

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION

ADMINISTRATION BOARD

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IN THE MATTER OF:

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A.B.R.A. AGENDA

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JUNE 12, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

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

7:36 p.m.

CHAIRPERSON MILLER: All right.  
We're back on the record for the agenda for  
June 12th, 2013.

First item on the agenda is a  
request dated May 28th and 29th, 2013 from  
E. & J. Gallo Winery for approval to provide  
retailers with products valued at more than  
\$50 and less than \$500.

I move that we approve. Do I  
have a second?

MEMBER ALBERTI: Second.

CHAIRPERSON MILLER: Mr. Alberti  
seconded the motion. All those in favor,  
say aye?

(Chorus of ayes.)

CHAIRPERSON MILLER: All those  
opposed?

(No audible response.)

CHAIRPERSON MILLER: All those  
abstaining?

1 (No audible response.)

2 CHAIRPERSON MILLER: Motion  
3 passes 3-0-0.

4 No. 2 is a request dated May  
5 30th, 2013 from Washington Wholesale Liquor  
6 Company, License No. 060518, for approval  
7 to provide retailers with golf tournament  
8 tickets valued at more than \$50 and less  
9 than \$500.

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

12 MEMBER ALBERTI: Second.

13 CHAIRPERSON MILLER: Mr. Alberti  
14 seconded the motion. All those in favor,  
15 say aye?

16 (Chorus of ayes.)

17 CHAIRPERSON MILLER: All those  
18 opposed?

19 (No audible response.)

20 CHAIRPERSON MILLER: Motion  
21 passes 3-0-0.

22 No. 3 is a request dated May

1 30th, 2013 from Washington Wholesale Liquor  
2 Company, License No. 060518, for approval  
3 to provide retailers with products valued at  
4 more than \$50 and less than \$500.

5 I move that we approve. Do I  
6 have a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti  
9 has seconded the motion. All those in  
10 favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those  
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those  
16 abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: Motion  
19 passes 3-0-0.

20 Nos. 4 and 5 are manager license  
21 applications. I move that we approve both  
22 of them. Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks  
3 has seconded the motion. All those in  
4 favor, say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those  
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Motion  
13 passes 3-0-0 to approve both 4 and 5,  
14 manager license applications.

15 No. 6 is a letter dated May 30th,  
16 2013 requesting that the Board allow  
17 reinstatement of the license for ABRA-  
18 060084, KW Little Store, 3133 Connecticut  
19 Avenue, N.W., Retailer B License No. 60084.

20 This is for a license that is  
21 very, very, very old and has been inactive  
22 for a long time, and I move that we deny the

1 request. Do I have a second.

2 MEMBER BROOKS: Second.

3 CHAIRPERSON MILLER: Mr. Brooks  
4 has seconded the motion. Any comments?

5 (No audible response.)

6 CHAIRPERSON MILLER: Okay. All  
7 those in favor of denying the request, say  
8 aye?

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those  
11 opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those  
14 abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: Motion  
17 passes to deny 3-0-0.

18 No. 7 is a motion for  
19 reinstatement dated May 21, 2013 from the  
20 Shaw-Dupont Citizens Association. The SDCA  
21 was dismissed at the roll call hearing for  
22 failure to appear. The case is Duken Ethio

1 Market & Restaurant, 1114 U Street, N.W.,  
2 License No. 72469.

3 The grounds for the motion is  
4 that the individual was ill. I move to  
5 grant. Do I have a second?

6 (No audible response.)

7 CHAIRPERSON MILLER: Not hearing

8 --

9 MEMBER ALBERTI: What item is  
10 this?

11 CHAIRPERSON MILLER: This is No.  
12 7. It's a motion for reinstatement for  
13 failure to appear at roll call and the  
14 grounds for the motion is that -- this is  
15 Mr. Ferris, was taken ill on the date of the  
16 roll call. I have moved to grant. There's  
17 been no second, so unless I hear otherwise,  
18 the motion dies for lack of a second.

19 MEMBER ALBERTI: So I assume --  
20 so since there is no motion to --

21 CHAIRPERSON MILLER: So --

22 MEMBER ALBERTI: Okay. I'll move

1 that we deny the motion for reinstatement.

