

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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A.B.R.A. AGENDA :

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June 6, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 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

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

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

(4:24 p.m.)

CHAIRPERSON MILLER: Okay. We're back on the record to do the Agenda items for June 6, 2012.

The first item on the agenda is a review of manager's application for Oscar Vasquez.

I would move that we approve this application.

Do I have a second?

MEMBER NOPHLIN: Second.

CHAIRPERSON MILLER: Any comments?

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? The vote is 5-0-0.

Second on the agenda is a review of a manager's application for Giancarlo Beazley.

I move that we approve this

1 application.

2 Do I have a second?

3 MEMBER NOPHLIN: Second.

4 CHAIRPERSON MILLER: Any comments?

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those

8 opposed? All those abstaining? The vote is

9 5-0-0 to approve.

10 No. 3 is a review of a request
11 from Stephen O'Brien on behalf of licensee to
12 commence Sunday hours of operation and hours
13 of alcoholic beverage sales and consumption at
14 8:00 a.m. for both the premises and the summer
15 garden. No pending investigative matters, no
16 outstanding citations/fines, no voluntary
17 agreement in ANC-2B. The establishment is
18 Buffalo Billiards, 1330 19th Street, N.W.,
19 License No. 20480.

20 I move that we approve this
21 application, this request.

22 Do I have a second?

1 MEMBER NOPHLIN: Second.

2 CHAIRPERSON MILLER: Any comments?

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The vote is
7 6-0-0 to approve.

8 No. 4 on the agenda is a review of
9 a request from Cindy Block on behalf of
10 licensee to amend new caterer's license
11 application to reflect future gross revenues
12 of \$4,000 instead of \$2.2 million. The
13 license application was approved on 4/18/12
14 with estimated future gross revenues of \$2.2
15 million. No pending investigative matters, no
16 outstanding citations/fines. This is in ANC-
17 6C. The establishment is Watershed, 1215 1st
18 Street, N.E., Caterer License No. 89360.

19 I move that we approve this
20 application.

21 Do I have a second?

22 MEMBER NOPHLIN: Second.

1 CHAIRPERSON MILLER: Any comments?

2 MEMBER JONES: Point of
3 clarification?

4 CHAIRPERSON MILLER: Yes, um-hum.

5 MEMBER JONES: I think we need to
6 check and confirm the correct address. I know
7 it is written and noted as 1215, but I believe
8 it is actually 1225.

9 CHAIRPERSON MILLER: Oh, that's
10 correct. Thank you very much. Okay. So the
11 address of Watershed is 1225 1st Street, N.E.
12 It is reflected and corrected on the agenda.
13 Okay. Thank you.

14 No. 5 --

15 MEMBER ALBERTI: You need to call
16 for the vote.

17 CHAIRPERSON MILLER: Did we not
18 vote on this? Oh.

19 MEMBER JONES: You called for
20 comments.

21 CHAIRPERSON MILLER: Oh, okay.
22 All right. Then I would move to approve the

1 amendment of this caterer's license.

2 Do I have a second?

3 MEMBER NOPHLIN: Second.

4 CHAIRPERSON MILLER: Any other
5 comments?

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The vote is
10 6-0-0 to grant the request.

11 No. 5 is a review of an
12 entertainment endorsement application to have
13 karaoke and a 3-5 piece band playing rock
14 music. The current hours of operation and
15 hours of alcoholic beverage sales and
16 consumption are Sunday through Thursday, 11:00
17 a.m. to 2:00 a.m., Friday and Saturday, 11:00
18 a.m. to 3:00 a.m.

19 The proposed hours of
20 entertainment on Monday through Sunday, 9:00
21 p.m. to 11:00 p.m. There are no pending
22 investigative matters, no outstanding

1 citations/fines, it's in ANC-3E. The
2 establishment is Casa Fiesta II, 4910
3 Wisconsin Avenue, N.W. The License No. is
4 24766.

5 I would move that we approve this
6 endorsement as it is only for a two hour
7 period and not likely to bother residents.

