

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

March 26, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 (8:22 p.m.)

3 CHAIRPERSON MILLER: Okay. The
4 Board is back on the record to do its agendas
5 for March 26, 2014. I am going to start with
6 the Licensing Agenda, which is entitled
7 Supplemental Licensing Agenda. We don't have
8 a regular Licensing Agenda. Okay.

9 No. 1 on the Supplemental
10 Licensing Agenda is an application to place
11 license in safekeeping for DC Eagle located at
12 639 New York Avenue, N.W., License No. 086397.

13 I move that we approve the
14 application for a six month period.

15 MEMBER SILVERSTEIN: Second.

16 CHAIRPERSON MILLER: Mr.
17 Silverstein has seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

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

1 No. 2 is a letter from Stephen
2 O'Brien with an accompanying application for
3 safekeeping for District located at 2473 18th
4 Street, N.W., License No. 092742.

5 I move that we deny this request
6 as it's being presented by someone who is not
7 the owner of the license.

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON MILLER: Mr.
10 Silverstein has seconded the motion. Any
11 other comments? Yes?

12 Oh, all those in favor say aye.

13 ALL: Aye.

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

17 No. 3 is an application request
18 for a new Class C Multi-Purpose License for
19 The V.I.P. located at 6201 3rd Street, N.W.,
20 and it's License No. 094561.

21 I move that we approve this
22 license. It's for a CT. Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

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

9 No. 4 is a letter of request for a
10 stipulated license with ANC Letter of Support,
11 that's ANC-2A, the establishment is Campono
12 located at 600 New Hampshire Avenue, N.W.,
13 License No. 094362.

14 I move that we approve this
15 request. Do I have a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr.

18 Silverstein seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

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

1 passes 6-0-0.

2 No. 5 is a letter and application
3 request for a stipulated license with ANC-6D
4 and Letter of Support. And that is for the
5 establishment Masala Art located at 1101 4th
6 Street, S.W., License No. 094711.

7 I move that we approve this
8 request. Do I have a second?

9 MEMBER RODRIGUEZ: Second.

10 CHAIRPERSON MILLER: Mr. Rodriguez
11 has seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

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

17 No. 6 is a letter request from
18 Stephen O'Brien for a summer garden with five
19 tables and 10 seats. This has all the
20 attached underlying documents that the Board,
21 I think, was looking for at a previous time.
22 So it is for the Four Seasons Hotel located at

1 2800 Pennsylvania Avenue, N.W., License No.
2 074900.

3 I move therefore that we approve
4 this request. Do I have a second?

5 MEMBER SHORT: Second.

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

8 All those in favor say aye.

9 ALL: Aye.

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

13 No. 7 is an application request
14 for a sidewalk cafe endorsement with proposed
15 hours of operation of alcoholic beverage sales
16 and consumption for sidewalk cafe Sunday
17 through Thursday 11:00 a.m. to 10:00 p.m.,
18 Friday and Saturday 11:00 a.m. to 11:00 p.m.
19 This is in ANC-6D. It is Kruba located at 301
20 Tingey Street, S.E., License No. 090630.

21 I move that we placard. Do I have
22 a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

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

9 No. 8 is a change of hours
10 application to change hours of operation and
11 hours of alcoholic beverage sales. The
12 proposed hours of operation and sales for the
13 premises are Saturday and Sunday, 9:00 a.m. to
14 10:00 p.m.

15 MEMBER ALBERTI: No.

16 CHAIRPERSON MILLER: No, it's
17 written wrong. I think they are just -- I
18 think the underlying documents show just
19 Saturday. Is that correct?

20 MEMBER ALBERTI: Right. So we are
21 approving Saturday only.

22 CHAIRPERSON MILLER: Saturday

1 only, exactly. Okay. So it's to approve --
2 do you have that in front of you, those
3 documents?

4 MEMBER ALBERTI: I don't have the
5 documents, but it is --

6 CHAIRPERSON MILLER: Are the hours
7 right?

8 MEMBER ALBERTI: -- to approve
9 Saturday from 9:00 a.m. to 10:00 p.m.

10 CHAIRPERSON MILLER: Okay. So the
11 hours are correct here. All right. That's
12 for 1412 Liquors located at 1412 Pennsylvania
13 Avenue, S.E., License No. 093947.