2 CHAIRPERSON MILLER: Okay. Mr.  
3 Alberti moves to deny the motion for  
4 reinstatement. Is there a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks  
7 has seconded the motion. All those in favor  
8 of denying the motion for reconsideration,  
9 say aye?

10 MEMBER BROOKS: Aye.

11 MEMBER ALBERTI: Aye.

12 CHAIRPERSON MILLER: All those  
13 opposed? Opposed.

14 All those abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: Then the  
17 motion to deny passes by a vote of 2-1-0.

18 No. 8 is another motion for  
19 reinstatement dated May 31, 2013 from the  
20 Kalorama Citizens Association. The KCA was  
21 dismissed at roll call for failure to  
22 appear. The establishment is The Blaguard

1 located at 2003 18th Street, N.W., License  
2 No. 86012.

3 And this is somewhat similar to  
4 the last one. Mr. Denis James says that he  
5 had extreme -- let's see, woke up in extreme  
6 pain and lack of ability to move on that  
7 date. And he's seeking reinstatement  
8 pursuant to 23 DCMR 1602.3(a), sudden severe  
9 illness or accident. So I would move that  
10 we grant the reinstatement. Do I have a  
11 second?

12 (No audible response.)

13 CHAIRPERSON MILLER: Motion dies  
14 for lack of a second. Is there another  
15 motion?

16 MEMBER ALBERTI: I will move that  
17 we deny the motion.

18 MEMBER BROOKS: Second.

19 MEMBER ALBERTI: I'd like to  
20 speak to the motion. But this says in the  
21 last one had the person filing the motion --  
22 had that person called our offices the

1 morning of the roll call to tell us they  
2 couldn't make it, I'd have more confidence  
3 in the veracity of their claim of illness.  
4 But I have little confidence, because they  
5 didn't call, of the veracity of their claim  
6 of illness. So I am moving to deny the  
7 motion.

8 CHAIRPERSON MILLER: Are those  
9 comments directed at both motions for  
10 reinstatement, or just No. 8? Or just in  
11 general if someone calls you would have --

12 MEMBER ALBERTI: Well, it's  
13 directed --

14 CHAIRPERSON MILLER: -- more  
15 confidence?

16 MEMBER ALBERTI: -- at No. 8 and  
17 I said that it's -- that also reflects my  
18 feelings for No. 7.

19 CHAIRPERSON MILLER: Okay.  
20 There's a motion then to deny that's been  
21 seconded. All those in favor, say aye?

22 MEMBER BROOKS: Aye.

1 MEMBER ALBERTI: Aye.

2 CHAIRPERSON MILLER: All those  
3 opposed? Opposed.

4 The motion passes to deny by a  
5 vote of 2-1-0.

6 No. 9 is a settlement agreement  
7 dated March 14th, 2012 between Lime Fresh  
8 Mexican Grill No. 6312 and ANC 1A. Lime  
9 Fresh Mexican Grill No. 6312 is located at  
10 3100 14th Street, N.W., License No. 88850.

11 I move that we approve with  
12 modifications to paragraph 10. We have come  
13 up with recommending more precise language  
14 with respect to the procedure that can ensue  
15 after there's a breach and a failure to  
16 cure, and that's not seeking a show cause  
17 order, but instead it should be replaced  
18 with something to the effect of filing a  
19 complaint with the Board. Okay. I think  
20 that's the only paragraph that requires  
21 modification.

22 So I move to approve with

1 modifications to No. 10. All those in  
2 favor, say aye?

3 (Chorus of ayes.)

4 CHAIRPERSON MILLER: All those  
5 opposed?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those  
8 abstaining?

9 (No audible response.)

10 CHAIRPERSON MILLER: Then the  
11 motion passes by a vote of 3-0-0.

12 No. 10 is a settlement agreement  
13 dated May 13, 2013 between Il Capo di  
14 Capitol Hill and ANC 6B Il Capo di Capitol  
15 Hill is located at 1129 Pennsylvania Avenue,  
16 N.W., License No. 84571.

17 Okay. So I move that we approve  
18 this agreement with modification to  
19 paragraph No. 1 where the nature of business  
20 is described as a CR license, that that  
21 should just be replaced with some kind of  
22 general description because the settlement

1 agreement cannot limit the licensee to a  
2 specific license.

