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

1:52 a.m.

CHAIRPERSON MILLER: Okay. This is the agenda for August 14th, 2013. It's now 1:52 a.m., and so we've had hearings all day and we will only be doing about half of the agenda items.

Okay. First agenda item is the request for reinstatement of a group of 5 dated July 29th, 2013 from the Grace group. Grace United Baptist Church was dismissed on July 8th, 2013 for lack of standing. And this related to Brookland's Finest, 3126-3128 12th Street, N.E., License No. 092010. We just completed a hearing on this case in which we denied the request for reinstatement by a vote of 3-2. So no action is required.

And the second case on our agenda also involves a request for reinstatement for a group of 5 from the First Church of Christ Holiness. Same situation in the Brookland's Finest case. We denied the request for

1 reinstatement at the hearing by a vote of 3-2,  
2 so no action is required now.

3 I'm going to skip onto No. 4 on the  
4 agenda, which is a request dated July 29, 2013  
5 from Rebecca Silberman of Room 11 for off-  
6 premise storage of invoices. Room 11 is located  
7 at 3234 11th Street, N.W., License No. 079568.

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

10 MEMBER BROOKS: Second.

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

14 (Chorus of ayes.)

15 CHAIRPERSON MILLER: All those  
16 opposed?

17 (No audible response.)

18 CHAIRPERSON MILLER: All those  
19 abstaining?

20 (No audible response.)

21 CHAIRPERSON MILLER: Motion passes  
22 3-0-0.

1                   No. 5 is an application for change  
2 of hours for Gandel's Liquors located at 211  
3 Pennsylvania Avenue, S.E.

4                   And I move that we approve this  
5 request for a change of hours. Do I have a  
6 second?

7                   MEMBER BROOKS: Second.

8                   CHAIRPERSON MILLER: Mr. Brooks has  
9 seconded the motion. All those in favor, say  
10 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: The motion  
19 passes 4-0-0.

20                   No. 6 is a request for a change of  
21 hours related to Diplomatic & Consular Officers  
22 Retired, Inc. at 1801 F Street, N.W., License

1 No. 089631.

2 I move that we approve this request  
3 for a change of hours. Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks has  
6 seconded the motion. All those in favor, say  
7 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 passes  
16 4-0-0.

17 No. 7 is a request for reinstatement  
18 of a canceled license. License was placed in  
19 safekeeping in 2011. And in this case the owner  
20 and the agent had been unresponsive to ABRA  
21 requests. The license was deemed abandoned and  
22 canceled on June 26, 2013 by the Board. The

1 License was Family Market located at 1309 5th  
2 Street, N.E., License No. 010660.

3 I move that we deny this request.

4 MEMBER ALBERTI: Second.

5 CHAIRPERSON MILLER: Mr. Alberti has  
6 seconded the motion. All those in favor, say  
7 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 to deny  
16 passes 4-0-0.

17 And we will have to postpone the  
18 remainder of the agenda given the lateness of  
19 the hour, but do have some matters on a  
20 supplemental agenda that we're ready to move on.

21 No. 1 is an application for summer  
22 garden by the Odeon Caf, located at 1714

1 Connecticut Avenue, N.W., License No. 005811.

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

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks has  
6 seconded the motion. All those in favor, say  
7 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: Motions passes  
16 4-0-0.

17 No. 2 is an application for a  
18 caterer's license and along with that is a  
19 letter from an attorney. The Licensee currently  
20 operates with a Class B license. Okay. The  
21 caterer's license is for DCanter located at 545  
22 8th Street, S.E., License No. 090639.

1 I move that we deny the application  
2 as it's not allowed under 25-303, I believe is  
3 the provision that does not allow it. Okay. Is  
4 there a second to deny?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks has  
7 seconded the motion. All those in favor, 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: The motions  
17 passes to deny 4-0-0.

18 No. 3 is a review of support  
19 documents and materials for determination of  
20 full-service grocery store. This is by Little  
21 Red Fox located at 5035 Connecticut Avenue,  
22 N.W., License No. 092834.

