

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION

ADMINISTRATION BOARD

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IN THE MATTER OF: :

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A.B.R.A. AGENDA :

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NOVEMBER 28, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson

DONALD BROOKS, Member

HERMAN JONES, Member

MIKE SILVERSTEIN, Member

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

7:38 p.m.

CHAIRPERSON MILLER: We are back on the record with today's meeting agenda.

First item on the meeting agenda is review of manager's application for Timothy Gleason. I move that we hold a fact finding hearing on this application. Do you have a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON MILLER: Mr. Silverstein has seconded the motion. Any comments?

(No audible response.)

CHAIRPERSON MILLER: Okay. All those in favor of the motion, say aye?

(Chorus of ayes.)

CHAIRPERSON MILLER: All those opposed?

(No audible response.)

CHAIRPERSON MILLER: All those abstaining?

1 (No audible response.)

2 CHAIRPERSON MILLER: Then the
3 motion passes 4-0-0 for a fact finding.

4 No. 2 is also a review of a
5 manager's application for Travis A. Reeves.
6 I move that we hold a fact finding hearing
7 on this application as well. Do I have a
8 second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr.
11 Silverstein has seconded the motion. Any
12 comments?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those in
15 favor of the motion, say aye?

16 (Chorus of ayes.)

17 CHAIRPERSON MILLER: All those
18 opposed?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those
21 abstaining?

22 (No audible response.)

1 CHAIRPERSON MILLER: Then the
2 vote is 5-0-0 for a fact finding.

3 No. 3 is a review of a request
4 from Stephen O'Brien on behalf of Applicant
5 seeking approval of a transfer of the
6 license held by Jour Et Nuit, trading as
7 Garrett's Restaurant to I-Thai, LLC and that
8 the license be simultaneously converted from
9 a CT to a CR license pursuant to D.C. Code
10 25-339(b). I move that we approve. Do I
11 have a second?

12 MEMBER SILVERSTEIN: Second.

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

16 (No audible response.)

17 CHAIRPERSON MILLER: All those in
18 favor of the motion, say aye?

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those
21 opposed?

22 (No audible response.)

1 CHAIRPERSON MILLER: All those
2 abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: The vote is
5 5-0-0 to approve.

6 No. 4 is review of a request from
7 Andrew Kline on behalf of Applicant seeking
8 approval of a new full-service grocery
9 store, retailer's class B license for
10 Smucker Farms of Lancaster County, LLC,
11 trading as Smucker Farms of Lancaster County
12 located at 2118 14th Street, N.W. I move
13 that we placard this application.

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr.
16 Silverstein has seconded the motion. Any
17 comments?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those in
20 favor of placarding, say aye?

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those

1 opposed?

2 (No audible response.)

3 CHAIRPERSON MILLER: All those
4 abstaining?

5 (No audible response.)

6 CHAIRPERSON MILLER: Then the
7 vote is 5-0-0 to placard.

8 No. 5 is a review of an
9 involuntary transfer of the license held by
10 Robert Bell, trading as Skylark Lounge,
11 holder of a retailer's class C nightclub,
12 nude dancing, license No. 021208, to Crystal
13 Yvette Peterson, appointed personal
14 representative of the Estate of Robert Bell.
15 I believe this is a transfer to the estate.
16 I would move that we approve. Do I have a
17 second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON MILLER: Mr. Alberti
20 has seconded the motion. Any comments?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those in

1 favor then of the motion, say aye?

2 (Chorus of ayes.)

3 CHAIRPERSON MILLER: Those
4 opposed?

5 (No audible response.)

6 CHAIRPERSON MILLER: All those
7 abstaining?

8 (No audible response.)

9 CHAIRPERSON MILLER: The vote is
10 5-0-0 to approve.

11 No. 6 is a change of hours
12 application for Alero Restaurant, and
13 there's no voluntary agreement; it's in ANC
14 2B, and there are no outstanding fines.
15 It's located at 1724 Connecticut Avenue,
16 N.W., License 60134. I move that we approve
17 this application for change of hours. Do I
18 have a second?