8 Do I have a second?

9 MEMBER NOPHLIN: Second.

10 CHAIRPERSON MILLER: Any comments?

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The vote is
15 6-0-0 to approve.

16 No. 6 is a review of a request
17 from licensee to change the use of a storage
18 room to create additional space for patron
19 usage, increasing the number of seats from 50
20 to 78. No pending investigative matters, no
21 outstanding citations/fines, no conflict with
22 the voluntary agreement.

1 The establishment is The Star and
2 The Shamrock at 1341 H Street, N.E., in ANC-
3 6A, License No. 81804.

4 I would move that we placard this
5 request.

6 Do I have a second?

7 MEMBER NOPHLIN: Second.

8 CHAIRPERSON MILLER: Any comments?

9 All those in favor of placarding
10 say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? Then the vote
14 is 6-0-0 to placard.

15 No. 7 on the agenda is a request
16 for a change of hours to change the hours of
17 operation and hours of alcoholic beverage
18 sales and consumption. The current hours of
19 operation and hours of alcoholic beverage sale
20 and consumption are Sunday through Thursday,
21 10:30 a.m. to 2:00 a.m., Friday and Saturday
22 are 10:30 a.m. to 3:00 a.m.

1 The proposed hours of operation
2 and hours of alcoholic beverage sales and
3 consumption are Sunday through Thursday, 8:00
4 a.m. to 2:00 a.m., Friday and Saturday, 8:00
5 a.m. to 3:00 a.m. No pending investigative
6 matters, no outstanding citations/fines, no
7 voluntary agreement. It's in ANC-3E. The
8 establishment is Kitty O'Shea's DC at 4624
9 Wisconsin Avenue, N.W., License No. 83505.

10 I move that we approve this
11 application.

12 Do I have a second?

13 MEMBER NOPHLIN: Second.

14 CHAIRPERSON MILLER: Any comments?

15 All those in favor say aye.

16 ALL: Aye.

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

20 No. 8 is a review of a change of
21 hours application to change the hours of
22 operation and house of alcoholic beverage

1 sales and consumption. The current hours of
2 operation and hours of alcoholic beverage
3 sales and consumption are Sunday, 12:00 p.m.
4 to 11:00 p.m., Monday through Thursday, 11:00
5 a.m. to 12:00 p.m.; Friday and Saturday, 11:00
6 a.m. to 3:00 a.m.

7 The proposed hours of operation
8 and hours of alcoholic beverage sales and
9 consumption are Sunday, 12:00 p.m. to 12:00
10 a.m., Monday through Tuesday, 11:00 a.m. to
11 1:00 a.m., Wednesday through Thursday, 11:00
12 a.m. to 2:00 a.m., Friday and Saturday, 11:00
13 a.m. to 3:00 a.m. No pending investigative
14 matters, no outstanding citations/fines, no
15 conflict with the voluntary agreement. It's
16 in ANC-1A. It's for The Dunes located at
17 1400-1402 Meridian Place, N.W., License No.
18 87074.

19 I move that we approve this
20 application.

21 Do I have a second?

22 MEMBER NOPHLIN: Second.

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Any comments?

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The vote is
7 6-0-0 to approve.

8 No. 9 is a review of a request for
9 refund of late fees for third year payment
10 made after March 31, 2012. ANC -- it's in
11 ANC-2F. It's for Tortilla Coast, 1454 P
12 Street, N.W., License No. 86859.

13 I move that we deny this request.
14 The Agency does not give refunds for late
15 fees.

16 Is there a second?

17 MEMBER NOPHLIN: Second.

18 CHAIRPERSON MILLER: Any other
19 comments? Okay.

20 All those in favor of denying the
21 request say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The vote is
3 6-0-0 to deny the request.

