

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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: Agenda

A.B.R.A. Agenda

: Hearing

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November 13, 2013

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

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

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

2 (7:14 p.m.)

3 CHAIRPERSON MILLER: All right.

4 We are back on the record for the Agenda for  
5 November 13, 2013.

6 The first item is a request for  
7 safekeeping by Al Crostino located at 1324 U  
8 Street, N.W., License No. 86659.

9 I move that we approve for six  
10 months. Do I have a second?

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Mr. Alberti  
13 has seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

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

19 Second is a request to transfer  
20 license dated November 4, 2013. The request  
21 is from Michael D. Fonseca for Embassy Row  
22 Hotel located at 2015 Massachusetts Avenue,

1 N.W.

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

4 MEMBER ALBERTI: Second.

5 CHAIRPERSON MILLER: Mr. Alberti  
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

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

12 No. 3 is a temporary operating  
13 retail permit requested dated November 4, 2013  
14 from Michael Fonseca and it is for the Embassy  
15 Row Hotel, same address as in No. 2.

16 I move that we approve.

17 MEMBER ALBERTI: Second.

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

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

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

3                       No. 4 is a review of a request for  
4           license application refund by David H.S.  
5           Pattison.

6                       I move that we deny.

7                       MEMBER ALBERTI: Second.

8                       CHAIRPERSON MILLER: Mr. Alberti  
9           seconded the motion. I note that we don't  
10          give refunds in this kind of case, if at all.

11                      All those in favor say aye.

12                      ALL: Aye.

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

16                      No. 5 is a request to withdraw a  
17          protest dated November 2, 2013 from Paulette  
18          Tilghman, representative for ANC-7B and a  
19          group of 61 Ft. Davis Community Members.  
20          Lee's Mini Market is the establishment located  
21          at 3853 Alabama Avenue, S.E., License No.  
22          32231.

1 I move that we approve.

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti  
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those  
8 opposed? All those abstaining? The motion  
9 passes 4-0-0.

10 No. 6 is a request for  
11 reconsideration of an untimely protest filing  
12 dated October 31, 2013 from Barbara Schauer.  
13 The establishment that it is related to is The  
14 American located at 1209-1213 10th Street,  
15 N.W., License No. 092766.

16 I move that we postpone this  
17 request to consider any opposition that may  
18 come in within the required time period from  
19 the applicant.

20 Do I have a second?

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Mr. Alberti

1           seconded the motion.

2                       All those in favor say aye.

3                       ALL:   Aye.

4                       CHAIRPERSON MILLER:  All those  
5           opposed?  All those abstaining?  All those  
6           against?  Okay.  It's 4-0-0 to postpone.

7                       No. 7 is a request for  
8           reconsideration of denial of reinstatement  
9           dated November 4, 2013 from Bertha Holliday,  
10          protestant in the Red Hen case.  The Red Hen  
11          is located at 1822 1st Street, N.W., License  
12          No. 090832.

13                      This is, I believe, Ms. Holliday's  
14          second Motion for Reconsideration, so I move  
15          that we deny.

16                      MEMBER ALBERTI:  Second.

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

19                      All those in favor say aye.

20                      ALL:   Aye.

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

1 passes 4-0-0.

2 No. 8 is a request for  
3 reinstatement of application for substantial  
4 change dated October 26, 2013 from Paul  
5 Kadlick of BJ's Enterprises. JP's located at  
6 2412 Wisconsin Avenue, N.W., License No.  
7 008511 and No. 9 and 10 on our agenda are  
8 responsive to that request for reinstatement.

9 And I move that we deny the  
10 request for reinstatement. Do I have a  
11 second?

12 MEMBER ALBERTI: Second.

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks  
15 has seconded the motion. Any comments?

16 All those in favor of denial say  
17 aye.

18 MEMBER BROOKS: Aye.

19 CHAIRPERSON MILLER: Aye.

20 MEMBER SILVERSTEIN: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed?

1 MEMBER ALBERTI: I oppose.

2 CHAIRPERSON MILLER: All those  
3 abstaining? Oh, you oppose --

4 MEMBER ALBERTI: Yes.

5 CHAIRPERSON MILLER: -- the  
6 denial. Okay. All those abstaining? Then  
7 the motion passes 3-1-0.

8 Okay. No. 9 and 10, as I said  
9 before, are related to the request. They are  
10 opposition by the other -- by the protestants  
11 in the case. ANC-3B, Glover Park Citizens  
12 Association and the group of eight. And 9 and  
13 10, therefore, are now moot.

14 No. 11 is a motion for  
15 reconsideration and stay of Board Order No.  
16 2013-408 dated October 25, 2013 from Michael  
17 Fonseca, counsel for Beehive, LLC.

18 MEMBER ALBERTI: I move that we  
19 deny --

20 CHAIRPERSON MILLER: Wait I didn't  
21 finish.

22 MEMBER ALBERTI: -- this.

1 CHAIRPERSON MILLER: Wait, wait.

2 MEMBER ALBERTI: Okay, I'm sorry.

3 CHAIRPERSON MILLER: I will move.

4 MEMBER ALBERTI: Okay.

5 CHAIRPERSON MILLER: The  
6 establishment is Sticky Rice located at 1224  
7 H Street, N.E., License No. 72783. And there  
8 is also within that motion for -- oh, there is  
9 two parts here: A motion for reconsideration  
10 and stay. The stay was withdrawn today, so  
11 that issue is moot.

12 Now, would you like to make a  
13 motion with respect --

14 MEMBER ALBERTI: I would move --

15 CHAIRPERSON MILLER: -- to  
16 consideration?

17 MEMBER ALBERTI: -- that we deny  
18 the motion for reconsideration.

19 CHAIRPERSON MILLER: Is there a  
20 second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion.

2 All those in favor say aye.

3 MEMBER ALBERTI: Aye.

4 MEMBER BROOKS: Aye.

5 MEMBER SILVERSTEIN: Aye.

6 CHAIRPERSON MILLER: Aye. Oh,

7 excuse me. All those opposed? Oppose. All

8 those abstaining?

9 So the motion to deny passes by a  
10 vote of 3-1-0. Okay.

11 No. 12 was the Attorney General's  
12 response to the motion for reconsideration at  
13 No. 11. So therefore, that is moot now.

14 No. 13 is a review of a voluntary  
15 mutual request to terminate settlement  
16 agreement between a partial group of residents  
17 and BEG Investments. XII is the establishment  
18 located at 1123 H Street, N.E., License No.  
19 76336.

20 So I move that we deny this  
21 request, because it doesn't meet the  
22 requirements for termination.

1 MEMBER BROOKS: Second.

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

4 And all those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those  
7 opposed? All those abstaining? So the motion  
8 passes 4-0-0 and this will be referred to our  
9 general counsel to contact the parties in this  
10 case.

11 MEMBER ALBERTI: Just --

12 CHAIRPERSON MILLER: Yes?

13 MEMBER ALBERTI: -- I want to  
14 comment to this.

15 CHAIRPERSON MILLER: Yeah.

16 MEMBER ALBERTI: The general  
17 counsel will contact the parties and tell them  
18 that if they choose to resubmit this request,  
19 that they should provide contact information  
20 for all of the signatories.

21 CHAIRPERSON MILLER: Right. Okay.  
22 That's one thing they will do, right. And

1 provide -- including the signatories that  
2 weren't on the --

3 MEMBER ALBERTI: Right. They  
4 need --

5 CHAIRPERSON MILLER: -- that  
6 didn't sign yet.

7 MEMBER ALBERTI: -- all  
8 signatories.

9 CHAIRPERSON MILLER: All  
10 signatures.

11 MEMBER ALBERTI: And contact  
12 information for everyone.

13 CHAIRPERSON MILLER: Okay. It  
14 wasn't sufficient. It did have those blanks.

15 MEMBER ALBERTI: Just to be clear,  
16 I mean, if they -- they need to provide  
17 contact information for everyone. If they  
18 can't get a signature for someone, they need  
19 to provide contact information, so we can  
20 verify the representation for that person.

21 CHAIRPERSON MILLER: Right. Okay.  
22 And our attorney will go over that.

1 MEMBER ALBERTI: Right.

2 CHAIRPERSON MILLER: Okay. Are we  
3 set with that one?

4 MEMBER ALBERTI: Um-hum.

5 CHAIRPERSON MILLER: All right.  
6 No. 14 is a settlement agreement dated October  
7 17, 2013 between ANC-6B and Matchbox Capitol  
8 Hill. This Matchbox is located at 521 8th  
9 Street, License No. 079276.

10 I move that we approve this  
11 settlement agreement.

12 MEMBER BROOKS: Second.

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

15 All those in favor say aye.

16 ALL: Aye.

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

20 No. 15 is a review of settlement  
21 agreement dated November 4, 2013 between ANC-  
22 2B, Shaw-Dupont Citizens Association, Dupont

1 Circle Citizens Alliance and the Griffin  
2 Group, LLC and it involves Policy located at  
3 1902-1904 14th Street, N.W., License No.  
4 076804.

5 I move that we approve this  
6 application.

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks  
9 has seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

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

15 No. 16 is a request dated November  
16 4, 2013 from E & J Gallo to provide retailers  
17 with products valued at more than \$50 and less  
18 than \$500.

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

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those  
5 opposed? All those abstaining? The motion  
6 passes 4-0-0.

7 No. 17 is a request dated November  
8 1, 2013 from E & J Gallo to provide retailers  
9 with products valued at more than \$50 and less  
10 than \$500.

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

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks  
15 has seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

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

21 And No. 18 is a request dated  
22 October 30, 2013 from E & J Gallo to provide

1           retailers with products valued at more than  
2           \$50 and less than \$500.

