

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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ABRA AGENDA :

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July 10, 2013

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

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

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

4:32 p.m.

CHAIRPERSON MILLER: The Board is back on the record for the agenda for Wednesday, July 10, 2013.

The first item on the agenda is Review of Requests dated June 26 and June 27, 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 this request. Do I have a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON MILLER: Mr. Silverstein has seconded the motion. All those in favor say aye.

BOARD MEMBERS: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? Motion passes 4-0-0.

No. 2 is a review of a letter dated June 21, 2013, from Jay Anthony Wolszczak requesting permission to store Hard

1 Rock Cafe's invoices and records at their
2 corporate office located in Orlando, Florida.
3 Hard Rock Cafe is located at 999 E Street,
4 N.W., License No. 14130.

5 I move that we deny this request
6 on the grounds that invoices and records are
7 required to be kept somewhere in the District.
8 Our staff will let the licensee know that
9 electronic records would meet that
10 requirement.

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Okay. Mr.
13 Silverstein seconded the motion. All those in
14 favor say aye.

15 BOARD MEMBERS: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 4-0-0.

19 The next item on the agenda is a
20 letter dated June 20, 2013, from Crystal
21 Harmon requesting permission to store American
22 Ice Company's invoices and records at another

1 location in the District. This is for
2 American Ice Company, 917 V Street, N.W.,
3 License No. 84577.

4 I move that we approve based on
5 what I just said with respect to No. 2. It's
6 okay somewhere in the District.

7 Do I have a second?

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON MILLER: Mr.

10 Silverstein has seconded the motion. All
11 those in favor say aye.

12 BOARD MEMBERS: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 4-0-0.

16 No. 5 is a Motion for
17 Reconsideration dated May 7, 2013 from Rona
18 Leff of Hunan Peking/Dylan's Cafe, Inc.
19 requesting that the Board reverse the \$600
20 penalty for the license's late renewal. The
21 establishment is Hunan Peking located at 3251
22 Prospect Street, N.W., License No. 8348.

1 I move that we deny. Do I have a
2 second?

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON MILLER: Mr.
5 Silverstein has seconded the motion. I say
6 that I appreciate that this individual didn't
7 get actual notice but the agency did send
8 notice to the address of record and to their
9 registered agent.

10 Any other comments? Okay. All
11 those in favor of the motion to deny say aye.

12 BOARD MEMBERS: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 4-0-0 to deny.

16 No. 6 and 7 are related to a
17 decision a Board made with respect to Pulpo
18 Restaurant located at 3407 Connecticut Avenue,
19 N.W., License No. 89639.

20 First is a letter dated June 17,
21 2013 from Commission Victor Silveira of ANC-3C
22 requesting the Board to rescind Pulpo's

1 Entertainment Endorsement and placard it as a
2 substantial change in operations.

3 The other letter is from Susie
4 Taylor of the Cleveland Park Citizens
5 Association requesting to protest the Board's
6 approval of Pulpo's Entertainment Endorsement.

7 As the ANC has asked us to rescind
8 this granting of the entertainment endorsement
9 and we are to give the ANC great weight, I
10 want to address these concerns. And also
11 because the Citizens Association is also very
12 involved.

13 They seem to have in my view some
14 misunderstandings about the law in this case
15 and whether or not there was proper
16 notification. Also they both suggest that
17 lack of notification prevented them from
18 entering into Settlement Agreement with the
19 establishment.

20 I think they misconstrued 25-762
21 which is substantial changes in operation must
22 be approved. Yes, substantial changes must be

1 placarded and the community has notice and
2 opportunity for settlement negotiations that
3 go along with that.

4 This provision as a first step I
5 will give the Board the discretion to
6 determine whether or not they are substantial
7 changes and that the changes listed in this
8 provision are ones that the Board considers
9 and may find to be substantial changes but
10 they are not automatically substantial
11 changes.

12 When items like this are on the
13 agenda, the notice that is required is
14 provided in the Open Meetings Act. In this
15 case, and in every case on the agenda, the
16 Board meets the Open Meetings Act by
17 publishing them in the D.C. Register and on
18 the ABRA website the Friday before the
19 Wednesday meeting.