4 No. 10 is a review of a request
5 from Michael Fonseca on behalf of licensee to
6 store alcoholic beverage inventory in a locked
7 sea container in an adjacent parking lot next
8 to the boats. No investigative matters, no
9 outstanding citations/fines, no conflict with
10 amendment to voluntary agreement. It's in
11 ANC-6D. It's for Motor Yacht Celebrity,
12 License No. 84410; Motor Yacht Finished
13 Business, License No. 084413; and Virginia's
14 Jewel, License No. 88738, located at 1300
15 Maine Avenue, S.W. It's a Multi-Purpose
16 Retailer's Class C License.

17 I would move that we approve this
18 application.

19 Do I have a second?

20 MEMBER NOPHLIN: Second.

21 CHAIRPERSON MILLER: Any comments?

22 All those in favor of approving

1 the application say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? The vote is
5 6-0-0 to approve the application.

6 No. 11 is a review of a letter
7 dated May 7, 2012 from Christopher Nwaeze
8 requesting reimbursement for the \$2,490
9 licensing fee paid on November 10, 2011. The
10 establishment is Xclusive Restaurant and
11 Lounge located at 707 H Street, N.E., License
12 No. 88205.

13 I would move that we approve this
14 request in part, that we approve it except for
15 the application fee and the service charge fee
16 pursuant to 23 DCMR 504.1.

17 Do I have a second?

18 MEMBER NOPHLIN: Second.

19 CHAIRPERSON MILLER: Any comments?

20 All those in favor of the motion
21 say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The request
3 is approved in part by a vote of 6-0-0.

4 No. 12 is a review of a letter
5 dated May 24, 2012 from Michael Hibey
6 requesting confirmation for the enforcement of
7 Hank's Oyster Bar's voluntary agreement.
8 Hank's Oyster Bar is located at 1624 Q Street,
9 N.W., License No. 71913.

10 This is asking the Board to
11 confirm that the VA is in effect and I would
12 move that we do confirm that the VA is in
13 effect due to the court's ruling, recent
14 ruling by the Court of Appeals in which the
15 court did terminate the -- in which the
16 termination was remanded to the Board.

17 Okay. So I would move --
18 basically, they want confirmation that the VA
19 is in effect. So I would move to confirm
20 that.

21 Do I have a second?

22 MEMBER NOPHLIN: Second.

1 CHAIRPERSON MILLER: Any other
2 comments? Okay.

3 All those in favor of the motion
4 to confirm say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The vote is
8 6-0-0 to confirm.

9 No. 13 is a review of petitioner's
10 motion to reconsider denial of leave to
11 intervene, dated May 21, 2012, from T. Carlton
12 Richardson, Pennsylvania Avenue Market, 1501
13 Pennsylvania Avenue, S.E., License No. 79255.

14 I would move that we deny this
15 motion. It's my opinion that the dispute is
16 really between the ANC and the petitioner.

17 Do I have a second to deny the
18 motion to reconsider?

19 MEMBER ALBERTI: Second.

20 MEMBER NOPHLIN: Second.

21 CHAIRPERSON MILLER: Okay. Any
22 other comments? Okay.

1 All those in favor to deny the
2 motion to reconsider say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? Then the vote
6 is 6-0-0. The motion to deny passes.

7 No. 14 is a review of a request
8 for single sales moratorium exception for
9 FoBoGro, dated March 25, 2012. ANC-2A
10 supports the request. The West End Citizens
11 Association opposes the request. This is for
12 the establishment FoBoGro at 2140 Florida
13 Street, N.W., License No. 82431.

14 I'm going to recuse myself from
15 this matter, as my partner in the law firm
16 represents West End Citizens Association in an
17 issue regarding FoBoGro. So if another Board
18 Member would take up this item, that would be
19 good.

20 MEMBER SILVERSTEIN: Madam Chair?

21 CHAIRPERSON MILLER: Yes?

22 MEMBER SILVERSTEIN: I move that

1 we approve the request.

