

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, MARCH 27, 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-00005

Watergate Hotel Lessee, LLC, t/a Watergate Hotel
2650 Virginia Ave NW
License #91162
Retailer CH
ANC 2A
New Application

Disposition: The Board scheduled the Protest Hearing for May 8, 2013 at 4:30 pm.

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00352

Odalis Restaurant, LLC, t/a Odalis Restaurant (Transferred to Centeno's Restaurant, Inc.)
827 Kennedy Street NW
License #76432
Retailer CR
ANC 4D

Transfer of Ownership Without Board Approval

Disposition: The Board scheduled the Show Cause Hearing for April 24, 2013 at 11:00 am.

Board's Calendar
Page -2- March 27, 2013

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00380

Mahogany, LLC, t/a The Tap & Parlour/Bohemian Caverns
2001 11th Street NW
License #74895
Retailer CT
ANC 1B

Operating After Board Approved Hours

Disposition: The Board accepted an Offer in Compromise: \$3,000 to be paid within 30 days; Charge I dismissed, 4-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00538

Arias, Inc., t/a My Brother's Place
237 2nd Street NW
License #71593
Retailer CR
ANC 6C

Failed to Maintain on Premises Three Years of Adequate Books and Records Showing All Sales, Failed to Make a Copy of Settlement Agreement Immediately Accessible

Disposition: The Respondent failed to appear. The Board scheduled the Show Cause Hearing for April 17, 2013 at 4:30 pm.

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00212

1010 V, LLC, t/a Josephine
1010 Vermont Street NW
License #76906
Retailer CT
ANC 2F

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

Disposition: The Board scheduled the Show Cause Hearing for April 17, 2013 at 3:30 pm.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00579

Lusk's Corporation, t/a Eddie's Carryout
1251 Bladensburg Road NE
License #75795

Retailer B
ANC 5D

**Place, 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 Respondent failed to appear. The Board scheduled the
Show Cause Hearing for April 17, 2013 at 2:30 pm.**

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00383

H & Y Chun Corporation, t/a Michigan Liquors
3934 12th Street NE
License #23640

Retailer A
ANC 5B

Permitted the sale of Alcoholic Beverages on Credit

**Disposition: The Board scheduled the Show Cause Hearing for May 1,
2013 at 1:30 pm.**

Show Cause Hearing

10:00 AM

Case # 12-CMP-00248

HHC TRS Melrose, LLC, t/a Melrose Hotel
2430 Pennsylvania Ave NW
License #75008

Retailer CH
ANC 2A

**Failed to Conspicuously Post Licenses, Failed to Post Pregnancy Sign,
Failed to Post Current Legal Drinking Age Notice**

*This hearing has been continued to May 1, 2013 at 2:30 p.m., due to the
unavailability of the Government's witness.*

**Disposition: The Show Cause Hearing was continued to May 1, 2013 at
2:30 pm.**

Show Cause Hearing

10:00 AM

Case # 11-CMP-00488, # 11-CMP-00415, # 11-CMP-00301

Khan's BBQ, Inc., t/a Khan's
1125 H Street NE
License #84082
Retailer CR
ANC 6A

Violation of Settlement Agreement, Failed to Obtain a Sidewalk Café or Summer Garden Endorsement, Violation of Settlement Agreement (Use of Sandwich Board and Failed to Post Required Signs

Disposition: The Board accepted an Offer in Compromise: \$350 to be paid within 30 days for Case No. 11-CMP-00488; \$350 to be paid within 30 days for Case No. 11-CMP-00415, 4-0. The Board proceeded with the Show Cause Hearing for Case No. 11-CMP-00301. 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 # 11-251-00162

Jasper Ventures, LLC, t/a Capitale (formerly K Street)
1301 K Street NW
License #72225
Retailer CN
ANC 2F

Failed to Follow Security Plan, Interfered with an Investigation, Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose, Sale to Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

This hearing has been moved to 4:00 pm.

