

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, JANUARY 9, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members:**

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Protest Hearing (Status)

9:30 AM

Case # 12-PRO-00081

2007 14th Street Productions, LLC, t/a Marvin

2007 14th Street NW

License #76166

Retailer CT

ANC 1B

Substantial Change (Expansion to the 2nd Floor & Additional 87 seats)

**Disposition: The Board scheduled the Protest Hearing for March 13, 2013
at 4:00 pm.**

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00407

LCRL, Inc., t/a The Islander Caribbean Restaurant & Lounge

1201 U Street NW

License #24599

Retailer CT

ANC 1B

Noise Violation

**Disposition: The Board scheduled the Show Cause Hearing for March 6,
2013 at 3:30 pm.**

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00225

Ahmed Ouïhman Enterprises, t/a Taan (Formerly-Marrakech Lounge)
1817 Columbia Road NW
License #87585
Retailer CR
ANC 1C

Violation of Voluntary Agreement

Disposition: The Board accepted an Offer in Compromise: \$750 to be paid by February 9, 2013, 5-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00046

Cesar Guzman, t/a Casa Blanca Restaurant
1014 Vermont Ave NW
License #20067
Retailer CR
ANC 2F

No ABC Manager on Duty

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

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00044

1819 14th Ventures, LLC, t/a El Cento D.F.
1819 14th Street NW
License #84847
Retailer CR
ANC 1B

Failed to Post License in a Conspicuous Place

Disposition: The Board REJECTED an Offer in Compromise: warning and submission of a notarized statement within ten days affirming corrective action was taken, 2-3 (Jones, Alberti, Brooks). The Board scheduled the Show Cause Hearing for March 6, 2013 at 10:00 am.

Board's Calendar

Page -3- January 9, 2013

Show Cause Hearing (Status)

9:30 AM

Case # 11-251-00283(a)

E & C Eye Street, LLC, t/a Elephant & Castle Pub Restaurant

900 19th Street NW

License #81086

Retailer CR

ANC 2B

No ABC Manager on Duty

Disposition: The Board granted the Government's Motion to Dismiss the case, 5-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00328

Neighborhood Restaurant Group VII, LLC, t/a Birch & Barley/Churchkey

1337 14th Street NW

License #80839

Retailer CR

ANC 2F

Failed to Post ABC Window Lettering in a Conspicuous Place, Failed to Post Pregnancy Sign, Failed to Post Current Legal Drinking Age Notice

Disposition: The Board accepted an Offer in Compromise: Warning, 4-1 (Alberti).

Show Cause Hearing

10:00 AM

Case # 12-CMP-00010 and #12-AUD-00030

Sweet Mango Café, Corporation, t/a Sweet Mango Café

3701 New Hampshire Ave NW

License #72512

Retailer CR

ANC 4C

Violation of Voluntary Agreement, Failed to Obtainan Entertainment Endorsement, Failed to File Quarterly Statements (1st and 4th Quarters 2011)

Disposition: The Government amended the Show Cause Notice for Case No. 12-AUD-00030 to drop one charge. The Board accepted an Offer in Compromise: \$10,000 to be paid within 60 days (\$8,000 for Case No. 12-CMP-00010; \$2,000 for Case No. 12-AUD-00030), 5-1 (Jones).

Show Cause Hearing

11:00 AM

Case # 12-CMP-00062

K & B, LLC, t/a Montana Liquors
1801 Montana Ave NE
License #85906
Retailer A
ANC 5B

No ABC Manager on Duty, Violation of Voluntary Agreement

Disposition: The Respondent failed to appear and the Government proceeded ex parte. The Board held a Closed Meeting under the Open Meetings Act and will issue an Order within 90 days.

BOARD RECESS AT 12:00 PM

**ADMINISTRATIVE AGENDA
1:00 PM**

Show Cause Hearing

1:30 PM

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 REJECTED an Offer in Compromise: \$3,000 fine to be paid within 60 days; 10 day suspension to be served February 18, 2013 through February 27, 2013; submission of a transfer application within 60 days, 5-0. The Parties stipulated to the facts and the Board held a Closed Meeting under the Open Meetings Act and will issue an Order within 90 days.