2 Is there a second?

3 MEMBER ALBERTI: Second.

4 MEMBER SILVERSTEIN: Okay. It has
5 been seconded. Any discussion? If not, we'll
6 call the question.

7 All those in favor, please,
8 signify by saying aye.

9 FIVE MEMBERS: Aye.

10 MEMBER SILVERSTEIN: Opposed?
11 Abstention? Abstention?

12 CHAIRPERSON MILLER: I'm recusing.

13 MEMBER SILVERSTEIN: Recusal.

14 CHAIRPERSON MILLER: Okay. So
15 then the vote is 5-0-0.

16 MEMBER SILVERSTEIN: 5-0-0.

17 CHAIRPERSON MILLER: And one
18 recusal, I believe. Okay.

19 MEMBER SILVERSTEIN: Yes, Madam
20 Chair.

21 CHAIRPERSON MILLER: Thank you
22 very much. Okay.

1 No. 15 is a revocation request for
2 a single sales moratorium exception for
3 Riverside Liquors, dated May 16, 2012, from
4 ANC-2A. Riverside Liquors is located at 2123
5 E Street, N.W., License No. 37.

6 I would move that we deny this
7 request, as the request is being made not at
8 a time when it is allowed under law. It's not
9 a year after it was put in effect and it's not
10 at renewal. So it's not timely.

11 Do I have a second?

12 MEMBER NOPHLIN: Second.

13 CHAIRPERSON MILLER: Any other
14 comments? Okay.

15 All those in favor of denying the
16 request say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? Then the vote
20 is 6-0-0 to deny.

21 Okay. No. 16 and 17 involve Good
22 Libations. 16 is a request for single sales

1 moratorium exception and 17 is their voluntary
2 agreement.

3 I would recommend that we postpone
4 our consideration of these two items for a
5 week.

6 MEMBER ALBERTI: Pardon?

7 CHAIRPERSON MILLER: I don't need
8 a vote, do I?

9 MEMBER ALBERTI: No.

10 CHAIRPERSON MILLER: Any objection
11 to postponing? Okay.

12 No. 18 is a review -- I would also
13 recommend that we postpone No. 18, review of
14 voluntary agreement of Hayden's, Inc.

15 MEMBER ALBERTI: No objection.

16 CHAIRPERSON MILLER: Okay.

17 I'm not sure about 19.

18 MEMBER ALBERTI: Oh, about 19?

19 CHAIRPERSON MILLER: No, we are up
20 to 19.

21 MEMBER ALBERTI: Can we do the
22 rest of them and come back to 19?

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: I would suggest
3 doing that.

4 CHAIRPERSON MILLER: All right.

5 MEMBER ALBERTI: Thea will be back
6 for sure.

7 CHAIRPERSON MILLER: Okay. I
8 would recommend that we also postpone No. 20.
9 Any objection to postponing No. 20?

10 MEMBER ALBERTI: No objection.

11 CHAIRPERSON MILLER: Okay. No.
12 21, I would move that we approve the voluntary
13 agreement under 25-446 with clarification and
14 correction of the name in the VA. Okay. I
15 have a notation that the name is Kith & Kin in
16 our records.

17 So, therefore, I would move that
18 we approve the clarification and correction to
19 the name.

20 Do I have a second?

21 MEMBER NOPHLIN: Second.

22 CHAIRPERSON MILLER: Any comments?

1 Okay.

2 All those in favor of approving
3 this clarification and correction say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? Then the vote
7 is 6-0-0 to so approve.

8 No. 22 is a review of voluntary
9 agreement dated May 10, 2012 between Viggy's
10 Liquor and ANC-6A. Viggy's Liquor is located
11 at 409 15th Street, N.E., License No. 77897.

12 I would move that we approve under
13 25-446 with modification removing ^U 6 and ^U
14 8D. Okay.

15 Do I have a second?

16 MEMBER NOPHLIN: Second.

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Any comments?

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? Then the vote

1 is 6-0-0 to approve with those modifications
2 as noted.

3 No. 23 is a review of a voluntary
4 agreement dated May 11, 2012 between Stub's
5 Kitchen and Wine and ANC-2B. Stub's Kitchen
6 and Wine is at 1401 T Street, N.W., License
7 No. 88527.