14 MEMBER ALBERTI: I'll just say the
15 reason is that this is a wholesaler and the
16 law prohibits sales on Sunday for a
17 wholesaler.

18 CHAIRPERSON MILLER: Right. Thank
19 you very much. And I believe that they also
20 just asked for an advisory opinion as to
21 whether they can use the space for seminars
22 and the answer is yes.

1 Okay. So there is a motion to
2 approve. Is there a second?

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON MILLER: Mr.
5 Silverstein has seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

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

11 We have an application request for
12 a new retailer license in ANC-6D, that's First
13 Street Fields located at 25 Potomac Avenue,
14 S.E., License No. 094104.

15 I move that we schedule a Fact-
16 Finding on this application. Do I have a
17 second?

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON MILLER: Mr. Alberti
20 seconded the motion. Any comments? Okay.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 6-0-0.

4 That completes the Licensing
5 Agenda. And we have a Legal Agenda and a
6 Supplemental Legal Agenda.

7 First on the Legal Agenda is a
8 resolution from ANC-3E regarding the
9 application for a class change. It's for
10 Public Tenley located at 4611 41st Street,
11 N.W., License No. 85626.

12 Okay. I move that we deem their
13 submission as a timely filed protest and that
14 this case continue to Roll Call and that the
15 Status Hearing may be postponed.

16 And in explanation, they have
17 asked that this case be postponed in some way,
18 because they are still working things out, so
19 that is a manner in which I move that this
20 case proceed. Do I have a second?

21 MEMBER SHORT: Second.

22 CHAIRPERSON MILLER: Mr. Short has

1 seconded the motion. Any other comments?

2 Okay.

3 All those in favor then say aye.

4 ALL: Aye.

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

8 No. 2 is a second amendment to
9 settlement agreement dated March 5, 2014 from
10 ANC-2E. It involves the establishment Il
11 Canale, so it's an agreement between those
12 two. And Il Canale is located at 1063 31st
13 Street, N.W., License No. 83707.

14 I move that we approve this
15 amendment to the settlement agreement.

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Mr. Alberti
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

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

1 passes 6-0-0.

2 No. 3 is a settlement agreement
3 dated March 12, 2014 between ANC-2B, Dupont
4 Circle Citizens Association, a group of five
5 or more and 1825 18th Hospitality, LLC. And
6 the establishment is Bar Charley located at
7 1825 18th Street, N.W., License No. 92461.

8 I move that we approve with
9 modification to paragraph No. 9, which
10 contains language regarding a Show Cause
11 action. Do I have a second?

12 MEMBER ALBERTI: Second.

13 CHAIRPERSON MILLER: Mr. Alberti
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

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

20 No. 4 is a review of three
21 requests from E & J Gallo to provide retailers
22 with products valued at more than \$50 and less

1 than \$500.

2 I move that we approve these
3 requests. Do I have a second?

4 MEMBER SHORT: Second.

5 MEMBER SILVERSTEIN: Second.

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

8 All those in favor say aye.

9 ALL: Aye.

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

13 Finally, we have a Supplemental
14 Legal Agenda. Okay.

15 No. 1 is a review of a motion for
16 reconsideration of Board Order dated March 10,
17 2014 from Andrew Kline, counsel for Melles
18 Hospitality Group, LLC. It's in reference to
19 The Alibi Restaurant and Lounge located at 237
20 2nd Street, N.W., License No. 93491.

21 I would move to grant this motion.
22 Do I have a second?

1 MEMBER RODRIGUEZ: Second.

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

4 MEMBER RODRIGUEZ: Which is it?

5 MEMBER ALBERTI: Alibi.

6 MEMBER RODRIGUEZ: Oh, correction,
7 Madam Chair. I was in aversion. I change my
8 second on that.

9 CHAIRPERSON MILLER: You are
10 withdrawing your second?

11 MEMBER RODRIGUEZ: I'm withdrawing
12 my second. Yes, that's Alibi. I'm sorry.

13 CHAIRPERSON MILLER: Is there a
14 second? Not hearing any, then the motion
15 fails for lack of a second. Is there an
16 alternative motion?

