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(8:37 p.m.)

CHAIRPERSON MILLER: Okay. We are back on the record for the agenda. First, we will do the Licensing Agenda.

No. 1 on the Licensing Agenda is a manufacturer application requesting change of hours and tasting permit for Atlas Brew Works located at 2052 West Virginia Avenue, N.E., License No. 092182.

I move that we approve, as these hours are consistent with the new law.

MEMBER RODRIGUEZ: Second it.

CHAIRPERSON MILLER: Mr. Rodriguez has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? The motion passes 5-0-0.

We have a Supplemental Licensing Agenda.

1 No. 1 is reviewing revised floor
2 plans for Safeway located at 3830 Georgia
3 Avenue, N.W.

4 MEMBER JONES: Which one?

5 CHAIRPERSON MILLER: Excuse me?

6 MEMBER RODRIGUEZ: Herman, it's
7 Safeway.

8 MEMBER JONES: I'm coming.

9 MEMBER ALBERTI: That's okay. He
10 said he will be fine. That's fine.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER RODRIGUEZ: Make that
13 second, Herman.

14 CHAIRPERSON MILLER: 3830 Georgia
15 Avenue, N.W.

16 MEMBER ALBERTI: Someone gave you
17 credit, Herman.

18 MEMBER JONES: Thank you.

19 CHAIRPERSON MILLER: So, Mr.
20 Jones, do you find that these plans fulfill
21 the full-service B grocery store criteria? Do
22 you have a recommendation on that ?

1 MEMBER JONES: Excuse me. Yes,
2 ma'am. We are in receipt of updated and
3 revised floor plans from the licensee or the
4 potential licensee or the applicant, as you
5 noted. And they have been found to be in
6 compliance and thus passing Test 1, where they
7 were seeking to pass that test via the 6,000
8 or greater square feet dedicated to food sales
9 and they passed that test with a square
10 footage as measured independently by us of
11 24,727.71 square feet.

12 That transitioned into Test 2 and
13 they additionally passed Test 2 by having
14 exceeded 5 percent or more in six of the seven
15 food categories. The requirement is that they
16 exceed 5 percent in six of the seven and they
17 did so in the food categories, in all areas,
18 with the exception of non-alcoholic beverages.
19 They exceed 5 percent non-alcoholic beverages.
20 They came in at 3.51 percent.

21 So given that, they have
22 demonstrated they are in compliance with the

1 requirements of the full-service grocery store
2 and thus, my recommendation is that we proceed
3 to placard.

4 MEMBER SHORT: I second.

5 CHAIRPERSON MILLER: Okay. Great.

6 Thank you very much, Mr. Jones.

7 Okay. There is a motion to
8 placard that has been seconded. Any other
9 comments?

10 All those in favor then say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 6-0-0.

15 No. 2 on the Supplemental
16 Licensing Agenda is a request for a newly
17 tailored Class C Multi-Purpose License. This
18 is for a CX License for the VIP located at
19 6201 3rd Street, N.W., License No. 094561.

20 I move that we deny this
21 application, that this may be appropriate for
22 a different license.

1 MEMBER RODRIGUEZ: Second.

2 CHAIRPERSON MILLER: Okay. Mr.
3 Rodriguez has seconded the motion.

4 All those in favor of the motion
5 to deny say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 6-0-0.

10 MEMBER ALBERTI: I will point out,
11 I just want to point out for the record this
12 is an administrative decision, so this does
13 not preclude them from applying for a
14 different class of license at this location.

15 CHAIRPERSON MILLER: Thank you.
16 Thank you. Okay. I agree. Okay. That's the
17 Licensing Agendas.

18 We can now turn to our Legal
19 Agendas.

20 The first on the Legal Agenda is a
21 review of a settlement agreement dated
22 February -- wait a second. What's the date?

1 We've got an updated agreement.

2 MEMBER ALBERTI: From where?
3 February 24th.

4 CHAIRPERSON MILLER: February 24th
5 is the most recent one? Because, I believe,
6 this is -- the party submitted an updated one.

7 MEMBER ALBERTI: Submitted a
8 revision, I think it was this week.

9 MEMBER RODRIGUEZ: Will we just
10 deny it?

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: So I'm not sure.

13 CHAIRPERSON MILLER: All right.

14 So we are looking at the revised amendment to
15 the voluntary agreement. And that is between
16 Good Guys and ANC-3B. And that's the one
17 dated in March.