3                           I move that we approve.

4                           MEMBER BROOKS:    Second.

5                           CHAIRPERSON MILLER:  Mr. Brooks  
6           has seconded the motion.

7                           All those in favor say aye.

8                           ALL:    Aye.

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

12                           So that completes our regular  
13          meeting agenda.

14                           We have several supplements.  We  
15          are now looking at supplemental agenda for  
16          November 13, 2013.

17                           The first is a change of hours  
18          request by Capitol Hill Market located at 241  
19          Massachusetts Avenue, N.E., License No. 78727.

20                           I move that we approve this  
21          request.

22                           MEMBER BROOKS:    Second.

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

3 All those in favor say aye.

4 ALL: Aye.

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

8 No. 2 is a request to change hours  
9 of operation, sales and consumption for Lucky  
10 Corner Store located at 5433 Georgia Avenue,  
11 N.W., changing operation, sales and  
12 consumption to two hours earlier and two hours  
13 later.

14 I move that we approve.

15 MEMBER BROOKS: Second.

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

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed? All those abstaining? The motion  
22 passes 4-0-0.

1                   No. 3 is a request for  
2                   safekeeping. It is by A.M. Wine Shoppe  
3                   located at 2122 18th Street, N.W., License No.  
4                   82962.

5                   I move that we approve this  
6                   request for six months.

7                   MEMBER BROOKS: Second.

8                   CHAIRPERSON MILLER: Mr. Brooks  
9                   has seconded the motion.

10                  All those in favor say aye.

11                  ALL: Aye.

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

15                  No. 4 is a request for a new  
16                  sidewalk cafe and this is by Federal Lounge  
17                  located at 2477 18th Street, N.W., License No.  
18                  91249.

19                  I move that we placard. Do I have  
20                  a second?

21                  MEMBER BROOKS: Second.

22                  CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those  
5 opposed? All those abstaining? The motion  
6 passes 4-0-0.

7 We have No. 5, a request for  
8 manager's license by Aaron M. Del Giudice.

9 I move that we approve.

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks  
12 has seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

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

18 No. 6 is another request for a  
19 manager's license by Ian C. Shores.

20 I move that we approve.

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those  
5 opposed? All those abstaining? The motion  
6 passes 4-0-0.

7 No. 7 is a motion to dismiss Show  
8 Cause and Status Hearing dated September 18,  
9 2013 from Emanuel Mpras who is counsel for  
10 Sesto Senso located at 1214 18th Street, N.W.,  
11 License No. 81092.

12 And No. 8 is in opposition to that  
13 motion by the District of Columbia.

14 I move that we deny the motion to  
15 dismiss.

16 MEMBER BROOKS: Second.

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

19 All those in favor say aye.

20 ALL: Aye.

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

1 passes 4-0-0. And I believe that we have  
2 actually already approved a written order on  
3 this motion.

4 So No. 8 then is moot as it just  
5 relates to No. 7.

6 No. 9 is a request dated October  
7 17, 2013 from Washington Wholesale Liquor  
8 Company to provide retailers with products  
9 valued at more than \$50 and less than \$500.

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

12 MEMBER BROOKS: Second.

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

15 All those in favor say aye.

16 ALL: Aye.

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

20 No. 10 is a settlement agreement  
21 dated October 22, 2013 between the group of  
22 five or more and BRRCO, LLC. It's related to

1 Bolt Burger at 1010 Massachusetts Avenue,  
2 N.W., License No. 92541.

3 I move that we approve with  
4 modification to paragraph 6.

5 MEMBER BROOKS: Second.

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

8 All those in favor say aye.

9 ALL: Aye.

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

13 No. 11 is a settlement agreement  
14 dated October 21, 2013 between ANC-6D and Hill  
15 Country DC, LLC. Hill Country is located at  
16 101 Tingey Street, S.E., License No. 092452.

17 I move that we approve with  
18 modifications to paragraphs 2 and 8.

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks  
21 has seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

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

5 No. 12 is a petition to terminate  
6 the settlement agreement dated September 16,  
7 2013 filed by Acott Venture, LLC. The  
8 application to renew the license was received  
9 on September 16, 2013. The establishment is  
10 Shadow Room located at 2131 K Street, N.W.,  
11 License No. 075871.

12 I move that we placard.

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Mr. Brooks  
15 has seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

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

21 No. 13 is a petition to terminate  
22 the settlement agreement dated October 1, 2013

1 filed by Christopher Wells. The application  
2 to renew the license was received on September  
3 30, 2013. Club Timehri the establishment is  
4 located at 2439 18th Street, N.W., License No.  
5 077730.

6 I move that we placard this.

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks  
9 has seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

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

15 No. 14 is a petition to terminate  
16 a settlement agreement dated September 30,  
17 2013 filed by Stephen O'Brien, counsel for The  
18 Public Group, LLC. The application to renew  
19 the license was received on October 1, 2013.  
20 The establishment is Public, 1214B 18th  
21 Street, N.W., License No. 81238.

22 I move that we placard this.

1 MEMBER BROOKS: Second.

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

4 All those in favor say aye.

5 ALL: Aye.

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

9 No. 15 is a review of petition to  
10 terminate a settlement agreement dated October  
11 2, 2013 filed by Kidane Assefa. The  
12 application to renew the license was received  
13 on October 4, 2013. However, this licensee  
14 does not have a settlement agreement. There  
15 were conditions placed on the license by a  
16 Board Order No. 2008-001, dated November 28,  
17 2007. The establishment is Manchester Bar &  
18 Restaurant located at 944 Florida Avenue,  
19 N.W., License No. 075377.

20 Therefore, I move that we deny  
21 this petition.

22 MEMBER BROOKS: Second.

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

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those  
6 opposed? All those abstaining? The motion  
7 passes 4-0-0. And I believe our general  
8 counsel will be in touch with them.

9 Okay. That completes the  
10 supplemental agenda.

11 However, we have a second  
12 supplemental agenda.

13 No. 1 on the supplemental agenda  
14 is a review of a motion to dismiss protestant  
15 from Richard Bianco, counsel for Notta Tav  
16 Urne, LLC. The establishment is Pi located at  
17 2309 18th Street, N.W., License No. 076754.

18 And related to that is the  
19 opposition in No. 2 by Kalorama Citizens  
20 Association to the motion.

21 And we have already ruled this  
22 morning in front of the parties to deny the

1 motion to dismiss, which was -- the motion was  
2 dismissed on grounds that -- for failure to  
3 appear at mediation and we ruled that that's  
4 not grounds for dismissal of a protestant.

5 So we can vote again. It's on the  
6 agenda.

7 All those in favor of denying the  
8 Motion to Dismiss say aye.

9 ALL: Aye.

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

13 And No. 3 is a review of amendment  
14 of a settlement agreement dated July 9, 2013  
15 between ANC-6B and Molly Malone, which is  
16 located at 713 8th Street, S.E., License No.  
17 086148. This is an amendment made in response  
18 to the Board's comments on proposed settlement  
19 agreement and they are in accordance with  
20 them.

21 So I move that we approve this  
22 amendment.

1 MEMBER BROOKS: Second.

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

4 All those in favor say aye.

5 ALL: Aye.

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

9 That completes the second  
10 supplemental agenda. We have a third  
11 supplemental agenda.

12 Okay. No. 1 is a review of  
13 supplemental documentation for a Grocery Store  
14 B Application by Giant #2381 located at 300 H  
15 Street, N.E., License No. 091952.

16 I move that we postpone  
17 consideration pending some additional  
18 information.

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks  
21 has seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

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

5 No. 2 is a request to change hours  
6 of operation and sales by Sahra Hookah Lounge  
7 located at 1200 H Street, N.E., License No.  
8 87558.

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

11 MEMBER BROOKS: Second.

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

14 All those in favor say aye.

15 ALL: Aye.

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

19 No. 3 is a request for a change of  
20 hours, sales and sidewalk cafe and that is for  
21 Rustik Tavern located at 84-86 T Street, N.W.,  
22 in ANC-5E.

1 I move that we placard this  
2 request.

3 MEMBER BROOKS: Second.

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

6 All those in favor say aye.

7 ALL: Aye.

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

11 No. 4 is a request from Stephen  
12 O'Brien for Class B full-service grocery  
13 related to Trader Joe's located at 1914 14th  
14 Street, N.W., License No. 89785.

15 I move that we postpone pending  
16 review.

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks  
19 has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

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

3                       No. 5 is a request for summer  
4           garden endorsement for Kangaroo Boxing located  
5           at 3410 11th Street, N.W., License No. 89161,  
6           in ANC-1A.

7                       I move that we placard. Do I have  
8           a second?

9                       MEMBER BROOKS: Second.

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

12                      All those in favor say aye.

13                      ALL: Aye.

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

17                      No. 6 is a request for safekeeping  
18           by 1819 Club, which is located at 1819 M  
19           Street, N.W., License No. 71088.

20                      I move that we have a Fact-Finding  
21           on this. Do I have a second?

22                      MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Mr. Brooks  
2 has seconded the motion. Any other comments?

3 All those in favor say aye.

4 ALL: Aye.

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

8 No. 7 is a review of a settlement  
9 agreement dated September 27, 2013 between  
10 ANC-2E and 1218 Wisconsin Avenue, Inc. El  
11 Centro is located at 1218 Wisconsin Avenue,  
12 N.W., which is the establishment at issue.  
13 And its License No. is 84847.

14 I move that we postpone  
15 consideration of this.

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: All right.  
18 Mr. Brooks has seconded the motion.