8 I would move that we approve with
9 modifications under 25-446, remove, furnish a
10 signed copy of said contract to the protestant
11 group, Section 8, or protestant group can be
12 replaced with board.

13 In addition, I believe that we
14 have some recommendations to the changes
15 regarding the valet parking and that it state
16 that "Valet Parking Services be provided in
17 accordance with DDOT laws." Okay.

18 I move to approve the voluntary
19 agreement with the noted modifications.

20 Do I have a second?

21 MEMBER NOPHLIN: Second.

22 CHAIRPERSON MILLER: Any comments?

1 All those in favor of the motion
2 say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? And the vote
6 is 6-0-0 to approve as modified.

7 No. 24 is a review of a voluntary
8 agreement dated May 5, 2012 between Virginia
9 Market and ANC-2B. Virginia Market is located
10 at 1776 U Street, N.W., License No. 80800.

11 I move that we approve this
12 voluntary agreement under 25-446 with a
13 substantial change language and ^U 1 removed as
14 well as the high quality language removed from
15 ^U 2.

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Wait, there
18 may be one other change.

19 MEMBER ALBERTI: Oh.

20 CHAIRPERSON MILLER: Okay. I
21 think I would move also to modify the language
22 regarding the single sales exemption in No. 3.

1 So that language will be modified and I think
2 that we can let our legal counsel work with
3 the parties on modifying that language.

4 Would that be acceptable, so that
5 it comes into conformance with our policy
6 regarding renewal of one year single sales
7 exemption.

8 MEMBER ALBERTI: I'll second the
9 motion.

10 CHAIRPERSON MILLER: Okay. Are
11 there any other comments? Okay.

12 All those in favor of approving
13 the voluntary agreement with the noted
14 modifications say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? Then the vote
18 is 6-0-0 to approve with modifications.

19 No. 25 is a review of a voluntary
20 agreement amendment, dated April 12, 2012,
21 between H Street Country Club and ANC-6A. H
22 Street Country Club is located at 1335 H

1 Street, N.E., License No. 76649.

2 I would move that we approve this
3 voluntary agreement.

4 MEMBER ALBERTI: Madam Chair, I
5 think there was some modifications that we had
6 discussed for this voluntary agreement. Can
7 you postpone that for the moment?

8 CHAIRPERSON MILLER: Yes. You
9 want to come back to that one?

10 MEMBER ALBERTI: And come back to
11 it. Yes.

12 CHAIRPERSON MILLER: Okay. That's
13 No. 25.

14 MEMBER ALBERTI: Yes.

15 CHAIRPERSON MILLER: Okay. No. 26
16 is a review of voluntary agreement, dated
17 January 12, 2012, between Chicken Tortilla and
18 ANC-6A. Chicken Tortilla is located at 1324
19 H Street, N.E., License No. 88102.

20 I would move that we approve with
21 modification to ^U 2(i) removing the ANC from
22 that section and removing ^U 2(j) and modifying

1 ^U 3(d).

2 Do I have a second?

3 MEMBER NOPHLIN: Second.

4 CHAIRPERSON MILLER: Any comments?

5 Okay.

6 All those in favor of approving
7 the voluntary agreement with the noted
8 modifications say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The voluntary
12 agreement is approved as modified, 6-0-0.

13 No. 27 is a review of a voluntary
14 agreement, dated May 25, 2012, between Souk
15 and ANC-6A. Souk Restaurant is located at
16 1208 H Street, N.E., License No. 88675.

17 And I would move that we approve
18 this voluntary agreement.

19 Do I have a second?

20 MEMBER NOPHLIN: Second.

21 CHAIRPERSON MILLER: Any comments?

22 All those in favor of the motion

1 to approve say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? Then the vote
5 is 6-0-0 to approve.