Board's Calendar
Page -5- January 9, 2013
Protest Hearing

3:30 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

**Disposition: The Board granted the Licensee's request for a continuance.
The Protest Hearing has been continued to February 6, 2013 at 1:30 pm.**

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

**NOTICE OF MEETING
AGENDA**

**WEDNESDAY, JANUARY 9, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of Manager's Application Emily L. Isbell. **
Decision: Approved, 4-0.
2. Review of Manager's Application Eduard M. Rodriguez. **
Decision: Approved, 4-0.
3. Review of Change of Hours Application to change Hours of Operation on Sunday. ***Current Sunday Hours of Operation:*** Sunday Closed. ***Proposed Sunday Hours of Operation:*** Sunday 5am-1am. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 5A. ***DC Brau Brewing***, 3178-B Bladensburg Road NE Manufacturer B, Lic.#: 85083.
Decision: Approved, 4-0.
4. Review of Entertainment Endorsement Application for singers and occasional DJ. ***Proposed Hours of Entertainment:*** Sunday 10pm-1am, Monday through Thursday 8pm-1am, Friday and Saturday 9pm-1am. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 1C. ***Libertine***, 2435 18th Street NW Retailer CR01, Lic.#: 86298.
Decision: Approved, 4-0.
5. Review of Application for License Class Change from a Class "C" Restaurant to a Class "C" Tavern License. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 1B. ***Portico***, 1914 9th Street NW Retailer CR01, Lic.#: 82192.
Decision: Placard, 4-0.
6. Review of Safekeeping Application due to uncertainty of business operations and lease status. ANC 7A. ***Ray's the Steaks at East River***, 3905 Dix Street NE Retailer CR01, Lic.#: 83202.
Decision: Approved for six months, 4-0.
7. Review of Safekeeping Application while business is being transferred to new owners. ANC 4C. ***J&B Food Market and Hot Deli Kitchen***, 233 Upshur Street NW Retailer B, Lic.#: 76407.
Decision: Approved for six months, 4-0.

8. Review of Safekeeping Application to resolve conflict between interested parties. ANC 4D. **Ras Restaurant & Lounge**, 4809 Georgia Avenue NW Retailer CT01, Lic.#: 85722.
Decision: Approved for six months, 4-0.
9. 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:** Sunday through Thursday 5pm-1:45am, Friday and Saturday 5pm-2:45am. **Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 12pm-1:45am, Friday and Saturday 12pm-2:45am. No pending investigative matters. No outstanding fines/citations. Amendment to Voluntary Agreement submitted for review. ANC 2F. **Number Nine**, 1435 P Street NW Retailer CT*, Lic.#: 86354.
Decision: Approved, 4-0.
10. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service. **Current Hours of Operation:** Sunday 3pm-1am, Monday through Thursday 3pm-2am, Friday & Saturday 12pm-5am. **Current Hours of Alcoholic Beverage Sales/Service:** Sunday 3pm-1am, Monday through Thursday 3pm-2am, Friday & Saturday 12pm-3am. **Proposed Hours of Operation:** Sunday through Thursday 12pm-2am, Friday & Saturday 12pm-5am. **Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 12pm-2am, Friday and Saturday 12pm-3am. No pending investigative matters. No outstanding fines/citations. Amendment to Voluntary Agreement submitted for review. ANC 1B. **Town**, 2009 8th Street NW Retailer CN04, Lic.#: 76801.
Decision: Approved, 4-0.
11. Review of letter, dated December 17, 2012, from Rachel Wainer requesting that the Board bring the sale to minor incidents from October 28, 2012 and December 1, 2012 to a Hearing, and allow a representative to speak on behalf of the Catholic University of America. Further, Ms. Wainer requests that the Board revoke My Brother's Place's license per § 25-781. **My Brother's Place**, 237 2nd Street NW Retailer CR02, Lic.#: 71593.
Decision: Refer correspondence to the OAG, 4-0.
12. Review of letter, dated December 13, 2012, from ANC 6B allowing Hank's Oyster Bar to apply for a change in hours of sales and/or operations. **Hank's Oyster Bar**, 633 Pennsylvania Avenue SE Retailer CR01, Lic.#: 89718.
Decision: FYI, 4-0.
13. Review of letter, dated December 4, 2012, and review of E-Complaint, dated December 17, 2012, regarding Sixth Engine's entity status revocation. DCRA's Corporate Registration database confirms that the corporate entity is revoked, as of December 13, 2012. **Sixth Engine**, 438 Massachusetts Avenue NW Retailer CT02, Lic.#: 84584.
Decision: Denied, 4-0.