3 MEMBER ALBERTI: Second.

4 CHAIRPERSON MILLER: Wait. I  
5 might have one more. No. 7 -- okay. This  
6 rat and vermin control is going to apply to  
7 a few of the other ones remaining. And in  
8 that case, in No. 7, paragraph 7, it says,  
9 "Applicant shall provide proof of its rat  
10 and vermin control contract upon request."  
11 And that should clarify that it's upon  
12 request of the Board.

13 Okay. With those two  
14 modifications --

15 MEMBER ALBERTI: I think there's  
16 another one.

17 CHAIRPERSON MILLER: Is there  
18 another?

19 MEMBER ALBERTI: It had to deal  
20 with -- I have those listed as paragraph 2,  
21 but I don't know. It this reference to a  
22 specific type of band that they can utilize.

1                   CHAIRPERSON MILLER: Okay. Well,  
2 paragraph No. 2, it looks like is really  
3 paragraph No. 1 about the CR license. The  
4 bands? Okay. There's a four-piece band, a  
5 mariachi band, that's listed in paragraph 2,  
6 you're right, that you are referring to, but  
7 I think that we're -- you want me to read  
8 it? It says "such as a four-piece mariachi  
9 band."

10                   MEMBER ALBERTI: Right. Right.  
11 And I think the Board wanted to eliminate  
12 the reference to a type of band.

13                   CHAIRPERSON MILLER: Okay. My  
14 understanding; and like we can talk about it  
15 here, was that we decided that "such as" was  
16 okay and we didn't need to eliminate it.

17                   MEMBER ALBERTI: Oh, yes, I stand  
18 corrected. That's right. I'm sorry.

19                   CHAIRPERSON MILLER: That's okay.

20                   MEMBER ALBERTI: I stand  
21 corrected.

22                   CHAIRPERSON MILLER: Okay.

1 MEMBER ALBERTI: Sorry.

2 CHAIRPERSON MILLER: So I'd move  
3 to approve with modifications to paragraphs  
4 1 and 7, as articulated. Do I have a  
5 second.

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks  
8 has seconded the motion. All those in  
9 favor, say aye?

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those  
12 opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: The motion  
15 passes 3-0-0.

16 No. 11 is a review of a  
17 settlement agreement dated May 14th, 2013  
18 between La Plaza Mexican Restaurant and ANC  
19 6B. La Plaza Mexican Restaurant is located  
20 at 629 Pennsylvania Avenue, S.E., License  
21 No. 60614.

22 I move that we approve with

1 modifications to No. 7 -- no, No. 6. Okay.  
2 No. 6 they will have to rewrite, that there  
3 is a contradiction with respect to keeping  
4 the doors and windows closed and then being  
5 allowed to open the windows seasonally on  
6 grounds that this isn't really very  
7 enforceable. But they'd have to rephrase  
8 that. It would be way too hard to enforce.  
9 Anybody else have a comment on that?

10 (No audible response.)

11 CHAIRPERSON MILLER: Okay. And  
12 then the other --

13 MEMBER ALBERTI: No. 2, CR  
14 license.

15 CHAIRPERSON MILLER: -- rats and  
16 -- oh, that's there, too?

17 MEMBER ALBERTI: Yes.

18 CHAIRPERSON MILLER: Okay. No.  
19 2, CR license, for the same reason, nature  
20 of business as we described above in No. 10.  
21 And then No. 8 is rat and vermin control,  
22 same modification as we described above in

1 No. 10.

2 So I move that we approve with  
3 modifications to paragraphs 2, 6 and 7, as  
4 articulated. Do I have a second?

5 MEMBER ALBERTI: It's 2, 6 and 8.

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Oh, is it 8?

8 MEMBER ALBERTI: Two, six and  
9 eight. It's eight.

10 CHAIRPERSON MILLER: Okay.

11 Eight, rats and vermin control. Two, six  
12 and eight. Thank you very much.

13 Okay. All those in favor then of  
14 approval with modifications to paragraphs 2,  
15 6 and 8, say aye?

16 (Chorus of ayes.)

17 CHAIRPERSON MILLER: All those  
18 opposed?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those  
21 abstaining?

22 (No audible response.)

