

**ANC 6A ABL Committee  
September 21, 2010, 7-9 PM  
Minutes**

Committee members present: Commissioner Mary Beatty (ANC 6A05); Adam Healy; Michael Herman; Anne Marie Koshuta; Tish Olshefski  
Committee members absent: Jaki Downs  
Commissioners: Kelvin Robinson (ANC6A08)  
Community: Coralie Farlee (ANC6D Chair of ABC Committee); Margaret Holwill

**I. AGENDA/MINUTES**

- a. **Meeting called to order at 7:03 pm.** Quorum present.
- b. **Introductions made.** Mary Beatty announced she is not running again for ANC 6A05 SMD commissioner and would be looking for a replacement chairman.
- c. **Agenda** - Motion to accept agenda as amended. Added 2) under new business. Standard VA Modifications. No objections.
- d. **Minutes** - Motion to accept minutes presented at last ANC meeting (June 2010). No objections.

**II. COMMUNITY COMMENT**

1. Coralie Farlee went to City Council committee hearing on proposed changes to Title 25 at which substantive proposals for various changes to alcohol licensing law were discussed - including definition of miniatures, redefine wine, stipulated license, proposed increase in fees, adding requirement for security plan for CT licensees. However, most emphasis was placed on the comments regarding VA's and the ABRA process. Mary summed up that Graham seems sympathetic to the position ABC Chair Brodsky has taken about ABRA's right to rewrite ANCs' VAs.

**RECOMMENDATION: Mary Beatty moves that the ANC submit comments on the most recent ABRA hearing (September 20) regarding Voluntary Agreements and the role of the ANCs in crafting Voluntary Agreements; and authorize that Mary Beatty or her designee represent the ANC in any hearings on this matter. Seconded. Amendment made (underlined). Seconded. Amendment and final motion both approved unanimously.**

2. Question from Margaret Holwill: What is the status of the establishments that have licenses and VAs and have never been developed? Do we have anything in our VA that requires the purchaser of an existing license to come back with any change of plans for the establishment? Mary Beatty responds that there is no requirement for the owners to come back to the ABL Committee, unless there is a substantial change to the license as approved by ABRA.
3. H Street Festival - 30 to 35,000 people. Second year in the row of no violations on the one-day permits for patio service during the festival. Suggestion to send a thank you letter to these businesses.
4. Some bars forget what is in the VA. Suggests that the committee do a letter to all the establishment with a reminder of certain aspects of the VA.

### III. REVIEW OF ANC6A JUNE-SEPT MEETING RE: ABL RECOMMENDATIONS

- 1) **The Atlas Room (1016 H Street)**  
Submitted and approved a VA.
- 2) **Desperado Pizza CT Application (1387 H Street)**  
Submitted and approved a VA.
- 3) **Sticky Rice Substantial Change to CR License (1224 H Street)**  
Submitted and approved the Substantial Change.
- 4) **Pug Substantial Change**  
Submitted and approved a Substantial Change.
- 5) **Kahn's VA ABRA Changes**  
Submitted a VA about 3 or 4 months ago. Came back to us in May. ABRA rejected and said we had to take it back to the ANC for all the changes. ANC sent a letter back with our concerns on the changes. Response is that they are not asking us to change all of it, just two things. They want unilateral control over the ability to change the language in our VA. Other is regarding open containers. Page 2, section 2, C - Applicant agrees to ensure that no patron bring alcohol into the establishment from outside sources, and at no time exits the establishment with alcoholic beverages. Pointed out that corkage procedures make this problematic. We pointed out that this is referencing open containers. ABRA will put this in our order if we agree. We are going to leave the language as is in Kahn's VA. Except that by ABRA order are making it clear that they can change the language whenever they want. But they aren't consistent which is problematic for us.

### IV. NEW BUSINESS

- 1) **XII - ABRA Enforcement Action**  
Invited owner of XII and an ABRA Investigator to the meeting but neither has appeared. XII's license is about to expire and it is coming up for renewal. We need to know about the latest action. Have had several complaints and violations of their VA. ABRA Report - Sunday, August 15, felony assault inside establishment. Two females assaulted another female patron. Employees broke it up. The victim went into the restroom and the employees moved the two other women out of the establishment. Two other people then went into the restroom and assaulted her again. She was sent by ambulance to the hospital.

We want to ask questions about the security detail and whether the security plan was in place at the time of the incident.

There have been 10 investigations/complaints.

The license is up for renewal so we need to get the community comment. We will publicize it through our normal means (ANC listserv, flyers) and we need to get owner to the meeting. We will hold this until October.

- 2) **Standard VA Modifications**  
Want to discuss and bring proposed language back to the next meeting.
  - a. **Security Plan**

Committee reviewed security language of VAs of other ANC's and made recommendations of concepts we should consider for our proposed language, including a MPD reimbursable detail.

**b. Open Container**

ANC made suggestion that we are prohibiting legal action on the corkage of wine bottles. Mary will bring back proposed language to our next meeting.

Mary asked for committee comments re: ABRA push on two issues: 1) our VA doesn't need language that is already DC law; and 2) can't have language that is unenforceable in their view. Mention made of need to amend some additional language about outdoor seating areas (should reference 3 month review after opening of the outdoor seating area, rather than opening of the establishment).

**V. Adjourn**

Meeting adjourned at 8:45 pm. Next meeting October 19, 2010.