

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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A.B.R.A. Agenda : Agenda

: Hearing

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December 4, 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

MIKE SILVERSTEIN, Member

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

2 (7:23 p.m.)

3 CHAIRPERSON MILLER: Okay. We are  
4 back on the record to do the agenda for  
5 December 4, 2013.

6 The first item on the agenda is a  
7 request for a license class change from a CR  
8 to a CT in the Georgetown Moratorium Zone. It  
9 is Gypsy Sally located at 3401 K Street, N.W.,  
10 License No. 090582.

11 I would move that we ask the  
12 parties to file an amended settlement  
13 agreement by close of business January 7, 2014  
14 because the current settlement agreement does  
15 not allow for the class change.

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Okay. Mr.  
18 Silverstein 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 5-0-0.

2 No. 2 is an application for a new  
3 Class DR License with entertainment  
4 endorsement and summer garden for grocery  
5 store with approved Retailer Class B License.  
6 There is no voluntary agreement in this case.  
7 It is for Dean & Deluca located at 3276 M  
8 Street, N.W., License No. 093723.

9 I would move that we ask Dean &  
10 Deluca to submit information to show that they  
11 qualify as a full-service grocery store and  
12 that it be referred to licensing. Do I have  
13 a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Okay. Mr.  
16 Brooks 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 5-0-0.

22 No. 3 is a request for a license

1 class change from a Retailer Class B to a  
2 Retailer Class A for Brookland Market located  
3 at 3736 10th Street, N.E., License No. 088495.

4 I move that we placard. Do I have  
5 a second?

6 MEMBER ALBERTI: Second.

7 CHAIRPERSON MILLER: Mr. Alberti  
8 seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those  
12 opposed? All those abstaining? The motion  
13 passes 5-0-0.

14 No. 4 is a request for a license  
15 class change from Retailer Class B to Retailer  
16 Class A in ANC-7C. It is Capitol View Market  
17 located at 4920 Central Avenue, N.E., License  
18 No. 076250.

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

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: Mr. Alberti

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 5-0-0.

7 No. 5 should not be on our agenda,  
8 so no action is required.

9 No. 6 is a letter requesting an  
10 extension of license in safekeeping for an  
11 additional year by Pizzeria Uno located at  
12 3211 M Street, N.W., License No. 003854.

13 I move that we grant an extension  
14 of six months to Pizzeria Uno. Do I have a  
15 second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr.

18 Silverstein 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 5-0-0.

2 No. 7 is a request for a change of  
3 hours of operations and sales for Franklin  
4 Liquors & Market and it is to go to legal  
5 hours, so I move that we approve this  
6 application.

7 Do I have a second?

8 MEMBER ALBERTI: Second.

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

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those  
14 opposed? All those abstaining? The motion  
15 passes 5-0-0.

16 No. 8 is a supplemental  
17 documentation that we had to review for  
18 grocery store application by Giant #2381  
19 located at 300 H Street, N.E., License No.  
20 091952.

21 Mr. Jones, would you like to  
22 address this one?

1 MEMBER ALBERTI: Which one is  
2 this?

3 CHAIRPERSON MILLER: This is No.  
4 8.

5 MEMBER JONES: 8.

6 CHAIRPERSON MILLER: Review of  
7 documentation for Giant to qualify as a full-  
8 grocery store.

9 MEMBER JONES: Yes, thank you,  
10 Madam Chair. Upon review of the submitted  
11 documentation from the applicant, it was noted  
12 that the application was able to qualify as a  
13 full-service grocery store, specifically under  
14 Test 1. It was determined that they had  
15 dedicated more than 6,000 square feet to the  
16 food sales area.

17 Specifically, it was 23,526 square  
18 feet dedicated to food sales. And they were  
19 able to pass Test 2 with six of the seven food  
20 categories being greater than 5 percent. The  
21 only category that was under 5 percent was the  
22 dairy category. Thank you.

1 CHAIRPERSON MILLER: That was for  
2 Giant, correct?

3 MEMBER JONES: That was for Giant.

4 CHAIRPERSON MILLER: Okay. And  
5 then I would move that we approve Giant as a  
6 full-service grocery store license. Do I have  
7 a second?

8 MEMBER BROOKS: Second.

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

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those  
14 opposed? All those abstaining? The motion  
15 passes 5-0-0.

