

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, NOVEMBER 9, 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

Fact Finding Hearing

9:30 AM

Case # 11-251-00283

E & C Eye Street, LLC t/a Elephant & Castle Pub Restaurant
900 19th Street NW
License #81086
Retailer CR
Assault Inside of the Establishment

**Disposition: The Board held the matter open for two weeks to have
Enforcement supplement the report to reflect the absence of the ABC-
licensed manager. (5-0 vote)**

Fact Finding Hearing

9:30 AM

Case # 11-251-00330

Case # 11-251-00330(a)

Case # 11-251-00330(b)

Stadium Group, LLC t/a Stadium
2127 Queens Chapel Road NE
License #82005
Retailer CN

**Assault With a Deadly Weapon Inside of the Establishment
(Continued to November 16, 2011)**

Disposition: The matter was continued to November 16, 2011 at 2:30 pm.

Show Cause Hearing

Case # 10-CMP-00593

Armand's Chicago Pizzeria, Inc. t/a Armand's Chicago Pizzeria
4231 Wisconsin Avenue NW
License #826
Retailer CR

10:00 AM

Failed to File Quarterly Statements

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

Show Cause Hearing

11:00 AM

Case # 11-CMP-00079

Rose's Dream Inc. t/a Rose's Dream Bar and Lounge
1370 H Street NE
License #74099
Retailer CT

Operating After Hours

Disposition: OAG amended the Notice to a violation of Daylight Savings Extension of Hours. The Board accepted an Offer in Compromise: \$750.00 payable within 60 days. (5-0 vote)

BOARD RECESS

**ADMINISTRATIVE AGENDA
1:00 PM**

Summary Revocation

1:30 PM

Case # 10-251-00210

Roger Marquez t/a El Limone

201 Upshur Street NW

License #71576

Retailer CR

COP Lanier Closure-9/22/10

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

4:00 PM

Fact Finding Hearing

Case # 11-251-00272

Guards Inc. t/a The Guards

2915 M Street NW

License #916

Retailer CR

Altercation outside the Establishment

Disposition: The Board held the matter open for two weeks to have Enforcement supplement the report to reflect the absence of MPD Reimbursable Detail. (5-0 vote).

Fact Finding Hearing

4:30 PM

Case # 11-251-00168

3124 Corporation t/a The Good Guys Restaurant
2311 Wisconsin Avenue NW
License #899
Retailer CN

Male patron assaulted by another male patron
(Continued to November 30, 2011)

Disposition: The Board continued the matter to November 30, 2011, at
4:00 pm.

Fact Finding Hearing

5:00 PM

Case # 11-CMP-00372

TBM Holdings, LLC t/a TruOrleans
400 H Street NE
License #86210
Retailer CR

Violation of Voluntary Agreement

Disposition: The Board forwarded the matter to OAG for Show Cause.
(5-0 vote)

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, NOVEMBER 9, 2011
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On NOVEMBER 9, 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#11-251-00263 Ultrabar/Chroma, 911 F ST NW Retailer C Nightclub, License#: ABRA-074767

Decision: Fact Finding.

2. Case#11-CMP-00423 De Vinos, 2001 18TH ST NW Retailer B Retail - Grocery, License#: ABRA-074817

Decision: Staff Settlement.

3. Case#11-CC-00080 Mio Restaurant, 1110 VERMONT AVE NW Retailer C Restaurant, License#: ABRA-076072

Decision: Sale to Minor Warning Letter.

4. Case#11-251-00306 K Street, 1301 K ST NW Retailer C Nightclub, License#: ABRA-072225

Decision: No Further Action.

5. Case#11-251-00319 Lucky Bar, 1221 CONNECTICUT AVE NW Retailer C Tavern, License#: ABRA-020234

Decision: No Further Action.

6. Case#11-251-00304 Recess Bar, 727 15TH ST NW Retailer C Nightclub, License#: ABRA-081805

Decision: Show Cause.

