

## Alcoholic Beverage Licensing Committee

ANC 6A

October 15, 2013

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7pm EST on October 15, 2013 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

**Committee Members Present:** Jay Williams (Chair), Adam Healy, Mary Cary Bradley, Christopher Seagle, Roger Caruth, David Oberting, and Ann Marie Koshuta

**Committee Members Absent:** Michael Herman and Katy Thomas

**Commissioners Present:** David Holmes

**Community Members Present:** Joe Englert (H Street Country Club, Rock and Roll Hotel), Phil Peters (Smith Commons), Danny Roberts (Rose’s Dream/Rose’s Dejavu), Cynthia Simms and Jermaine Mathews (Sahra), B. Bhageram, Margaret Holwill, Rafael, Marshall, Claude Labbe, and Casy Goad.

### I. Call to Order

Jay Williams called the meeting to order at 7:03 pm. The meeting having been duly convened, was ready to proceed with business with a quorum. Mr. Williams reviewed the agenda and asked if there were any additions or edits. There were none.

### II. Community Comment

None

### III. Old Business

#### A. Update on status of Cusbah protest hearing.

Mr. Williams provided an update on the status of the ANC’s protest of Cusbah.

- A few days prior to the scheduled protest hearing, ABRA notified the ANC that the hearing had been continued to January 22, 2014.
- Ms. Holwill asked how this would affect the ANC’s interest in getting all outdoor space on consistent closing hours, and Mr. Williams said that it would have been better to have a Board decision prior to that discussion, but that this would be a decision on one Settlement Agreement, and would not invalidate patio hours on any other agreement.

### IV. New Business

#### A. Discussion of license renewal for H Street Country Club at 1335 H Street NE (Class “C” Tavern) (License Number ABRA-076649).

- Mr. Williams stated that he is unaware of any complaints regarding this establishment.
- Mr. Englert asked about his request to extend his rooftop deck hours, and Mr. Williams explained that he was still planning to schedule a public meeting in the coming months to discuss the issue ANC-wide. Mr. Williams apologized for the delay, but said that the ANC was still serious about the issue and willing to take it up soon.
- There were no additional comments.

#### B. Discussion of license renewal for Rock N Roll Hotel at 1353 H Street NE (Class “C” Tavern) (License Number ABRA-072777).

- Mr. Williams stated that he is unaware of any complaints regarding this establishment.

- There were no additional comments.

**C. Discussion of license renewal for Liberty Tree at 1016 H Street NE (Class “C” Tavern) (License Number ABRA-083356).**

- Mr. Williams stated that he is unaware of any complaints regarding the establishment.
- Mr. Marshall stated that he had concerns with being able to see trash from the street/sidewalk, and that when Liberty Tree was negotiating their Settlement Agreement, they assured him that trash would not be visible.
- Mr. Williams stated that there was nothing specific in the Settlement Agreement about this, but that it was worth raising with the establishment if the problems persist.
- There were no additional comments.

**D. Discussion of license renewal for Rose’s Dejavu at 1378 H Street NE (Class “C” Tavern) (License Number ABRA-089342).**

- Mr. Williams stated that he is unaware of any complaints regarding the establishment.
- Mr. Roberts asked about recent issues concerning rooftop deck hours, noting that he had heard that other establishments had raised complaints about his Settlement Agreement’s rooftop hours, even though his current location doesn’t have a rooftop deck.
- Mr. Williams explained the history of the questions regarding rooftop deck and public space patio hours.
- There were no additional comments.

**E. Discussion of license renewal for Sahra Hooka Lounge at 1200 H Street NE (Class “C” Tavern) (License Number ABRA-087558), and discussion of Sahra’s request to amend its Settlement Agreement.**

- Mr. Williams explained that Sahra had made requests for several changes to its Settlement Agreement, and that the Committee needed to discuss Sahra’s license renewal. He suggested that the Committee discuss the SA requests first.
- Ms. Simms explained that Sahra believes its Settlement Agreement doesn’t fit the establishment, particularly noting that there is a clause regarding kitchen hours, even though the business does not have a kitchen.
- She also argued that many provisions contain restatements of the law, meaning that the establishment could get a double fine from the Board if found to be in violation.
- Mr. Williams stated that the kitchen issue was irrelevant because the clause is specifically limited to CR licenses, not CT. Mr. Matthews responded that ABRA investigators wouldn’t care and would still attempt to cite the establishment.
- Mr. Williams also stated that the reason elements of DC law are in the SA is because in the past, establishments have had owners/managers who don’t understand the laws, and the ANC wanted to put the relevant parts of the law clearly in the agreement. Mr. Matthews disagreed, saying that owners of establishments consistently know the law.
- Ms. Koshuta stated that she has been on the ABL Committee for three years and has never heard of an issue regarding establishments without kitchens having problems with that clause. Mr. Holmes agreed, saying he had never heard of this issue in his seven years of being involved with the ANC, and that the ANC would be happy to support an establishment that gets cited for this issue unfairly.