Decision: The Board accepted an Offer in Compromise: Charge I - \$2,000 and two days stayed; Charge II - \$2,000 and two days stayed; Charge III - \$2,000 and two days served (April 10, 2013 and April 11, 2013); Charges IV and V - Dismissed, 3-2 (Jones, Brooks).

BOARD RECESS AT 12:00 PM

**ADMINISTRATIVE AGENDA
1:00 PM**

Show Cause Hearing

1:30 PM

Case # 12-CMP-00228

Solomon Enterprises, LLC, t/a Climax Restaurant & Hookah Bar
900 Florida Ave NW
License #88290

Retailer CT

ANC 1B

**Substantial Change in Operation (No Summer Garden or Sidewalk Café
Endorsement)**

*This hearing has been continued to May 1, 2013 at 3:30 p.m., due to the
unavailability of the Government's witness.*

Disposition: The Hearing is continued to May 1, 2013 at 3:30 pm.

Show Cause Hearing

2:30 PM

Case # 12-251-00133, # 12-251-00122, #12-251-00132

Inner Circle 1420, LLC, t/a Lotus

1420 K Street NW

License #75162

Retailer CN

ANC 2F

**Failed to Comply with Board Order, Failed to Post ABC Window
Lettering in a Conspicuous Place, Failed to Post Current Legal Drinking
Age Notice**

*The Consent Motion for Continuance was granted by the Board and this
hearing is now scheduled for May 29, 2013 at 11:00 am.*

Disposition: The Hearing is continued to May 29, 2013 at 11:00 am.

Fact Finding Hearing

1:30 PM

Temporary License Application
Date of Event: April 13, 2013
Applicant: Marc J. Hitzig, on behalf of Japan-America Society of Washington
DC
Neighborhood: 1819 L Street NW (Level 1B)

Decision: The Board approved the Application, 5-0.

Fact Finding Hearing

2:00 PM

Temporary License Application
Date of Event: April 6, 2013
Applicant: Jerome H. Nickerson, on behalf of Washington Waterfront
Association, Inc., /NCBF/HMW
Neighborhood: 700 Water Street SW

Decision: The Board approved the Application, 5-0.

Show Cause Hearing

Case # 12-CMP-00209

3:00 PM

2408 Wisconsin Ave, LLC, t/a Mason Inn
2408 Wisconsin Ave NW
License #79644
Retailer CR
ANC 3B
Noise Violation

Disposition: The Board accepted an Offer in Compromise: \$750 to be paid within 30 days, 4-1 (Jones).

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

**NOTICE OF MEETING
AGENDA**

**WEDNESDAY, MARCH 27, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of Request for Entertainment Endorsement. ***Approved Hours of Operation:*** Sunday through Thursday 7:00 am – 2:00 am, Friday and Saturday 7:00 am – 3:00 am, ***Approved Hours of Alcoholic Beverage Sales/Service:*** Sunday 10:00 am – 2:00 am; Monday through Thursday: 11:30 am – 2:00 am; Friday 11:30 am – 3:00 am; Saturday 10:00 am – 3:00 am. ***Proposed Hours of Live Entertainment:*** Sunday through Thursday 6:00 pm - 2:00 am; Friday and Saturday 6:00 p.m. – 3:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 6E. SMD 6E02. ***Bistro Bohem***, 1840 6th Street NW Retailer CR, Lic.#: 86825.
Decision: Approved, 5-0.

2. Review of Application for License Class Change. Applicant wishes to change from Class B to Class A. ***Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service:*** Sunday through Saturday 9:00 am – 10:00 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 1B. SMD 1B12. ***Cork Market And Tasting Room***, 1805 14 Street NW Retailer B, Lic.#: 82443.
Decision: Placard, 5-0.