14. Review of Petition for the Moratorium on Issuance of New Retailer's Licenses on the Historic 14th and U Street Corridor, dated December 10, 2012, from the Shaw-DuPont Citizens Alliance and the Residential Action Coalition..
Decision: Set for a Moratorium Hearing, 4-0.
15. 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 and referred to the Legal.
16. Review of letter, dated December 16, 2012, from ANC 2B supporting a waiver of Voluntary Agreement interior hours restrictions for any establishment in ANC 2B territory during Inauguration Week.
Decision: Approved, 4-0.
17. Review of letter, dated December 12, 2012, from ANC 6B supporting a waiver of the Voluntary Agreement for January 17, 2013 through January 20, 2013 to permit the establishment to operate until 4:00 am. **18th Amendment**, 613 Pennsylvania Avenue SE Retailer CT01, Lic.#: 72633.
Decision: Approved, 4-0.
18. Review of letter, dated December 12, 2012, from ANC 6B supporting a waiver of the Voluntary Agreement for January 18, 2013 through January 20, 2013 to permit the establishment to operate until 4:00 am. **Pour House**, 319 Pennsylvania Avenue SE Retailer CT02, Lic.#: 25897.
Decision: Approved, 4-0.
19. Review of letter, dated December 12, 2012, from ANC 6B supporting a waiver of the Voluntary Agreement for December 31, 2012 and January 15, 2013 through January 21, 2013 to permit the establishment to operate until 4:00 am. **Hank's Oyster Bar**, 633 Pennsylvania Avenue SE Retailer CR01, Lic.#: 89718.
Decision: Approved, 4-0.
20. Review of letter, dated December 12, 2012, from ANC 6B supporting a waiver of the Voluntary Agreement for January 19, 2013 through January 20, 2013 to permit the establishment to operate until 4:00 am. **Trusty's Bar**, 1420 Pennsylvania Avenue SE Retailer CT01, Lic.#: 71352.
Decision: Approved, 4-0.
21. Review of Voluntary Agreement, dated January 11, 2012, between Rose's Luxury and ANC 6B. **Rose's Luxury**, 717 8th Street SE Retailer CR01, Lic.#: 90884.*
Decision: Approved, 4-0.