1 CHAIRPERSON MILLER: Motion

2 passes 3-0-0.

3 No. 12 is a settlement agreement  
4 dated May 19th, 2013 between Bullfeathers  
5 and ANC 6B.

6 I move that paragraph -- approve  
7 with modifications. Paragraph 5 contains  
8 the same kind of contradictory language  
9 dealing with leaving windows closed and then  
10 opening them seasonally as discussed  
11 previously. And paragraph 7 contains the  
12 same language discussed previously with  
13 respect to rats and vermin control.

14 So I move to approve with  
15 modifications to paragraphs 5 and 7.

16 MEMBER ALBERTI: And No. 2 is the  
17 CR.

18 CHAIRPERSON MILLER: I'm not sure  
19 if it's in there. Let me see.

20 MEMBER ALBERTI: I thought it  
21 was. I thought I just saw it. Yes.

22 CHAIRPERSON MILLER: Yes, and No.

1       2. Thank you. All right. This is No. 12.  
2       Okay. No. 2, No. 5 and No. 7, paragraphs to  
3       be modified.

4                   All those in favor, say aye?  
5                   (Chorus of ayes.)

6                   CHAIRPERSON MILLER: All those  
7       opposed?

8                   (No audible response.)

9                   CHAIRPERSON MILLER: All those  
10       abstaining?

11                   (No audible response.)

12                   CHAIRPERSON MILLER: Motion  
13       passes 3-0-0.

14                   No. 13 is a settlement agreement  
15       dated April 24th, 2013 between La Lomita  
16       Restaurant and ANC 6B. La Lomita Restaurant  
17       is located at 1330 Pennsylvania Avenue,  
18       S.E., License No. 16357.

19                   I move that we approve with  
20       modifications to paragraphs 2 -- that's the  
21       same nature of business with the CR in it,  
22       paragraph 8, the vermin control paragraph.

1 I think that's it.

2 MEMBER ALBERTI: That's it.

3 CHAIRPERSON MILLER: Okay. All  
4 those in favor then of approving with  
5 modifications to 2 and 8, say aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those  
8 opposed?

9 (No audible response.)

10 CHAIRPERSON MILLER: All those  
11 abstaining?

12 (No audible response.)

13 CHAIRPERSON MILLER: Motion  
14 passes 3-0-0.

15 No. 14 is a settlement agreement  
16 dated May 19th, 2013 between Pound the Hill  
17 and ANC 6B. Pound the Hill is located at  
18 621 Pennsylvania Avenue, S.E., License No.  
19 88067.

20 I move that we approve with  
21 modifications to paragraph 2, nature of  
22 business; paragraph --

1 MEMBER ALBERTI: I don't think  
2 paragraph 2 -- there isn't a nature of  
3 business one.

4 CHAIRPERSON MILLER: I'm on the  
5 wrong one?

6 MEMBER ALBERTI: Pound?

7 CHAIRPERSON MILLER: La Lomita?  
8 Oh, Pound the Hill. I'm sorry.

9 MEMBER ALBERTI: Pound on the  
10 Hill.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: Pound on the  
13 Hill --

14 CHAIRPERSON MILLER: Pound on the  
15 Hill --

16 MEMBER ALBERTI: -- I think it  
17 was No. 6 and No. 8. Okay. Well, some of  
18 this really doesn't need to be on the  
19 record, just sort of -- but I will.

20 CHAIRPERSON MILLER: Okay. Pound  
21 the Hill, also No. 2 has a CR license in  
22 paragraph 2.

1 MEMBER ALBERTI: Pound on the  
2 Hill?

3 CHAIRPERSON MILLER: Yes. I  
4 think so. Pound on the Hill.

5 MEMBER ALBERTI: Well, I don't  
6 even have paragraph 2 for them. I only have  
7 paragraph 3.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: So I'm missing  
10 --

11 CHAIRPERSON MILLER: it says,  
12 "The Applicant will manage a CR license."

13 MEMBER ALBERTI: Fine. I'm  
14 missing page 2.

15 CHAIRPERSON MILLER: Okay. So  
16 that's 2 -- let me double check. Two is  
17 there, nature of the business. Eight, rats  
18 and vermin control.

