

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, JANUARY 23, 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-00086

Neighborhood Restaurant Group XVII, LLC, (Trade Name to be Determined)

1323 Connecticut Ave NW

License #90634

Retailer CR

ANC 2B

New Application

**Disposition: The Board scheduled the Protest Hearing for March 20, 2013
at 1:30 pm.**

Summary Suspension Status Hearing

9:30 AM

Case # 12-251-00383

Umana's Inc., t/a Gloria's Restaurant & Carry Out

3411 14th Street NW

License #70623

Retailer DR

ANC 1A

Update from Licensee on Compliance with Board Order

Disposition: The Board took no further action, 4-0.

Summary Suspension Status Hearing

9:30 AM

Case # 12-251-00360, 12-251-00360(a)

Roc Bar, LLC, t/a Roc Bar
1426 L Street NW
License #89818
Retailer CT
ANC 2F

Update from Licensee on Compliance with Board Order

Disposition: The Board took no further action, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00223

Superclub Ibiza, LLC, t/a Ibiza
1222 1st Street NE
License #74456
Retailer CN
ANC 6C

Failed to Follow Security Plan

Disposition: The Board granted the Government's Motion to Dismiss the case, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00168

Superclub Ibiza, LLC, t/a Ibiza
1222 1st Street NE
License #74456
Retailer CN
ANC 6C

Failed to Follow Security Plan

Disposition: The Board granted the Government's Motion to Dismiss the case, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00196

Superclub Ibiza, LLC, t/a Ibiza
1222 1st Street NE
License #74456
Retailer CN
ANC 6C

Failed to Comply With the Terms of a Board Order

Disposition: The Board scheduled the Show Cause Hearing for March 20, 2013 at 10:00 am.

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00108

Superclub Ibiza, LLC, t/a Ibiza
1222 1st Street NE
License #74456
Retailer CN
ANC 6C

Failed to Follow Security Plan

Disposition: The Board granted the Government's Motion to Dismiss the case, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-AUD-00034

Levante Corporation, t/a Levante
1320 19th Street NW
License #26391
Retailer CR
ANC 2B

Failed to File Quarterly Statements (1st Quarter 2012)

Disposition: The Board granted the Government's Motion to Dismiss the case, 4-0.

Show Cause Hearing

10:00 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 held a Closed Meeting under the Open Meetings Act and will issue an Order within 90 days.

Show Cause Hearing

10:00 AM

Case # 12-AUD-00028

HML Rose, Inc., t/a Lindy's Bon Appétit
2040 I Street NW
License #23533
Retailer CR
ANC 2A
Failed to File Quarterly Statements (4th Quarter 2011)

This hearing has been moved to the 3:30 pm hearing slot.

Disposition: The Board accepted an Offer in Compromise: \$2,000 to be paid within 60 days and the submission of the Quarterly Statement, 4-1 (Jones).

Show Cause Hearing

11:00 AM

Case # 12-CMP-00106

Solomon Enterprises, LLC, t/a Climax Restaurant & Hookah Bar
900 Florida Ave NW
License #88290
Retailer CT
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, and Dismissal of Charge I, 5-0.

BOARD RECESS AT 12:00 PM

**ADMINISTRATIVE AGENDA
1:00 PM**

Show Cause Hearing

1:30 PM

Case # 12-251-00090

Delta Elite, Inc., t/a Delta Elite
3734 10th Street NE
License #1182
Retailer CN
ANC 5B

Failed to Comply With Security Plan

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

Show Cause Hearing

2:30 PM

Case # 11-CMP-00513

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

Violation of Voluntary Agreement, Noise Violation, Failed to Obtain a Sidewalk Café and Summer Garden Endorsement

Disposition: The Board accepted an Offer in Compromise: \$2,000 to be paid within 60 days (Charge I - \$500, Charge II - \$500, Charge III - \$1,000), 5-0.

Board's Calendar
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Show Cause Hearing

3:30 PM

Case # 12-CC-00051

Twin T's, LLC, t/a DC Shenanigans (formerly McNasty's)
2450 18th Street NW
License #88119
Retailer CT
ANC 1C

Sale To Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

The Board granted the parties' Request for a Continuance. The hearing is scheduled for March 13, 2013 at 11:00 am.

Disposition: The Board granted the parties' Request for a Continuance and continued the Hearing to March 13, 2012 at 11:00 am.

Show Cause Hearing

3:30 PM

Case # 12-AUD-00028

HML Rose, Inc., t/a Lindy's Bon Appétit
2040 I Street NW
License #23533
Retailer CR
ANC 2A

Failed to File Quarterly Statements (4th Quarter 2011)

Disposition: The Board accepted an Offer in Compromise: \$2,000 to be paid within 60 days and the submission of a Quarterly Statement, 5-0.