- Mr. Holmes noted that in the past few months, Sahra has had issues with an illegal patio, offering entertainment without a proper endorsement, and putting loud speakers outside in violation of its Settlement Agreement.
- Ms. Simms stated that the sidewalk café shouldn't have been set up, but that now the appropriate paperwork had been filed. She assured the Committee that she and Mr. Matthews were recently hired to prevent these problems from happening again.
- Mr. Williams explained that he was opposed to making any changes to the Settlement Agreement. The Settlement Agreement has been accepted by the Board, and the requirements are not difficult for establishments to comply with. He noted that Sahra had been in violation of multiple parts of its Agreement. He also stated that he didn't believe the ANC would accept such changes, given the history with the establishment.
- Ms. Koshuta said that if the establishment is addressing egregious issues, there's no need to change the SA.
- Mr. Healy stated that he believed the recent omnibus reform of the alcohol laws prevented the "double fine" issue raised earlier. He also stated he was opposing any changes to the SA, and may be opposed to renewal as well. He felt that Mr. Matthews was arguing that owners know the law at one point, but when asked about violations, he made excuses for the owners. He said that there seemed to be a recurring theme of "not knowing" the law or requirements as an excuse.
- Mr. Matthews said he and Ms. Simms were brought on to "clean up" issues with the establishment.
- Ms. Holwill stated that she had a problem with piecemeal changes to the Settlement Agreement, because a strength of ANC 6A comes from its consistency with the Settlement Agreement. An SA that reiterates DC law is also useful for training new managers at establishments. A representative from Queen Vic agreed, stating that the consistency helps all establishments on H Street.

Mr. Williams moved/Mr. Healy seconded that the Committee recommend the ANC notify ABRA that it is opposed to any changes to Sahra's Settlement Agreement. Motion carried 6-0-1.

- The discussion then turned to Sahra's license renewal.
- Mr. Holmes commented that it was interesting (and savvy) of the establishment to hire a former ABRA investigator and ABRA spokesperson to represent it.
- Mr. Williams noted that he had received multiple complaints about an armed employee, possibly a security guard, who had gotten into verbal confrontations with passersby on the street. Mr. Matthews said this is the first he's heard of this issue, but that he would undertake additional security training if necessary.
- A representative from Queen Vic stated that they have had repeated issues with the owner of Sahra, who also owns the space next door (formerly Souk), including illegal construction causing problems in their own establishment.
- Mr. Healy noted that Sahra got cited twice at H Street Festival in 2012 for selling to-go cups.
- Mr. Matthews assured the Committee that he and Ms. Simms would be with Sahra long-term and were committed to cleaning up the establishment.
- Ms. Koshuta stated that the owners made a lot of promises when they initially applied for a license, and has since been shocked by the complaints she has heard. She said she didn't believe that Sahra had been living up to its promises.
- Mr. Oberting asked Ms. Simms and Mr. Matthews how long they had been working for Sahra. They responded that they were hired approximately two months ago.

- Mr. Labbe, a nearby neighbor, stated that the establishment had been quieter since the patio closed.
- Mr. Healy stated that he was struggling with this decision - for one, the establishment has shown very little good faith to follow the law and its Settlement Agreement. He raised concerns that Sahra already has a patio endorsement from ABRA, so it just needs to get DDOT approval.
- Mr. Oberting stated that it's not unreasonable to wait to see if Ms. Simms and Mr. Matthews can deliver on their promises. Mr. Williams explained the protest process and timing, noting that if the ANC didn't protest, its next chance would be at the next renewal period in three years, or if they requested a substantial change. He stated that the protest could be filed and then withdrawn at any time if the ANC later feels that Sahra is living up to its assurances.
- Ms. Koshuta stated that she wasn't sure a few months (the protest process) was enough time to know if Sahra would become a good actor.
- Mr. Oberting asked Mr. Matthews and Ms. Simms how long they thought it would take to "clean up" their client. They responded that they hoped to clean up the issues immediately.
- Mr. Oberting stated that he believed the Committee should protest now, and withdraw if satisfied that Sahra had cleaned up its act.
- Mr. Williams stated that he felt like the Committee had to act based on the actions it had seen by Sahra, and not as much on the promises of new employees. Mr. Holmes agreed.
- Ms. Koshuta raised concerns that the ANC could later withdraw its request based on good behavior by the establishment, but it could then go back to its old ways. Mr. Williams stated that this is something that the ANC will certainly take into consideration during negotiations over the protest.
- Ms. Holwill raised an issue with Sahra leaving its chairs and tables out after hours, and they were attracting loiterers. Mr. Holmes noted this was also a liability issue. Ms. Simms and Mr. Matthews said that they would consider options to minimize this issue.

Mr. Williams moved/Mr. Healy seconded that the Committee recommend the ANC formally protest the CT license renewal of Sahra. Motion carried 8-0-0.

## **V. Adjourn**

The Committee adjourned at 8:20 pm.