1 I move that we have a fact finding  
2 of this case. Do I have a second?

3 MEMBER BROOKS: Second.

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

7 (Chorus of ayes.)

8 CHAIRPERSON MILLER: All those  
9 opposed?

10 (No audible response.)

11 CHAIRPERSON MILLER: All those  
12 abstaining?

13 (No audible response.)

14 CHAIRPERSON MILLER: Motion passes  
15 4-0-0.

16 I'm going to skip No. 4 for now and  
17 move onto No. 5, which is a review of pending  
18 retail caterer's license application request, a  
19 letter from the Applicant. And this was  
20 continued from July 24th, 2013. The caterer is  
21 Aramark Educational Services at American  
22 University, 3500 Massachusetts Avenue, N.W.,

1 Caterer's License No. 092633.

2 I move that we refer this to legal.

3 Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks has  
6 seconded the motion. All those in favor, say  
7 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 passes  
16 4-0-0 to refer to legal.

17 No. 6 is a request for change of  
18 hours and sales and entertainment for L'Enfant  
19 Plaza located at 480 L'Enfant Plaza, S.W., Mr.  
20 Jones 076156.

21 I move that we approve this request.

22 Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks has  
3 seconded the motion. All those in favor, say  
4 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 passes  
13 4-0-0.

14 And No. 7 is a change of hours  
15 request to open at 8:00 instead of 11:00 a.m.  
16 And this is for Brixton Pub located at 901 U  
17 Street, N.W., License No. 082871.

18 I move that we placard this request.  
19 Do I have a second?

20 MEMBER ALBERTI: Second.

21 CHAIRPERSON MILLER: Mr. Alberti  
22 seconded the motion. All those in favor, say

1 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: Motion passes

10 4-0-0.

11 I'm just going to check with Mr.

12 Jones who was involved with the Each Peach

13 Market case and see if we're ready to proceed on

14 that.

15 (Whereupon, at 2:01 a.m. off the

16 record until 2:12 a.m.)

17 CHAIRPERSON MILLER: Okay. We're

18 back on the record to do our last item, which is

19 No. 4 on the supplemental agenda regarding a

20 review of documents and materials for

21 determination of full-service grocery store for

22 Each Peach Market located 3068 Mount Pleasant

1 Street, N.W., License No. 092449.

2 This was continued from August 7th  
3 and I move that we placard this application.

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks has  
6 seconded the motion. All those in favor, say  
7 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 passes  
16 5-0-0.

17 Okay. And we will postpone  
18 consideration of the remaining items on the  
19 supplemental agenda.

20 So that concludes our agenda items  
21 and I will just do the instructions and vote on  
22 the closed meeting.

1                   As Chairperson of the Alcoholic  
2 Beverage Control Board for the District of  
3 Columbia and in accordance with Section 405 of  
4 the Open Meetings Amendment Act of 2010, I move  
5 that the ABC Board hold a closed meeting on  
6 September 11, 2013 for the purpose of seeking  
7 legal advice from our counsel on the matters  
8 identified on the Board's agenda for September  
9 11, 2013 as published in the D.C. Register on  
10 September 6, 2013. Is there a second?

11                   MEMBER ALBERTI: Second.

12                   ACTING CHAIRMAN ALBERTI: Mr.  
13 Alberti seconded the motion. I'll now take a  
14 roll vote. Mr. Brooks?

15                   MEMBER BROOKS: I agree.

16                   CHAIRPERSON MILLER: Mr. Alberti?

17                   MEMBER ALBERTI: I agree.

18                   CHAIRPERSON MILLER: Ms. Miller  
19 agrees. Mr. Silverstein?

20                   MEMBER SILVERSTEIN: I agree.

21                   Okay. Motion passes 4-0-0. I  
22 hereby give notice that the ABC Board will hold

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

8 As Chairperson of the Alcoholic  
9 Beverage Control Board for the District of  
10 Columbia and in accordance with Section 405 of  
11 the Open Meetings Amendment Act of 2010, I move  
12 that the ABC Board will hold a closed meeting on  
13 September 11, 2013 for the purpose of discussing  
14 and hearing reports concerning ongoing or  
15 planned investigations of alleged criminal or  
16 civil misconduct or violations of law or  
17 regulations and seeking legal advice from our  
18 counsel on the Board's investigative agenda for  
19 September 11, 2013 as published in the D.C.  
20 Register on September 6, 2013. Is there a  
21 second?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Mr. Brooks has  
2 seconded the motion. I'm going to take a roll  
3 call vote. Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Mr. Alberti?