17 MEMBER SILVERSTEIN: Madam Chair,
18 I move we deny the request.

19 CHAIRPERSON MILLER: Is there a
20 second?

21 MEMBER SHORT: Second.

22 CHAIRPERSON MILLER: Mr. Short has

1 seconded the motion. Any comments? I have a
2 comment.

3 I believe that the motion should
4 be granted, that our statute can be read as
5 not requiring an individual to disclose
6 violations of the establishment of which the
7 individual is less than 10 percent owner.
8 Okay. That's my comment.

9 And any other comments? Not
10 hearing any --

11 MEMBER ALBERTI: I would say that
12 -- actually I have the opposite view. I think
13 it's clear from the intent of the law that the
14 application should include information on all
15 parties who have an interest regardless of
16 their share of ownership. So I guess we just
17 have different interpretations --

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: -- of the law.

20 CHAIRPERSON MILLER: All right.

21 And I rest my conclusions on 25-101 and 25-
22 402.

1 MEMBER ALBERTI: I know, but I'm
2 looking at -- I can't tell you right now, but
3 I'm looking at all of the statutes, not just
4 that one.

5 CHAIRPERSON MILLER: Okay. Thank
6 you. Any other comments? All right. So
7 there has been a motion to deny that has been
8 seconded.

9 All those in favor of the motion
10 to deny say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? Opposed. All those abstaining? The
14 motion to deny passes by a vote of 5-1-0 with
15 no other opposing.

16 Okay. No. 2 is a request to
17 grandfather standing in a second protest dated
18 March 17, 2014 from ANC Chair Will Stephens,
19 the protestant, and the establishment is 18th
20 Street Lounge located at 1212 18th Street,
21 N.W., License No. 21211.

22 I move that we approve this

1 request. Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti
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. 3 is a resolution and
11 withdrawal of protest dated March 20, 2014
12 from ANC Chair Patrick Kennedy. The
13 establishment is Cafe Delux located at 2201 M
14 Street, N.W., License No. 94180.

15 I move that we approve this
16 resolution of withdrawal of protest. Is there
17 a second?

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON MILLER: Mr. Alberti
20 seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 6-0-0.

4 No. 4 is a motion for continuance
5 dated March 21, 2014 from Kwamina Williford,
6 who is counsel for 2441 Bond Street Equities,
7 the protestants. Applicant concurs with the
8 request. It is for Tackle Box located at 3245
9 M Street, N.W., License No. 84952.

10 I move that we approve this
11 application. Do I have a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr.
14 Silverstein has seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? 6-0-0 is the
19 vote to approve.

20 No. 5 is a letter from Karen Todd,
21 counsel for TBM Holdings, requesting extension
22 of payment of \$2,000 fine. Payment was due on

1 March 15, 2014. TruOrleans is located at 400
2 H Street, N.E., License No. 86210.

3 I move that we deny this request.
4 Do I have a second?

5 MEMBER ALBERTI: Oh, second.

6 CHAIRPERSON MILLER: Mr. Alberti
7 seconded the motion. Any comments? I would
8 just comment that we never grant these
9 extensions. So okay.

10 There is a motion to deny that has
11 been seconded.

12 All those in favor say aye.

13 ALL: Aye.

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

17 No. 6 is an adoption for a second
18 time of Emergency and Proposed Rulemaking in
19 East Dupont Circle Moratorium.

20 I move that we approve this
21 adoption. Do I have a second?

22 MEMBER ALBERTI: Second.

1 CHAIRPERSON MILLER: Mr. Alberti
2 has seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

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

8 No. 7 is a settlement agreement
9 dated March 24, 2014 between group of five or
10 more and Jefferson Grill, Inc. The
11 establishment is Macombo Lounge located at
12 5335 Georgia Avenue, N.W., License No. 000771.

13 I move that we approve the
14 settlement agreement. Do I have a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks
17 has seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

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

1 Pass me the calendar. Okay.

2 Speaking of Macombo Lounge, that completes our
3 -- hold on a second. Yes, that completes our
4 agenda.

5 But I also want to read into the
6 record there was a hearing scheduled for
7 Macombo Lounge today, Case No. 13-PRO-00147.
8 That was the Protest Hearing on the renewal
9 application and that hearing was canceled in
10 light of the submission of this agreement.