20 In this case I just want to
21 reiterate that what the Board did, and does,
22 is looks at its records in making a

1 determination and its knowledge of the
2 surrounding circumstances to determine whether
3 it may constitute a substantial change.

4 In this case we delayed our
5 consideration a week so that our public
6 officer could pull the records for the
7 surrounding establishments on this commercial
8 strip. It was determined that there were five
9 restaurants and four taverns.

10 Three had entertainment
11 endorsements. One of the taverns has full
12 endorsements. All three components at full
13 hours which means 2:00 a.m. on weekdays and
14 3:00 a.m. on weekends.

15 The restaurant has dancing and
16 live entertainment for full hours. I believe
17 Ms. Taylor also discussed how we should have
18 been aware of their concern with respect to
19 their participation in the Alero's
20 application.

21 I would like to address that we
22 were cognizant of the Alero's application and

1 that we saw a difference in that case because
2 that case actually wraps around -- that
3 establishment wraps around onto a residential
4 street. This particular establishment is in
5 a commercial strip with other restaurants and
6 taverns.

7 I also want to correct for the
8 record, Ms. Taylor seems to think that the
9 Board withdrew Alero's application when, in
10 fact, Alero withdrew it itself. I know I'm
11 going on for a long time but I just wanted to
12 really address this matter fully. I'm just
13 about finished.

14 I think, as I stated, the Board
15 does look at its records when it deals with
16 determining whether something may be a
17 substantial change. The CBCA or the ANC or
18 any concerned resident can provide letters,
19 emails to the Board or the General Counsel at
20 any time about what their concerns are with
21 respect to their neighborhood or a certain
22 establishment.

1 Finally, ANC-3C requested in their
2 resolution that our director Fred Moosally and
3 myself attend their July 15 or September 16
4 public meeting and we will be getting back to
5 them to let them know that we will be happy to
6 attend their September 16 meeting.

7 Based on that full explanation, I
8 would move to deny the request of the ANC and
9 CBCA to rescind the entertainment endorsement
10 granted to Pulpo. I ask for a second.

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Are there any
13 other comments? Okay. Not hearing any, then
14 there is a motion that has been seconded. All
15 those in favor say aye.

16 BOARD MEMBERS: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 4-0-0.

20 Moving onto No. 8. That's a
21 letter dated June 18, 2013 from Pedro Lujan,
22 Jr. of Habana Village requesting that the

1 Board dismiss the protest of the Kalorama
2 Citizens Association for failure to attend the
3 protest mediation. Habana Village is located
4 at 1834 Columbia Road, N.W., License No.
5 24197.

6 We denied that request this
7 morning already and the parties were before
8 us. No further action is required.

9 No. 9 is a Settlement Agreement
10 dated June 24, 2013 between Bistro La Bonne
11 and the Shaw-Dupont citizens Alliance. Bistro
12 La Bonne is located 1340 U Street, N.W.,
13 License No. 75284.

14 I move that we approve this
15 application with some minor changes on page 1,
16 paragraph No. 2 removing the second line that
17 says the Board decides what is a substantial
18 change. That's the reason. No. 6 with
19 respect to limiting a party's application --
20 ability to seek an amendment. That should be
21 removed.

22 Delete the second line in

1 paragraph 6 limiting a party's ability to seek
2 recourse, I guess, before the Board. Whether
3 the Board grants it is another question based
4 on the application but the party shouldn't be
5 limited in seeking.

6 MEMBER ALBERTI: Oh. The way the
7 provision is currently worded prevents the
8 licensee from making application to expand the
9 premises or something like that. We can't
10 allow an SA to prohibit a licensee from making
11 application. We may have to deny an
12 application based on something in the
13 settlement agreement but we can't permit
14 someone from making application.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: It may be a
17 futile effort but we can't prevent them from
18 taking that action.

19 CHAIRPERSON MILLER: Okay. Thank
20 you.

21 MEMBER SILVERSTEIN: Madam Chair,
22 it's a matter of exercising their rights.

1 CHAIRPERSON MILLER: Okay. Right.
2 Even if the agreement says that it shouldn't
3 be denied.

4 MEMBER SILVERSTEIN: If it
5 happens, we're in violation by denying them
6 the exercise of their rights.

7 CHAIRPERSON MILLER: Okay.

8 No. 7, since they will be revising
9 this document, makes a reference to DCMR 905
10 and they should provide what DCMR this is.
11 There should be a numeral in front of that.