7. Case#10-PRO-00180 The District Restaurant-The District Underground (formerly Saki), 2477 18TH ST NW Retailer C Tavern, License#: ABRA-081909

Decision: FYI.

8. Case#11-251-00315 Eye Bar/Garden of Eden, 1716 I ST NW Retailer C Tavern, License#: ABRA-083133

Decision: No Further Action.

9. Case#11-251-00169 The Bullpen, 26 N ST SE Retailer C Tavern, License#: ABRA-081924
(Previously published in the 10/26/11 DC Register)

Decision: Fact Finding.

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, NOVEMBER 9, 2011
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On November 9, 2011, 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#11-CMP-00115 DC Star, 2135 QUEENS CHAPEL RD NE Retailer C Nightclub,
License#: ABRA-078881

Decision: Show Cause.

2. Case#11-251-00345 The Fireplace, 2161 P ST NW Retailer C Tavern, License#: ABRA-014419

Decision: No Further Action.

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

**NOTICE OF MEETING
AGENDA**

**WEDNESDAY, NOVEMBER 9, 2011 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/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. Pending violation. No outstanding citations/fines. No Voluntary Agreement. ANC 1C. ***De Vinos***, 2001 18 Street NW Retailer B, Lic.#: 74817.
Decision: Approved, 5-0.
2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service. ***Current Hours of Operation:*** Sunday 8am-7pm, Monday through Saturday 8am-9pm. ***Current Hours of Alcoholic Beverage Sales/Service:*** Sunday 8am-7pm, Monday through Saturday 9am-9pm. ***Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:*** Sunday 8am-9pm, Monday through Saturday 8am-10pm. No pending violations. No outstanding citations/fines. No Voluntary Agreement. ANC 5A. ***Yes Organic Market***, 3809 12 Street NE Retailer B, 75678.
Decision: Approved, 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:*** Sunday 11am-1am, Monday through Thursday 11am-12am, Friday and Saturday 11am-1am. ***Current Hours of Alcoholic Beverage Sales/Service:*** Monday through Sunday 11am-10pm. ***Proposed Hours of Operation:*** Sunday 12pm-1am, Monday through Thursday 10:30am-12am, Friday & Saturday 10:30am-1am. ***Proposed Hours of Alcoholic Beverage Sales/Service:*** Sunday 12pm-12am, Monday through Saturday 10:30am-12am. No pending violations. No outstanding citations/fines. No Voluntary Agreement. ANC 5B. ***Eddie's Carry Out***, 1251 Bladensburg Road NE Retailer B, Lic.#: 75795.
Decision: Approved, 5-0.
4. Review of Sidewalk Café Application for 11 seats. ***Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:*** Monday through Sunday 11am-11pm. No pending violations. No outstanding citations/fines. No conflict with Voluntary Agreement. ANC 3F. ***Indian Ocean***, 4221 Connecticut Avenue NW Retailer CR, Lic.#: 76893. *
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:*** Sunday 12pm-2am, Monday through Friday 3pm-12am, Saturday 3pm-1am. ***Current Hours of Alcoholic Beverage Sales/Service:*** Sunday 12pm-1am, Monday through Friday 3pm-12am, Saturday 3pm-1am. ***Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:*** Sunday through Thursday 8am-2am, Friday & Saturday 8am-3am. No pending violations. No outstanding citations/fines. No Voluntary Agreement. ANC 2F. ***Spectrum***, 1299 Pennsylvania Avenue NW Retailer CX, Lic.#: 87627. *
Decision: Approved, 5-0.
6. Review of request for a Stipulated License from the Licensee and accompanying ANC 4B letter of support. ***Jackie Lee's Lounge***, 116 Kennedy Street NW Retailer CN, Lic.#: 88077. *
Decision: Approved, 5-0.
7. Review of Manager's Application for Ricky Shepherd. **
Decision: Fact Finding, 5-0.
8. Review of letter from Richard D. Nasca requesting approval of an involuntary transfer from Sutton Place Gourmet, LLC to Balducci's Holdings, LLC. No pending violations. No outstanding citations/fines. No voluntary agreement. ANC 3D. ***Balducci***, 3201 New Mexico Ave NW Retailer B, Lic.#: 7166. *
Decision: Postponed until November 16, 2011, 5-0.
9. Review of email and attachments, dated October 25, 2011, from Emanuel Mpras for consideration in support of the Proof Lounge, LLC t/a GII Restaurant and Lounge license application. The attachments are invoices demonstrating ownership and operation of GII Restaurant and Lounge. ***GII Restaurant and Lounge***, 2632 Georgia Avenue NW Retailer CR, Lic.#: 87228.
Decision: Referred to Legal, 5-0.
10. Review of email, dated October 25, 2011, from Patrick Schultz regarding Muse Nightclub and Lounge's failure to comply with conditions placed upon the renewal of its liquor license. Mr. Schultz states that Muse Nightclub and Lounge did not hire a professional sound technician to perform testing within his unit as required by the Board. ***Muse Nightclub and Lounge***, 717 6 Street NW Retailer CN, Lic.#: 79224. *
Decision: Referred to Enforcement for Investigation, 5-0.
11. Review of letter, dated October 25, 2011, from Anne Marie Kappel, Vice President of the Jefferson Row Condominium Association, asking the Board to reject The Guitar Bar's application for a license and advise The Guitar Bar to resubmit once they have construction plans approved so the proposed Noise Abatement Plan can be properly evaluated. ***The Guitar Bar***, 1216 18 Street NW Retailer CR, Lic.#: 86903.
Decision: FYI.