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Mr. Alberti
21 seconded the motion. Any comments?

22 (No audible response.)

1 CHAIRPERSON MILLER: All those in
2 favor of the approval of the motion, say
3 aye?

4 (Chorus of ayes.)

5 CHAIRPERSON MILLER: All those
6 opposed?

7 (No audible response.)

8 CHAIRPERSON MILLER: Those
9 abstaining?

10 (No audible response.)

11 CHAIRPERSON MILLER: The vote is
12 5-0-0 to approve.

13 No. 7 is an entertainment
14 endorsement application for entertainment
15 featuring jazz vocalists and guitars. The
16 proposed hours of entertainment are Monday
17 through Sunday, 6:00 p.m. to 10:00 p.m. No
18 pending investigative matters, no
19 outstanding fines or citations, no voluntary
20 agreement. It's in ANC 2B. The
21 establishment is Caf, Aka, 1710 H Street,
22 N.W., License No. 87668. I move that we

1 approve this application. Do I have a
2 second?

3 MEMBER BROOKS: Second.

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

6 (No audible response.)

7 CHAIRPERSON MILLER: All those in
8 favor of the motion, say aye?

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those
11 opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those
14 abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: Motion
17 passes 5-0-0 to approve.

18 No. 8 is an application for a
19 summer garden for 38 seats. Proposed hours
20 of operation and alcoholic beverage
21 sales/service are Sunday, 11:00 a.m. to 2:00
22 a.m.; Monday through Friday, 4:00 p.m. to

1 2:00 a.m.; Saturday, 11:00 a.m. to 3:00 a.m.
2 There are pending investigative matters, no
3 outstanding fines or citations, no conflict
4 with the VA. It's in ANC 3B. The
5 establishment is Mason Inn, 2408 Wisconsin
6 Avenue, N.W., License No. 79644. I move
7 that we placard. Do I have a second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks
10 has seconded. Any comments?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those in
13 favor, say 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: The vote is
22 5-0-0 to placard.

1 No. 9 is a change of hours
2 application to change hours of operation and
3 hours of alcoholic beverage service Sunday
4 through Thursday. Current hours of
5 operation and alcoholic beverage service are
6 Sunday, 11:30 a.m. to 11:00 p.m.; Monday
7 through Thursday, 11:30 a.m. to 10:00 p.m.
8 And the proposed hours are Sunday through
9 Thursday, 11:30 a.m. to 11:00 p.m. There's
10 no pending investigative matters, no
11 outstanding fines or citations, no voluntary
12 agreement. It's in ANC 2E. It's Unum, 2917
13 M Street, N.W., License No. 87556. I move
14 that we approve this application. Do I have
15 a second?

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Any
18 comments?

19 (No audible response.)

20 CHAIRPERSON MILLER: The motion's
21 been seconded by Mr. Alberti. All those in
22 favor, say aye?

1 (Chorus of ayes.)

2 CHAIRPERSON MILLER: All those
3 opposed?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those
6 abstaining?

7 (No audible response.)

8 CHAIRPERSON MILLER: The motion
9 passes 5-0-0 to approve.

10 No. 10 is an application for 40
11 seats for a sidewalk caf,. The proposed
12 hours of operation, Sunday through Thursday,
13 9:00 a.m. to 2:00 a.m.; Saturday and Friday,
14 9:00 a.m. to 3:00 a.m. And proposed hours
15 of alcoholic beverage sales, Sunday through
16 Thursday, 10:00 a.m. to 2:00 a.m.; Friday
17 and Saturday, 10:00 a.m. to 3:00 a.m. No
18 pending investigative matters, no
19 outstanding fines or citations, no voluntary
20 agreement. It's in ANC 1C. The
21 establishment is Duffy's Irish Restaurant,
22 2106 Vermont Avenue, N.W., License No.