11 And I also want to read into the
12 record that Case No. 13-CC-00102, Pan Mar
13 Liquors, that hearing scheduled for today was
14 continued to March 28, 2014 at 2:00 p.m.
15 Okay.

16 All right. So I think that
17 concludes our business for March 26, 2014,
18 except for our votes to hold certain meetings
19 in closed session next week.

20 As Chairperson of the Alcoholic
21 Beverage Control Board for the District of
22 Columbia and in accordance with DC Official

1 Code Section 2-574(b) of the Open Meetings
2 Act, I move that the ABC Board hold a closed
3 meeting on April 2, 2014 for the purpose of
4 seeking legal advice from our counsel on the
5 matters identified on the Board's Agenda for
6 April 2, 2014, as published in the DC Register
7 on March 28, 2014.

8 Is there a second?

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: I'll take a
11 roll call vote on the motion. Oh, Mr. Brooks
12 has seconded the motion. I'll 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. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: Mr. Short?

5 MEMBER SHORT: I agree.

6 CHAIRPERSON MILLER: Mr. Jones?

7 MEMBER JONES: I agree.

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

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

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

1 Act, I move that the ABC Board hold a closed
2 meeting on April 2, 2014 for the purpose of
3 discussing and hearing reports concerning
4 ongoing or planned investigations of alleged
5 criminal or civil misconduct or violations of
6 law or regulations and seeking legal advice
7 from our counsel on the Board's Investigative
8 Agenda for April 2, 2014 as published in the
9 DC Register on March 28, 2014.

10 Is there a second?

11 MEMBER RODRIGUEZ: Second.

12 MEMBER ALBERTI: Second.

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

17 Mr. Brooks?

18 MEMBER BROOKS: I agree.

19 CHAIRPERSON MILLER: Mr. Alberti?

20 MEMBER ALBERTI: I agree.

21 MEMBER RODRIGUEZ: I agree.

22 CHAIRPERSON MILLER: Mr. Rodriguez

1 agrees.

2 Ms. Miller agrees.

3 Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON MILLER: Mr. Short?

6 MEMBER SHORT: I agree.

7 CHAIRPERSON MILLER: Mr. Jones?

8 MEMBER JONES: I agree.

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

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

19 All right. Then that concludes
20 our business for March 26, 2014 and we are
21 adjourned at 8:43.

22 MEMBER RODRIGUEZ: Thank you,

1 Madam Chair.

2 CHAIRPERSON MILLER: Okay.

3 (Whereupon, the A.B.R.A. Agenda in
4 the above-entitled matter was concluded at
5 8:43 p.m.)

