

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, JUNE 26, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members:**

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Show Cause Hearing (Status)

9:30 AM

Case # 13-AUD-00020

Top Chef, Inc., t/a Wok and Roll
604 H Street NW
License #60447
Retailer CR
ANC 2C
Failed to File Quarterly Statements (3rd Quarter 2012)

Disposition: The Board accepted an Offer in Compromise: \$2,000 to be paid within 30 days, 3-0.

Show Cause Hearing (Status)

9:30 AM

Case # 13-AUD-00025

The Cheesecake Factory Restaurants, Inc., t/a The Cheesecake Factory
5345 Wisconsin Ave NW
License #14760
Retailer CR
ANC 3E
Failed to File Quarterly Statements (3rd Quarter 2012)

Disposition: The Board accepted an Offer in Compromise: \$2,000 to be paid within 30 days, 3-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00677

Tanger Corporation, t/a Tangier Lounge
2305 18th Street NW
License #87902
Retailer CR
ANC 1C

Substantial Change In Operation Without Board Approval, Permitting Sale/Service/Consumption of Alcoholic Beverages After Hours, Violation of Settlement Agreement

Disposition: The Board scheduled the Show Cause Hearing for July 31, 2013 at 10:00 am.

Show Cause Hearing (Status)

9:30 AM

Case # 13-CMP-00013

DJ Zion, LLC, t/a Secret Restaurant & Lounge
1414 9th Street NW
License #90210
Retailer CT
ANC 2F

Operating After Hours

Disposition: The Board accepted an Offer in Compromise: \$1,250 to be paid within 30 days, 3-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00643

DJ Zion, LLC, t/a Secret Restaurant & Lounge
1414 9th Street NW
License #90210
Retailer CT
ANC 2F

Failed to Obtain a Cover Charge Endorsement, Failed to Obtain a Dancing Endorsement

Disposition: The Board approved the Government's Motion to Dismiss the case, 3-0.

Show Cause Hearing (Status)

9:30 AM

Case # 13-AUD-00008

Les Deux Garcons, LLC, t/a Bistrot Le Zinc
3712 Macomb Street NW
License #86355
Retailer CR
ANC 3C

Failed to File Quarterly Statements (3rd Quarter 2012)

Disposition: The Board accepted an Offer in Compromise: \$650 to be paid by July 10, 2013, 3-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00634

Biergarten Haus, Inc., t/a Biergarten Haus, Inc.
1355 H Street NE
License #83695
Retailer CT
ANC 6A

Permitted Patrons to Take Alcoholic Beverages Off of the Premises

Disposition: The Board scheduled the Show Cause Hearing for July 24, 2013 at 1:30 pm.

Show Cause Hearing (Status)

9:30 AM

Case # 13-CMP-00144

Restaurant Seki, LLC, t/a Izakay Seki
1117 V Street NW
License #88274
Retailer CR
ANC 1B

Failed to File Quarterly Statements (4th Quarter 2012)

Disposition: The Board accepted an Offer in Compromise: \$350 to be paid by July 10, 2013, 3-0.

Board's Calendar
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Fact Finding Hearing

9:30 AM

Kang Young J. & Kang In S., t/a Family Market
1309 5th Street NE
License #10660
Retailer B
ANC 5D
License in Safekeeping

Disposition: The Respondent failed to appear and the Board cancelled the License, 3-0.

Show Cause Hearing

10:00 AM

Case # 12-CMP-00694
Dangerously Delicious DC, LLC, t/a Dangerously Delicious
1339 H Street NE
License #87422
Retailer CR
ANC 6A

Violation of Settlement Agreement (Exceeded approved number on Sidewalk Café)

Disposition: The Board approved an Offer in Compromise: Warning, 3-0.

Show Cause Hearing

11:00 AM

Case # 12-CMP-00692
Raso Corporation, t/a Sahra Hooka Lounge
1200 H Street NE
License #87558
Retailer CT
ANC 6A

No ABC Manager on Duty, Failed to Obtain an Entertainment Endorsement, Violation of Settlement Agreement (Allowed patrons to exit with Open Containers)

Disposition: 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 # 12-CMP-00678

Meseret Ali & Yonas Chere, t/a Merkato Ethiopian Restaurant
1909 9th Street NW
License #89019
Retailer CR
ANC 1B
Operating After Hours

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 # 12-AUD-00051 (a)

Ping Pong One, LLC., t/a Ping Pong
900 7th Street NW
License #82097
Retailer CR
ANC 2C
Failed to File Quarterly Statements (2nd Quarter 2012)

Disposition: The Board accepted an Offer in Compromise: \$2,000 fine, 3-1 (Jones).