19 All those in favor say aye. Aye.

20 MEMBER ALBERTI: Just a friendly  
21 amendment. I think the Board discussed  
22 postponing this for two weeks.

1 CHAIRPERSON MILLER: Oh, two  
2 weeks?

3 MEMBER ALBERTI: For two weeks.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: Well, until  
6 December 4th.

7 CHAIRPERSON MILLER: Until  
8 December 4th. Thank you, right.

9 MEMBER ALBERTI: And notifying the  
10 applicant that we would make a final decision  
11 on the 4th if we -- if they had not filed the  
12 transfer by then.

13 CHAIRPERSON MILLER: A final  
14 decision?

15 MEMBER BROOKS: Yes, I don't  
16 believe the Board had a discussion about  
17 whether or not a final decision conversation  
18 would be had.

19 MEMBER ALBERTI: Okay. So we just  
20 postponed until December 4th. Okay.

21 MEMBER BROOKS: Postponed until  
22 December 4th.

1 MEMBER ALBERTI: That's my  
2 friendly amendment.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER BROOKS: They're aware of  
5 what they need to do.

6 MEMBER ALBERTI: Okay.

7 CHAIRPERSON MILLER: Okay. So the  
8 motion now is to postpone consideration until  
9 December 4th.

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Or earlier  
12 excuse me. If the information comes in  
13 earlier, we can deliberate. Okay.

14 MEMBER ALBERTI: Right.

15 CHAIRPERSON MILLER: All right.  
16 Postpone to December 4th or earlier. Okay.  
17 Mr. Brooks has seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed? All those abstaining? The motion  
22 passes 4-0-0.

1                   Okay. I think that's all the  
2                   agenda items. We have some cancellations.

3                   Okay. So I just want to group  
4                   some of them. Okay. So we have some  
5                   cancellations that are for the reason that the  
6                   licensee has not renewed and enforcement  
7                   confirmed that the licensee is out of business  
8                   and no longer operating.

9                   So that is true for the following  
10                  establishments and I think we can vote on in  
11                  bulk to approve the cancellation. That would  
12                  be:

13                         No. 1, ABRA-088347, King of Kabob.

14                         No. 2, ABRA-070707, Newtown  
15                         Kitchen and Lounge on U Street.

16                         No. 3, Fever Bar & Lounge, ABRA-  
17                         089716 on H Street.

18                         No. 4, ABRA-084578, Martin's  
19                         Restaurant & Lounge on 9th Street.

20                         Okay. So I move that we approve  
21                         the cancellation of those four for that  
22                         reason. Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Okay. All  
3 those in favor say aye.

4 ALL: Aye.

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

8 Okay. No. 5, ABRA-089177,  
9 Montserrat Dough Joe located at 2014 9th  
10 Street, the licensee has not renewed. The  
11 licensee has requested cancellation.

12 I move that we approve.

13 MEMBER BROOKS: Second.

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

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those  
18 opposed? That passes 4-0-0.

19 Okay. All right. The rest of  
20 these have not renewed.

21 No. 6, ABRA-087339, American Eats  
22 Tavern on 8th Street, N.W.

1                   No. 7, ABRA-088924, Koffee's  
2                   Lounge located at 2632 Georgia Avenue, N.W.  
3                   No. 8, ABRA-088592, HR-57 at 1007  
4                   H Street, N.E.

5                   No. 9, ABRA-080666, The Library  
6                   Saloon located at 3514 12th Street, N.E.

7                   No. 10, ABRA-084726, Love located  
8                   at 1350 Okie Street, N.E.

9                   And No. 11, ABRA-085583, Ma Ma's  
10                  Southern Cuisine located at 3118 Georgia  
11                  Avenue, N.E.

12                  So I move that we approve the  
13                  cancellation of all of these.

14                  MEMBER BROOKS:    Second.

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

17                  All those in favor say aye.

18                  ALL:    Aye.

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

22                  Okay.  Next we have a cancellation

1 agenda for Class Bs and all of these  
2 establishments have not paid their 3rd Year  
3 Payment and I'll be moving to approve  
4 cancellation of the following four for that  
5 reason.

6 No. 1, ABRA-086103, Darby's Market  
7 located at 1136 Florida Avenue, N.E.

8 No. 2, ABRA-084723, Clover Market  
9 located at 5014 Connecticut Avenue, N.W.

10 No. 3, ABRA-072942, Bella Market  
11 located at 101 15th Street, N.E., N.W.

12 And No. 4, ABRA-077147, New Star  
13 Supermarket located at 2205 4th Street, N.E.

14 So I move that we approve the  
15 cancellation of those four Class Bs.

16 MEMBER BROOKS: Second.

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

19 All those in favor say aye.

20 ALL: Aye.

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

1 passes 4-0-0.

2 That finishes the Class B  
3 cancellations.

4 Oh, we have one more item. So  
5 it's a supplemental season desist agenda in  
6 which I'm going to be moving to remove the  
7 following order to cease and desist because  
8 the order was issued, but payment for the  
9 license renewal was received prior to the  
10 service of the order.

11 And that is for ABRA-084421, Vice  
12 located at West Virginia Avenue, N.E.

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

15 MEMBER BROOKS: Second.

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

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed? All those abstaining? The motion  
22 passes 4-0-0.

1 MEMBER ALBERTI: Ms. Miller, I  
2 would like to raise --

3 CHAIRPERSON MILLER: Okay.

4 MEMBER ALBERTI: -- one item on  
5 the --

6 CHAIRPERSON MILLER: Which one?

7 MEMBER ALBERTI: -- 3rd  
8 Supplemental Agenda, it was Item 2 with  
9 regards to Sahra Hookah Lounge, License No.  
10 87558.

11 CHAIRPERSON MILLER: Wait, wait,  
12 wait. Let me just find it.

13 MEMBER ALBERTI: Okay.

14 CHAIRPERSON MILLER: Which --

15 MEMBER ALBERTI: 3rd Supplemental  
16 Agenda.

17 CHAIRPERSON MILLER: 3rd  
18 Supplemental Agenda, okay.

19 MEMBER ALBERTI: Item 2.

20 CHAIRPERSON MILLER: Item 2. Got  
21 it.

22 MEMBER ALBERTI: Okay. The item,

1 I believe the Board in our discussion, was  
2 mistakenly under the impression that this was  
3 a request for change of hours for the  
4 interior.

5 And taking a second look at the  
6 application that we have, it is for a sidewalk  
7 cafe.

8 CHAIRPERSON MILLER: Oh.

9 MEMBER ALBERTI: Now, there are  
10 several things wrong. Well, there are other  
11 things wrong with this application, in that  
12 the application says approved hours for a  
13 sidewalk cafe, but since it is checked  
14 sidewalk cafe, one would assume that the  
15 approved hours on this application are for the  
16 sidewalk cafe.

17 There is -- this establishment has  
18 no DDOT approval for a sidewalk cafe and so it  
19 has no Board approval for a sidewalk cafe.  
20 And they certainly don't have hours --  
21 entertainment hours approved for the sidewalk  
22 cafe.

1                   And so I would say that we deny  
2                   this application because it is factually  
3                   incorrect. Not to mention that they are  
4                   requesting hours until 2:00 a.m. and 3:00 a.m.  
5                   for an outdoor cafe, which given our decision  
6                   on similar establishments would lead us to  
7                   placard this.

8                   CHAIRPERSON MILLER: Okay.

9                   MEMBER ALBERTI: I believe we  
10                  should just deny this application and return  
11                  to the applicant and ask them to refile an  
12                  application.

13                  CHAIRPERSON MILLER: Well, I mean,  
14                  I think everything you said makes sense. I  
15                  would just like to look at the application  
16                  again, because you are right. We were under  
17                  the impression -- this is the application?

18                  MEMBER ALBERTI: That's the  
19                  application. Up here, let me turn it this  
20                  way.

21                  CHAIRPERSON MILLER: Okay.

22                  MEMBER ALBERTI: You can see the

1 whole application there. A sidewalk cafe.

2 CHAIRPERSON MILLER: Oh.

3 MEMBER ALBERTI: So I assume that  
4 these hours -- what struck me is I kept  
5 wondering why this establishment didn't have  
6 full legal hours for their interior.

7 CHAIRPERSON MILLER: Correct.

8 MEMBER ALBERTI: I don't know that  
9 they don't. It may be that -- I don't know  
10 what is going on. This is just -- since they  
11 don't have approved -- they don't have a  
12 sidewalk cafe endorsement from us listing  
13 approved hours for it is nonsensical.

14 So I think that this application  
15 should just be denied and legal should contact  
16 the applicant and ask them to -- tell them  
17 they can file a new application, if they so  
18 choose, or if they have a reason to file an  
19 application. I'm not sure they even do.

20 CHAIRPERSON MILLER: And how do  
21 you know they don't have a sidewalk cafe  
22 endorsement?

1 MEMBER ALBERTI: Because I asked  
2 licensing. I have asked records --

3 CHAIRPERSON MILLER: Oh.

4 MEMBER ALBERTI: -- before --

5 CHAIRPERSON MILLER: Okay.

6 MEMBER ALBERTI: -- about this  
7 establishment. This establishment happens to  
8 be in my ANC, so I'm aware of some of the  
9 applications that are made for this. And I  
10 believe we actually recently had a case where  
11 they were -- there was a report.

12 I'm not sure what happened to the  
13 report, but there was a report that they were  
14 operating a sidewalk cafe without a sidewalk  
15 cafe endorsement.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: So that's  
18 probably why now there was a recent  
19 investigative report that we had. So I mean,  
20 we could just postpone this and send it to  
21 licensing if you want to review it.

22 CHAIRPERSON MILLER: Are there --

1 MEMBER ALBERTI: Or we could --

2 CHAIRPERSON MILLER: -- any --

3 yes.