12. Review of request of an Individual Protestant for Reinstatement and/or Clarification for protestant Glenn Westley in the Al Forno Pizzeria and Trattoria protest. ***Al Forno Pizzeria and Trattoria***, 3201 New Mexico Avenue NW Retailer CR, Lic.#: 87728. *
Decision: Reinstatement Denied, 5-0.
13. Review of request of an Individual Protestant for Reinstatement and/or Clarification for protestant Ben Tessler in the Al Forno Pizzeria and Trattoria protest. ***Al Forno Pizzeria and Trattoria***, 3202 New Mexico Avenue NW Retailer CR, Lic.#: 87729. *
Decision: Ben Tessler is a Protestant; Board will Clarify via Order, 5-0.
14. Review of request of an Individual Protestant for Reinstatement and/or Clarification for protestant Jeanne Holzgreffe in the Al Forno Pizzeria and Trattoria protest. ***Al Forno Pizzeria and Trattoria***, 3203 New Mexico Avenue NW Retailer CR, Lic.#: 87730. *
Decision: Reinstatement Denied, 5-0.
15. Review of resolution, dated October 25, 2011, between MG Liquors Inc, t/a Barrel House Liquors and ANC 2F. Review of Voluntary Agreement Amendment between Barrel House Liquors and ANC 2F. ***Barrel House Liquors***, 1341 14 Street NW Retailer A, Lic.#: 23984.
Decision: ANC 2F will be given Great Weight; VA Approved, 5-0.
16. Review of Voluntary Agreement, dated October 10, 2011, between Da Luft Restaurant and Lounge and ANC 6A. ***Da Luft Restaurant & Lounge***, 1242 H Street NE Retailer CR, Lic.#: 87780. *
Decision: Approved, 5-0.
17. Review of letter, dated October 25, 2011, from ANC 2B protesting El Tamarindo Adam Morgan's request for a new sidewalk café with 14 seats on the basis of peace, order, and quiet. ***El Tamarindo Adam Morgan***, 1785 Florida Avenue NW Retailer CR, Lic.#: 71179.
Decision: ANC 2B will be given Great Weight.
18. Review of letter, dated October 12, 2011, from ANC 4C supporting the renewal of Family Food and Delicatessen Store's Class B License. ***Family Food and Delicatessen Store***, 3713 New Hampshire Avenue NW Retailer B, Lic.#: 86078.
Decision: ANC 4C will be given Great Weight.
19. Review of letter, dated October 12, 2011, from ANC 4C supporting the renewal of Super Saver Grocery and Deli's Class B License. ***Super Saver Grocery and Deli***, 4413 14 Street NW Retailer B, Lic.#: 11247.
Decision: ANC 4C will be given Great Weight.
20. Review of letter, dated October 12, 2011, from ANC 4C supporting the renewal of Davis Market's Class B License. ***Davis Market***, 3819 Georgia Ave NW Retailer B, Lic.#: 60094.
Decision: ANC 4C will be given Great Weight.