Fact Finding Hearing

3:30 PM

Wagshal's 3201, LLC, t/a Wagshal's
3201 New Mexico Ave NW
License #92187
Retailer B
ANC 3D
New Application

Disposition: The Board will continue to review the Application and all accompanying documents.

Fact Finding Hearing

4:00 PM

Temporary License Application
Date of Event: July 4, 2013
Applicant: Jennifer E. Spatz, on behalf of Washington Team Tennis
Neighborhood: 800 Water Street SW

Disposition: The Board approved the Application, 4-0.

4:30 PM

Fact Finding Hearing

Temporary License Application
Date of Events: July 3, 5, and 6, 2013
Applicant: Ermiyas A. Asfaw, on behalf of Genius Fix
Neighborhood: 15 K Street NE

Disposition: The Board approved the Application, 3-0.

5:00 PM

Fact Finding Hearing

Wal-Mart Stores East, LP, t/a Wal-Mart
99 H Street NW
License #92202
Retailer B
ANC 6E
New Application

Disposition: The Board will continue to review the Application and all accompanying documents.

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

**NOTICE OF MEETING
AGENDA**

**WEDNESDAY, JUNE 26, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of Requests dated June 10, June 11 and June 13, 2013 from E& J Gallo Winery for approval to provide retailers with products valued at more than \$50 and less than \$500.
Decision: Approved, 4-0.
2. Review of Request dated June 17, 2013 from Constellation Brands, Inc. for approval to provide retailers with products valued at more than \$50 and less than \$500.
Decision: Approved, 4-0.
3. Review of Request for Reconsideration, dated June 10, 2013, from Virender Manocha for Citation No. 7581. ***S & R Liquors***, 1800 I Street NW Retailer A, Lic.#: 60716.
Decision: Denied, 4-0.
4. Review of Response to the Shaw-DuPont Citizens Alliance's Requests for Re-Placarding and Reinstatement, dated June 17, 2013, from Thaddeus Curtz. ***Standard***, 1801 14th Street NW Retailer CR02, Lic.#: 83769.
Decision: The Shaw-DuPont Citizens Alliance's request was denied on the June 12, 2013 Agenda.
5. Review of letter, dated June 13, 2013, from Susie Taylor of the Cleveland Park Citizens Association requesting to protest the Board's approval of Pulpo's Entertainment Endorsement. ***Pulpo***, 3407 Connecticut Avenue NW Retailer CR02, Lic.#: 89639.
Decision: Postponed to July 10, 2013, 4-0.
6. Review of letter, dated June 11, 2013, from Willie Blakeney Jr. requesting that the Board dismiss ANC 5C's protest. ***The Scene***, 2221 Adams Place NE Retailer CX, Lic.#: 78642.
Decision: The Protest was dismissed on June 5, 2013.
7. Review of letter, dated June 12, 2013, from Commissioner Kent Boese of ANC 1A requesting reconsideration of the dismissal of Sweet Mango's Application at the Roll Call Hearing. Sweet Mango was dismissed for failure to appear. ***Sweet Mango Café***, 3701 New Hampshire Avenue NW Retailer CR03, Lic.#: 72512.
Decision: Denied, 4-0.