6 MEMBER ALBERTI: Did we approve
7 this with modifications? Chicken Tortilla?

8 CHAIRPERSON MILLER: No.

9 MEMBER ALBERTI: I think -- could
10 we go back to that one? That was the one I
11 was think of. It's H Street. It's -- No. 25
12 is okay as is. This one --

13 CHAIRPERSON MILLER: 26 we did.

14 MEMBER ALBERTI: You approved with
15 modifications?

16 CHAIRPERSON MILLER: Yes.

17 MEMBER ALBERTI: Okay. Then 25 --

18 CHAIRPERSON MILLER: I'm sorry I
19 didn't write it. Yes, I did right here.

20 MEMBER ALBERTI: Okay. And then
21 we can go back to 25, it's okay as is.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER ALBERTI: So we need to --

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: -- do that.

4 CHAIRPERSON MILLER: So let's do
5 25 then.

6 MEMBER ALBERTI: Right.

7 CHAIRPERSON MILLER: 25 is a
8 review of a voluntary agreement amendment,
9 dated April 12, 2012, between H Street Country
10 Club and ANC-6A. H Street Country Club is
11 located at 1335 H Street, N.E., License No.
12 76649.

13 I move that we approve this
14 voluntary agreement amendment.

15 Do I have a second?

16 MEMBER NOPHLIN: Second.

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Any comments?

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? Then the vote

1 is 6-0-0 to approve.

2 MEMBER ALBERTI: I thought we had
3 to --

4 CHAIRPERSON MILLER: No, we --

5 MEMBER ALBERTI: You had a
6 question on that.

7 CHAIRPERSON MILLER: It's okay.
8 I'm okay.

9 MEMBER ALBERTI: All right.

10 CHAIRPERSON MILLER: We need to
11 return to No. 19, I think.

12 MEMBER JONES: No. 19?

13 MEMBER ALBERTI: Yes.

14 CHAIRPERSON MILLER: Yes. No. 19
15 is a review of a voluntary agreement, dated
16 March 8, 2012, between Safeway, Inc. and ANC-
17 6B. Safeway, Inc. is located at 415 14th
18 Street, S.E., License No. 2195.

19 I move that we approve with
20 modifications to include removing or
21 clarifying ^U 2(d) language which states "and
22 will participate in an ABC Board-approved

1 course in alcoholic beverage sales
2 management." Also to remove substantial
3 change in operations from ^U 2(g), amend ^U 3
4 because Safeway's hours of operation on Sunday
5 are 5:00 a.m. to 12:00 a.m. Okay.

6 Do I have a second?

7 MEMBER NOPHLIN: Second.

8 CHAIRPERSON MILLER: Any comments?

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? Then the vote
13 is 6-0-0 to approve with the noted
14 modifications.

15 So that concludes the agenda
16 items. And then we have some cancellations.
17 Unless there is an objection, I think I will
18 read them all and we can vote at one time to
19 approve, if that's okay with everyone?

20 MEMBER JONES: The only point of
21 clarification is with the --

22 CHAIRPERSON MILLER: The -- yes?

1 MEMBER JONES: -- exception of 5
2 from that.

3 CHAIRPERSON MILLER: The last one?

4 MEMBER JONES: Correct.

5 CHAIRPERSON MILLER: Right. Yes.

6 MEMBER JONES: Okay.

7 CHAIRPERSON MILLER: Okay. So
8 they would be:

9 ABRA No. 060691, Additi Indian
10 Kitchen at 50 Massachusetts Avenue, N.E.;

11 ABRA No. 075391, Cardinal's Nest
12 located at 3748 10th Street, N.E.;

13 ABRA No. 070984, City Club of
14 Washington at Franklin Square located at 1300
15 I Street, N.W., #B;

16 And ABRA No. 079570, Hamilton's
17 Bar & Grill, Caterer, located at 233 2nd
18 Street, N.W.

19 Okay. These are involved in
20 requests for cancellation.

21 They have all requested
22 cancellation, except, let me just go back to

1 Cardinal's Nest, that one says that the
2 license is in safekeeping. There has been no
3 payment or activity on license since 2009.
4 That they didn't renew in 2010.

5 The licensee provided written
6 notice to licensee on January 27, 2012. The
7 licensee indicated that a transfer application
8 will be filed, but to date, no transfer
9 application has been received.