1 72539. I move that we placard this. Do I
2 have a second?

3 MEMBER BROOKS: Second.

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

7 (Chorus of ayes.)

8 CHAIRPERSON MILLER: All those
9 opposed?

10 (No audible response.)

11 CHAIRPERSON MILLER: Those
12 abstaining?

13 (No audible response.)

14 CHAIRPERSON MILLER: Motion
15 passes 5-0-0.

16 Eleven is a review of pending
17 ABRA application for a retailer's class C
18 tavern license for B-2, LLC, trading as It's
19 Called INCEPTION located at 645 Florida
20 Avenue, N.W. I move that we have a fact
21 finding on this. Do I have a second?

22 MEMBER BROOKS: Second.

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

3 (No audible response.)

4 CHAIRPERSON MILLER: All those in
5 favor, say aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those
8 opposed?

9 (No audible response.)

10 CHAIRPERSON MILLER: All those
11 abstaining?

12 (No audible response.)

13 CHAIRPERSON MILLER: The motion
14 passes 5-0-0.

15 No. 12 is a letter dated November
16 6th, 2012 from Claude Andersen requesting
17 permission to store invoices at another
18 location in Jessup, Maryland. The
19 establishment is The Hamilton located at 600
20 14th Street, N.W., License No. 86010. I
21 move that we approve this request provided
22 that copies of the invoices are maintained

1 in the District. Do I have a second?

2 MEMBER JONES: Second.

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

5 (No audible response.)

6 CHAIRPERSON MILLER: All those in
7 favor, say aye?

8 (Chorus of ayes.)

9 CHAIRPERSON MILLER: All those
10 opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those
13 abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: Then the
16 motion passes 5-0-0.

17 No. 13 is a letter dated November
18 6th, 2012 from Jerry Moore requesting
19 permission for Restaurant Associates, LLC to
20 provide on-site alcoholic beverage service
21 at private career events using Compass Group
22 USA, Inc.'s catering license. Compass Group

1 USA is the parent company of Restaurant
2 Associates, LLC. The establishment is
3 Compass Group USA, Inc. located at 800
4 Florida Avenue, N.E., 83052. I would
5 suggest that no action is required on this,
6 that this letter provides information to the
7 Board that had been requested, I believe.
8 Any comments on this?

9 (No audible response.)

10 CHAIRPERSON MILLER: Okay. No.
11 14 is a letter dated November 19, 2012 from
12 Brendan Smith requesting the revocation of
13 Capitol Food Mart's license for failure to
14 comply with Board's imposed restrictions.
15 Capitol Food Mart is the establishment
16 located at 1634 North Capitol Street, N.W.,
17 License No. 86246. I would move that we
18 deny the request in that the order is not
19 being violated as represented by Mr. Smith.
20 Do I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Brooks has seconded the motion. Any
2 comments?

3 MEMBER ALBERTI: I will dissent
4 on this one. I believe that the description
5 of the sales in this letter represents --
6 indicates a clear violation of the Board
7 order and I would like to see an
8 investigation be undertaken by ABRA.

9 CHAIRPERSON MILLER:

10 CHAIRPERSON MILLER: Okay. All
11 right. So there's a motion to deny. Who
12 seconded it? Has it been seconded?

13 MEMBER ALBERTI: I think your
14 motion to deny --

15 MEMBER BROOKS: Yes. Yes, I
16 seconded it.

17 CHAIRPERSON MILLER: Mr. Brooks?
18 Okay. All right. So that's pending. All
19 those in favor of the motion to deny, say
20 aye?

21 CHAIRPERSON MILLER: Aye.

22 MEMBER BROOKS: Aye.

1 MEMBER SILVERSTEIN: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed?

4 MEMBER ALBERTI: Opposed.

5 MEMBER JONES: Opposed.

6 CHAIRPERSON MILLER: Okay. And
7 all those abstaining?

8 (No audible response.)