8. Review of Petition for Reconsideration, dated June 14, 2013, from Commissioner Sara Green of ANC 4B. ANC 4B was dismissed at the Roll Call Hearing for failure to submit a signed protest letter. ***Sunshine Bar & Lounge***, 7331 Georgia Avenue NW Retailer CR02, Lic.#: 85239.
Decision: Approved – ANC 4B is reinstated, 4-0.
9. Review of Request for Reconsideration, dated June 13, 2013, from Jeff Ragonese from Capitol Skyline Hotel. Capitol Skyline Hotel was dismissed at the Roll Call Hearing for failure to appear. ***Capitol Skyline Hotel***, 10 I Street SW Retailer CH03, Lic.#: 72534.
Decision: Denied, 4-0.
10. Review Request for Reinstatement, dated June 14, 2013, from Matthew Moore for 1350 I Street Associates Limited Partnership. 1350 I Street Associates Limited Partnership was dismissed at the Roll Call Hearing because it was not abutting Tuscana West. ***Tuscana West***, 1350 I Street NW Retailer CR03, Lic.#: 82284.
Decision: Denied, 3-1 (Alberti).
11. Review of Settlement Agreement, dated November 17, 2006, between Tuscana West and 1350 I Street Associates Limited Partnership. ***Tuscana West***, 1350 I Street NW Retailer CR03, Lic.#: 82284.*
Decision: Moot – Tied to #10.
12. Review of Settlement Agreement, dated June 18, 2013, between Le Chat Noir and ANC 3E. ***Le Chat Noir***, 4907 Wisconsin Avenue NW Retailer CR01, Lic.#: 72038.*
Decision: Approved with modifications, 4-0.
13. Review of Settlement Agreement, dated May 29, 2013, between Cantina Marina and ANC 6D. ***Cantina Marina***, 600 Water Street SW Retailer CR03, Lic.#: 60628.*
Decision: Approved with modifications, 4-0.
14. Review of Settlement Agreement, dated May 13, 2013, between Nando's Peri Peri and ANC 3E. ***Nando's Peri Peri***, 4231 Wisconsin Avenue NW Retailer CR02, Lic.#: 92041.*
Decision: Approved with modifications, 4-0.
15. Review of Settlement Agreement, dated June 10, 2013, between Wah Sing Restaurant and ANC 7B. ***Wah Sing Restaurant***, 2521 Pennsylvania Avenue NW Retailer CR01, Lic.#: 514.*
Decision: Approved with modifications, 4-0.
16. Review of Settlement Agreement, dated June 8, 2013, between The Getaway and ANC 1A. ***The Getaway***, 0 Meridian Place NW Retailer CR02, Lic.#: 86700.*
Decision: Approved with modifications, 4-0.

17. Review of Settlement Agreement, dated June 10, 2013, between Osteria Morini/Nicoletta and ANC 6D. *Osteria Morini/Nicoletta*, 301 Water Street SE Retailer CR03, Lic.#: 92083.*
Decision: Approved, 4-0.

18. Review of Settlement Agreement, dated June 6, 2013, between Alero Restaurant and Lounge and ANC 1B. *Alero Restaurant and Lounge*, 1301 U Street NW Retailer CR03, Lic.#: 71881.*
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.**

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

**NOTICE OF MEETING
SUPPLEMENTAL AGENDA**

**WEDNESDAY, JUNE 26, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review of License Class Change. Applicant wishes to change from Class “DT” to Class “CR.” ***Approved Hours of Operation and Hours of Alcoholic beverage Sales/Service:*** Sunday 5pm – 9:30pm, Monday through Thursday 11am – 10pm, Friday 11am – 11pm and Saturday 1pm – 11pm. No pending citation. No investigation matters. No conflict with Settlement Agreement. ***Asia 54***, 2122 P Street NW Retailer DT, Lic.#: 92028.
Decision: Placard and Grant Stipulated License, 4-0.
2. Change of Address Request: Original entrance address on approved license changed by PEPCO during construction of the restaurant. Approved entrance: 2201 14th Street NW; Proposed entrance 1315 W Street NW. ***Kapnos***, 2201 14th Street NW Retailer CR, Lic.#: 91148.
Decision: Approved, 4-0.
3. Substantial Change-Request for Stipulated Summer Garden Endorsement adding 20 seats. ***Approved Hours of Operation and Alcohol Beverage Sales/Service/Consumption for Inside Premises:*** Sunday-Saturday-10:00am-2:00am. ***Proposed Hours of Operation and Alcoholic Beverage Sales/Service/Consumption for Summer Garden:*** Sunday-Saturday-10:00am-12:00am. ***Hitching Post Restaurant***, 200 Upshur Street NW Retailer CT, Lic.#: 90258.
Decision: Approved, 4-0.
4. Request for Safekeeping. LLC partnership dissolved. Determination of if dissolution of entity ceases to exist, the license as that entity ceases as well. ***Secret Lounge and Restaurant***, 1414 9th Street NW Retailer CT, Lic.#: 90210.
Decision: Place in Safekeeping for 6 months, 4-0.
5. Request for Reinstatement. Retailer is requesting reinstatement of license after cancellation per Board order on May 15, 2013. Applicant failed to renew license. ***Churreria Madrid***, 2505 Champlain Street NW Retailer CR, Lic.#: 60806.
Decision: Denied, 4-0.
6. Review of Summer Garden Application for 8 seats. ***Proposed Hours of Operation and Hours of Alcoholic beverage Sales/Service:*** Sunday 12pm -10:30pm, Monday through Thursday 11am – 10pm, Friday 11am -11pm and Saturday 12am – 11pm. No pending citation. No investigation matters. No Settlement Agreement. ANC 3C. ***Paragon Thai Restaurant***, 3507 Connecticut Avenue NW Retailer CR, Lic.#: 91375.
Decision: Approved, 4-0.

