Bistro and ANC 6B. ***Zest Bistro***, 735 8th Street SE Retailer CR, Lic.#: 82432. (previously published in the DC Register on 9/23/2011)*
Decision: Approved 5-0

23. Review of Replacement Voluntary Agreement, dated September 7, 2011, between Rendezvous Lounge, ANC 1C, and KCA. ***Rendezvous Lounge***, 2226 18th Street NW Retailer CR, Lic.#: 14272. (previously published in the DC Register on 9/23/2011)*
Decision: Approved 5-0
24. Review and approval of Show Cause Order for One Lounge. ***One Lounge***, 1606 20th Street NW Retailer CR, Lic.#: 83468. (previously published in the DC Register on 9/23/2011)
Decision: Approved 5-0
25. Review of letter, dated September 26, 2011, from ANC 3F regarding Jake's American Grille's request for reinstatement. ***Jake's American Grille***, 5016 Connecticut Ave NW Retailer CR, Lic.#:86013. (not published in the DC Register)*
Decision: For your information.
26. Review and approval of Fact Finding Order for Lotus. ***Lotus***, 1420 K Street NW Retailer CN, Lic.#: 75162. (previously published in the DC Register on 9/16/2011)
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.**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

SUPPLEMENTAL AGENDA

**WEDNESDAY, OCTOBER 5, 2011 AT 1:30 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Notice of Emergency Rulemaking West Dupont Circle Moratorium Zone.
Decision: Approved 5-0

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, OCTOBER 5, 2011
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On OCTOBER 5, 2011, 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#11-251-00239 Green Island Cafe/Heaven & Hell (The), 2327 18TH ST NW Retailer C Tavern, License#: ABRA-074503

Decision: Show Cause

2. Case#11-CC-00071 ABC Grocery, 1401 6TH ST NW Retailer B Retail - Grocery, License#: ABRA-071204

Decision: Sale to Minor Warning Letter

3. Case#11-CMP-00349 White Tiger Restaurant (The), 301 MASSACHUSETTS AVE NE Retailer C Restaurant, License#: ABRA-024767

Decision: Show Cause

4. Case#11-CMP-00348 Madam's Organ, 2461 18TH ST NW Retailer C Tavern, License#: ABRA-025273

Decision: Staff Settlement

5. Case#11-CC-00072 Peacock Cafe, 3251 PROSPECT ST NW F Retailer C Restaurant, License#: ABRA-025832

Decision: Sale to Minor Warning Letter

6. Case#11-CMP-00356 Maggiano's, 5333 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-072256

Decision: Show Cause

7. Case#11-251-00269 Fur Factory, 33 PATTERSON ST NE Retailer C Nightclub, License#: ABRA-060626

Decision: No further action

8. Case#11-CMP-00358 Big Ben Liquors, 1300 NORTH CAPITOL ST NW Retailer A Retail - Liquor Store, License#: ABRA-060652

Decision: Show Cause

9. Case#11-CMP-00365 Barrel House Liquors, 1341 14TH ST NW Retailer A Retail - Liquor Store, License#: ABRA-023984

Decision: Show Cause

10. Case#11-CMP-00368 Soussi, 2228 18TH ST NW Retailer C Restaurant, License#: ABRA-060448

Decision: Show Cause

11. Case#11-251-00253 The Rhino-bar & Pumphouse, 3295 M ST NW Retailer C Tavern, License#: ABRA-000523

Decision: No further action

12. Case#11-251-00271 The Guards, 2915 M ST NW Retailer C Restaurant, License#: ABRA-000916

Decision: No further action

13. Case#11-251-00272 The Guards, 2915 M ST NW Retailer C Restaurant, License#: ABRA-000916

Decision: Fact Finding

14. Case#11-251-00229 Eye Bar/Garden of Eden, 1716 I ST NW Retailer C Tavern, License#: ABRA-083133

Decision: Sale to Minor Warning Letter

15. Case#11-251-00230 Eye Bar/Garden of Eden, 1716 I ST NW Retailer C Tavern, License#: ABRA-083133

Decision: No further action

16. Case#11-251-00220 Cafe Asia, 1720 I ST NW Retailer C Restaurant, License#: ABRA-086035

Decision: No further action

17. Case#11-CMP-00357 Zabb Asian Restaurant, 1836 18TH ST NW Retailer C Restaurant, License#: ABRA-086253

Decision: Show Cause

18. Case#11-CMP-00158(a) Rumors Restaurant, 1900 M ST NW Retailer C Nightclub, License#: ABRA-071717

Decision: Staff Settlement

19. Case#11-CMP-00366 Acre 121, 1400 IRVING ST NW Retailer C Restaurant, License#: ABRA-086384

Decision: No further action

20. Case#11-CC-00070 Courtyard By Marriott, 140 L ST SE Retailer C Hotel, License#: ABRA-087113

Decision: Sale to Minor Warning Letter