4 MEMBER ALBERTI: -- deny it

5 without prejudice.

6 CHAIRPERSON MILLER: Right. Does

7 anybody else have an opinion? Okay. I guess

8 I would just say refer to licensing just to

9 make sure.

10 MEMBER ALBERTI: I would refer to

11 licensing, that's fine.

12 CHAIRPERSON MILLER: Okay. Even

13 though I trust what you are saying.

14 MEMBER ALBERTI: I have no problem

15 with it.

16 CHAIRPERSON MILLER: Yes. But I'm

17 glad you picked that up.

18 MEMBER ALBERTI: We'll refer to

19 licensing because this appears to be a

20 mistake.

21 CHAIRPERSON MILLER: Yes, right,

22 okay. Because it does appear --

1 MEMBER ALBERTI: Licensing and --  
2 by the respondent and/or licensing.

3 CHAIRPERSON MILLER: Um-hum, okay.

4 MEMBER ALBERTI: Right. So we  
5 need to find out --

6 MEMBER JONES: There are some  
7 inconsistencies that need to be reconciled.

8 MEMBER ALBERTI: Right.

9 MEMBER JONES: So I'll tell you  
10 it's better to licensing to ensure that we are  
11 all on the same page.

12 CHAIRPERSON MILLER: Right.

13 MEMBER ALBERTI: Well, so we --  
14 right.

15 MEMBER JONES: Yes.

16 CHAIRPERSON MILLER: Okay. So --

17 MEMBER ALBERTI: So we understand  
18 what they are applying for.

19 MEMBER JONES: Correct.

20 CHAIRPERSON MILLER: Right. It  
21 looked odd the way it was anyway, so, you  
22 know, these hours.

1                   Okay. So there is a motion to  
2 refer to licensing. All those in -- do I have  
3 a second?

4                   MEMBER BROOKS: Second.

5                   CHAIRPERSON MILLER: Mr. Brooks  
6 has seconded the motion.

7                   All those in favor say aye.

8                   ALL: Aye.

9                   CHAIRPERSON MILLER: All those  
10 opposed? All those abstaining? Thank you  
11 very much, Mr. Alberti --

12                   MEMBER ALBERTI: You're welcome.

13                   CHAIRPERSON MILLER: -- for  
14 picking up on that. All right. Okay.

15                   So I think that completes our  
16 Agenda items for November 13th.

17                   Okay. As Chairperson of the  
18 Alcoholic Beverage Control Board for the  
19 District of Columbia and in accordance with  
20 Section 405 of the Open Meetings Amendment Act  
21 of 2010, I move that the ABC Board hold a  
22 closed meeting on November 20, 2013 for the

1           purpose of seeking legal advice from our  
2           counsel on the matters identified on the  
3           Board's Agenda for November 20, 2013 as  
4           published in the DC Register on November 15,  
5           2013.

6                           Is there a second?

7                           MEMBER BROOKS:   Second.

8                           CHAIRPERSON MILLER:   Mr. Brooks  
9           has seconded the motion.  I'll now take a roll  
10          call vote on the motion now that it has been  
11          seconded.

12                           Mr. Brooks?

13                           MEMBER BROOKS:   I agree.

14                           CHAIRPERSON MILLER:   Mr. Alberti?

15                           MEMBER ALBERTI:   I agree.

16                           CHAIRPERSON MILLER:   Ms. Miller  
17          agrees.

18                           Mr. Jones?

19                           MEMBER JONES:   I agree.

20                           CHAIRPERSON MILLER:   It appears  
21          that the motion has passed by a vote of 4-0-0.

22                           I hereby give notice that the ABC

1 Board will hold this aforementioned closed  
2 meeting pursuant to the Open Meetings  
3 Amendment Act of 2010. Notice will also be  
4 posted on the ABC Board hearing room bulletin  
5 board, placed on the electronic calendar on  
6 ABRA's website and published in the DC  
7 Register in as timely a manner as 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  
12 move that the ABC Board hold a closed meeting  
13 on November 20, 2013 for the purpose of  
14 discussing and hearing reports concerning  
15 ongoing or planned investigations of alleged  
16 criminal or civil misconduct or violations of  
17 law or regulations and seeking legal advice  
18 from our counsel on the Board's investigative  
19 agenda for November 20, 2013 as published in  
20 the DC Register on November 15, 2013.

21 Is there a second?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: I will now  
2 take a roll call vote on the motion now that  
3 it has been seconded.

4 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 Mr. Jones?

11 MEMBER JONES: I agree.

12 CHAIRPERSON MILLER: Mr. Jones  
13 agrees. It appears that the motion has passed  
14 by a vote of 4-0-0.

15 I hereby give notice that the ABC  
16 Board will hold this aforementioned closed  
17 meeting pursuant to the Open Meetings  
18 Amendment Act of 2010. Notice will also be  
19 posted on the ABC Board hearing room bulletin  
20 board, placed on the electronic calendar on  
21 ABRA's website and published in the DC  
22 Register in as timely a manner as practicable.

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And that concludes the Board's  
business for November 13, 2013. And we are  
adjourned. Thank you.

(Whereupon, the A.B.R.A. Agenda in  
the above-entitled matter was concluded at  
7:52 p.m.)

A				
<b>\$50</b> 14:17 15:9 16:2 21:9	36:6 37:20 38:22 39:21 47:10	47:18 49:8	<b>asked</b> 44:1,2	<b>Bella</b> 38:10
<b>\$500</b> 14:18 15:10 16:2 21:9	<b>Acott</b> 23:7	<b>alleged</b> 49:15	<b>Assefa</b> 25:11	<b>Bertha</b> 6:9
<b>A.B.R.A</b> 1:7 51:4	<b>Act</b> 47:20 49:3,11 50:18	<b>Alliance</b> 14:1	<b>Association</b> 8:12 13:22 26:20	<b>better</b> 46:10
<b>a.m</b> 18:2 42:4,4	<b>additional</b> 28:17	<b>amendment</b> 27:13 27:17,22 32:21 34:2 47:20 49:3 49:11 50:18	<b>assume</b> 41:14 43:3	<b>Beverage</b> 1:2,12,12 47:18 49:9
<b>Aaron</b> 19:8	<b>address</b> 3:15	<b>American</b> 5:14 36:21	<b>attorney</b> 10:11 12:22	<b>Bianco</b> 26:15
<b>ABC</b> 47:21 48:22 49:4,12 50:15,19	<b>adjourned</b> 51:3	<b>ANC</b> 13:21 44:8	<b>Avenue</b> 2:22 4:21 7:6 16:19 17:10 22:1 25:18 32:10 32:11 37:2,11 38:7,9 39:12	<b>BJ's</b> 7:5
<b>above-entitled</b> 51:5	<b>advice</b> 48:1 49:17	<b>ANC-1A</b> 31:6	<b>aware</b> 34:4 44:8	<b>blanks</b> 12:14
<b>ABRA</b> 35:16	<b>aforementioned</b> 49:1 50:16	<b>ANC-2E</b> 32:10	<b>aye</b> 2:14,15 3:7,8 3:20,21 4:11,12 5:5,6 6:2,3,19,20 7:17,18,19,20 10:2,3,4,5,6 11:4 11:5 13:15,16 14:10,11 15:2,3 15:16,17 16:7,8 17:3,4,18,19 18:10,11 19:2,3 19:13,14 20:2,3 20:19,20 21:15,16 22:8,9,22 23:1,16 23:17 24:10,11 25:4,5 26:3,4 27:8 27:9 28:4,5,22 29:1,14,15 30:6,7 30:20,21 31:12,13 32:3,4,19,19 34:18,19 36:3,4 36:15,16 37:17,18 38:19,20 39:18,19 47:7,8	<b>board</b> 1:2,12 8:15 25:16 32:21 33:16 41:1,19 47:18,21 49:1,4,5,9,12 50:16,19,20
<b>ABRA's</b> 49:6 50:21	<b>agenda</b> 1:6,7 2:4 7:7 16:13,15 26:10,12,13 27:6 28:10,11 35:2 38:1 39:5 40:8,16 40:18 47:16 48:3 49:19 51:4	<b>ANC-3B</b> 8:11	<b>Board's</b> 27:18 48:3 49:18 51:1	<b>Board's</b> 27:18 48:3 49:18 51:1
<b>ABRA-070707</b> 35:14	<b>agree</b> 48:13,15,19 50:5,7,11	<b>ANC-5E</b> 29:22	<b>Bolt</b> 22:1	<b>Boxing</b> 31:4
<b>ABRA-072942</b> 38:10	<b>agreement</b> 10:16 13:6,11,21 21:20 22:13 23:6,22 24:16 25:10,14 27:14,19 32:9	<b>ANC-6B</b> 13:7 27:15	<b>Brooks</b> 1:21 7:13 7:14,18 9:21,22 10:4 11:1,2 13:12 13:13 14:7,8,21 14:22 15:13,14 16:4,5,22 17:1,15 17:16 18:7,8,21 18:22 19:10,11,21 19:22 20:16,17 21:12,13 22:5,6 22:19,20 23:13,14 24:7,8 25:1,2,22 26:1 28:1,2,19,20 29:11,12 30:3,4 30:17,18 31:9,10 31:22 32:1,16,18 33:15,21 34:4,10 34:17 36:1,13 37:14,15 38:16,17 39:15,16 47:4,5 48:7,8,12,13 49:22 50:4,5	<b>Brooks</b> 1:21 7:13 7:14,18 9:21,22 10:4 11:1,2 13:12 13:13 14:7,8,21 14:22 15:13,14 16:4,5,22 17:1,15 17:16 18:7,8,21 18:22 19:10,11,21 19:22 20:16,17 21:12,13 22:5,6 22:19,20 23:13,14 24:7,8 25:1,2,22 26:1 28:1,2,19,20 29:11,12 30:3,4 30:17,18 31:9,10 31:22 32:1,16,18 33:15,21 34:4,10 34:17 36:1,13 37:14,15 38:16,17 39:15,16 47:4,5 48:7,8,12,13 49:22 50:4,5
<b>ABRA-077147</b> 38:12	<b>agrees</b> 48:17 50:9 50:13	<b>ANC-6D</b> 22:14	<b>B</b>	<b>BRRCO</b> 21:22
<b>ABRA-080666</b> 37:5	<b>Al</b> 2:7	<b>ANC-7B</b> 4:18	<b>B</b> 28:14 30:12 39:2	<b>Bs</b> 38:1,15
<b>ABRA-084421</b> 39:11	<b>Alabama</b> 4:21	<b>and/or</b> 46:2	<b>back</b> 2:4	<b>Building</b> 1:13
<b>ABRA-084578</b> 35:18	<b>Alberti</b> 1:20 2:11 2:12 3:4,5,17,18 4:7,8 5:2,3,21,22 6:16,17 7:12 8:1,4 8:18,22 9:2,4,14 9:17 10:3 11:11 11:13,16 12:3,7 12:11,15 13:1,4 32:20 33:3,5,9,19 34:1,6,14 40:1,4,7 40:13,15,19,22 41:9 42:9,18,22 43:3,8 44:1,4,6,17 45:1,4,10,14,18 46:1,4,8,13,17 47:11,12 48:14,15 50:6,7	<b>anybody</b> 45:7	<b>Bar</b> 25:17 35:16	<b>bulk</b> 35:11
<b>ABRA-084723</b> 38:8	<b>Alcoholic</b> 1:2,12,12	<b>appear</b> 27:3 45:22	<b>Barbara</b> 5:12	<b>bulletin</b> 49:4 50:19
<b>ABRA-084726</b> 37:7		<b>appears</b> 45:19 48:20 50:13	<b>Beehive</b> 8:17	<b>Burger</b> 22:1
<b>ABRA-085583</b> 37:9		<b>appears</b> 45:19 48:20 50:13	<b>BEG</b> 10:17	<b>business</b> 35:7 51:2
<b>ABRA-086103</b> 38:6		<b>applicant</b> 5:19 33:10 42:11 43:16	<b>believe</b> 6:13 21:1 26:7 33:16 41:1 42:9 44:10	
<b>ABRA-087339</b> 36:21		<b>application</b> 4:4 7:3 14:6 23:8 24:1,18 25:12 28:14 41:6 41:11,12,15 42:2 42:10,12,15,17,19 43:1,14,17,19		
<b>ABRA-088347</b> 35:13		<b>applications</b> 44:9		
<b>ABRA-088592</b> 37:3		<b>applying</b> 46:18		
<b>ABRA-088924</b> 37:1		<b>approval</b> 41:18,19		
<b>ABRA-089177</b> 36:8		<b>approve</b> 2:9 3:2,16 5:1 13:10 14:5,19 15:11 16:3,20 17:14 18:5 19:9 19:20 21:10 22:3 22:17 27:21 29:9 35:11,20 36:12 37:12 38:3,14 39:13		
<b>abstaining</b> 2:17 3:10 4:1,14 5:8 6:5,22 8:3,6 10:8 11:7 13:18 14:13 15:5,19 16:10 17:6,21 18:13 19:5,16 20:5,22 21:18 22:11 23:3 23:19 24:13 25:7 26:6 27:11 28:7 29:3,17 30:9 31:1 31:15 32:6 34:21		<b>approved</b> 21:2 41:12,15,21 43:11 43:13		