16 The next item on the agenda, No.  
17 9, is also a review of supplemental  
18 documentation for a pending grocery B  
19 application by Trader Joe's located at 14th  
20 Street, N.W., and it's License No. 093455.

21 Mr. Jones, could you address that  
22 one as well?

1 MEMBER JONES: Yes, ma'am.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER JONES: Upon review of the  
4 information that was submitted, it was  
5 determined that Trader Joe's passed the  
6 requirements for a full-service grocery store.  
7 Specifically, they were able to demonstrate  
8 they had more than 6,000 square feet dedicated  
9 to food sales, thus passed Test 1.  
10 Specifically, they had 7,311 square feet  
11 dedicated to food sales.

12 As far as Test 2, they were able  
13 to demonstrate that they had sufficient --  
14 they had food categories, six out of the seven  
15 food categories, that were greater than 5  
16 percent. The only food category that was  
17 under the 5 percent was the canned food at  
18 4.47 percent. The other categories were at 5  
19 percent or greater.

20 CHAIRPERSON MILLER: Okay. Thank  
21 you. All right. Then based on that  
22 information, I move that we placard Trader

1 Joe's. Do I have a second?

2 MEMBER BROOKS: Second.

3 CHAIRPERSON MILLER: Mr. Brooks  
4 has 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 5-0-0.

10 No. 10 is a menu that has been  
11 amended for Avenue Suites/A Bar located at  
12 2500 Pennsylvania Avenue, License No. 086545,  
13 that was submitted for our review. And no  
14 action is required.

15 No. 11 is a resolution of  
16 termination of settlement agreement between  
17 ANC-1D and Raven Grill. Raven Grill is  
18 located at 3125 Mount Pleasant Street, N.W.,  
19 License No. 000586. And no action is required  
20 for that as well.

21 No. 12 is a request for  
22 reinstatement of protest from ANC-3E and it's

1 related to Civil Lounge located at 5335  
2 Wisconsin Avenue, N.W., License No. 090196.  
3 And there is no objection from the applicant  
4 to this request and I move that we approve.  
5 Do I have a second?

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Mr.

8 Silverstein has seconded the motion.

9 All those --

10 MEMBER SILVERSTEIN: No. 12?

11 CHAIRPERSON MILLER: Yes. Do you  
12 have further comments?

13 MEMBER SILVERSTEIN: No, thank  
14 you. I approve.

15 CHAIRPERSON MILLER: Okay.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those  
19 opposed? All those abstaining? The motion  
20 passes 5-0-0.

21 No. 13 is a letter dated November  
22 12, 2013 from Cleveland Park Citizens

1 Association providing a requested formal  
2 notification that every -- letting us know  
3 that every ABC matter is a substantial change  
4 of concern to the CPCA. And in general, they  
5 want to be notified when there is going to be  
6 -- when there is some sort of application by  
7 the -- by any of the establishments for any  
8 matter before the ABC Board.

9 So I move that we refer this to  
10 our community resource employee, Ms.  
11 Fashbaugh, to follow-up by letter, email or  
12 whatever that that notification will be  
13 provided, you know, upon their registering for  
14 or signing up for the listserv and registering  
15 as a community organization.

16 So my motion is to refer it,  
17 basically, to Ms. Fashbaugh. Do I have a  
18 second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Okay. Mr.  
21 Brooks 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 5-0-0.

5 No. 14 is a letter dated November  
6 9, 2013 from Rafael DeGennaro related to  
7 Remington's located at 639 Pennsylvania  
8 Avenue, S.E., License No. 009328. And this  
9 involves the issue where they haven't --  
10 Remington's hasn't obtained a Certificate of  
11 Occupancy that is accurate or for a certain  
12 part of their space.

13 And I would move that we refer  
14 this letter to counsel for Remington's for  
15 response. Do I have a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Mr. Brooks  
18 has seconded the motion. Does anybody else  
19 wish to speak to this request?

20 MEMBER ALBERTI: No.

21 CHAIRPERSON MILLER: No. Okay.  
22 Then there is a motion to refer to counsel for

1 Remington's.

2 All those in favor say aye.

3 ALL: Aye.

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

7 No. 15 is a review of a request  
8 for change of address dated August 19, 2013  
9 from Jerry Moore, counsel for Bon Appetit  
10 Management Company. It's a change of address.  
11 And Bon Appetit's License No. is 071077.