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\$2,000 18:22 \$50 12:22 \$500 13:1 A.B.R.A 1:6 26:3 a.m 6:17,18 7:13 8:9 ABC 22:2 23:10,13 24:1 25:11,14 above-entitled 26:4 ABRA's 23:15 25:16 abstaining 2:21 3:15 4:7,22 5:15 6:11 7:7 9:9 10:2 11:6,22 12:18 13:11 16:13 17:8 18:2,18 19:15 20:6,21 accompanying 3:2 Act 22:2 23:12 24:1 25:13 action 12:11 adjourned 25:21 adoption 19:17,21 advice 22:4 24:6 advisory 8:20 aforementioned 23:11 25:12 agenda 1:6,6 2:6,7 2:8,10 10:5,5,6,7 13:14 21:4 22:5 24:8 26:3 agendas 2:4 agree 22:16,18,21 23:3,5,7 24:18,20 24:21 25:4,6,8 agreement 11:9,11 11:15 12:2 20:8 20:14 21:10 agrees 23:1 25:1,2 Alberti 1:16 7:15 7:20 8:4,8,14 9:18 9:19 11:16,17 12:12,13 14:5 15:11,19 16:1	alcoholic 1:2,11,11 6:15 7:11 21:20 23:18 Alibi 13:19 14:5,12 alleged 24:4 alternative 14:16 amendment 11:8 11:15 ANC 4:10 16:18 17:12 ANC-2A 4:11 ANC-2B 12:3 ANC-2E 11:10 ANC-3E 10:8 ANC-6D 5:3 6:19 9:12 Andrew 13:17 answer 8:22 appears 23:8 25:9 Applicant 18:7 application 2:10,14 3:2,17 5:2 6:13 7:10 9:11,16 10:9 15:14 18:11 21:9 approve 2:13 3:21 4:14 5:7 6:3 8:1,8 9:2 11:14 12:8 13:2 16:22 17:15 18:10,19 19:20 20:13 approving 7:21 April 22:3,6 24:2,8 Art 5:5 asked 8:20 10:17 Association 12:4 attached 5:20 Avenue 2:12 4:12 6:1 8:13 9:13 20:12 aversion 14:7 aye 2:18,19 3:12,13 4:4,5,19,20 5:12	B	back 2:4 Bar 12:6 believe 8:19 15:3 beverage 1:2,11,11 6:15 7:11 21:21 23:19 board 1:2,11 2:4 5:20 13:16 21:21 22:2 23:11,13,14 23:19 24:1 25:12 25:14,15 Board's 22:5 24:7 Bond 18:6 Box 18:8 Brooks 1:17 20:15 20:16 22:9,11,15 22:16 24:17,18 Building 1:12 bulletin 23:14 25:15 business 21:17 25:20	change 7:9,10 10:9 14:7 Charley 12:6 Circle 12:4 19:19 Citizens 12:4 civil 24:5 class 3:18 10:9 clear 15:13 closed 21:19 22:2 23:11,21 24:1 25:12 Code 22:1 23:21 Columbia 1:1 21:22 23:20 comment 15:2,8 19:8 comments 3:11 9:20 11:1 15:1,9 16:6 19:7 completes 10:4 21:2,3 concerning 24:3 concluded 26:4 concludes 21:17 25:19 conclusions 15:21 concur 18:7 consumption 6:16	D	D.C 1:12 dated 11:9 12:3 13:16 16:17 17:11 18:5 20:9 DC 2:11 21:22 22:6 23:16,20 24:9 25:17 deem 10:12 Delux 17:13 deny 3:5 14:18 16:7 16:10,14 19:3,10 different 15:17 disclose 15:5 discussing 24:3 District 1:1 3:3 21:21 23:19 documents 5:20 7:18 8:3,5 DONALD 1:17 due 18:22 Dupont 12:3 19:19
		C	C 3:18 cafe 6:14,16 17:13 calendar 21:1 23:15 25:16 call 10:14 22:11,13 24:15 Campono 4:11 Canale 11:11,12 canceled 21:9 case 10:14,17,20 21:7,12 Cause 12:10 certain 21:18 Chair 14:7,17	comment 15:2,8 19:8 comments 3:11 9:20 11:1 15:1,9 16:6 19:7 completes 10:4 21:2,3 concerning 24:3 concluded 26:4 concludes 21:17 25:19 conclusions 15:21 concur 18:7 consumption 6:16	E	E 12:21 Eagle 2:11 East 19:19 electronic 23:15 25:16 Emergency 19:18 endorsement 6:14 entitled 2:6 Equities 18:6 establishment 4:11