Show Cause Hearing

4:30 PM

Case # 12-251-00123, 12-CMP-00194

Sunshine Bar & Lounge, LLC, t/a Sunshine Bar & Lounge
7331 Georgia Ave NW
License #85239
Retailer CR
ANC 4B

**Interfered with an MPD Investigation, Allowed the Establishment to be
Used for an Unlawful or Disorderly Purpose, Operating After Board
Approved Hours, Substantial Change without Board Approval, Failed to
Comply with Board Order**

**Disposition: The Board held a Closed Meeting under the Open Meetings
Act and will issue an Order within 90 days.**

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

**NOTICE OF MEETING
AGENDA**

**WEDNESDAY, JANUARY 23, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of Manager's Application for Michael J. Schuster. **
Decision: Approved, 3-0.
2. Review of Manager's Application Janelle M. Smith. **
Decision: Approved, 2-1 (Miller).
3. Review of involuntary transfer of Class CT License held by Colin Unlimited, LLC, t/a The District Restaurant-The District Underground, to HACA Ventures, Inc. (Landlord), pursuant to a Writ of Possession and Temporary Restraining Order issued by the Superior Court of the District of Columbia and placement of license in Safekeeping. Pending investigative matter. No outstanding fines/citations. ***The District Restaurant-The District Underground***, 2477 18th Street NW Retailer CT01, Lic.#: 81909.
Decision: Postponed, 4-0.
4. Review of Entertainment Endorsement Application for live music. ***Proposed Hours of Entertainment:*** Sunday through Thursday 6pm-10pm, Friday and Saturday 6pm-11:30pm. No pending investigative matters. Outstanding fines/citations. No conflict with Settlement Agreement. ANC 6A. ***Pho Bar & Grill***, 1360 H Street NE Retailer CR01, Lic.#: 87813.
Decision: Approved, 4-0.
5. Review of Change of Hours Application to change Hours of Operation and Hours of Entertainment. ***Current Hours of Operation:*** Sunday through Thursday 11am-2am, Friday & Saturday 11am-3am. ***Current Hours of Entertainment:*** Thursday 9pm-2am, Friday & Saturday 9pm-3am. ***Proposed Hours of Operation:*** Sunday through Thursday 7am-2am, Friday & Saturday 7am-3am. ***Proposed Hours of Entertainment:*** Sunday through Thursday 9pm-2am, Friday and Saturday 9pm-3am. No pending investigative matters. No outstanding fines/citations. No conflict with Voluntary Agreement. ANC 2C. ***Uptown Ethiopian Fusion Cuisine***, 1608 7th Street NW Retailer CR01, Lic.#: 81849.
Decision: Approved, 4-0.
6. Review of request from Licensee to expansion to 2nd floor increasing the occupancy from 50 to 80 seats. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 1C. ***Rumba Café***, 2443 18th Street NW Retailer CR01, Lic.#: 71023.
Decision: Placard, 4-0.

7. Review of letter, dated January 7, 2013, from Amy Vestal requesting permission to store restaurant records off premise at another location in the District. ***Madam's Organ***, 2461 18th Street NW Retailer CT01, Lic.#: 25273.
Decision: Approved, 4-0.
8. 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: The Board will scheduled a hearing for oral arguments.
9. Review of Settlement 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 Settlement Agreement in a letter submitted on November 29, 2012. ***Number Nine***, 1435 P Street NW Retailer CT*, Lic.#: 86354.*
Decision: Approved on January 16, 2013.
10. Review of Settlement Agreement, dated January 7, 2013, between Success and ANC 6E. ***Success***, 917 5th Street NW Retailer CR02, Lic.#: 90985.*
Decision: Approved with modifications, 4-0.
11. Review of Settlement Agreement, dated January 9, 2013, between Costa Brava, a Group of Five or More, Victoria Rizzo, and Lawrence Perry. ***Costa Brava***, 1837 1st Street NW Retailer CR02, Lic.#: 90223.*
Decision: Approved with modifications, 4-0.
12. Review of Settlement Agreement, dated January 10, 2013, between Fork 'n Spade and ANC 3E. ***Fork 'n Spade***, 4619 41st Street NW Retailer CR03, Lic.#: 90853.*
Decision: Approved with modifications, 4-0.