12 I move that we approve the change  
13 of address request. Do I have a second?

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 5-0-0.

22 No. 16 is a settlement agreement

1           dated November 22, 2013 between ANC-1A and TGI  
2           Friday's located at 3334-3336 14th Street,  
3           N.W., License No. 092827.

4                        So I move that we approve with  
5           modifications to paragraphs 8 and 9. Do I  
6           have a second?

7                               MEMBER SILVERSTEIN: Second.

8                               CHAIRPERSON MILLER: Mr.  
9           Silverstein 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 5-0-0.

15                              No. 17 is an amendment to the  
16           settlement agreement dated November 21, 2012  
17           from ANC-6B. It relates to Old Naval Hospital  
18           Foundation located at 921 Pennsylvania Avenue,  
19           S.E., License No. 086926.

20                              So I move that we postpone  
21           consideration of this amendment until next  
22           week. Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks  
3 has seconded the motion. Does anybody want to  
4 speak to that?

5 MEMBER ALBERTI: Well, I think we  
6 are postponing this to, I'll confer with the  
7 parties to, find out if both parties are in  
8 agreement with withdrawing the submission of  
9 the settlement agreement.

10 Right now, we only have indication  
11 -- we only have confirmation from one of the  
12 parties and we need confirmation from both of  
13 the parties before we can act.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: Just one moment,  
16 please. No, that's the agreement that's not  
17 the letter. No, there should be a letter  
18 here.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: Saying that they  
21 are withdrawing.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER ALBERTI: And we don't have  
2 that letter.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER ALBERTI: That's the letter  
5 I'm referring to.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: It only comes  
8 from the ANC.

9 CHAIRPERSON MILLER: Okay. Okay.  
10 Thank you. All right. So there is a motion  
11 to postpone one week that has been seconded.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those  
15 opposed? All those abstaining? The motion  
16 passes 5-0-0.

17 No. 18 is a review of a settlement  
18 agreement dated November 20, 2013 from ANC-6D  
19 and Capitol Skyline Hotel. Capitol Skyline  
20 Hotel is located at 10 I Street, S.W., License  
21 No. 072534.

22 I move that we approve with

1 modifications to 2D, 6 and 7. I think that  
2 others may want to add another provision or  
3 so.

4 MEMBER ALBERTI: 2D?

5 CHAIRPERSON MILLER: I said 2D, 6  
6 and 7.

7 MEMBER ALBERTI: I think No. 5  
8 also. With modifications to No. 5.

9 CHAIRPERSON MILLER: That's it. I  
10 don't particularly want to move No. 5. I  
11 don't have a problem with it, but I will still  
12 move to vote approval of the settlement  
13 agreement with all of those modifications and  
14 that's 2D, 5, 6 and 7. Is there a second?

15 MEMBER ALBERTI: Second.

16 CHAIRPERSON MILLER: Okay. Mr.  
17 Alberti 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 5-0-0.

1                   Okay. I'm going to do a few of  
2                   these together, because they have the same  
3                   issue.

4                   So I'm doing No. 19 is a  
5                   settlement agreement dated November 16, 2013  
6                   from ANC-6B and Trusty's Bar. Trusty's Bar is  
7                   located at 1420 Pennsylvania Avenue, S.E.,  
8                   License No. 071352. These are all with ANC-  
9                   6B.

10                  No. 20 is a settlement agreement  
11                  dated November 16, 2013 between ANC-6B and  
12                  18th Amendment. 18th Amendment is located at  
13                  613 Pennsylvania Avenue, S.E., License No.  
14                  072633.

15                  No. 21 is a settlement agreement  
16                  dated November 16, 2013 between ANC-6B and  
17                  Pour House. Pour House is located at 319  
18                  Pennsylvania Avenue, S.E., License No. 025897.

19                  Skipping to No. 23, Hawk 'n' Dove,  
20                  a settlement agreement with ANC-6B dated  
21                  November 16, 2013, located at 329 Pennsylvania  
22                  Avenue, S.E., License No. 088059.

1                   No. 24 is a settlement agreement  
2                   dated November 16, 2013 between ANC-6B and  
3                   Lola's. Lola's is located at 711 8th Street,  
4                   S.E., License No. 086141.

5                   And No. 25 is a settlement  
6                   agreement dated November 16, 2013 between ANC-  
7                   6B and The Old Siam. The Old Siam is located  
8                   at 406 8th Street, S.E., License No. 072023.