5:5 11:10 12:6 15:6 16:19 17:13 20:11 exactly 8:1 explanation 10:16 extension 18:21 extensions 19:9	21:6,8,9,13 23:14 24:3 25:15 HECTOR 1:18 HERMAN 1:17 hold 21:3,18 22:2 23:11 24:1 25:12 Holdings 18:21 Hospitality 12:5 13:18 Hotel 5:22 hours 6:15 7:9,10 7:11,12 8:6,11	legal 10:5,6,7 13:14 22:4 24:6 letter 3:1 4:9,10 5:2 5:4,17 18:20 license 2:11,12 3:4 3:7,18,20,22 4:10 4:13 5:3,6 6:1,20 8:13 9:12,14 10:11 11:13 12:7 13:20 16:21 17:14 18:9 19:2 20:12 Licensing 2:6,7,8 2:10 10:4 light 21:10 Liquors 8:12 21:13 LLC 12:5 13:18 located 2:11 3:3,19 4:12 5:5,22 6:19 8:12 9:13 10:10 11:12 12:6 13:19 16:20 17:13 18:8 19:1 20:11 looking 5:21 16:2,3 Lounge 13:19 16:20 20:11 21:2 21:7	meetings 21:18 22:1 23:12,21,22 23:22 25:13 Melles 13:17 Member 1:16,17,17 1:18,18,19 2:15 3:8 4:1,16 5:9 6:5 7:1,15,20 8:4,8,14 9:3,18 10:21 11:16 12:12 13:4 13:5 14:1,4,5,6,11 14:17,21 15:11,19 16:1 17:2,18 18:12 19:5,22 20:15 22:9,16,18 22:21 23:3,5,7 24:11,12,18,20,21 25:4,6,8,22 met 1:11 MIKE 1:18 Miller 1:13,16 2:3 2:16,20 3:9,14 4:2 4:6,17,21 5:10,14 6:6,10 7:2,6,16,22 8:6,10,18 9:4,8,19 10:1,22 11:5,17 11:21 12:13,17 13:6,10 14:2,9,13 14:19,22 15:18,20 16:5,12 17:3,7,19 18:1,13,17 19:6 19:14 20:1,5,16 20:20 22:10,17,19 22:22,22 23:4,6,8 24:13,19,22 25:2 25:5,7,9 26:2 misconduct 24:5 modification 12:9 month 2:14 Moratorium 19:19 motion 2:17,21 3:10,15 4:3,7,18 4:22 5:11,15 6:7 6:11 7:3,7 9:1,5,9 9:20 10:2 11:1,6 11:18,22 12:14,18	13:7,11,15,21 14:3,14,16 15:1,3 16:7,9,14 17:4,8 17:20 18:2,4,14 19:7,10,15 20:2,6 20:17,21 22:11,12 22:13 23:9 24:14 24:15 25:10 move 2:13 3:5,21 4:14 5:7 6:3,21 9:15 10:12,19 11:14 12:8 13:2 13:21 14:18 16:22 17:15 18:10 19:3 19:20 20:13 22:2 24:1 Multi-Purpose 3:18
F	I	M	N	
Fact 9:15 fails 14:15 favor 2:18 3:12 4:4 4:19 5:12 6:8 7:4 9:6,21 11:3,19 12:15 13:8 16:9 17:5,21 18:15 19:12 20:3,18 Fields 9:13 filed 10:13 Finally 13:13 Finding 9:16 fine 18:22 First 9:12 10:7 five 5:18 12:4 20:9 Four 5:22 Friday 6:18 front 8:2	identified 22:5 II 11:10,12 include 15:14 individual 15:5,7 information 15:14 intent 15:13 interest 15:15 interpretations 15:17 investigations 24:4 Investigative 24:7 involves 11:10	M 17:13 18:9 Macombo 20:11 21:2,7 Madam 14:7,17 26:1 manner 10:19 23:17 25:18 Mar 21:12 March 1:9 2:5 11:9 12:3 13:16 16:18 17:11 18:5 19:1 20:9 21:14,17 22:7 24:9 25:20 Masala 5:5 matter 1:4 26:4 matters 22:5 meeting 1:3 22:3 23:12 24:2 25:13	N.E 19:2 N.W 1:12 2:12 3:4 3:19 4:12 6:1 10:11 11:13 12:7 13:20 16:21 17:14 18:9 20:12 never 19:8 new 2:12 3:18 4:12 9:12 NICK 1:16 notice 23:10,13,22 25:11,14	
G	J	O		
Gallo 12:21 garden 5:18 Georgia 20:12 give 23:10 25:11 going 2:5 grandfather 16:17 grant 13:21 19:8 granted 15:4 Grill 20:10 group 12:4 13:18 20:9 guess 15:16	J 12:21 JAMES 1:19 Jefferson 20:10 Jones 1:17 23:6,7 25:7,8	O'Brien 3:2 5:18 Official 21:22 23:20 Oh 3:12 14:6 19:5 22:11 okay 2:3,8 8:1,10 9:1,20 10:12 11:2 13:14 15:8,18 16:5,16 19:9 21:1 21:15 26:2 ongoing 24:4 Open 22:1 23:12,22 25:13		
H	L			
H 19:2 Hampshire 4:12 hearing 1:6,12 10:15 14:14 15:10	lack 14:15 language 12:10 law 8:16 15:13,19 24:6			

operation 6:15 7:10
7:12
opinion 8:20
opposed 2:21 3:15
4:7,22 5:15 6:11
7:7 9:9 10:2 11:6
11:22 12:18 13:11
16:13,13 17:8
18:2,18 19:15
20:6,21
opposing 16:15
opposite 15:12
Order 13:16
owner 3:7 15:7
ownership 15:16