9 CHAIRPERSON MILLER: So the
10 motion passes by a vote of 3-2-0, with Mr.
11 Jones and Mr. Alberti dissenting.

12 Okay. No. 15 is a motion for
13 additional time to respond to Protestant's
14 Motion to Dismiss the Application and
15 Opposition to Applicant's Motion to Limine
16 dated November 15th, 2012 from Risa Hirao.
17 The establishment is CVS Pharmacy No. 1354
18 located at 2601 Connecticut Avenue, N.W.,
19 License No. 88912. I move that we grant
20 this request and require that the response
21 be filed by December 5th and that
22 Protestants have until December 10th to file

1 a reply to the opposition should they so
2 choose. Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks
5 has seconded the motion. Do I have any
6 comments?

7 (No audible response.)

8 CHAIRPERSON MILLER: Okay. All
9 those in favor of the motion, say aye?

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those
12 opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those
15 abstaining?

16 (No audible response.)

17 CHAIRPERSON MILLER: And the
18 motion passes by a vote of 5-0-0.

19 No. 16 is a review of a request
20 to terminate MPD reimbursable detail dated
21 November 16th, 2012 from Andrew Kline. The
22 establishment is The Guards located at 2915

1 M Street, N.W., License No. 916. I move
2 that we have a fact finding hearing on this
3 case. Do I have a second?

4 MEMBER BROOKS: Second.

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

7 (No audible response.)

8 CHAIRPERSON MILLER: All those in
9 favor of the motion to have a fact finding,
10 say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those
16 abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: Then the
19 vote is 5-0-0 to have a fact finding.

20 No. 17 is a letter dated November
21 18th, 2012 from ANC 2B supporting an
22 exception to any voluntary agreement hour

1 limitations during inauguration week. The
2 establishment is James Hoban's located at 1
3 Dupont Circle, N.W., License No. 77039. I
4 move that we approve. Do I have a second?

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Okay. Mr.
7 Alberti has seconded the motion. All those
8 in favor, say 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 vote is
17 5-0-0 to approve.

18 Okay. No. 18 is a review of a
19 voluntary agreement amendment dated November
20 15th, 2012 between Acqual al 2 and ANC 6B.
21 Acqual al 2 is located at 212 7th Street,
22 S.E., License No. 80056. Okay. I move that

1 we approve the amendment and the errata will
2 be connected to the order.

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON MILLER: Mr.

5 Silverstein has seconded the motion. Any
6 comments?

7 (No audible response.)

8 CHAIRPERSON MILLER: All those in
9 favor, say aye?

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those
12 opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those
15 abstaining?

16 (No audible response.)

17 CHAIRPERSON MILLER: The vote is
18 5-0-0.

19 No. 19 is a review of a voluntary
20 agreement dated March 7th, 2012 between Good
21 Libations and ANC 2C. Good Libations is
22 located at 1201 15th Street, N.W., License

1 No. 73063. I move that we send this
2 voluntary agreement back to the parties to
3 revisit paragraph No. 3, which is not that
4 clear and not that clear that it's in
5 accordance with the regulations and just
6 needs to be looked at. And they could call
7 our attorneys if they have a question on
8 that. So the motion is to return it to the
9 parties for them to revisit paragraph No. 3.
10 Do I have a second?

11 MEMBER BROOKS: Second.

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

14 (No audible response.)

15 CHAIRPERSON MILLER: All those in
16 favor of the motion, say aye?

17 (Chorus of ayes.)

18 CHAIRPERSON MILLER: All those
19 opposed?

20 (No audible response.)

21 CHAIRPERSON MILLER: All those
22 abstaining?

1 (No audible response.)

2 CHAIRPERSON MILLER: Vote is 5-0-
3 0.

4 No. 20 is a voluntary agreement
5 dated October 11th, 2012 between Maketto and
6 ANC 6A. Maketto is located at 1351 H
7 Street, N.E., License No. 90445. I move
8 that we approve this voluntary agreement
9 with modification to paragraphs 2(i). Is
10 that right? 2(i)?