22. Review of Voluntary Agreement Amendment, dated November 20, 2012, between Town, ANC 1B, and the Cardozo-Shaw Neighborhood Association. **Town**, 2009 8th Street NW Retailer CN04, Lic.#: 76801.*
Decision: Approved, 4-0.
23. Review of Voluntary Agreement, dated November 14, 2012, between Number Nine, ANC 2F, the Logan Circle Community Association, and the Rhode Island West Neighborhood Association. The Rhode Island West Neighborhood Association withdrew itself as a party to the Voluntary Agreement in a letter submitted on November 29, 2012. **Number Nine**, 1435 P Street NW Retailer CT*, Lic.#: 86354.*
Decision: Postponed.
24. Review of Voluntary Agreement, dated November 19, 2012, between Firelake Grill and ANC 3F. **Firelake Grill**, 4200 Wisconsin Avenue NW Retailer CR03, Lic.#: 90725.*
Decision: Approved with modifications, 4-0.
25. Review of Voluntary Agreement, dated July 9, 2012, between Kruba and ANC 6D. **Kruba**, 301 Tingey Street SE Retailer CR02, Lic.#: 90630.*
Decision: Approved with modification, 4-0.
26. Review of Voluntary Agreement, dated May 4, 2011, between Bistro 18, ANC 1C, and the Kalorama Citizens Association. **Bistro 18**, 2420 18th Street NW Retailer CR01, Lic.#: 86876.*
Decision: Approved, 4-0.
27. Review of letter, dated December 14, 2012, from Commissioner David Holmes of ANC 6A requesting clarification of the Board requested modifications to Voluntary Agreements, along with suggested language which would address the Board's concerns.*
Decision: Refer to Legal to communicate clarification.
28. Review and approval of the Civil Penalty Schedule Proposed Rulemaking.
Decision: Approved, 4-0.
29. Review and approval of the Alcohol Certification Provider Permit Proposed Rulemaking.
Decision: Approved, 4-0.
30. Review and approval of Full Service Grocery Store Definition Emergency and Proposed Rulemaking.
Decision: Postponed until January 16, 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.**

**** 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**

**NOTICE OF MEETING
SUPPLEMENTAL AGENDA**

**WEDNESDAY, JANUARY 9, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of Request for a Continuance, dated January 7, 2013, from Bernard Dietz for the Three Way Liquors Inc Protest Hearing scheduled for January 9, 2013 at 3:30 pm. The proposed new hearing date is February 6, 2013 at 1:30 pm. *Three Way Liquors Inc*, 4823 Georgia Avenue NW Retailer A, Lic.#: 21972.
Decision: Approved, 4-0. The Protest Hearing is now scheduled for February 6, 2013 at 1:30 pm.
2. Review of letter, dated January 7, 2013, from Ronald Shapiro, on behalf of the Licensee, requesting a temporary operating permit to continue the alcohol service until the new Business License is issued by DCRA, as part of the transfer. *Madison Hotel*, 1177 15th Street NW Retailer CH, Lic.#: 91225.
Decision: Approved, 4-0.
3. Review of letter, dated January 8, 2013, from Ronald Shapiro explaining the business relationship between Loews M-DC Operating Company, LLC and the Madison Hotel. The transferee will submit a final, fully-executed copy of the Management Agreement prior to the issuance of the ABC license. *Madison Hotel*, 1177 15th Street NW Retailer CH, Lic.#: 91225.
Decision: Approved. License will not be issued until receipt of final Management Agreement, 4-0.
4. Review of correspondence, dated January 2, 2013, from Commissioner Ron Lewis and Stephen O'Brien requesting the Board to reconsider the modifications requested for Section 11 of the proposed Settlement Agreement. *Gypsy Sally's*, 3401 K Street NW Retailer CR03, Lic.#: 90582.
Decision: Referred to Legal.

*** 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.**

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

**NOTICE OF MEETING
CHANGE OF HOURS AGENDA**

**WEDNESDAY, JANUARY 9, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. 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 voluntary agreement. ANC 6C. **Harris Teeter**, 1201 1st Street, NE, Retailer's B, Lic.#: 085002.
Decision: Approved, 4-0.
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 Sunday 7am-12am. No voluntary agreement. ANC 6C. **Harris Teeter**, 1350 Pennsylvania Avenue, SE, Retailer's B, Lic.#: 075692.
Decision: Approved, 4-0.
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 Sunday 8am-10pm. No conflict with voluntary agreement. ANC 8B. **Shipley Supermarket**, 2283 Savannah Street, SE, Retailer's B, Lic.#: 087621.
Decision: Approved, 4-0.
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 Saturday 7am-12am. No voluntary agreement. ANC 7E. **Dennies Market**, 5000 Benning Road, SE, Retailer's A, Lic.#: 083042.
Decision: Approved, 4-0.
5. 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-7pm. No voluntary agreement. ANC 5B. **Langdon Market**, 2409 Franklin Street, NE, Retailer's B, Lic.#: 011714.
Decision: Approved, 4-0.