12 No. 9, second paragraph, makes a
13 reference to DC Code 20-2806. I would request
14 that there be a little explanation or a few
15 words or whatever as to what provision in the
16 code this is. As the ABRA staff and the Board
17 will be enforcing this agreement, we need to
18 clearly understand what is being referred to.

19 Rats and vermin control, No. 10.
20 A provision of this should be to ABRA as
21 opposed to -- it doesn't say who it's going to
22 anyway but it should be to ABRA. Also there's

1 that section that says, "Applicant shall
2 provide proof of its rate and vermin control
3 upon the request of the protestant."

4 This contract should go to ABRA if
5 there is such a request and then the
6 protestants can seek information from ABRA.
7 Correct? I think that is the process that we
8 have in place.

9 MEMBER ALBERTI: Number 11?

10 CHAIRPERSON MILLER: Ten, rat and
11 vermin control.

12 MEMBER ALBERTI: Right.

13 CHAIRPERSON MILLER: Finally No.
14 12. The last sentence says, "Applicant also
15 specifically agrees to be the sole owner of
16 the ABC license." That should be removed.
17 That is not proper for us to enforce ownership
18 questions. It's a business decision with
19 respect to a license.

20 That's all the modifications that
21 I have unless anyone else has any others.

22 MEMBER ALBERTI: That's plenty.

1 CHAIRPERSON MILLER: Plenty. So I
2 move to approve the settlement agreement with
3 modifications so articulated. All those in
4 favor say aye.

5 BOARD MEMBERS: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? Motion passes
8 4-0-0.

9 Okay. No. 10, a Settlement
10 Agreement dated June 20, 2013 between Tryst
11 and the Kalorama Citizens Association. Tryst
12 is located at 2459 18th Street, N.W., License
13 No. 25781.

14 I move that we approve. Can I get
15 a second?

16 MEMBER SILVERSTEIN: Second.

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

20 BOARD MEMBERS: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? Motion passes

1 4-0-0.

2 No. 11 is correspondence dated
3 June 13, 2013, from Peter Jin of Khan's BBQ
4 requesting that the Board overturn Board Order
5 No. 2013-254 on the Settlement Agreement
6 between Khan's BBQ and ANC-6A dated May 2,
7 2013. Khan's is located at 1125 H Street,
8 N.E., License No. 84082.

9 In this case Khan filed a motion
10 for reconsideration prior to the Board Order
11 becoming final. It states that he didn't
12 fully understand the agreement somewhat, I
13 think, because of his lack of understanding of
14 the English language.

15 He was under the impression that
16 businesses in the area have also agreed to
17 these provisions and now he doesn't think so
18 so he would like an opportunity to continue
19 the dialogue to come to a reasonable agreement
20 that other businesses would also abide by or
21 go to a hearing.

22 I would move that we grant the

1 request because he filed it before the Board
2 Order became final and he has raised some
3 concerns with respect to understanding. I
4 don't know. That's where I am on this.

5 Do I have a second?

6 MEMBER ALBERTI: Um-hum. No.

7 CHAIRPERSON MILLER: No. Okay. I
8 don't have a second so it fails for lack of a
9 second. Does somebody else have a motion?

10 MEMBER BROOKS: I move we deny.

11 MEMBER ALBERTI: I think Mr.
12 Brooks is making a motion.

13 CHAIRPERSON MILLER: I heard it.
14 Mr. Brooks has --

15 MEMBER SILVERSTEIN: I second.

16 CHAIRPERSON MILLER: Okay. Mr.
17 Brooks has moved to deny. Mr. Silverstein has
18 seconded. Any further comments?

19 MEMBER ALBERTI: Now that we've
20 had the floor for discussion, I want to
21 actually ask a question relative to your
22 earlier recommendation which is if you were

1 recommending to approve this, did that mean --
2 I guess I was startled by the fact that you
3 would recommend to approve this without
4 hearing from the other party, the other
5 involved party.