11 MEMBER ALBERTI: 2(i) and 7(b).

12 CHAIRPERSON MILLER: Okay. And
13 7(b). Okay. I see. I just want to double-
14 check. Okay. So 2(i) is also -- the log,
15 an incident log being provided to the Board,
16 and I think our concern was that it's
17 provided on request to the Board. But 2(i).
18 And 7(b) deals with -- what is 7(b)?

19 MEMBER ALBERTI: Yes, they can
20 ask for an investigation, but they can't
21 petition for a show cause.

22 CHAIRPERSON MILLER: Okay.

1 Right. Exactly right. Okay. Thank you.

2 All right. All those in favor
3 then of approving the voluntary agreement
4 with the proposed modifications to 2(i) and
5 7(b), say aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those
8 opposed?

9 (No audible response.)

10 CHAIRPERSON MILLER: All those
11 abstaining?

12 (No audible response.)

13 CHAIRPERSON MILLER: Then it
14 passes by a vote of 5-0-0.

15 Okay. Twenty-one is a review of
16 a voluntary agreement dated November 8th,
17 2012 between Avery's Bar and Lounge and ANC
18 6A. Avery's Bar and Lounge is located at
19 1370 H Street, N.E., License No. 90527. I
20 move that we approve this voluntary
21 agreement with the same modifications as we
22 indicated in No. 20. Do I have a second?

1 MEMBER BROOKS: Second.

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

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: And then the
13 vote passes 5-0-0. The motion passes 5-0-0.

14 No. 22 is a voluntary agreement
15 dated March 10th, 2010 between Alero
16 Restaurant & Lounge and ANC 1A. Alero
17 Restaurant & Lounge is located at 3345 14th
18 Street, N.W., License No. 84364. I move
19 that we send this voluntary agreement back
20 for modifications to paragraphs 9, 10 and 11
21 for them to be reworked. Nine deals with
22 community participation. The objection is

1 that the owners and managers should be
2 required to attend community meetings. And
3 so this should be looked at. And 11 is
4 right to protest. It's incorrect to ask the
5 Board for issuance of an Order to Show
6 Cause. The appropriate procedure is to ask
7 that the Board do an investigation. So
8 those are the concerns, 9, 10 and 11.

9 Okay. Therefore, I move to send
10 back this voluntary agreement with
11 modifications to be made to 9, 10 and 11.
12 All those in favor, say aye?

13 (Chorus of ayes.)

14 CHAIRPERSON MILLER: All those
15 opposed?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those
18 abstaining?

19 (No audible response.)

20 CHAIRPERSON MILLER: Then the
21 vote is 5-0-0 to send back for modifications
22 to 9, 10 and 11.

1 Okay. No. 23 is a voluntary
2 agreement dated November 7th, 2012 between A
3 n D, ANC 2F and a group of five or more. A n
4 D is located at 1314 9th Street, N.W.,
5 License No. 89950. I move that we approve
6 with modification to paragraph No. 14, page
7 4. I believe this refers to failure to
8 cure. Do I have a second?

9 MEMBER ALBERTI: Second.

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

12 Right. Okay. It's a similar
13 kind of language about not seeking Show
14 Cause Order, but asking the Board to make an
15 investigation.

16 Okay. All those in favor, say
17 aye?

18 (Chorus of ayes.)

19 CHAIRPERSON MILLER: All those
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 (No audible response.)

3 CHAIRPERSON MILLER: Then the
4 motion passes to approve with modifications
5 to paragraph 14.

6 No. 24 is a voluntary agreement
7 dated November 13th, 2012 between Balkan
8 Concepts, LLC and ANC 6B. Balkan Concepts
9 is located at 523 H Street, S.E., License
10 No. 90240. I move that we approve with
11 modifications to No. 10, which is the same
12 kind of issue as we've been discussing in
13 the last couple of voluntary agreements. Do
14 I have a second?