21. Review of letter, dated October 20, 2011, from ANC 2F protesting Capitol Supermarket's renewal of its Class B License on the basis that there will be an adverse impact on peace, order, quiet and property values. **Capitol Supermarket**, 1231 11 Street NW Retailer B, Lic.#: 1688.

Decision: ANC 2F will be given Great Weight.

22. Review of resolution, dated October 17, 2011, from ANC 3C supporting Noodles & Company's application for a liquor license if certain conditions are met. **Noodles & Company**, 2635 Connecticut Avenue NW Retailer CR, Lic.#: 87904.

Decision: ANC 3C will be given Great Weight.

23. Review of email, dated October 31, 2011, from Martin Smith, a resident who resides near Mood Lounge, requesting a reduction of time between a noise violation to 24 hours as opposed to 30 days. **Mood**, 1318 9 Street NW Retailer CT, Lic.#: 86037. *

Decision: Referred to Legal, 5-0.

24. Review of Motion for Reconsideration from Colin Unlimited, LLC t/a Saki regarding the Applicant's denied request for a substantial change. **Saki**, 2477 18 Street NW Retailer CT, Lic.#: 81909. *

Decision: Postponed until November 16, 2011, 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**

**NOTICE OF MEETING
SUPPLEMENTAL AGENDA**

**WEDNESDAY, NOVEMBER 9, 2011 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/Service. ***Current Hours of Operation and Hours of Alcoholic Beverage Sales/Service:*** Monday through Saturday 9am-10pm, closed Sunday. ***Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:*** Monday through Saturday 9am-12am, closed Sunday. No pending violations. No outstanding citations/fines. Conflict with existing Voluntary Agreement. ANC 6C. ***Capitol Fine Wine and Spirits***, 415 H Street NE Retailer A, Lic.#: 82981. ***Previously on the Board's Agenda on October 26, 2011.***
Decision: Erroneously approved on October 26, 2011; Denied, 5-0.
2. Review of Change of Hours Application to change Hours of Alcoholic Beverage Sales/Service. ***Current Hours of Alcoholic Beverage Sales/Service:*** Monday through Sunday 9:30am-10pm. ***Proposed Hours of Alcoholic Beverage Sales/Service:*** Monday through Sunday 9am-10pm. No pending violations. No outstanding citations/fines. Conflict with existing voluntary agreement. ANC 4C. ***Mark's Market***, 3933 14th Street NW Retailer B, Lic.#: 82766. ***Previously on the Board's Agenda on October 26, 2011.***
Decision: Erroneously approved on October 26, 2011; Denied, 5-0.

Under Section 406(3) of the Open Meetings Act, it was not practical to publish notice of these matters in the District of Columbia Register. However, the notice requirements of section 406 (1)-(2) were satisfied.

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

**NOTICE OF MEETING
LICENSE CANCELLATION**

**WEDNESDAY, NOVEMBER 9, 2011
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The Board is requested to approve the following license cancellations for the reasons outlined below.

ABRA – 060156 – **Ten Penh Restaurant** – CR – 1001 Pennsylvania, NW. [Cancellation request received.]

Decision: Cancelled, 5-0.

ABRA – 071826 – **Cabana's** – CR – 3050 K Street, NW. [Cancellation request received.]

Decision: Cancelled, 5-0.

ABRA – 000804 – **Jackie Lee Lounge** – CN – 116 Kennedy Street, NW. [Licensee does not have a valid lease at the premise address.]

Decision: Cancelled, 5-0.