6 CHAIRPERSON MILLER: Oh, that's a
7 good point.

8 MEMBER ALBERTI: I would like to
9 hear your comments on that.

10 CHAIRPERSON MILLER: I think
11 that's a good point. I would be happy to move
12 to keep the record open for another week or
13 two to make a decision after we hear from the
14 other side. I think that is a very good
15 point.

16 The reason that I just filed a
17 motion to grant it was because it seemed I was
18 dealing with one person who wanted to get out
19 of the agreement because the order wasn't
20 final yet. I was thinking of that in terms of
21 his being able to change his mind in that
22 window of time. I certainly would be open to

1 -- it's always a good idea to hear from the
2 other side. We have another motion on the
3 table.

4 MEMBER ALBERTI: I would like to
5 take a vote on the motion.

6 CHAIRPERSON MILLER: On the table.
7 You just wanted to hear my --

8 MEMBER ALBERTI: I was curious as
9 to why.

10 CHAIRPERSON MILLER: Yeah.

11 MEMBER ALBERTI: Okay. I
12 understand now.

13 CHAIRPERSON MILLER: Okay. There
14 is a motion on the table. Who seconded it?

15 MEMBER ALBERTI: Mr. Silverstein.

16 CHAIRPERSON MILLER: Mr.
17 Silverstein. Okay. Any other comments? All
18 right. All those in favor of the motion to
19 deny say aye.

20 BOARD MEMBERS: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? Motion passes

1 3-1-0.

2 No. 12 is a review of a Petition
3 for Reconsideration dated June 3, 2013 from
4 Emanuel Mpras for Board Order No. 2013-181.
5 Previously reviewed on the June 5, 2013
6 Supplemental Agenda. This is for DC
7 Shenanigans located at 2450 18th Street, N.W.,
8 License No. 88119.

9 No. 13 is the related District's
10 response to Applicant's Petition for
11 Reconsideration and Petition for Stay of Board
12 Order dated June 10, 2013 from Christine
13 Gephardt related to Shenanigans.

14 There is a motion for
15 reconsideration that I would move that we
16 deny. Do I have a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Okay. The
19 motion has been seconded. I would say that in
20 reading the petition I didn't see that the
21 Board made an error of law or that there
22 wasn't substantial evidence in the record. I

1 found that I agreed with the District's
2 response to this applicant's Petition for
3 Reconsideration and Petition for Stay of Board
4 Order.

5 Are there any other comments?
6 Okay. There is a motion to deny and it's been
7 seconded, I believe, by Mr. Silverstein. All
8 those in favor of the motion to deny say aye.

9 BOARD MEMBERS: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? Motion passes
12 4-0-0.

13 That completes the agenda and we
14 have a supplemental agenda.

15 Okay. No. 1 relates to Aramark
16 Educational Services at American University at
17 3500 Massachusetts Avenue, N.W. regarding
18 their seeking a caterer's license and ANC-3D's
19 response that a multi-purpose license is more
20 appropriate consistent with current law.

21 I would move that we postpone
22 consideration of this issue and refer to

1 legal. I guess that would be for a week or
2 two. The motion is to postpone and refer to
3 legal.

4 Do I have a second?

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti
7 has seconded the motion. All those in favor
8 say aye.

9 BOARD MEMBERS: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 4-0-0.

13 No. 3 is -- I think I'm going to
14 pass on No. 3 for now. I move that we
15 postpone our consideration of No. 3. Do I
16 have a second?

17 MEMBER BROOKS: Second.

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

21 BOARD MEMBERS: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? Motion passes
2 4-0-0.

3 No. 4 is review of additional
4 documentation provided by Wagshal's regarding
5 whether it meets the full-service grocery
6 store definition. The documentation contains
7 floor drawings of a breakdown of inventory to
8 meet the requirement set by the Board during
9 the last discussion. Wagshal's is located at
10 3201 New Mexico Avenue, N.W., License No.
11 92187.

12 I would move that we approve that
13 it meets the full-service grocery store
14 definition based on the documentation provided
15 and this application be placarded. Is that
16 correct?