18 Good Guys Restaurant is located at
19 2311 Wisconsin Avenue, N.W., License No.
20 00899.

21 I move that we approve this
22 amendment to the voluntary agreement. Do I

1 have a second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON MILLER: Mr. Short has
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 6-0-0.

10 No. 2 is a settlement agreement
11 dated March 2, 2014 between Sin Bin Bar and
12 Restaurant and ANC-6A. Sin Bin Bar and
13 Restaurant is located at 1336 H Street, N.E.,
14 License No. 93632.

15 I move that we approve the
16 settlement agreement. Do I have a second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks
19 has seconded the motion.

20 All those in favor say aye.

21 MEMBER BROOKS: Aye.

22 MEMBER SHORT: Aye.

1 MEMBER RODRIGUEZ: Aye.

2 CHAIRPERSON MILLER: Aye.

3 MEMBER JONES: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes --

7 MEMBER ALBERTI: I abstain. Mr.
8 Alberti abstains.

9 CHAIRPERSON MILLER: Oh, Mr.
10 Alberti abstains on this one. So the vote is
11 5-0-0.

12 MEMBER ALBERTI: 5 --

13 CHAIRPERSON MILLER: You recuse
14 yourself?

15 MEMBER ALBERTI: It's 5-0-1.

16 CHAIRPERSON MILLER: 1, okay. Mr.
17 Alberti. Okay.

18 No. 3 is a settlement agreement
19 dated February 25, 2014 between 2500
20 Pennsylvania Avenue Investors, ANC-2A and
21 Michael Dudich. The establishment is Avenue
22 Suites/A Bar located at 2500 Pennsylvania

1 Avenue, N.W., License No. 86545.

2 I move we approve the settlement
3 agreement. Do I have a second?

4 MEMBER ALBERTI: Second.

5 CHAIRPERSON MILLER: Mr. Alberti
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 6-0-0.

12 Okay. Next we have a review of a
13 petition dated February 28, 2014 from ANC-1C
14 for the renewal and modification of the Adams
15 Morgan Moratorium.

16 And I also want to say that we
17 also have on the Supplemental Agenda, No. 2,
18 is a petition dated March 4, 2014 from
19 Kalorama Citizens Association's request to
20 review the existing Adams Morgan Moratorium.

21 So I move that we schedule a
22 hearing for May 7, 2014 from 10:00 to 12:00,

1 10:00 a.m. to 12:00 p.m.

2 MEMBER RODRIGUEZ: Second.

3 CHAIRPERSON MILLER: Okay. Wait a
4 minute.

5 MEMBER RODRIGUEZ: Oops.

6 CHAIRPERSON MILLER: And I also --
7 also in ANC-1C's petition, they seek -- they
8 request to extend the time of the moratorium
9 in the event that it is necessary to
10 accommodate the hearing and everything. And
11 I think it is, so I would also move that we
12 approve emergency rules to extend the
13 moratorium 120 days to allow for this process.

14 MEMBER RODRIGUEZ: Second.

15 CHAIRPERSON MILLER: Okay. Mr.
16 Rodriguez seconds the motion. Any other
17 comments? Okay.

18 All those in favor then of the
19 motion say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 Okay. No. 5 on the Legal Agenda
3 is a request, they characterize it, to
4 grandfather standing in a renewed second
5 protest dated February 25, 2014 for President
6 Chris Young, the protestant against the
7 renewal of Kiel, LLC. The establishment is
8 MOVA located at 2204 14th Street, N.W.,
9 License No. 87030.

10 So I move that we approve this
11 request, which allows the materials that they
12 submitted earlier, in an earlier protest, to
13 be used for this protest. Do I have a second?

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Any comments?
16 Okay.

17 Then all those in favor of the motion to
18 approve the request say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 6-0-0.

1 No. 6 is a request for off-premise
2 storage of invoices from Pearson Keyes,
3 General Manager of City Tap House. City Tap
4 House is located at 901 9th Street, N.W.,
5 License No. 93546.

6 I move that we grant this request
7 with the proviso that copies of the invoices
8 must be stored in the District, either
9 physically or electronically. Do I have a
10 second?

11 MEMBER SHORT: Second.

12 CHAIRPERSON MILLER: Mr. Short has
13 seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0.

19 No. 7 are nine requests from E & J
20 Gallo to provide retailers with products
21 values at more than \$50 and less than \$500.

22 I move that we approve this

1 request.

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti
4 has seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 6-0-0.