*** 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**

**NOTICE OF MEETING
SUPPLEMENTAL AGENDA**

**WEDNESDAY, JANUARY 23, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of request from Stephen O'Brien on behalf of Licensee to expand basement portion of the licensed premises into the contiguous basement space. Current occupancy of 274 will remain the same. Pending investigative matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 1C. *Napoleon*, 1847 Columbia Road NW Retailer CR03, Lic.#: 75836.
Decision: Approved, 4-0.
2. Review of letter, dated January 16, 2013, from Kamal Jahabein requesting clarification for the \$300 fee for The Saloon to be open on Sunday and Monday for Inauguration. *The Saloon*, 1207 U Street NW Retailer CT02, Lic.#: 71086.
Decision: Refer to Director, 4-0.
3. Review of correspondence, dated September 10, 2012, from Jonathan Gropper of BeerRightNow.com requesting an advisory opinion regarding Section 24-101(45).
Decision: Refer to Legal, 4-0.

*** 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.**

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JANUARY 23, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On January 23, 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-CMP-00236 Twelve Restaurant & Lounge, 1123 - 1125 H ST NE Retailer C Tavern, License#: ABRA-076366

Decision: Show Cause.

2. Case#12-AUD-00056 Fusion Restaurant & Bar, 4815 Georgia AVE NW Retailer C Restaurant, License#: ABRA-080957

Decision: Show Cause.

3. Case#12-AUD-00059 Las Placitas, 517 8TH ST SE Retailer C Restaurant, License#: ABRA-003812

Decision: No Further Action.

4. Case#12-AUD-00062 Salina Restaurant, 1936 9TH ST NW Retailer C Tavern, License#: ABRA-082969

Decision: Show Cause.

5. Case#12-AUD-00064 The Melting Pot, 1220 19TH ST NW A Retailer C Restaurant, License#: ABRA-060600

Decision: No Further Action.

6. Case#12-AUD-00065 Westchester Dining Room, 4000 CATHEDRAL AVE NW A Retailer C Restaurant, License#: ABRA-019002 Case

Decision: No Further Action.

7. #12-AUD-00066 Zula Restaurant, 1933 9TH ST NW A Retailer C Restaurant, License#: ABRA-060547

Decision: Show Cause.

8. Case#12-AUD-00069 Cafe Green, 1513 17th ST NW Retailer C Restaurant, License#: ABRA-081752

Decision: No Further Action.

9. Case#12-AUD-00070 El Tamarindo Adam Morgan, 1785 FLORIDA AVE NW Retailer C Restaurant, License#: ABRA-071179

Decision: Show Cause.

10. Case#13-AUD-00004 Town House Tavern Restaurant, 1637 R ST NW Retailer C Restaurant, License#: ABRA-024682

Decision: Show Cause.

11. Case#12-CMP-00733 Fur Factory, 33 PATTERSON ST NE Retailer C Nightclub, License#: ABRA-060626

Decision: No Further Action.

12. Case#12-CMP-00738 Sticky Rice, 1222 - 1224 H ST NE Retailer C Restaurant, License#: ABRA-072783

Decision: Staff Settlement.

13. Case#12-CMP-00701 M & M Market, 3544 EAST CAPITOL ST NE Retailer B Retail - Grocery, License#: ABRA-078461

Decision: Show Cause.

14. Case#12-CMP-00651 Chuck & Bill Bison Lounge, 2718 GEORGIA AVE NW Retailer C Tavern, License#: ABRA-014759

Decision: Postponed one week.

15. Case#12-CMP-00735 Bread & Chocolate, 5542 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-007792

Decision: Show Cause.

16. Case#12-CMP-00716 Club Timehri, 2439 18TH ST NW Retailer C Tavern, License#: ABRA-077730

Decision: Staff Settlement.

17. Case#12-CMP-00722 SOVA Espresso & Wine, 1359 H ST NE Retailer C Tavern, License#: ABRA-078578

Decision: Staff Settlement.

18. Case#12-CMP-00720 The Red Palace, 1210 - 1212 H ST NE Retailer C Tavern, License#: ABRA-072734

Decision: Staff Settlement.

19. Case#12-CMP-00721 Atlas Arcade/Church & State, 1236 H ST NE Retailer C Tavern,
License#: ABRA-083822

Decision: Staff Settlement.

20. Case#12-CMP-00694 Dangerously Delicious DC, 1339 H ST NE Retailer C Restaurant,
License#: ABRA-087422

Decision: Show Cause.

21. Case#12-CMP-00718 Dangerously Delicious DC, 1339 H ST NE Retailer C Restaurant,
License#: ABRA-087422

Decision: Staff Settlement.

22. Case#12-CMP-00558(a) Justin's Cafe, 1025 1ST ST SE Retailer C Restaurant, License#:
ABRA-083690

Decision: Show Cause.

23. Case#12-251-00389 Echostage, 2135 QUEENS CHAPEL RD NE 251 , License#: 12-251-
00331

Decision: No Further Action.

24. Case#12-CMP-00719 Rock N Roll Hotel, 1353 H ST NE Retailer C Tavern, License#:
ABRA-072777

Decision: Staff Settlement.