6 MEMBER ALBERTI: I agree.

7 CHAIRPERSON MILLER: Ms. Miller  
8 agrees. Mr. Jones?

9 MEMBER JONES: I agree.

10 CHAIRPERSON MILLER: Okay. The  
11 motion passes then by a vote of 4-0-0. Pursuant  
12 to the Open Meetings Amendment Act of 2010  
13 notice will also be posted on the ABC Board  
14 hearing room bulletin board, placed on the  
15 electronic calendar on ABRA's Web site and  
16 published in the D.C. Register in as timely a  
17 manner as practicable.

18 And that concludes our business for  
19 at 2:15 in the morning on August 15th, a record  
20 for the year. And we are adjourned.

21 (Whereupon, the hearing was  
22 concluded at 2:15 a.m.)

<b>A</b>	<b>Aramark</b> 9:21 <b>attorney</b> 7:19 <b>audible</b> 3:17,20 4:14,17 5:11,14 6:11,14 7:11,14 8:12,15 9:10,13 10:11,14 11:8,11 12:5,8 13:11,14 <b>August</b> 1:14 2:4 13:2 16:19 <b>Avenue</b> 4:3 7:1 8:21 9:22 <b>aye</b> 3:13 4:10 5:7 6:7 7:7 8:8 9:6 10:7 11:4 12:1 13:7 <b>ayes</b> 3:14 4:11 5:8 6:8 7:8 8:9 9:7 10:8 11:5 12:2 13:8 <b>A.B.R.A</b> 1:10 <b>a.m</b> 2:2,5 11:15 12:15,16 16:22	<b>C</b>	<b>Caf</b> 6:22 <b>calendar</b> 15:5 16:15 <b>call</b> 16:3 <b>canceled</b> 5:18,22 <b>case</b> 2:15,18,22 5:19 9:2 12:13 <b>caterer</b> 9:20 <b>caterer's</b> 7:18,21 9:18 10:1 <b>CHAIRMAN</b> 14:12 <b>Chairperson</b> 1:17 1:19 2:3 3:11,15 3:18,21 4:8,12,15 4:18 5:5,9,12,15 6:5,9,12,15 7:5,9 7:12,15 8:6,10,13 8:16 9:4,8,11,14 10:5,9,12,15 11:2 11:6,9,12,21 12:3 12:6,9,17 13:5,9 13:12,15 14:1,16 14:18 15:8 16:1,5 16:7,10 <b>change</b> 4:1,5,20 5:3 10:17 11:14 <b>check</b> 12:11 <b>Chorus</b> 3:14 4:11 5:8 6:8 7:8 8:9 9:7 10:8 11:5 12:2 13:8 <b>Christ</b> 2:20 <b>Church</b> 2:11,20 <b>civil</b> 15:16 <b>Class</b> 7:20 <b>closed</b> 13:22 14:5 15:1,12 <b>Columbia</b> 1:1 14:3 15:10 <b>completed</b> 2:14 <b>concerning</b> 15:14 <b>concluded</b> 16:22 <b>concludes</b> 13:20 16:18 <b>Connecticut</b> 7:1	8:21 <b>consideration</b> 13:18 <b>Consular</b> 4:21 <b>continued</b> 9:20 13:2 <b>Control</b> 1:15,15 14:2 15:9 <b>counsel</b> 14:7 15:18 <b>criminal</b> 15:15 <b>currently</b> 7:19	<b>finding</b> 9:1 <b>Finest</b> 2:13,22 <b>First</b> 2:8,20 <b>Fox</b> 8:21 <b>full-service</b> 8:20 12:21
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