9                   Okay. I move that we approve  
10                  these settlement agreements subject to  
11                  clarification of paragraph No. 3, which goes  
12                  to extended hours for New Year's and other  
13                  holidays where it's not clear to the Board  
14                  exactly what the intent is.

15                  Do I have a second?

16                  MEMBER ALBERTI: Second.

17                  CHAIRPERSON MILLER: Mr. Alberti  
18                  seconded the motion. Does anybody else wish  
19                  to speak to this?

20                  Okay. Not hearing anything  
21                  further then, I move that we approve subject  
22                  to clarification of paragraph No. 3 in each of

1           these settlement agreements.

2                   All those in favor say aye.

3                   ALL:   Aye.

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

7                   Okay.   So I skipped No. 22, Phase  
8           1 that we skipped, a settlement agreement made  
9           between them and ANC-6B dated November 16,  
10          2013, License No. 001200.   And to be clear,  
11          this is No. 22 on the agenda.

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

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 5-0-0.

22                   So that now brings us to No. 26,

1           which is a settlement agreement dated November  
2           16, 2013 between ANC-6B and Remington's.  
3           Remington's is located at 639 Pennsylvania  
4           Avenue, S.E., License No. 009238.

5                       Okay. This actually involves also  
6           a request by the ANC that the Certificate of  
7           Occupancy issue be resolved prior to the  
8           Board's approval of renewal of Remington's  
9           license.

10                      So, therefore, I move that we  
11           postpone consideration of this settlement  
12           agreement pending resolution of that issue.  
13           Do I have a second?

14                      MEMBER ALBERTI: Second.

15                      CHAIRPERSON MILLER: Any comments?

16           Okay. Mr. Alberti 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 5-0-0.

22                      No. 27 is a review of a proposal

1           dated July 29, 2013 from Paul Pascal, counsel  
2           for DCanter to utilize a portion of the  
3           licensee's space for tastings. DCanter is  
4           located at 545 8th Street, S.E., License No.  
5           090639.

6                           I move that we deny this request.  
7           Do I have a second?

8                           MEMBER ALBERTI:   Second.

9                           CHAIRPERSON MILLER:   Okay.  In my  
10          view, it appears that it would be involved  
11          granting more than one license for the use of  
12          one establishment with, I believe, a B  
13          License.  So I don't believe that is allowed  
14          under our regulations.

15                          Does anybody else wish to speak to  
16          this motion?

17                          All right.  Then there is a motion  
18          to deny.

19                          All those in favor say aye.

20                          ALL:  Aye.

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

1 passes 5-0-0.

2 Okay. No. 28 and 29 involve  
3 requests by Premium Distributors of Washington  
4 DC to provide retailers with products valued  
5 at more than \$50 and less than \$500.

6 I move that we approve both  
7 requests.

8 MEMBER ALBERTI: Second.

9 CHAIRPERSON MILLER: Okay. Mr.  
10 Alberti seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those  
14 opposed? All those abstaining? The motion  
15 passes 5-0-0.

16 No. 30, 31 and 32 involve requests  
17 by E & J Gallo to provide retailers with  
18 products valued at more than \$50 and less than  
19 \$500.

20 I move that we approve these three  
21 requests.

22 MEMBER ALBERTI: Second.

1 CHAIRPERSON MILLER: Mr. Alberti  
2 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 Okay. That completes our regular  
9 agenda. We have a supplemental agenda.

10 Okay. No. 1 on the supplemental  
11 agenda is a request for a stipulated license  
12 dated December 2, 2013 from Elisea Ventura of  
13 Ventura Market, Inc. and letter of support  
14 from ANC-4C dated November 21, 2013.

15 The establishment is La Joya  
16 Steakhouse Restaurant located at 201 Upshur  
17 Street, N.W., License No. 093124.

18 I move that we postpone  
19 consideration of this request for a week to  
20 get further clarification from the ANC on  
21 their resolution. Do I have a second?

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 Okay. All right. No. 2 and 3  
9 involve the same establishment. No. 2 is a  
10 request for reconsideration of untimely  
11 protest filed, filing date October 31, 2013,  
12 from Barbara Schauer with respect to The  
13 American located at 1209-1213 10th Street,  
14 N.W., License No. 092766.