19 MEMBER ALBERTI: And No. 6.

20 CHAIRPERSON MILLER: Yes, I have  
21 six --

22 MEMBER ALBERTI: What am I

1 looking at, six? Yes.

2 CHAIRPERSON MILLER: No, I have  
3 six written down, too. It may be the same  
4 --

5 MEMBER ALBERTI: It's noise.

6 CHAIRPERSON MILLER: -- seasonal  
7 issue.

8 MEMBER ALBERTI: It's noise, yes.

9 CHAIRPERSON MILLER: Right.  
10 Keeping the doors and windows closed and  
11 then open. Okay.

12 So I'd move with modifications to  
13 2, 6 and 8. Do I have a second?

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Okay.

16 Motions been seconded by Mr. Alberti. Then  
17 all those in favor of the motion to approve  
18 with modifications 2, 6 and 8, say aye?

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those  
21 opposed?

22 (No audible response.)

1 CHAIRPERSON MILLER: All those  
2 abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: Motion  
5 passes 3-0-0.

6 No. 15 is a settlement agreement  
7 dated May 8th, 2013 between Folger Theatre  
8 Group and ANC 6B. Folger Theater Group is  
9 located at 201 East Capitol Street, S.E.,  
10 License No. 1792. I move that we approve  
11 this settlement agreement. Do I have a  
12 second?

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks  
15 has seconded the motion. All those in  
16 favor, say aye?

17 (Chorus of ayes.)

18 CHAIRPERSON MILLER: All those  
19 opposed?

20 (No audible response.)

21 CHAIRPERSON MILLER: All those  
22 abstaining?

1 (No audible response.)

2 CHAIRPERSON MILLER: Motion  
3 passes 3-0-0.

4 That concludes our meeting  
5 agenda. And then we have a supplemental  
6 agenda.

7 Okay. No. 1 on the supplemental  
8 agenda is a request for a stipulated license  
9 for a sidewalk caf,. The establishment is  
10 Millie and Al's, Balances Columbian  
11 Restaurant, located at 2440 18th Street,  
12 N.W., License No. 460. And we have ANC's  
13 support in the record.

14 I move that we approve.

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks  
17 has seconded the motion. All those in  
18 favor, say aye?

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those  
21 opposed?

22 (No audible response.)

1 CHAIRPERSON MILLER: All those  
2 abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: Motion  
5 passes 3-0-0.

6 No. 2 is a request for change of  
7 hours to add Sunday hours by JJ Mutts Wine &  
8 Spirits located at 643 Pennsylvania Avenue,  
9 S.E., License No. 25523.

10 I move that we approve.

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks  
13 has seconded the motion. All those in  
14 favor, say aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those  
17 opposed?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those  
20 abstaining?

21 (No audible response.)

22 CHAIRPERSON MILLER: Motion

1 passes 3-0-0.

2 Next is documentation submitted  
3 to making a determination of full-service  
4 grocery store for Each Peach Market located  
5 at 3068 Mount Pleasant Street, N.W., License  
6 No. 92449.

7 I move that we refer this to  
8 licensing. Do I have a second?

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: Mr. Brooks  
11 has seconded the motion. All those in  
12 favor, say aye?

13 (Chorus of ayes.)

14 CHAIRPERSON MILLER: All those  
15 opposed?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those  
18 abstaining?

19 (No audible response.)

20 CHAIRPERSON MILLER: Motion  
21 passes 3-0-0.

22 Four is a review of a drawn

1 submission to make determination of full-  
2 service grocery store in ANC 3D. This is  
3 Wagshalls located at 3201 New Mexico Avenue,  
4 N.W., License No. 92186.

5 I move that we schedule a fact  
6 finding on this. Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks  
9 has seconded the motion. All those in  
10 favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those  
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those  
16 abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: Motion  
19 passes 3-0-0.

20 No. 5 is a letter submitted by  
21 Natural Market located a 2400 14th Street,  
22 N.W., License No. 92095 for a 25 percent fee

1 license for a new market.

2 I move that placard. Do I have a  
3 second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks  
6 has seconded the motion. All those in  
7 favor, say aye?

8 (Chorus of ayes.)

9 CHAIRPERSON MILLER: All those  
10 opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those  
13 abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: Motion  
16 passes 3-0-0.