10 And we have one more item on the
11 Supplemental Legal Agenda, which is No. 1 on
12 the agenda, that is a letter supporting the
13 renewal license and the termination of
14 settlement agreement dated March 7, 2014 from
15 Chairman Matt Raymond of ANC-2F07. It's
16 related to The Park at 14th located at 920 14th
17 Street, N.W., License No. 90250.

18 This resolution is an FYI of the
19 position of the ANC. However, the Chairman
20 Raymond has also submitted an email which
21 requests that their protest be withdrawn for
22 both the termination of settlement agreement

1 and for the renewal.

2 So I move that we grant this
3 request. Do I have a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON MILLER: Mr. Short has
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 6-0-0.

12 And a written order will be
13 forthcoming, I believe it is, 2014-90.

14 So we did No. 2 in conjunction
15 with No. 4 on the regular agenda, so that
16 completes our Supplemental Agenda and our
17 Legal Agenda and all our agendas for March 12,
18 2014.

19 And what is left is to vote on
20 voting in closed session for our investigation
21 and agenda matters.

22 So, okay, as Chairperson of the

1 Alcoholic Beverage Control Board for the
2 District of Columbia and in accordance with DC
3 Official Code Section 2-574(b) of the Open
4 Meetings Act, I move that the ABC Board hold
5 a closed meeting on March 19, 2014 for the
6 purpose of seeking legal advice from our
7 counsel on the matters identified on the
8 Board's Agenda for March 19, 2014 as published
9 in the DC Register on March 14, 2014.

10 Is there a second?

11 MEMBER RODRIGUEZ: Second.

12 CHAIRPERSON MILLER: Mr. Rodriguez
13 has seconded the motion. I'll now take a roll
14 call vote on the motion before us now that it
15 has been seconded.

16 Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Mr.

21 Rodriguez?

22 MEMBER RODRIGUEZ: I agree.

1 CHAIRPERSON MILLER: Ms. Miller
2 agrees.

3 Mr. Short?

4 MEMBER SHORT: I agree.

5 CHAIRPERSON MILLER: Mr. Jones?

6 MEMBER JONES: I agree.

7 CHAIRPERSON MILLER: It appears
8 that the motion has passed by a 6-0-0 vote.

9 I hereby give notice that the ABC
10 Board will hold this aforementioned closed
11 meeting pursuant to the Open Meetings Act.
12 Notice will also be posted on the ABC Board
13 hearing room bulletin board, placed on the
14 electronic calendar on ABRA's website and
15 published in the DC Register in as timely a
16 manner as practicable.

17 As Chairperson of the Alcoholic
18 Beverage Control Board for the District of
19 Columbia and in accordance with DC Official
20 Code Section 2-574(b), closed meetings, and 2-
21 574, notice of meetings, of the Open Meetings
22 Act, I move that the ABC Board hold a closed

1 meeting on March 19, 2014 for the purpose of
2 discussing and hearing reports concerning
3 ongoing or planned investigations of alleged
4 criminal or civil misconduct or violations of
5 law or regulations and seeking legal advice
6 from our counsel on the Board's Investigative
7 Agenda for March 19, 2014 as published in the
8 DC Register on March 14, 2014.

9 Is there a second?

10 MEMBER SHORT: Second.

11 CHAIRPERSON MILLER: Mr. Short has
12 seconded the motion. I'll now take a roll
13 call vote on the motion before us now that it
14 has been seconded.

15 Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Mr.

20 Rodriguez?

21 MEMBER RODRIGUEZ: I agree.

22 CHAIRPERSON MILLER: Ms. Miller

1 agrees.

2 Mr. Short?

3 MEMBER SHORT: I agree.

4 CHAIRPERSON MILLER: Mr. Jones?

5 MEMBER JONES: I agree.

6 CHAIRPERSON MILLER: It appears
7 that the motion has passed by a 6-0-0 vote.

8 I hereby give notice that the ABC
9 Board will hold this aforementioned closed
10 meeting pursuant to the Open Meetings Act.
11 Notice will also be posted on the ABC Board
12 hearing room bulletin board, placed on the
13 electronic calendar on ABRA's website and
14 published in the DC Register in as timely a
15 manner as practicable.

16 And that concludes our business
17 for March 12, 2014. And we are adjourned.

18 MEMBER RODRIGUEZ: Thank you,
19 Madam Chair.

20 MEMBER JONES: 9:00, we are out of
21 here.

22 CHAIRPERSON MILLER: Yes.

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(Whereupon, the A.B.R.A. Agenda in
the above-entitled matter was concluded at
8:53 p.m.)

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