P

P-R-O-C-E-E-D-...
2:1
p.m 2:2 6:17,18
7:14 8:9 21:14
26:5
Pan 21:12
paragraph 12:9
parties 15:15
Pass 21:1
passed 23:9 25:10
passes 2:22 3:16
4:8 5:1,16 6:12
7:8 9:10 10:3
11:7 12:1,19
13:12 16:14 17:9
18:3 19:16 20:7
20:22
Patrick 17:12
payment 18:22,22
Pennsylvania 6:1
8:12
percent 15:7
period 2:14
placard 6:21
place 2:10
placed 23:14 25:15
planned 24:4
posted 23:13 25:14
postponed 10:15,17

Potomac 9:13
practicable 23:17
25:18
premises 7:13
PRESENT 1:15
presented 3:6
presiding 1:13
previous 5:21
proceed 10:20
products 12:22
prohibits 8:16
proposed 6:14 7:12
19:18
protest 10:13 16:17
17:11,16 21:8
protestant 16:19
protestants 18:7
provide 12:21
Public 10:10
published 22:6
23:16 24:8 25:17
purpose 22:3 24:2
pursuant 23:12
25:13

Q

R

read 15:4 21:5,11
reason 8:15
reconsideration
13:16
record 2:4 21:6,12
Reeves 1:12
reference 13:18
regarding 10:8
12:10
regardless 15:15
Register 22:6 23:16
24:9 25:17
regular 2:8
regulations 24:6
renewal 21:8
reports 24:3
request 3:5,17 4:9
4:15 5:3,8,17 6:4
6:13 9:11 14:18

16:16 17:1 18:8
19:3
requesting 18:21
requests 12:21 13:3
requiring 15:5
resolution 10:8
17:10,16
rest 15:21
Restaurant 13:19
retailer 9:12
retailers 12:21
review 12:20 13:15
right 7:20 8:7,11,18
15:20 16:2,6
21:16 25:19
Rodriguez 1:18 5:9
5:10 14:1,2,4,6,11
22:20,21 24:11,13
24:21,22 25:22
roll 10:14 22:11,12
24:14
room 1:12 23:14
25:15
Rulemaking 19:18
Ruthanne 1:13,16

S

S.E 6:20 8:13 9:14
S.W 5:6
safekeeping 2:11
3:3
sales 6:15 7:11,12
8:16
Saturday 6:18 7:13
7:19,21,22 8:9
schedule 9:15
scheduled 21:6,13
Seasons 5:22
seats 5:19
second 2:15 3:8,22
4:1,15,16 5:8,9
6:4,5,22 7:1 9:2,3
9:17,18 10:20,21
11:8,16 12:11,12
13:3,4,5,22 14:1,8
14:10,12,14,15,20
14:21 16:17 17:1
17:2,17,18 18:11
18:12 19:4,5,17
19:21,22 20:14,15
21:3 22:8,9 24:10
24:11,12
seconded 2:17 3:10
4:3,18 5:11 6:7
7:3 9:5,20 11:1,18
12:14 13:7 14:3
15:1 16:8 17:4,20
18:14 19:7,11
20:2,17 22:12,14
24:14,16
Section 22:1 23:21
seeking 22:4 24:6
seminars 8:21
session 21:19
settlement 11:9,15
12:2 20:8,14
share 15:16
Short 1:19 6:5,6
10:21,22 13:4,6
14:21,22 23:4,5
25:5,6
show 7:18 12:10
sidewalk 6:14,16
Silverstein 1:18
2:15,17 3:8,10 4:1
4:3,16,18 7:1,3
9:3,5 13:5 14:17
18:12,14 23:2,3
25:3,4
six 2:14
sorry 14:12
space 8:21
Speaking 21:2
standing 16:17
start 2:5
Status 10:15
statute 15:4
statutes 16:3
Stephen 3:1 5:18
Stephens 16:18
stipulated 4:10 5:3
Street 1:12 3:4,19