17 No. 66 is a request to remove a  
18 license from safekeeping. This is for JP's  
19 located at 2412 Wisconsin Avenue, N.W.,  
20 License No. 8511.

21 I move for -- well, wait a  
22 second. This is also related to -- so we

1 can deal with them together, a letter at No.  
2 13 dated June 10, 2013 from Paul Kadlick  
3 providing additional information to the  
4 Board about the request to remove JP's  
5 license from safekeeping. JP's is located  
6 at 2412 Wisconsin Avenue, N.W., License No.  
7 8511.

8 So I move that we schedule a fact  
9 finding hearing with respect to No. 6 to  
10 remove the license from safekeeping and  
11 consider No. 13 in that context.

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Okay. Mr.  
14 Brooks has seconded the motion. All those  
15 in favor, say aye?

16 (Chorus of ayes.)

17 CHAIRPERSON MILLER: All those  
18 opposed?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those  
21 abstaining?

22 (No audible response.)

1 CHAIRPERSON MILLER: Motion  
2 passes 3-0-0.

3 Okay. No. 7 is a review of a  
4 request to remove license from safekeeping  
5 and transfer to a new location. The  
6 establishment is Pelican's Run, formerly  
7 Roadside Caf, and Caterer located at 928 U  
8 Street, N.W., License No. 87961.

9 I move that we deny this request  
10 in accordance with our order summarily  
11 suspending the catering license of Roadside  
12 Caf,, Order No. 2013-040, in which we  
13 ordered that Roadside Caf,s license is  
14 hereby suspended until the Board issues its  
15 order in a future show cause proceeding  
16 related to the incident on January 26th,  
17 2013. Yes?

18 MEMBER ALBERTI: I would just --  
19 okay. Let's get a second and then --

20 CHAIRPERSON MILLER: I was just  
21 going to say so the motion is to deny.

22 MEMBER ALBERTI: Second.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: And I just like  
3 to remark just for the record it's -- I  
4 would have to double check our records, but  
5 it's my recollection that we have not issued  
6 a trade name change for this caterer, so I  
7 think the record here is mistaken when it  
8 says formerly Roadside Caf, and Caterer. I  
9 think it still is Roadside Caf, and Caterer.  
10 I don't believe we've ever issued a trade  
11 name change.

12 CHAIRPERSON MILLER: I think --

13 MEMBER ALBERTI: But I will --

14 CHAIRPERSON MILLER: -- you are  
15 most likely correct.

16 MEMBER ALBERTI: We have to  
17 check.

18 CHAIRPERSON MILLER: Right. But  
19 in any event, the license is subject to our  
20 order.

21 MEMBER ALBERTI: It is.

22 CHAIRPERSON MILLER: Okay. It's

1 a good point though. All right.

2 Okay. There's been a motion  
3 that's been seconded. All those in favor,  
4 say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those  
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Motion  
13 passes to deny.

14 Okay. Next case on the  
15 supplemental agenda is a request for a  
16 stipulated license dated June 11th, 2013 for  
17 Oyamel, and ANC 2C supports the request.  
18 Oyamel is located at 401 7th Street, N.W.,  
19 License No. 75944.

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Mr. Brooks  
22 has seconded the motion. All those in

1 favor, say aye?

2 (Chorus of ayes.)

3 CHAIRPERSON MILLER: All those  
4 opposed?

5 (No audible response.)

6 CHAIRPERSON MILLER: All those  
7 abstaining?

8 (No audible response.)

9 CHAIRPERSON MILLER: Okay.

10 CHAIRPERSON MILLER: What is  
11 this? I'm sorry.

12 CHAIRPERSON MILLER: Oyamel's  
13 stipulated license.

14 MEMBER ALBERTI: I approve.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON MILLER: So the  
18 motion passes to approve the stipulated  
19 license by a vote of 3-0-0.

20 No. 9 is a new application  
21 pursuant to the D.C. Official Code ^U 25-  
22 405.1 and 3 DCMR ^U 119 for a Class B full-

1 service grocery store license. This is for  
2 the Dollar Plus Store located at 1429 Good  
3 Hope Road, S.E., License No. 91947.