7. Review of License Class Change. Applicant wishes to change from Class “B” to Class “A.” There is another Class A establishment within 400 feet of this location. ***Approved Hours of Operation and Hours of Alcoholic beverage Sales/Service:*** Sunday 10am – 6pm, Monday through Saturday 7:30am – 9pm. No pending citation. No investigation matters. No conflict with Settlement Agreement. ANC 3E. ***Rodman's Discount Drugs***, 5100 Wisconsin Avenue NW Retailer B, Lic.#: 394.
Decision: Denied, 4-0.
8. Review of Summer Garden Application for 24 seats. ***Proposed Hours of Operation and Hours of Alcoholic beverage Sales/Service:*** Sunday through Thursday 11am – 2am, Friday & Saturday 11am – 3am. No pending citation. No investigation matters. No conflict with Settlement Agreement. ***Climax Restaurant & Hookah Bar***, 900 Florida Avenue NW Retailer CR, Lic.#: 88290.
Decision: Placard, 4-0.
9. Review of Entertainment Endorsement Application for DJ, occasional live music with no more than 2 musicians. ***Proposed Entertainment Hours:*** Monday through Thursday 6pm – 11pm and Friday & Saturday 6pm – 3am. No pending citation. No investigation matters. No conflict with Settlement Agreement. ***Doner Bistro***, 1654 Columbia Road NW Retailer DR, Lic.#: 89877.
Decision: Placard, 4-0.
10. Review of Entertainment Endorsement Application for live band. ***Proposed Entertainment Hours:*** Friday and Saturday 7pm – 11pm. No pending citation. No investigation matters. No Settlement Agreement. ANC 4C. ***Sala Thai***, 3716 Georgia Avenue NW Retailer CR, Lic.#: 83557.
Decision: Approved, 4-0.
11. Review of entertainment change of hour's application. ***Proposed Entertainment Hours:*** Friday and Saturday 7pm – 11pm. No pending citation. No investigation matters. No Settlement Agreement. ANC 1B. ***Sala Thai***, 1301 U Street NW Retailer CR, Lic.#: 71866.
Decision: Approved, 4-0.
12. Review of Change of Hours Application to Add Sunday and increase Hours of Operation and Alcoholic Beverage Sales. ***Hours of Operation and Hours of Alcoholic beverage Sales/Service:*** Sunday through Saturday 10am – 11pm. No pending citation. No investigation matters. No conflict with Settlement Agreement. ***Walter Johnson's Liquors Store***, 1542 North Capitol Street NW Retailer A, Lic.#: 75411.
Decision: Approved, 4-0.

13. Review of Change of Hours Application to Add Sunday and increase Hours of Operation and Alcoholic Beverage Sales. ***Hours of Operation and Hours of Alcoholic beverage Sales/Service:*** Sunday through Saturday 7am – 12am. No pending citation. No investigation matters. No Settlement Agreement. ***Dixie Liquors***, 3429 M Street NW Retailer A, Lic.#: 77295.
Decision: Approved, 4-0.
14. Review of Change of Hours Application. ***Hours of Operation and Hours of Alcoholic beverage Sales/Service:*** Sunday through Thursday 8am – 1am and Friday & Saturday 8am – 2am. No pending citation. No investigation matters. No conflict with Settlement Agreement. ***Rice Restaurant & Bar***, 1608 14th Street NW Retailer CR, Lic.#: 60730.
Decision: Approved, 4-0.
15. Review of Change of Hours Application. ***Hours of Alcoholic beverage Sales/Service:*** Sunday through Saturday 7am – 9pm. No pending citation. No investigation matters. No Settlement Agreement. ANC 8C. ***MLK Mini Market***, 333 Martin Luther King Jr. Avenue SE Retailer B, Lic.#: 60730.
Decision: Approved, 4-0.
16. Review of letter, dated May 30, 2013, requesting that the Board allow reinstatement of the license for ABRA-060084. ***KW Little Store***, 3133 Connecticut Avenue NW Retailer B, Lic.#: 60084. *Previously reviewed on the June 12, 2013 Agenda.*
Decision: Denied, 4-0.
17. Review of Petition for Reconsideration, dated June 3, 2013, from Emanuel Mpras for Board Order No. 2013-181. ***DC Shenanigans***, 2450 18th Street NW Retailer CT02, Lic.#: 88119. *Previously reviewed on the June 5, 2013 Supplemental Agenda and the June 19, 2013 Supplemental Agenda.*
Decision: Postponed until July 10, 2013, 4-0.
18. Review of District's Response to Applicant's Petition for Reconsideration and Petition for Stay of Board Order, dated June 10, 2013, from Christine Gephardt. ***DC Shenanigans***, 2450 18th Street NW Retailer CT02, Lic.#: 88119. *Previously reviewed on the June 19, 2013 Supplemental Agenda.*
Decision: Postponed until July 10, 2013, 4-0.
19. Review of documents submitted for Grocery Store components and square footage layout. ***Walmart***, 99 H Street NW Retailer B, Lic.#: 92202.
Decision: Postponed, 4-0.