5:6 6:20 9:13
10:10 11:13 12:7
13:20 16:20,20
17:14 18:6,9 19:2
submission 10:13
21:10
Suite 1:12
summer 5:18
Sunday 6:16 7:13
8:16
Supplemental 2:7,9
10:6 13:13
Support 4:10 5:4

T

tables 5:19
Tackle 18:8
take 22:10,12 24:14
TBM 18:21
tell 16:2
Tenley 10:10
Thank 8:18 16:5
25:22
things 10:18
think 5:21 7:17,18
15:12 21:16
three 12:20
Thursday 6:17
time 5:21 19:18
timely 10:13 23:16
25:17
Tingey 6:20
today 21:7,13
Todd 18:20
TruOrleans 19:1
two 11:12

U

underlying 5:20
7:18
use 8:21

V

V.I.P 3:19
valued 12:22
view 15:12
violations 15:6 24:5

vote 16:14 18:19 22:11,13 23:9 24:15 25:10 votes 21:18 <hr/> W <hr/> want 21:5,11 Washington 1:12 way 10:17 website 23:15 25:16 week 21:19 wholesaler 8:15,17 Williford 18:5 withdrawal 17:11 17:16 withdrawing 14:10 14:11 working 10:18 written 7:17 wrong 7:17 <hr/> X <hr/> Y <hr/> York 2:12 <hr/> Z <hr/> 0 <hr/> 000771 20:12 074900 6:2 086397 2:12 090630 6:20 092742 3:4 093947 8:13 094104 9:14 094362 4:13 094561 3:20 094711 5:6 <hr/> 1 <hr/> 1 2:9 13:15 10 5:19 13:16 15:7 10:00 6:17 7:14 8:9 1063 11:12 11:00 6:17,18,18	1101 5:5 12 12:3 1212 16:20 13-CC-00102 21:12 13-PRO-00147 21:7 1412 8:12,12 14th 1:12 15 19:1 17 16:18 1825 12:5,7 18th 3:3 12:5,7 16:19,20 <hr/> 2 <hr/> 2 3:1 11:8 16:16 22:3,6 23:21 24:2 24:8 2-574(b) 22:1 23:21 2:00 21:14 20 17:11 2000 1:12 20009 1:13 2014 1:9 2:5 11:9 12:3 13:17 16:18 17:11 18:5 19:1 20:9 21:14,17 22:3,6,7 24:2,8,9 25:20 21 18:5 21211 16:21 2201 17:13 237 13:19 24 20:9 2441 18:6 2473 3:3 25 9:13 15:21 25-101 15:21 26 1:9 2:5 21:17 25:20 28 21:14 22:7 24:9 2800 6:1 2nd 13:20 <hr/> 3 <hr/> 3 3:17 12:2 17:10 301 6:19	31st 11:12 3245 18:8 3rd 3:19 <hr/> 4 <hr/> 4 4:9 12:20 18:4 400 19:1 400S 1:12 402 15:22 41st 10:10 4611 10:10 4th 5:5 <hr/> 5 <hr/> 5 5:2 11:9 18:20 5-1-0 16:14 5335 20:12 574 23:22 <hr/> 6 <hr/> 6 5:17 19:17 6-0-0 2:22 3:16 4:8 5:1,16 6:12 7:8 9:10 10:3 11:7 12:1,19 13:12 17:9 18:3,18 19:16 20:7,22 600 4:12 6201 3:19 639 2:12 <hr/> 7 <hr/> 7 6:13 20:8 7-0-0 23:9 25:10 <hr/> 8 <hr/> 8 7:9 8:22 2:2 8:43 25:21 26:5 83707 11:13 84952 18:9 85626 10:11 86210 19:2 <hr/> 9 <hr/> 9 12:9 9:00 7:13 8:9	92461 12:7 93491 13:20 94180 17:14
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