4 I move that we refer this  
5 application to licensing. Do I have a  
6 second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks  
9 has seconded the motion. All those in  
10 favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: Okay. The  
13 vote then is the motion passes 3-0-0 to  
14 refer to licensing.

15 No. 10 is a settlement agreement  
16 dated April 17, 2013 between Lalibela  
17 Ethiopian Restaurant and the Rockingham  
18 Condominium Association. Lalibela Ethiopian  
19 Restaurant is located at 1415 14th Street,  
20 N.W., License No. 23745.

21 I move that we approve this  
22 settlement agreement.

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks  
3 has seconded the motion. All those in  
4 favor, say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those  
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Motion  
13 passes 3-0-0.

14 No. 11 is a petition for  
15 reconsideration dated June 3rd, 2013 from  
16 Emanuel Mpras for Board Order No. 2013-181.  
17 DC Shenanigans is located at 2450 18th  
18 Street, N.W., License No. 88119.

19 And No. 12 is the District of  
20 Columbia's response to the Applicant's  
21 petition for reconsideration and petition  
22 for stay of Board Order dated June 10, 2013

1 from Christine Gephardt. DC Shenanigans is  
2 located at 2450 18th Street, N.W., License  
3 No. 88119.

4 I move that we continue  
5 consideration of Nos. 11 and 12 for a week.  
6 Do I have a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti  
9 has seconded the motion. All those in  
10 favor, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those  
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those  
16 abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: Motion  
19 passes 3-0-0.

20 Okay. We have already addressed  
21 No. 13, which will be considered with  
22 respect to the fact finding for JP's, which

1 we addressed I believe in No. 6. Right.

2 Okay.

3 No. 14 is a request to placard  
4 Standard and reinstate the Shaw-Dupont  
5 Citizens Alliance as Protestants dated June  
6 4th, 2013 from Joan Sterling. The  
7 establishment is Standard, 1801 14th Street,  
8 N.W., License No. 83769.

9 This is the case where Shaw-  
10 Dupont Citizens Alliance didn't give enough  
11 notice to the licensee, I believe, as  
12 required under the Omnibus Act. And I move  
13 that we deny this request. I think they  
14 could have had their meeting at a later  
15 date, it appears. Okay. So the motion is  
16 to deny. Do I have a second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks  
19 has seconded the motion. Any other  
20 comments?

21 (No audible response.)

22 CHAIRPERSON MILLER: Okay.

1 There's a motion that's been seconded to  
2 deny. All those in favor, say aye?

3 (Chorus of ayes.)

4 CHAIRPERSON MILLER: All those  
5 opposed?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those  
8 abstaining?

9 (No audible response.)

10 CHAIRPERSON MILLER: Motion to  
11 deny passes 3-0-0.

12 No. 15 is correspondence dated  
13 May 22nd, 2013 from John Camp requesting  
14 that the Board accept his protest petition  
15 that was deemed untimely. That's the way  
16 it's described here. Jo Jo Restaurant & Bar  
17 is located at 1518 U Street, N.W., License  
18 No. 60737.

19 MEMBER ALBERTI: It's an FYI.

20 CHAIRPERSON MILLER: Right, from  
21 my review -- right.

22 MEMBER ALBERTI: Refer to -- yes,

1 refer to endorsement.

2 CHAIRPERSON MILLER: Refer to  
3 enforcement. Right. I would move to refer  
4 this to enforcement as what I see in the  
5 correspondence are complaints that I think  
6 we would like enforcement to follow up on.  
7 So motion is to refer to enforcement. All  
8 those in favor, say aye?

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those  
11 opposed?

12 CHAIRPERSON MILLER: Okay. Mr.  
13 Brooks has seconded the motion. All those  
14 in favor, say aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those  
17 opposed?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those  
20 abstaining?

21 (No audible response.)

22 CHAIRPERSON MILLER: Motion

1 passes 3-0-0.

2 We have one more item on the  
3 supplemental agenda, is that a request for  
4 stipulated license as a tavern. This is for  
5 Cedar Hill Bar & Grill located at 2200  
6 Martin Luther King, Jr., Avenue, S.E. And  
7 ANC 8A is in support of the stipulated  
8 license.

9 Therefore, I move to approve the  
10 stipulated license.

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks  
13 as seconded the motion.