17 MEMBER ALBERTI: I believe there
18 is sufficient information here to move forward
19 and placard this. I think the decision as to
20 whether it meets the full-service grocery
21 store definition needs to be -- still is -- we
22 are confident that there is enough information

1 to believe that it is likely after a final
2 review but I think that final review has to be
3 done after we hear from -- after the community
4 has a chance to provide input after it's
5 placarded and the community has a chance to
6 provide --

7 CHAIRPERSON MILLER: Oh. It's our
8 initial determination.

9 MEMBER ALBERTI: I think we have a
10 preliminary -- we have a preliminary
11 assessment that this meets the qualifications
12 and move forward with placarding. The final
13 decision will be made after the --

14 CHAIRPERSON MILLER: The ANC has a
15 chance to weigh in.

16 MEMBER ALBERTI: -- the ANC and
17 the community has a chance to weigh in during
18 the placarding period.

19 CHAIRPERSON MILLER: Okay. I
20 accept that friendly amendment. Is there a
21 second?

22 MEMBER SILVERSTEIN: Second.

1 CHAIRPERSON MILLER: Mr.
2 Silverstein has seconded the motion. All
3 those in favor say aye.

4 BOARD MEMBERS: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? Motion passes
7 4-0-0.

8 No. 5 is an ANC-2C letter
9 requesting -- supporting the request for a
10 stipulated license of Mandalay, 1501 9th
11 Street, License No. 92421.

12 The way that's phrased it's a
13 review of ANC-2C's letter and I would support
14 granting the stipulated license for Mandalay.

15 MEMBER ALBERTI: I'll second that.

16 CHAIRPERSON MILLER: Okay. Mr.
17 Alberti seconded the motion. Any comments?
18 All those in favor then say aye.

19 BOARD MEMBERS: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? Okay. It's 4-0-0 to grant the
22 stipulated license.

1 No. 6 is also a request for a
2 stipulated license. This is by Skill Set,
3 LLC, 2029 P Street, N.W., License No. 92250
4 which has ANC support. I would move to grant
5 the stipulated license. Do I have a second?

6 MEMBER BROOKS: Second.

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

10 BOARD MEMBERS: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? Motion passes
13 4-0-0.

14 No. 7 is a review of amended lease
15 for a transfer of ownership application
16 submitted by NY NY Diva located at 2406-2408
17 18th Street, N.W., License No. 92380. This is
18 just an FYI.

19 No. 8 is a Sober Ride posters and
20 supply cards which is also an FYI.

21 No. 9 is a letter dated June 11,
22 2013, from Emanuel Mpras asking to continue

1 Case No. 11-251-00372 for Sesto
2 Senso/Andalu/Spot/Lupe/MIA located at 1214
3 18th Street, N.W., License 81092. I move that
4 we grant a continuance for a date to be
5 determined.

6 Do I have a second?

7 MEMBER BROOKS: Second.

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

11 BOARD MEMBERS: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed?

14 MEMBER ALBERTI: Opposed.

15 CHAIRPERSON MILLER: All those
16 abstaining? The vote is 3-1-0 to grant.

17 No. 10 is a letter dated July 5,
18 2013, from Elwyn Ferris regarding the lack of
19 notification for the Settlement Agreement
20 Termination application for Policy from both
21 the Licensee and ABRA.

22 Mr. Ferris is also requesting

1 permission to reinstate his request for the
2 Board to deny the Licensee's application.
3 Policy is located at 1904 14th Street, N.W.,
4 License No. 76804.

5 No. 11 is a similar letter from
6 Tanya Barbour. No. 12 is also a similar
7 letter from Ramon Estrada. I would move that
8 we postpone consideration of these letters for
9 a couple weeks to provide the licensee an
10 opportunity to respond.

11 Do I have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: Ms. Miller.

15 CHAIRPERSON MILLER: Go ahead.

16 You want to speak to the motion?

17 MEMBER ALBERTI: For the record,
18 Ramon Estrada is a commissioner. I forget
19 which ANC but I wanted to note that he is an
20 ANC commissioner.

21 MEMBER SILVERSTEIN: No longer.

22 MEMBER ALBERTI: Oh, he is no

1 longer an ANC commissioner?