3. Review of Request for Entertainment Endorsement. ***Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service:*** Sunday through Wednesday: 11:30 am – 1:00 am; Thursday 11:30 am – 2:00 am; Friday and Saturday 11:30 am – 3:00 am. ***Proposed Hours of Live Entertainment:*** Monday through Wednesday 10:30 pm - 1:00 am; Thursday 10:30 am – 2:00 am. Friday and Saturday 10:30 pm – 3:00 am. No pending investigative matters. Pending enforcement matters: **Case # 11-CMP-00488** (Violation of Settlement Agreement; Hearing 3/27/13); **Case #12-251-00374** (Assault/ Overcrowding). No outstanding fines/citations. Potential Conflict with Settlement Agreement should establishment use patio for entertainment. ANC 6A. SMD 6A02. ***Khan's***, 1125 H Street NE Retailer CR, Lic.#: 84082.
Decision: Placard, 5-0.

4. Review of Application for License Class Change. Applicant wishes to change from Class CR to Class CT. ***Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service:*** Sunday 10 am – 2:00 am; Monday through Thursday 11:00 am – 2:00 am; Friday and Saturday 11:00 am – 3:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 1A. SMD 1A03. ***Acre 21***, 1400 Irving Street NW Retailer CR, Lic.#: 86384.
Decision: Placard, 5-0.
5. Request for Off-site storage of Books and Records at Owner's Residence. ***Paragon Thai Restaurant***, 3507 Connecticut Avenue NW Retailer CR, Lic.#: 91375.
Decision: Denied, 5-0.
6. Review of Manager's License: Jose A. Ponce. **
Decision: Approved, 5-0.
7. Review of letter, dated March 13, 2013, from ANC 1C requesting that the Board placard all changes to licenses in Adams Morgan that relate to entertainment, occupancy, or hours of operation.
Decision: FYI.
8. Review of Correspondence from Alireza Hajjaligoli for permission to reopen business. ***Chloe (District Lounge and Grille)***, 2473 18th Street NW Retailer CR04, Lic.#: 81908.
Decision: Denied, 5-0.
9. Review of letter, dated March 13, 2013, from ANC 1A requesting that the Board revoke Gee's Market's Liquor License. ***Gee's Market***, 3583 Warder Street NW Retailer B, Lic.#: 83125.
Decision: FYI, 5-0.
10. Review of Settlement Agreement, dated March 11, 2013, between Le Liquors and ANC 1C. ***Le Liquors***, 1776 Columbia Road NW Retailer A, Lic.#: 90659.*
Decision: Postponed until Resolution is received from the ANC.
11. Review of Settlement Agreement Amendment, dated March 18, 2013, between Hank's Oyster Bar and ANC 6B. ***Hank's Oyster Bar***, 633 Pennsylvania Avenue SE Retailer CR01, Lic.#: 89718.*
Decision: Approved, 5-0.

12. Review of Settlement Agreement Amendment, dated March 11, 2013, between Ziegfield's/Secrets and ANC 6D. *Ziegfield's/Secrets*, 1824 Half Street SW Retailer CN04, Lic.#: 78663.*

Decision: Postponed until Resolution is received from the ANC.

*** 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, MARCH 27, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of letter, dated March 26, 2013, from Minnesota Food Mart requesting that the Board reinstate its license. **Minnesota Food Mart**, 3728 Minnesota Avenue NE Retailer B, Lic.#: 72048.
Decision: Denied, 5-0.
2. Review request dated March 21, 2013 from Premium Distributors of Washington, D.C., Wholesaler's License No. 060290 for approval to provide licensed retailers with sporting event tickets valued individually at greater than \$50 but less than \$500. **Premium Distributors**, 3500 Fort Lincoln Drive NE Retailer A, Lic.#: 60290.
Decision: Approved, 5-0.
3. Review of District of Columbia's Motion for Extension of Time to Respond, dated March 25, 2013, from Fernando Rivero. **Yegna**, 1920 9th Street NW Retailer CT01, Lic.#: 74241.
Decision: Approved, 5-0.
4. Review of letter, dated February 19, 2013, from Radius requesting termination of its Settlement Agreement, and letter of support from ANC 1D. **Radius**, 3155 Mount Pleasant Street NW Retailer CR01, Lic.#: 90797.
Decision: Placard, 5-0.
5. Review of Motion to Discharge and Dismiss the Show Cause, dated March 13, 2013, from Emanuel Mpras. **Lotus**, 1420 K Street NW Retailer CN03, Lic.#: 75162.
Decision: Postponed until Government files its Response.
6. Review of Consent Motion for an Extension of Time to Respond to Respondent's Motion to Discharge and Dismiss Show Cause and Consent Motion to Continue the Show Cause Hearing, dated March 20, 2013, from Louise Phillips. **Lotus**, 1420 K Street NW Retailer CN03, Lic.#: 75162.
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.**