14 MEMBER ALBERTI: I'd like to make  
15 a friendly amendment --

16 CHAIRPERSON MILLER: Yes?

17 MEMBER ALBERTI: -- to that  
18 motion.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: There was also  
21 -- I don't remember how we discovered it,  
22 but we discovered that there was a problem

1 with the placarding for this licensee. So  
2 I'd like to add to the motion that as well  
3 as granting the stipulated license that we  
4 re-placard this license.

5 CHAIRPERSON MILLER: Okay. I  
6 would accept that. That's a good point.

7 All right. So the motion now is  
8 amended to move that we approve the  
9 stipulated license and that we re-placard  
10 the application. Is there a --

11 MEMBER ALBERTI: Noting that the  
12 licensee will be able to operate during the  
13 placarding period.

14 CHAIRPERSON MILLER: Okay. Good.  
15 Is there a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Mr. Brooks  
18 has seconded the motion. All those in  
19 favor, say aye?

20 (Chorus of ayes.)

21 CHAIRPERSON MILLER: All those  
22 opposed?

1 (No audible response.)

2 CHAIRPERSON MILLER: All those  
3 abstaining?

4 (No audible response.)

5 CHAIRPERSON MILLER: Motion  
6 passes 3-0-0.

7 Okay. I think that completes our  
8 supplemental agenda and all our matters for  
9 June 12th, 2013. And what remains is voting  
10 to close the meetings in accordance with the  
11 Open Meetings Act for next week.

12 All right. So as Chairperson of  
13 the Alcoholic Beverage Control Board for the  
14 District of Columbia and in accordance with  
15 Section 405 of the Open Meetings Amendment  
16 Act of 2010, I move that the ABC Board hold  
17 a closed meeting on June 19, 2013 for the  
18 purpose of seeking legal advice from our  
19 counsel on the matters identified in the  
20 Board's agenda for June 19, 3rd, 2013, as  
21 published in the D.C. Register on June 14,  
22 2013. Is there a second?

1 MEMBER ALBERTI: I second.

2 CHAIRPERSON MILLER: Mr. Alberti  
3 has seconded the motion. I'll now take a  
4 roll call on the motion. Mr. Brooks?

5 MEMBER BROOKS: I agree.

6 CHAIRPERSON MILLER: Mr. Alberti?

7 MEMBER ALBERTI: I agree.

8 CHAIRPERSON MILLER: Ms. Miller  
9 agrees.

10 It appears that the motion has  
11 passed by a 3-0-0 vote. I hereby give  
12 notice that the ABC Board will hold this  
13 aforementioned closed meeting pursuant to  
14 the Open Meetings Amendment Act of 2010.  
15 Notice will also be posted on the ABC Board  
16 hearing room bulletin board, placed on the  
17 electronic calendar on ABRA's Web site and  
18 published in the D.C. Register in as timely  
19 a manner as practicable.

20 As Chairperson of the Alcoholic  
21 Beverage Control Board for the District of  
22 Columbia and in accordance with Section 405

1 of the Open Meetings Amendment Act of 2010,  
2 I move that the ABC Board hold a closed  
3 meeting on June 19, 2013 for the purpose of  
4 discussing and hearing reports concerning  
5 ongoing or planned investigations of alleged  
6 criminal or civil misconduct or violations  
7 of law or regulations and seeking legal  
8 advice from our counsel on the Board's  
9 investigative agenda for June 19, 2013 as  
10 published in the D.C. Register on June 14,  
11 2013. Is there a second?

12 MEMBER ALBERTI: I second.

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

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Ms. Miller  
21 agrees.

22 It appears the motion has passed

1 by a 3-0-0 vote. I hereby give notice that  
2 the ABC Board will hold this aforementioned  
3 closed meeting pursuant to the Open Meetings  
4 Amendment Act of 2010. Notice will also be  
5 posted on the ABC Board hearing room  
6 bulletin board, placed on the electronic  
7 calendar on ABRA's Web site and published in  
8 the D.C. Register in as timely a manner as  
9 practicable.

10 And that concludes all our  
11 matters for June 12th, 2013 and the Board is  
12 adjourned. Thank you.

13 (Whereupon, the hearing was  
14 concluded at 8:14 p.m.)

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