20. Review of letter, dated June 25, 2013, from a Group of Five Protestants requesting that the Board delay the approval of the Settlement Agreement submitted between *Cantina Marina* and ANC 6D until changes to the proposed Settlement Agreement are made. *Cantina Marina*, 600 Water Street SW Retailer CR03, Lic.#: 60628.
Decision: Denied, 4-0.

21. Review of Request for Reinstatement, dated June 20, 2013, from Reginald James of Sweet Mango Café. Sweet Mango Café was dismissed at the Roll Call Hearing for failure to appear. *Sweet Mango Café*, 3701 New Hampshire Avenue NW Retailer CR03, Lic.#: 72512.
Decision: Denied, 4-0.

22. Review of letter, dated June 20, 2013, from Reginald James of Sweet Mango Café requesting that the Board supercede the Licensee's Settlement Agreement from 2004 with the proposed Settlement Agreement from 2013. Review of Settlement Agreement, dated May 8, 2013, between Sweet Mango Café, ANC 1A, ANC 4C, and the Petworth Action Committee. *Sweet Mango Café*, 3701 New Hampshire Avenue NW Retailer CR03, Lic.#: 72512.
Decision: Approved with modifications, 4-0.

23. Review of letter, dated June 25, 2013, from Erin Martin, Creative Associate at the Flats at Atlas, providing information to the Board about an upcoming event called Fall for H Street.
Decision: Denied, 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, JUNE 26, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On June 26, 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#13-251-00053 Grand Central, 2447 18TH ST NW Retailer C Restaurant, License#: ABRA-076693

Decision: No Further Action.

2. Case#13-AUD-00049 Langston Bar & Grille, 1831 BENNING RD NE Retailer C Restaurant, License#: ABRA-076260

Decision: Show Cause.

3. Case#13-251-00045 Ibiza, 1222 1ST ST NE Retailer C Nightclub, License#: ABRA-074456

Decision: Fact Finding.

4. Case#13-251-00046 Ibiza, 1222 1ST ST NE Retailer C Nightclub, License#: ABRA-074456

Decision: Fact Finding.

5. Case#13-251-00047 Ibiza, 1222 1ST ST NE Retailer C Nightclub, License#: ABRA-074456

Decision: Fact Finding.

6. Case#13-AUD-00047 Smith Point, 1338 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-060131

Decision: Show Cause.

7. Case#13-CC-00030 7-Eleven, 1101 SOUTH CAPITOL ST SW Retailer B Retail - Grocery, License#: ABRA-026520

Decision: Staff Settlement.

8. Case#13-AUD-00041 One, 1606 20TH ST NW Retailer C Restaurant, License#: ABRA-083468

Decision: No Further Action.

9. Case#13-AUD-00046 The Blaguard, 2003 18TH ST NW Retailer C Restaurant, License#: ABRA-086012

Decision: Show Cause.

10. Case#13-CC-00018 Pacifico, 514 8TH ST SE Retailer C Restaurant, License#: ABRA-086033

Decision: Sale to Minor Warning Letter/Staff Settlement (ABC Manager).

11. Case#13-251-00054 DC Shenanigans, 2450 18th ST NW Retailer C Tavern, License#: ABRA-088119

Decision: No Further Action.

12. Case#13-CMP-00219 MERKATO ETHIOPIAN RESTAURANT, 1909 9th ST NW Retailer C Restaurant, License#: ABRA-089019

Decision: Show Cause.