10 Okay. So we are voting to approve
11 the four applications.

12 I move to do so.

13 Do I have a second?

14 MEMBER NOPHLIN: Second.

15 CHAIRPERSON MILLER: All those in
16 favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? Then the vote
20 is 6-0-0 to grant the cancellation requests.

21 The last cancellation is ABRA No.
22 087912, Fruit Bat/Church & State, Caterer, at

1 1236 H Street, N.W.

2 This item was previously on the
3 cancellation list on 5/23/12 and was canceled
4 already via Board Order No. 2012-226.

5 So I believe no further action
6 will be required on that. All right.

7 MEMBER ALBERTI: Yes, I would just
8 announce that in the record.

9 CHAIRPERSON MILLER: Okay. So as
10 this was -- as it has been indicated that this
11 was already canceled by the Board Order No.
12 2012-226, I don't believe further action is
13 required by the Board today.

14 So that concludes our items on the
15 cancellation list and matters for today.

16 So I think I just need to read the
17 Open Meeting instructions.

18 All right. As Chairperson of the
19 Alcoholic Beverage Control Board for the
20 District of Columbia and in accordance with ^U
21 405 of the Open Meetings Amendment Act of
22 2010, I move that the ABC Board hold a closed

1 meeting on June 13, 2012 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 June 13, 2012 as published in the
8 DC Register on June 28, 2012.

9 Is there a second?

10 MEMBER NOPHLIN: Second.

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

14 Mr. Nophlin?

15 MEMBER NOPHLIN: I agree.

16 CHAIRPERSON MILLER: Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Ms. Miller
21 agrees. Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Mr. Jones?

2 MEMBER JONES: I agree.

3 CHAIRPERSON MILLER: The motion
4 passes by a vote of 6-0-0.

5 I hereby give notice that the ABC
6 Board will hold this aforementioned closed
7 meeting.

8 Pursuant to the Open Meetings
9 Amendment Act of 2010, notice will also be
10 posted on the ABC Board hearing room bulletin
11 board, place on the electronic calendar on
12 ABRA's website and published in the DC
13 Register in as timely manner as practicable.

14 As Chairperson of the Alcoholic
15 Beverage Control Board for the District of
16 Columbia and in accordance with ^U 405 of the
17 Open Meetings Amendment Act of 2010, I move
18 that the ABC Board hold a closed meeting on
19 June 13, 2012 for the purpose of seeking legal
20 advise from our counsel on the matters
21 identified on the Board's agenda for June 13,
22 2012, as published in the DC Register on June

1 8, 2012.

2 Is there a second?

3 MEMBER NOPHLIN: Second.

4 CHAIRPERSON MILLER: I'll take a
5 roll call vote on the motion before us now
6 that it has been seconded.

7 Mr. Nophlin?

8 MEMBER NOPHLIN: I agree.

9 CHAIRPERSON MILLER: Mr. Brooks?

10 MEMBER BROOKS: I agree.

11 CHAIRPERSON MILLER: Mr. Alberti?

12 MEMBER ALBERTI: I agree.

13 CHAIRPERSON MILLER: Ms. Miller
14 agrees. Mr. Silverstein?

15 MEMBER SILVERSTEIN: I agree,
16 Madam Chairman.

17 CHAIRPERSON MILLER: Mr. Jones?

18 MEMBER JONES: I agree.

19 CHAIRPERSON MILLER: The vote is
20 6-0-0. The motion is passed.

21 I hereby give notice that the ABC
22 Board will hold this aforementioned closed

1 meeting pursuant to the Open Meetings
2 Amendment Act of 2010. Notice will also be
3 posted on the ABC Board hearing room bulletin
4 board, place don the electronic calendar on
5 ABRA's website and published in the DC
6 Register in as timely manner as practicable.

7 And that concludes our business
8 for June 6, 2012.

9 The Board is adjourned.

10 (Whereupon, the A.B.R.A. Agenda in
11 the above-entitled matter was concluded at
12 4:59 p.m.)

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