2 MEMBER SILVERSTEIN: No.

3 MEMBER ALBERTI: I stand
4 corrected.

5 CHAIRPERSON MILLER: Okay.

6 Anything else before we vote?

7 MEMBER ALBERTI: Nope, nope.

8 Sorry about that.

9 CHAIRPERSON MILLER: All right.

10 There is a motion that has been seconded to
11 postpone consideration for a couple weeks to
12 give the licensee an opportunity to respond.

13 All those in favor say aye.

14 BOARD MEMBERS: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? Abstaining? The motion passes
17 4-0-0.

18 No. 13 is a letter dated July 2,
19 2013 from a group of residents requesting that
20 the Board deny Aramark Educational Services at
21 American University's catering application.

22 This seems to be related to No. 1

1 and 2.

2 MEMBER ALBERTI: You have a No.
3 13? I don't.

4 CHAIRPERSON MILLER: I'm surprised
5 to see this. I remember seeing this earlier.
6 I do.

7 MEMBER ALBERTI: Okay. I must
8 have an older version. Okay.

9 CHAIRPERSON MILLER: It seems
10 related to No. 1 and 2 and American
11 University.

12 MEMBER ALBERTI: Right.

13 CHAIRPERSON MILLER: I would move
14 that we postpone consideration of this letter
15 as well and refer as well to legal. We will
16 consider them together at a later time.

17 Do I have a second?

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON MILLER: Okay. Mr.
20 Alberti seconded the motion. Any other
21 comments? All those in favor say aye.

22 BOARD MEMBERS: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? Abstaining? The motion passes
3 4-0-0.

4 That completes the supplemental
5 agenda.

6 Okay. What remains then is our
7 vote on closing the meeting and for next week
8 with respect to the agenda and investigative
9 agenda.

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

20 MEMBER ALBERTI: Second.

21 CHAIRPERSON MILLER: Mr. Alberti
22 seconded the motion. I'll now take a roll

1 call.

2 Mr. Brooks.

3 MEMBER BROOKS: I agree.

4 CHAIRPERSON MILLER: Mr. Alberti.

5 MEMBER ALBERTI: I agree.

6 CHAIRPERSON MILLER: Ms. Miller
7 agrees.

8 Mr. Silverstein?

9 MEMBER SILVERSTEIN: I agree.

10 CHAIRPERSON MILLER: As it appears
11 that the motion has passed by 4-0-0 vote, I
12 hereby give notice that the ABC Board will
13 hold this aforementioned closed meeting
14 pursuant to the Open Meetings Amendment Act of
15 2010.

16 Notice will also be posted on the
17 ABC Board hearing room bulletin board, placed
18 on the electronic calendar, ABRA's website,
19 and published in the D.C. Register in as
20 timely a manner as practical.

21 As Chairperson of the Alcoholic
22 Beverage Control Board for the District of

1 Columbia and in accordance with Section 405 of
2 the Open Meetings Amendment Act of 2010, I
3 move that the ABC Board hold a closed meeting
4 on July 17, 2013 for the purpose of discussing
5 and hearing reports concerning ongoing or
6 planned investigations of alleged criminal or
7 civil misconduct or violations of law or
8 regulations and seeking legal advice from our
9 counsel on the Board's investigative agenda
10 for July 17, 2013 as published in the D.C.
11 Register on July 12, 2013.

12 Is there a second?

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: Mr. Alberti
15 seconded the motion. I'll now take a roll
16 call of the motion before us now that it's
17 been seconded.

18 Mr. Brooks.

19 MEMBER BROOKS: I agree.

20 CHAIRPERSON MILLER: Mr. Alberti.

21 MEMBER ALBERTI: I agree.

22 CHAIRPERSON MILLER: Ms. Miller

1 agrees.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: As it appears
5 that the motion has passed by 4-0-0 vote. I
6 hereby give notice that the ABC Board will
7 hold this aforementioned closed meeting
8 pursuant to the Open Meetings Amendment Act of
9 2010.

10 Notice will also be posted on the
11 ABC Board hearing room bulletin board, placed
12 on the electronic calendar, ABRA's website,
13 and published in the D.C. Register in as
14 timely a manner as practical.

15 That concludes our business for
16 July 10, 2013 and the Board is adjourned.

17 (Whereupon, at 5:10 p.m. the
18 meeting was adjourned.)

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