<b>C</b>				
<b>C</b> 19:19	37:15,19 38:17,21	28:17 32:15 34:8	42:1,10 45:4	<b>factually</b> 42:2
<b>cafe</b> 18:16 29:20	39:16,20 40:3,6	<b>consumption</b> 17:9	<b>denying</b> 27:7	<b>failure</b> 27:2
41:7,13,14,16,18	40:11,14,17,20	17:12	<b>desist</b> 39:5,7	<b>favor</b> 2:14 3:7,20
41:19,22 42:5	41:8 42:8,13,21	<b>contact</b> 11:9,17,19	<b>discussed</b> 32:21	4:11 5:5 6:2,19
43:1,12,21 44:14	43:2,7,20 44:3,5	12:11,17,19 43:15	<b>discussing</b> 49:14	7:16 10:2 11:4
44:15	44:16,22 45:2,6	<b>Control</b> 1:2,12,12	<b>discussion</b> 33:16	13:15 14:10 15:2
<b>calendar</b> 49:5	45:12,16,21 46:3	47:18 49:9	41:1	15:16 16:7 17:3
50:20	46:12,16,20 47:5	<b>conversation</b> 33:17	<b>dismiss</b> 20:7,15	17:18 18:10 19:2
<b>call</b> 48:10 50:2	47:9,13,17 48:8	<b>Corner</b> 17:10	26:14 27:1,8	19:13 20:2,19
<b>cancellation</b> 35:11	48:14,16,20 49:8	<b>Correct</b> 43:7 46:19	<b>dismissal</b> 27:4	21:15 22:8,22
35:21 36:11 37:13	50:1,6,8,12	<b>counsel</b> 8:17 11:9	<b>dismissed</b> 27:2	23:16 24:10 25:4
37:22 38:4,15	<b>change</b> 7:4 16:17	11:17 20:9 24:17	<b>District</b> 1:1 20:13	26:3 27:7 28:4,22
<b>cancellations</b> 35:2	17:8 29:5,19 41:3	26:8,15 48:2	47:19 49:9	29:14 30:6,20
35:5 39:3	<b>changing</b> 17:11	49:18	<b>documentation</b>	31:12 32:3,19
<b>Capitol</b> 13:7 16:18	<b>checked</b> 41:13	<b>Country</b> 22:15,15	28:13	34:18 36:3,15
<b>case</b> 4:10 6:10 8:11	<b>choose</b> 11:18 43:18	<b>criminal</b> 49:16	<b>DONALD</b> 1:21	37:17 38:19 39:18
11:10 44:10	<b>Christopher</b> 24:1	<b>Crostino</b> 2:7	<b>Dough</b> 36:9	47:7
<b>Cause</b> 20:8	<b>Circle</b> 14:1	<b>Cuisine</b> 37:10	<b>Dupont</b> 13:22	<b>Federal</b> 18:16
<b>cease</b> 39:7	<b>Citizens</b> 8:11 13:22			<b>Fever</b> 35:16
<b>Centro</b> 32:11	14:1 26:19	<b>D</b>	<b>E</b>	<b>file</b> 43:17,18
<b>certainly</b> 41:20	<b>civil</b> 49:16	<b>D</b> 2:21	<b>E</b> 14:16 15:8,22	<b>filed</b> 23:7 24:1,17
<b>Chairperson</b> 1:14	<b>Class</b> 30:12 38:1,15	<b>D.C</b> 1:13	<b>earlier</b> 17:12 34:11	25:11 33:11
1:19 2:3,12,16 3:5	39:2	<b>Darby's</b> 38:6	34:13,16	<b>filing</b> 5:11
3:9,18,22 4:8,13	<b>clear</b> 12:15	<b>dated</b> 2:20 3:13	<b>Eats</b> 36:21	<b>final</b> 33:10,13,17
5:3,7,22 6:4,17,21	<b>closed</b> 47:22 49:1	4:17 5:12 6:9 7:4	<b>eight</b> 8:12	<b>find</b> 40:12 46:5
7:14,19,21 8:2,5	49:12 50:16	8:16 13:6,21	<b>El</b> 32:10	<b>fine</b> 45:11
8:20 9:1,3,5,15,19	<b>Clover</b> 38:8	14:15 15:7,21	<b>electronic</b> 49:5	<b>finish</b> 8:21
9:22 10:6 11:2,6	<b>Club</b> 24:3 31:18	20:8 21:6,21	50:20	<b>finishes</b> 39:2
11:12,15,21 12:5	<b>Columbia</b> 1:1	22:14 23:6,22	<b>Emanuel</b> 20:9	<b>first</b> 2:6 16:17
12:9,13,21 13:2,5	20:13 47:19 49:10	24:16 25:10,16	<b>Embassy</b> 2:21 3:14	<b>five</b> 21:22
13:13,17 14:8,12	<b>come</b> 5:18	27:14 32:9	<b>endorsement</b> 31:4	<b>Florida</b> 25:18 38:7
14:22 15:4,14,18	<b>comes</b> 34:12	<b>David</b> 4:4	43:12,22 44:15	<b>following</b> 35:9 38:4
16:5,9 17:1,5,16	<b>comment</b> 11:14	<b>Davis</b> 4:19	<b>enforcement</b> 35:6	39:7
17:20 18:8,12,22	<b>comments</b> 7:15	<b>DC</b> 22:15 48:4 49:6	<b>ensure</b> 46:10	<b>Fonseca</b> 2:21 3:14
19:4,11,15,22	27:18 32:2	49:20 50:21	<b>Enterprises</b> 7:5	8:17
20:4,17,21 21:13	<b>Community</b> 4:19	<b>DDOT</b> 41:18	<b>entertainment</b>	<b>four</b> 35:21 38:4,15
21:17 22:6,10,20	<b>Company</b> 21:8	<b>December</b> 33:6,8	41:21	<b>friendly</b> 32:20 34:2
23:2,14,18 24:8	<b>completes</b> 16:12	33:20,22 34:9,16	<b>establishment</b> 4:20	<b>front</b> 26:22
24:12 25:2,6 26:1	26:9 28:9 47:15	<b>decision</b> 33:10,14	5:13 9:6 10:17	<b>Ft</b> 4:19
26:5 27:10 28:2,6	<b>concerning</b> 49:14	33:17 42:5	23:9 24:3,20	<b>full</b> 43:6
28:20 29:2,12,16	<b>concluded</b> 51:5	<b>Del</b> 19:8	25:17 26:16 32:12	<b>full-service</b> 30:12
30:4,8,18,22	<b>concludes</b> 51:1	<b>deliberate</b> 34:13	41:17 43:5 44:7,7	
31:10,14 32:1,5	<b>conditions</b> 25:15	<b>denial</b> 6:8 7:16 8:6	<b>establishments</b>	<b>G</b>
32:17 33:1,4,7,13	<b>confirmed</b> 35:7	<b>denied</b> 43:15	35:10 38:2 42:6	<b>Gallo</b> 14:16 15:8,22
34:3,7,11,15,20	<b>Connecticut</b> 38:9	<b>deny</b> 4:6 6:15 7:9	<b>excuse</b> 10:7 34:12	<b>garden</b> 31:4
36:2,5,14,17	<b>consider</b> 5:17	8:19 9:17 10:9,20		<b>general</b> 11:9,16
	<b>consideration</b> 9:16	20:14 25:20 26:22	<b>F</b>	26:7
			<b>Fact-Finding</b> 31:20	