15 MEMBER SILVERSTEIN: Second?

16 CHAIRPERSON MILLER: Mr.
17 Silverstein has seconded it. All those in
18 favor, say aye?

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those
21 opposed?

22 (No audible response.)

1 CHAIRPERSON MILLER: All those
2 abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: Then the
5 motion passes by a vote of 5-0-0.

6 Twenty-five, a voluntary
7 agreement dated November 19th, 2012 between
8 CherCher Ethiopian Restaurant and Mart, ANC
9 2F and a group of five or more. CherCher
10 Ethiopian Restaurant and Mart is located at
11 1334 9th Street, N.W., License No. 90311. I
12 move that we approve with modifications to
13 paragraphs 16 and 2. With respect to
14 paragraph 2, the change should be with
15 respect to the second line requiring prior
16 approval by the ABC Board. And No. 16 is
17 the same language is before about the relief
18 being to seek an investigation and not a
19 Show Cause Order from the Board.

20 Okay. I have a motion then to
21 approve with modifications to 16 and 2. Has
22 that been seconded?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein has seconded the motion. All
4 those in favor, say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Then the
13 vote is 5-0-0 to approve with modifications.
14 Okay.

15 The next is a review of a
16 voluntary agreement amendment dated June 2,
17 2012 between Fasil Ethiopian Restaurant and
18 ANC 2C. Fasil Ethiopian Restaurant is
19 located at 1608 7th Street, N.W., License
20 No. 81849. I move that we postpone this
21 review until next week, December 5th. Do I
22 have a second?

1 MEMBER ALBERTI: Second.

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

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: The motion
13 passes 5-0-0.

14 That concludes our meeting
15 agenda. We may have a supplemental.

16 MEMBER ALBERTI: Refer to legal.

17 CHAIRPERSON MILLER: Oh, right.
18 Okay. On our supplemental agenda we have a
19 request from Michael Hibey on behalf of 3001
20 M Street, N.W., LP, the landlord, to not
21 transfer the license held by Namir, LLC
22 trading as Fino, ABRA No. 60545, the tenant,

1 which is currently in safekeeping due to a
2 money judgment that was granted in favor of
3 the landlord against the tenant by D.C.
4 Superior Court. Fino is located at 3011 M
5 Street, N.W., License No. 60545. I move
6 that we refer this to legal and postpone it
7 for consideration until December 5th.

8 MEMBER ALBERTI: Second.

9 CHAIRPERSON MILLER: Okay. Mr.
10 Alberti has seconded the motion. Any
11 comments?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those in
14 favor of the motion, say aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those
17 opposed?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those
20 abstaining?

21 (No audible response.)

22 CHAIRPERSON MILLER: The motion

1 passes by a vote of 5-0-0.

2 Okay. We have license
3 cancellations to approve.

4 MEMBER ALBERTI: Just read the
5 license numbers.

6 CHAIRPERSON MILLER: Yes. Okay.
7 The following licenses did not make second
8 year payment and they are ABRA License
9 025561, Royal Market; ABRA 077268, Grapes n'
10 Hopes Market; ABRA No. 072048, Minnesota
11 Food Mart. The next one didn't make a third
12 year payment. ABRA No. 087317, Republic
13 Gardens. And the last one we had a request
14 for cancellation, ABRA 081462, Caf, Collage.
15 I move that we approve all these
16 cancellations. Do I have a second?

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Mr. Alberti
19 has seconded. All those in favor of the
20 motion, say aye?

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those

1 opposed?

2 (No audible response.)

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

5 Next we have an application for
6 change of hours for 10 establishments. They
7 are Corner Market, License No. 086200; Dixie
8 Liquors, No. 077295; CVS 2104, License No.
9 083507; King Convenience Store, License No.
10 089932; M&S Market, License No. 09795; Paul
11 Discount Wine & Liquor, License No. 000010;
12 Wagshalls Liquor & Deli, License No. 015699;
13 Walgreens 10311; License No. 084354; Stop &
14 Shop Liquors, License No. 088222; and New
15 Neighborhood Market, License No. 082173.