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JANUARY 9, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On January 9, 2013 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#12-251-00298 Red Lounge, 2013 A 14TH ST NW Retailer C Restaurant, License#: ABRA-076011

Decision: Fact Finding.

2. Case#12-251-00299 Red Lounge, 2013 A 14TH ST NW Retailer C Restaurant, License#: ABRA-076011

Decision: Refer to Enforcement.

3. Case#12-CMP-00631 Queen Makeda, 1917 9TH ST NW Retailer C Restaurant, License#: ABRA-060510

Decision: Show Cause.

4. Case#12-CMP-00641 Queen Makeda, 1917 9TH ST NW Retailer C Restaurant, License#: ABRA-060510

Decision: Staff Settlement.

5. Case#12-CMP-00644 Mason Inn, 2408 WISCONSIN AVE NW Retailer C Tavern, License#: ABRA-079644

Decision: Staff Settlement.

6. Case#12-CMP-00632 Sticky Rice, 1222 - 1224 H ST NE Retailer C Restaurant, License#: ABRA-072783

Decision: Staff Settlement.

7. Case#12-CMP-00674 Sticky Rice, 1222 - 1224 H ST NE Retailer C Restaurant, License#: ABRA-072783

Decision: Staff Settlement.

8. Case#12-CMP-00639 Teatism, 800 CONNECTICUT AVE NW B Retailer C Restaurant,
License#: ABRA-070916

Decision: Staff Settlement.

9. Case#12-251-00147 Ozio Martini & Cigar Lounge, 1813 M ST NW Retailer C Nightclub,
License#: ABRA-023167

Decision: No Further Action.

10. Case#12-CMP-00621 Smith Point, 1338 WISCONSIN AVE NW Retailer C Restaurant,
License#: ABRA-060131

Decision: Staff Settlement.

11. Case#12-CC-00119 Towne Liquors, 1326 WISCONSIN AVE NW Retailer A Retail - Liquor
Store, License#: ABRA-060471

Decision: Show Cause.

12. Case#12-CC-00114 Cafe Japone, 2032 P ST NW Retailer C Restaurant, License#: ABRA-
010581

Decision: Staff Settlement/Sale to Minor Warning Letter.

13. Case#12-251-00338 Mr. Smith's, 3104 M ST NW Retailer C Restaurant, License#: ABRA-
000864

Decision: No Further Action.

14. Case#12-CMP-00744 Jumbo Liquors, 1122 H ST NE Retailer A Retail - Liquor Store,
License#: ABRA-000420

Decision: Warning.

15. Case#12-CMP-00562 Food Corner Kabob, 2029 P ST NW Retailer C Restaurant, License#:
ABRA-080108

Decision: Staff Settlement.

16. Case#12-CMP-00634 Biergarten Haus, 1355 H ST NE Retailer C Tavern, License#: ABRA-
083695

Decision: Staff Settlement.

17. Case#12-CMP-00640 Martin's Restaurant & Lounge, 1919 9th ST NW Retailer C Tavern,
License#: ABRA-084578

Decision: Warning.

18. Case#12-CMP-00605 Wheeler Liquors, 4137 WHEELER RD SE Retailer A Retail - Liquor
Store, License#: ABRA-088122

Decision: Staff Settlement.

19. Case#12-CMP-00643 Secret Lounge & Restaurant, 1414 9TH ST NW Retailer C Tavern,
License#: ABRA-090210

Decision: Warning (Hours)/Staff Settlement.

20. Case#12-251-00280 Corina's Restaurant, 831 KENNEDY ST NW Retailer C Restaurant,
License#: ABRA-079873

Decision: No Further Action.

21. Case#12-PRO-00079 Costa Brava, 1837 1ST ST NW Retailer C Restaurant, License#:
ABRA-090223

Decision: FYI.