**General's** 10:11  
**Georgia** 17:10 37:2  
 37:10  
**Giant** 28:14  
**Giudice** 19:8  
**give** 4:10 48:22  
 50:15  
**given** 42:5  
**glad** 45:17  
**Glover** 8:11  
**go** 12:22  
**going** 39:6 43:10  
**Griffin** 14:1  
**grocery** 28:13  
 30:12  
**grounds** 27:2,4  
**group** 4:19 8:12  
 10:16 14:2 21:21  
 24:18 35:3  
**guess** 45:7

---

**H**


---

**H** 9:7 10:18 28:14  
 29:7 35:17 37:4  
**H.S** 4:4  
**happened** 44:12  
**happens** 44:7  
**hearing** 1:7,13 20:8  
 49:4,14 50:19  
**Hen** 6:10,10  
**HERMAN** 1:22  
**Hill** 13:8 16:18  
 22:14,15  
**hold** 47:21 49:1,12  
 50:16  
**Holliday** 6:9  
**Holliday's** 6:13  
**Hookah** 29:6 40:9  
**Hotel** 2:22 3:15  
**hours** 16:17 17:8  
 17:12,12 29:5,20  
 41:3,12,15,20,21  
 42:4 43:4,6,13  
 46:22  
**HR-57** 37:3

---

**I**


---

**Ian** 19:19

**identified** 48:2  
**impression** 41:2  
 42:17  
**including** 12:1  
**inconsistencies**  
 46:7  
**incorrect** 42:3  
**information** 11:19  
 12:12,17,19 28:18  
 34:12  
**interior** 41:4 43:6  
**investigations**  
 49:15  
**investigative** 44:19  
 49:18  
**Investments** 10:17  
**involves** 14:2  
**issue** 9:11 32:12  
**issued** 39:8  
**item** 2:6 39:4 40:4  
 40:8,19,20,22  
**items** 35:2 47:16

---

**J**


---

**J** 14:16 15:8,22  
**Joe** 36:9  
**Joe's** 30:13  
**Jones** 1:22 46:6,9  
 46:15,19 48:18,19  
 50:10,11,12  
**JP's** 7:5  
**July** 27:14

---

**K**


---

**K** 23:10  
**Kabob** 35:13  
**Kadlick** 7:5  
**Kalorama** 26:19  
**Kangaroo** 31:4  
**kept** 43:4  
**Kidane** 25:11  
**kind** 4:10  
**King** 35:13  
**Kitchen** 35:15  
**know** 43:8,9,21  
 46:22  
**Koffee's** 37:1

---

**L**


---

**law** 49:17  
**lead** 42:6  
**Lee's** 4:20  
**legal** 43:6,15 48:1  
 49:17  
**Library** 37:5  
**license** 2:8,20 4:4  
 4:21 5:15 6:11 7:6  
 9:7 10:18 13:9  
 14:3 16:19 18:3  
 18:17 19:8,19  
 20:11 22:2,16  
 23:8,11 24:2,4,19  
 24:21 25:12,15,19  
 26:17 27:16 28:15  
 29:7 30:14 31:5  
 31:19 32:13 39:9  
 40:9  
**licensee** 25:13 35:6  
 35:7 36:10,11  
**licensing** 44:2,21  
 45:8,11,19 46:1,2  
 46:10 47:2  
**Liquor** 21:7  
**listing** 43:12  
**LLC** 8:17 14:2  
 21:22 22:15 23:7  
 24:18 26:16  
**located** 2:7,22 4:20  
 5:14 6:11 7:5 9:6  
 10:18 13:8 14:2  
 16:18 17:10 18:3  
 18:17 20:10 22:15  
 23:10 24:4 25:18  
 26:16 27:16 28:14  
 29:7,21 30:13  
 31:4,18 32:11  
 36:9 37:2,6,7,10  
 38:7,9,11,13  
 39:12  
**longer** 35:8  
**look** 41:5 42:15  
**looked** 46:21  
**looking** 16:15  
**Lounge** 18:16 29:6  
 35:15,16,19 37:2

40:9  
**Love** 37:7  
**Lucky** 17:9

---

**M**


---

**M** 19:8 31:18  
**Ma** 37:9  
**Ma's** 37:9  
**Malone** 27:15  
**manager's** 19:8,19  
**Manchester** 25:17  
**manner** 49:7 50:22  
**Market** 4:20 16:18  
 38:6,8,10  
**Martin's** 35:18  
**Massachusetts** 2:22  
 16:19 22:1  
**Matchbox** 13:7,8  
**matter** 1:5 51:5  
**matters** 48:2  
**mean** 12:16 42:13  
 44:19  
**mediation** 27:3  
**meet** 10:21  
**meeting** 1:3 16:13  
 47:22 49:2,12  
 50:17  
**Meetings** 47:20  
 49:2,11 50:17  
**Member** 1:20,21,22  
 2:11 3:4,17 4:7  
 5:2,21 6:16 7:12  
 7:13,18,20 8:1,4  
 8:18,22 9:2,4,14  
 9:17,21 10:3,4,5  
 11:1,11,13,16  
 12:3,7,11,15 13:1  
 13:4,12 14:7,21  
 15:13 16:4,22  
 17:15 18:7,21  
 19:10,21 20:16  
 21:12 22:5,19  
 23:13 24:7 25:1  
 25:22 28:1,19  
 29:11 30:3,17  
 31:9,22 32:16,20  
 33:3,5,9,15,19,21

34:1,4,6,10,14  
 36:1,13 37:14  
 38:16 39:15 40:1  
 40:4,7,13,15,19  
 40:22 41:9 42:9  
 42:18,22 43:3,8  
 44:1,4,6,17 45:1,4  
 45:10,14,18 46:1  
 46:4,6,8,9,13,15  
 46:17,19 47:4,12  
 48:7,13,15,19  
 49:22 50:5,7,11  
**Members** 4:19  
**mention** 42:3  
**met** 1:12  
**Michael** 2:21 3:14  
 8:16  
**Miller** 1:14,19 2:3  
 2:12,16 3:5,9,18  
 3:22 4:8,13 5:3,7  
 5:22 6:4,17,21  
 7:14,19,21 8:2,5  
 8:20 9:1,3,5,15,19  
 9:22 10:6 11:2,6  
 11:12,15,21 12:5  
 12:9,13,21 13:2,5  
 13:13,17 14:8,12  
 14:22 15:4,14,18  
 16:5,9 17:1,5,16  
 17:20 18:8,12,22  
 19:4,11,15,22  
 20:4,17,21 21:13  
 21:17 22:6,10,20  
 23:2,14,18 24:8  
 24:12 25:2,6 26:1  
 26:5 27:10 28:2,6  
 28:20 29:2,12,16  
 30:4,8,18,22  
 31:10,14 32:1,5  
 32:17 33:1,4,7,13  
 34:3,7,11,15,20  
 36:2,5,14,17  
 37:15,19 38:17,21  
 39:16,20 40:1,3,6  
 40:11,14,17,20  
 41:8 42:8,13,21  
 43:2,7,20 44:3,5