16 And I propose to put in the transcript the
17 full description of these establishments as
18 set forth in the Notice of Meeting Change of
19 Hours Agenda for November 28th, 2012. I
20 move that we approve these change of hours.

21 Do I have a second?

22 MEMBER ALBERTI: Second.

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

3 (No audible response.)

4 CHAIRPERSON MILLER: All those in
5 favor, say aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those
8 opposed?

9 (No audible response.)

10 CHAIRPERSON MILLER: All those
11 abstaining?

12 (No audible response.)

13 CHAIRPERSON MILLER: Then the
14 vote is 5-0-0 to approve.

15 Then I believe that completes
16 everything on our agenda for today. And I
17 will read the closed meeting instructions.

18 (Whereupon, at 8:13 p.m. off the
19 record until 8:14 p.m.)

20 MEMBER SILVERSTEIN: Back on the
21 record?

22 CHAIRPERSON MILLER: Yes.

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with Section 405
4 of the Open Meetings Amendment Act of 2010,
5 I move that the ABC Board hold a closed
6 meeting on December 5 for the purpose of
7 seeking legal advice from our counsel on the
8 matters identified on the Board's agenda for
9 December 5th, 2012, as published in the D.C.
10 Register on November 30th, 2012. Is there a
11 second?

12 MEMBER ALBERTI: Second.

13 CHAIRPERSON MILLER: It's been
14 seconded by Mr. Alberti. I'll take a roll
15 call vote on the motion.

16 CHAIRPERSON MILLER: Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

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

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: And, Mr.
2 Jones?

3 MEMBER JONES: I agree.

4 CHAIRPERSON MILLER: The motion
5 passes by a 5-0-0 vote.

6 I hereby give notice that the ABC
7 Board will hold this aforementioned closed
8 meeting. Pursuant to the Open Meetings
9 Amendment Act of 2010, notice will also be
10 posted on the ABC Board hearing room
11 bulletin Board, placed on the electronic
12 calendar on ABRA's Web site and published in
13 the D.C. Register in as a timely a manner as
14 practicable.

15 As Chairperson of the Alcoholic
16 Beverage Control Board for the District of
17 Columbia and in accordance with Section 405
18 of the Open Meetings Amendment Act of 2010,
19 I move that the ABC Board hold a closed
20 meeting on December 5th, 2012 for the
21 purpose of discussing and hearing reports
22 concerning ongoing or planned investigations

1 of alleged criminal or civil misconduct or
2 violations of law or regulations and seeking
3 legal advice from our counsel on the Board's
4 investigative agenda for December 5, 2012 as
5 published in the D.C. Register on November
6 30th, 2012. Is there a second?

7 MEMBER BROOKS: Second.

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

11 CHAIRPERSON MILLER: Mr. Brooks?

12 MEMBER BROOKS: I agree.

13 CHAIRPERSON MILLER: Okay. Mr.
14 Alberti?

15 MEMBER ALBERTI: I agree.

16 CHAIRPERSON MILLER: Ms. Miller
17 agrees. Mr. Silverstein?

18 MEMBER SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: Mr. Jones?

20 MEMBER JONES: I agree.

21 CHAIRPERSON MILLER: It appears
22 that the motion has passed by a 5-0-0 vote.

1 I hereby give notice that the ABC Board will
2 hold this aforementioned closed meeting.

3 Pursuant to the Open Meetings Amendment Act
4 of 2010, notice will also be posted on the
5 ABC Board hearing room bulletin Board,
6 placed on the electronic calendar on ABRA's
7 Web site and published in the D.C. Register
8 in as a timely a manner as practicable.

9 And that concludes all our
10 business for today, November 28th, 2012 and
11 we are adjourned.

12 (Whereupon, the hearing was
13 concluded at 8:16 p.m.)

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