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

**NOTICE OF MEETING
CHANGE OF HOURS AGENDA**

**WEDNESDAY, MARCH 27, 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 (Sunday Hours Only). Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:30 am -8:30 pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 9:30 am -8:30 pm; Monday through Saturday 9:30 am -8:30 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 3D. SMD 3D05. *MacArthur Liquors Inc. T/A MacArthur Liquors*, 4877 MacArthur Boulevard, NW, Retailer's Class A, License No.: 000104.
Decision: Approved, 4-0.
2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:00 am - 9:00 pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 7:00 am - 12:00 am; Monday through Saturday 7:00 am – 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4B. SMD 4B01. *Pega Corporation T/A Burka's Liquors*, 3500 Wisconsin Ave., NW. Retailer's Class A, License No.: 086394.
Decision: Approved, 4-0.
3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:00 am - 9:00 pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 7:00 am - 12:00 am; Monday through Saturday 7:00 am – 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreements. ANC 2F. SMD 2F07. *Don Ho, Inc. T/A District Liquors*, 1211-11th Street, NW. Retailer's Class A, License No.: 000023.
Decision: Approved, 4-0.
4. Review of Change of Hours Application to Change Hours of Alcoholic Beverage Sales. Approved Hours of Operation: Sunday through Saturday 8:00 am – 9:00 pm. Approved Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 9:00 am – 9:00 pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 8:00 am – 9:00 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 2E. SMD 2E05. *Dean & DeLuca Georgetown Inc. T/A Dean & DeLuca*, 3276 M Street, NW. Retailer's Class B, License No.: 018083.
Decision: Approved, 4-0.

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

**NOTICE OF MEETING
LICENSE CANCELLATIONS**

**WEDNESDAY, MARCH 27, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

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

1. Solicitor's Permit No. 079535 [Winebow (Wholesaler License No. 072284) no longer employs James Hardin, the permit holder.]
Decision: Approved, 5-0.
2. Solicitor's Permit No. 089608 [Winebow (Wholesaler License No. 072284) no longer employs Alison Marriott, the permit holder.]
Decision: Approved, 5-0.

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, MARCH 27, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On March 27, 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#13-251-00011 Town, 2009 8TH ST NW Retailer C Nightclub, License#: ABRA-076801
Decision: No Further Action.

2. Case#13-CMP-00129 Remington's, 639 PENNSYLVANIA AVE SE Retailer C Nightclub, License#: ABRA-009238
Decision: Show Cause.

3. Case#13-CMP-00119 Justin's Cafe, 1025 1ST ST SE Retailer C Restaurant, License#: ABRA-083690
Decision: Show Cause.

4. Case#13-CC-00010 Sign of the Whale, 1825 M ST NW Retailer C Tavern, License#: ABRA-085120
Decision: Warning.

5. Case#13-AUD-00026 Zabb Asian Restaurant, 1836 18TH ST NW Retailer C Restaurant, License#: ABRA-086253
Decision: Enforcement Division to request and obtain outstanding Quarterly Statements within 2 weeks, then Staff Settlement.

6. Case#12-CMP-00549(a) Zabb Asian Restaurant, 1836 18TH ST NW Retailer C Restaurant, License#: ABRA-086253
Decision: Staff Settlement.