44:16,22 45:2,6 45:12,16,21 46:3 46:12,16,20 47:5 47:9,13 48:8,14 48:16,16,20 50:1 50:6,8,8,12 <b>Mini</b> 4:20 <b>misconduct</b> 49:16 <b>mistake</b> 45:20 <b>mistakenly</b> 41:2 <b>modification</b> 22:4 <b>modifications</b> 22:18 <b>Molly</b> 27:15 <b>months</b> 2:10 18:6 <b>Montserrat</b> 36:9 <b>moot</b> 8:13 9:11 10:13 21:4 <b>morning</b> 26:22 <b>motion</b> 2:13,17 3:6 3:10,19 4:1,9,14 5:4,8 6:1,14,18,22 7:15 8:7,14 9:8,9 9:13,18 10:1,9,12 11:3,7 13:14,18 14:9,13 15:1,5,15 15:19 16:6,10 17:2,6,17,21 18:9 18:13 19:1,5,12 19:16 20:1,5,7,13 20:14,18,22 21:3 21:14,18 22:7,11 22:21 23:3,15,19 24:9,13 25:3,7 26:2,6,14,20 27:1 27:1,8,11 28:3,7 28:21 29:3,13,17 30:5,9,19 31:1,11 31:15 32:2,6,18 34:8,17,21 36:6 37:16,20 38:18,22 39:17,21 47:1,6 48:9,10,21 50:2 50:13 <b>move</b> 2:9 3:2,16 4:6 5:1,16 6:14 7:9 8:18 9:3,14 10:20	13:10 14:5,19 15:11 16:3,20 17:14 18:5,19 19:9,20 20:14 21:10 22:3,17 23:12 24:6,22 25:20 27:21 28:16 29:9 30:1,15 31:7 31:20 32:14 35:20 36:12 37:12 38:14 39:13 47:21 49:12 <b>moving</b> 38:3 39:6 <b>Mpras</b> 20:9 <b>mutual</b> 10:15	<hr/> <b>O</b> <hr/>	<b>O'Brien</b> 24:17 30:12 <b>October</b> 5:12 7:4 8:16 13:6 15:22 21:6,21 22:14 23:22 24:19 25:10 25:13 <b>odd</b> 46:21 <b>oh</b> 8:3 9:8 10:6 33:1 39:4 41:8 43:2 44:3 <b>okay</b> 6:6 8:6,8 9:2,4 10:10 11:21 12:13 12:21 13:2 26:9 28:12 33:4,19,20 34:3,6,7,13,16 35:1,3,4,20 36:2,8 36:19 37:22 40:3 40:13,18,22 42:8 42:21 44:5,16 45:7,12,22 46:3 46:16 47:1,14,17 <b>Okie</b> 37:8 <b>ongoing</b> 49:15 <b>Open</b> 47:20 49:2,11 50:17 <b>operating</b> 3:12 35:8 44:14 <b>operation</b> 17:9,11 29:6 <b>opinion</b> 45:7 <b>oppose</b> 8:1,3 10:7 <b>opposed</b> 2:17 3:10 4:1,14 5:8 6:5,22 7:22 10:7 11:7 13:18 14:13 15:5 15:19 16:10 17:6 17:21 18:13 19:5 19:16 20:5,22 21:18 22:11 23:3 23:19 24:13 25:7 26:6 27:11 28:7 29:3,17 30:9 31:1 31:15 32:6 34:21 36:6,18 37:20 38:22 39:21 47:10	<hr/> <b>P</b> <hr/>	<b>opposition</b> 5:17 8:10 20:12 26:19 <b>order</b> 8:15 21:2 25:16 39:7,8,10 <b>outdoor</b> 42:5	<hr/> <b>P</b> <hr/>	<b>P-R-O-C-E-E-D-...</b> 2:1 <b>p.m</b> 2:2 51:6 <b>page</b> 46:11 <b>paid</b> 38:2 <b>paragraph</b> 22:4 <b>paragraphs</b> 22:18 <b>Park</b> 8:11 <b>partial</b> 10:16 <b>parties</b> 11:9,17 26:22 <b>parts</b> 9:9 <b>passed</b> 48:21 50:13 <b>passes</b> 2:18 3:11 4:2,15 5:9 7:1 8:7 10:9 11:8 13:19 14:14 15:6,20 16:11 17:7,22 18:14 19:6,17 20:6 21:1,19 22:12 23:4,20 24:14 25:8 26:7 27:12 28:8 29:4 29:18 30:10 31:2 31:16 32:7 34:22 36:7,18 37:21 39:1,22 <b>Pattison</b> 4:5 <b>Paul</b> 7:4 <b>Paulette</b> 4:17 <b>payment</b> 38:3 39:8 <b>pending</b> 28:17 30:15 <b>period</b> 5:18 <b>permit</b> 3:13 <b>person</b> 12:20 <b>petition</b> 23:5,21 24:15 25:9,21 <b>Pi</b> 26:16 <b>picked</b> 45:17	<b>picking</b> 47:14 <b>placard</b> 18:19 23:12 24:6,22 30:1 31:7 42:7 <b>placed</b> 25:15 49:5 50:20 <b>planned</b> 49:15 <b>Policy</b> 14:2 <b>posted</b> 49:4 50:19 <b>postpone</b> 5:16 6:6 28:16 30:15 32:14 34:8,16 44:20 <b>postponed</b> 33:20,21 <b>postponing</b> 32:22 <b>practicable</b> 49:7 50:22 <b>prejudice</b> 45:5 <b>PRESENT</b> 1:17 <b>presiding</b> 1:14 <b>prior</b> 39:9 <b>probably</b> 44:18 <b>problem</b> 45:14 <b>products</b> 14:17 15:9 16:1 21:8 <b>proposed</b> 27:18 <b>protest</b> 4:17 5:11 <b>protestant</b> 6:10 26:14 27:4 <b>protestants</b> 8:10 <b>provide</b> 11:19 12:1 12:16,19 14:16 15:8,22 21:8 <b>Public</b> 24:18,20 <b>published</b> 48:4 49:6,19 50:21 <b>purpose</b> 48:1 49:13 <b>pursuant</b> 49:2 50:17
	<hr/> <b>N</b> <hr/>		<hr/> <b>Q</b> <hr/>		<hr/> <b>R</b> <hr/>		<b>raise</b> 40:2 <b>reason</b> 35:5,22 38:5 43:18 <b>received</b> 23:8 24:2 24:19 25:12 39:9 <b>reconciled</b> 46:7	
	<b>N.E</b> 9:7 10:18 16:19 28:15 29:7 37:4,6,8,11 38:7 38:11,13 39:12 <b>N.W</b> 1:13 2:8 3:1 5:15 6:11 7:6 14:3 17:11 18:3,17 20:10 22:2 23:10 24:4,21 25:19 26:17 29:21 30:14 31:5,19 32:12 36:22 37:2 38:9 38:11 <b>need</b> 12:4,16,18 34:5 46:5,7 <b>new</b> 18:15 38:12 43:17 <b>Newtown</b> 35:14 <b>NICK</b> 1:20 <b>nonsensical</b> 43:13 <b>note</b> 4:9 <b>notice</b> 48:22 49:3 50:15,18 <b>notifying</b> 33:9 <b>Notta</b> 26:15 <b>November</b> 1:10 2:5 2:20 3:13 4:17 6:9 13:21 14:15 15:7 16:16 25:16 47:16 47:22 48:3,4 49:13,19,20 51:2							

<b>reconsideration</b> 5:11 6:8,14 8:15 9:9,18 10:12	<b>requesting</b> 42:4 <b>required</b> 5:18 <b>requirements</b> 10:22 <b>residents</b> 10:16 <b>respect</b> 9:13 <b>respondent</b> 46:2 <b>response</b> 10:12 27:17 <b>responsive</b> 7:8 <b>rest</b> 36:19 <b>Restaurant</b> 25:18 35:19 <b>resubmit</b> 11:18 <b>retail</b> 3:13 <b>retailers</b> 14:16 15:8 16:1 21:8 <b>return</b> 42:10 <b>review</b> 4:3 10:14 13:20 25:9 26:14 27:13 28:12 30:16 32:8 44:21 <b>Rice</b> 9:6 <b>Richard</b> 26:15 <b>right</b> 2:3 11:21,22 12:3,21 13:1,5 32:17 33:8 34:14 34:15 36:19 42:16 45:6,21 46:4,8,12 46:14,20 47:14 <b>roll</b> 48:9 50:2 <b>room</b> 1:13 23:10 49:4 50:19 <b>Row</b> 2:21 3:15 <b>ruled</b> 26:21 27:3 <b>Rustik</b> 29:21 <b>Ruthanne</b> 1:14,19	<b>saying</b> 45:13 <b>says</b> 41:12 <b>Schauer</b> 5:12 <b>season</b> 39:5 <b>second</b> 2:10,11,19 3:3,4,17 4:7 5:2 5:20,21 6:14,16 7:11,12,13 9:20 9:21 11:1 13:12 14:7,20,21 15:12 15:13 16:4,22 17:15 18:7,20,21 19:10,21 20:16 21:11,12 22:5,19 23:13 24:7 25:1 25:22 26:11 28:1 28:9,19 29:10,11 30:3,17 31:8,9,21 31:22 32:16 34:10 35:22 36:1,13 37:14 38:16 39:14 39:15 41:5 47:3,4 48:6,7 49:21,22 <b>seconded</b> 2:13 3:6 3:19 4:9 5:4 6:1 6:18 7:15 10:1 11:3 13:14 14:9 15:1,15 16:6 17:2 17:17 18:9 19:1 19:12 20:1,18 21:14 22:7,21 23:15 24:9 25:3 26:2 28:3,21 29:13 30:5,19 31:11 32:2,18 34:17 37:16 38:18 39:17 47:6 48:9 48:11 50:3 <b>Section</b> 47:20 49:10 <b>see</b> 42:22 <b>seeking</b> 48:1 49:17 <b>send</b> 44:20 <b>sense</b> 42:14 <b>Senso</b> 20:10 <b>September</b> 20:8 23:6,9 24:2,16 32:9	<b>service</b> 39:10 <b>Sesto</b> 20:10 <b>set</b> 13:3 <b>settlement</b> 10:15 13:6,11,20 21:20 22:13 23:6,22 24:16 25:10,14 27:14,18 32:8 <b>Shadow</b> 23:10 <b>Shaw-Dupont</b> 13:22 <b>Shoppe</b> 18:2 <b>Shores</b> 19:19 <b>Show</b> 20:7 <b>sidewalk</b> 18:16 29:20 41:6,13,14 41:16,18,19,21 43:1,12,21 44:14 44:14 <b>sign</b> 12:6 <b>signatories</b> 11:20 12:1,8 <b>signature</b> 12:18 <b>signatures</b> 12:10 <b>SILVERSTEIN</b> 7:20 10:5 <b>similar</b> 42:6 <b>six</b> 2:9 18:6 <b>sorry</b> 9:2 <b>Southern</b> 37:10 <b>Star</b> 38:12 <b>Status</b> 20:8 <b>stay</b> 8:15 9:10,10 <b>Stephen</b> 24:17 30:11 <b>Sticky</b> 9:6 <b>Store</b> 17:10 28:13 <b>Street</b> 1:13 2:8 5:14 6:11 9:7 10:18 13:9 14:3 18:3,17 20:10 22:16 23:10 24:4,21 26:17 27:16 28:15 29:7 29:21 30:14 31:5 31:19 35:15,17,19 36:10,22 37:4,6,8 38:11,13	<b>struck</b> 43:4 <b>substantial</b> 7:3 <b>sufficient</b> 12:14 <b>Suite</b> 1:13 <b>summer</b> 31:3 <b>Supermarket</b> 38:13 <b>supplemental</b> 16:15 26:10,12,13 28:10,11,13 39:5 40:8,15,18 <b>supplements</b> 16:14 <b>sure</b> 43:19 44:12 45:9
	<b>S</b>		<b>T</b>	
	<b>S.E</b> 4:21 22:16 27:16 <b>safekeeping</b> 2:7 18:2 31:17 <b>Sahra</b> 29:6 40:9 <b>sales</b> 17:9,11 29:6 29:20 <b>Saloon</b> 37:6		<b>T</b> 29:21 <b>take</b> 48:9 50:2 <b>Tav</b> 26:15 <b>Tavern</b> 29:21 36:22 <b>tell</b> 11:17 43:16 46:9 <b>temporary</b> 3:12 <b>terminate</b> 10:15 23:5,21 24:15 25:10 <b>termination</b> 10:22 <b>t</b> 1:5,8 <b>Thank</b> 33:8 47:10 51:3 <b>thing</b> 11:22 <b>things</b> 41:10,11 <b>think</b> 32:21 35:1,10 42:14 43:14 47:15 <b>third</b> 28:10 <b>Tilghman</b> 4:18 <b>time</b> 5:18 <b>Timehri</b> 24:3 <b>timely</b> 49:7 50:22 <b>Tingey</b> 22:16 <b>today</b> 9:10 <b>touch</b> 26:8 <b>Trader</b> 30:13 <b>transfer</b> 2:19 33:12 <b>true</b> 35:9 <b>trust</b> 45:13 <b>turn</b> 42:19 <b>two</b> 9:9 17:12,12	

32:22 33:1,3		16:16 23:21 51:2	<b>2014</b> 36:9	26:7 27:12 28:8
<b>U</b>	<b>X</b>	<b>1324</b> 2:7	<b>2015</b> 2:22	29:4,18 30:10
<b>U</b> 2:7 35:15	<b>XII</b> 10:17	<b>1350</b> 37:8	<b>21</b> 22:14	31:2,16 32:7
<b>Um-hum</b> 13:4 46:3	<b>Y</b>	<b>13th</b> 47:16	<b>2122</b> 18:3	34:22 36:7,18
<b>understand</b> 46:17	<b>Yeah</b> 11:15	<b>14</b> 13:6 24:15	<b>2131</b> 23:10	37:21 39:1,22
<b>untimely</b> 5:11	<b>Year</b> 38:2	<b>14th</b> 1:13 14:3	<b>22</b> 21:21	48:21 50:14
<b>Urne</b> 26:16	<b>Z</b>	30:13	<b>2205</b> 38:13	<b>400S</b> 1:13
<b>V</b>	<b>0</b>	<b>15</b> 13:20 25:9 48:4	<b>2309</b> 26:17	<b>405</b> 47:20 49:10
<b>valued</b> 14:17 15:9	<b>008511</b> 7:7	49:20	<b>2381</b> 28:14	<b>4th</b> 33:6,8,11,20,22
16:1 21:9	<b>075377</b> 25:19	<b>15th</b> 38:11	<b>241</b> 16:18	34:9,16 38:13
<b>Venture</b> 23:7	<b>075871</b> 23:11	<b>16</b> 14:15 23:6,9	<b>2412</b> 7:6	<b>5</b>
<b>verify</b> 12:20	<b>076754</b> 26:17	<b>17</b> 13:7 15:7 21:7	<b>2439</b> 24:4	<b>5</b> 4:16 19:7 31:3
<b>Vice</b> 39:11	<b>076804</b> 14:4	<b>18</b> 15:21 20:8	<b>2477</b> 18:17	36:8
<b>violations</b> 49:16	<b>077730</b> 24:5	<b>1819</b> 31:18,18	<b>25</b> 8:16	<b>5014</b> 38:9
<b>Virginia</b> 39:12	<b>079276</b> 13:9	<b>1822</b> 6:11	<b>26</b> 7:4	<b>521</b> 13:8
<b>voluntary</b> 10:14	<b>086148</b> 27:17	<b>18th</b> 18:3,17 20:10	<b>2632</b> 37:2	<b>5433</b> 17:10
<b>vote</b> 10:10 27:5	<b>089716</b> 35:17	24:4,20 26:17	<b>27</b> 32:9	<b>6</b>
35:10 48:10,21	<b>090832</b> 6:12	<b>1902-1904</b> 14:3	<b>28</b> 25:16	<b>6</b> 5:10 19:18 22:4
50:2,14	<b>091952</b> 28:15	<b>1914</b> 30:13	<b>2B</b> 13:22	31:17 36:21
<b>W</b>	<b>092452</b> 22:16	<b>1st</b> 6:11	<b>3</b>	<b>61</b> 4:19
<b>wait</b> 8:20 9:1,1	<b>092766</b> 5:15	<b>2</b>	<b>3</b> 3:12 18:1 27:13	<b>7</b>
40:11,11,12	<b>1</b>	<b>2</b> 3:15 4:17 17:8	29:19 35:16 38:10	<b>7</b> 6:7 20:7 21:5 32:8
<b>want</b> 11:13 35:3	<b>1</b> 15:8 23:22 24:19	22:18 25:11 26:19	<b>3-1-0</b> 8:7 10:10	37:1
44:21	26:13 28:12 35:13	29:5 35:14 38:8	<b>3:00</b> 42:4	<b>7:14</b> 2:2
<b>Washington</b> 1:13	38:6	40:8,19,20	<b>30</b> 15:22 24:3,16	<b>7:52</b> 51:6
21:7	<b>10</b> 7:7 8:8,13 21:20	<b>2:00</b> 42:4	<b>300</b> 28:14	<b>71088</b> 31:19
<b>wasn't</b> 12:14	37:7	<b>20</b> 47:22 48:3 49:13	<b>31</b> 5:12	<b>713</b> 27:16
<b>way</b> 42:20 46:21	<b>1007</b> 37:3	49:19	<b>3118</b> 37:10	<b>71783</b> 9:7
<b>We'll</b> 45:18	<b>101</b> 22:16 38:11	<b>2000</b> 1:13	<b>32231</b> 4:22	<b>76336</b> 10:19
<b>website</b> 49:6 50:21	<b>1010</b> 22:1	<b>20009</b> 1:14	<b>3410</b> 31:5	<b>78727</b> 16:19
<b>weeks</b> 32:22 33:2,3	<b>10th</b> 5:14	<b>2007</b> 25:17	<b>3514</b> 37:6	<b>8</b>
<b>welcome</b> 47:12	<b>11</b> 8:14 10:13 22:13	<b>2008-001</b> 25:16	<b>3853</b> 4:21	<b>8</b> 7:2 20:12 21:4
<b>Wells</b> 24:1	37:9	<b>2010</b> 47:21 49:3,11	<b>3rd</b> 38:2 40:7,15,17	22:18 37:3
<b>weren't</b> 12:2	<b>1123</b> 10:18	50:18	<b>4</b>	<b>81092</b> 20:11
<b>West</b> 39:12	<b>1136</b> 38:7	<b>2013</b> 1:10 2:5,20	<b>4</b> 2:20 3:13 4:3 6:9	<b>81238</b> 24:21
<b>Wholesale</b> 21:7	<b>11th</b> 31:5	3:13 4:17 5:12 6:9	13:21 14:16 18:15	<b>82962</b> 18:4
<b>Wine</b> 18:2	<b>12</b> 10:11 23:5	7:4 8:16 13:7,21	25:13 30:11 35:18	<b>84-86</b> 29:21
<b>Wisconsin</b> 7:6	<b>1200</b> 29:7	14:16 15:8,22	38:12	<b>84847</b> 32:13
32:10,11	<b>1209-1213</b> 5:14	16:16 20:9 21:7	<b>4-0-0</b> 2:18 3:11 4:2	<b>86659</b> 2:8
<b>withdraw</b> 4:16	<b>1214</b> 20:10	21:21 22:14 23:7	4:15 5:9 6:6 7:1	<b>87558</b> 29:8 40:10
<b>withdrawn</b> 9:10	<b>1214B</b> 24:20	23:9,22 24:3,17	11:8 13:19 14:14	<b>89161</b> 31:5
<b>wondering</b> 43:5	<b>1218</b> 32:10,11	24:19 25:11,13	15:6,20 16:11	<b>89785</b> 30:14
<b>written</b> 21:2	<b>1224</b> 9:6	27:14 32:9 47:22	17:7,22 18:14	<b>8th</b> 13:8 27:16
<b>wrong</b> 41:10,11	<b>12th</b> 37:6	48:3,5 49:13,19	19:6,17 20:6 21:1	36:22
	<b>13</b> 1:10 2:5 10:14	49:20 51:2	21:19 22:12 23:4	
		<b>2013-408</b> 8:16	23:20 24:14 25:8	

9				
---	--	--	--	--