15 And No. 3 is a response to that  
16 request for reconsideration dated November 25,  
17 2013 from Paul Pascal, counsel for The  
18 American Restaurant. And attached, I believe,  
19 to Mr. Pascal's filing is a settlement  
20 agreement between American and the ANC. And  
21 I believe that we should consider that  
22 settlement agreement first and then go back to

1 the reconsideration motion.

2 So I would move that we approve  
3 the settlement agreement that has been  
4 submitted here.

5 MEMBER ALBERTI: Has it been  
6 signed? No, no. It hasn't been signed.

7 CHAIRPERSON MILLER: Oh, okay.

8 MEMBER ALBERTI: So I think we are  
9 just dealing with the letter right now, the  
10 response. I think we need to ask to see  
11 what's happening with the settlement  
12 agreement.

13 CHAIRPERSON MILLER: Okay. Okay.  
14 So we had a settlement agreement, I guess,  
15 attached to their response from Mr. Pascal,  
16 but apparently it may not be a signed  
17 settlement agreement by all the parties. It's  
18 signed by him.

19 MEMBER ALBERTI: His letter  
20 indicates that this is what he sent to the ANC  
21 for signature.

22 CHAIRPERSON MILLER: Right. Okay.

1                   MEMBER ALBERTI: But I don't see  
2                   an ANC's copy.

3                   CHAIRPERSON MILLER: Okay. The  
4                   reason that I was first going to this, and we  
5                   can see how we want to deal with it, is --

6                   MEMBER ALBERTI: Excuse me for a  
7                   second.

8                   CHAIRPERSON MILLER: Yes. Once  
9                   there is a signed settlement agreement between  
10                  an ANC and an establishment, then the Board is  
11                  required to dismiss any group of five or more  
12                  protestants upon approval of that settlement  
13                  agreement.

14                  So that's why I thought that there  
15                  was a signed settlement agreement that would  
16                  moot the issue with respect to these parties  
17                  of five or more seeking reinstatement of their  
18                  standing.

19                  MEMBER ALBERTI: With respect to  
20                  Item 2 and Item 3, in Item 2 the community has  
21                  pointed out that the placards were not  
22                  appropriately placed in that they were on a

1 door. They were placed on a door that, in  
2 effect, did not allow them to be viewed during  
3 the day. The door was a roll-up door that  
4 couldn't be viewed during the day, so my  
5 conclusion was that it wasn't appropriately  
6 placarded.

7 And regardless of anyone's  
8 standing, that issue has been raised and I  
9 believe that this place needs to be  
10 replacarded.

11 CHAIRPERSON MILLER: Um-hum.

12 MEMBER ALBERTI: That this license  
13 application needs to be replacarded. So my  
14 move with respect to Items 2 and 3 is that we  
15 replacard this license.

16 CHAIRPERSON MILLER: Okay. But  
17 would it be your position that they get  
18 reinstated?

19 MEMBER ALBERTI: My position is  
20 that they are -- I would --

21 MEMBER SILVERSTEIN: Exchange it.

22 MEMBER ALBERTI: Wait, wait, wait.

1 Let me think this through.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: Let me think this  
4 through because if we approve the settlement  
5 agreement, then their reinstatement, if we  
6 were doing a reinstatement --

7 CHAIRPERSON MILLER: That's right.

8 MEMBER ALBERTI: -- it would be  
9 moot, because it -- so I would postpone the  
10 reinstatement, right? I would postpone the  
11 decision on reinstatement for one more week.

12 CHAIRPERSON MILLER: To see if the  
13 ANC and the applicant submit a --

14 MEMBER ALBERTI: Right.

15 CHAIRPERSON MILLER: -- signed  
16 settlement agreement.

17 MEMBER ALBERTI: Signed. Because  
18 they submit a signed and acceptable settlement  
19 agreement, then it precludes community members  
20 from filing a protest.

21 CHAIRPERSON MILLER: But not  
22 community organizations.

1 MEMBER ALBERTI: But these are  
2 community members.

3 CHAIRPERSON MILLER: Exactly.

4 MEMBER ALBERTI: This is a group  
5 of five.

6 CHAIRPERSON MILLER: The parties  
7 here.

8 MEMBER ALBERTI: Right.

9 CHAIRPERSON MILLER: Exactly.

10 MEMBER ALBERTI: The parties here.

11 CHAIRPERSON MILLER: Right, right.

12 MEMBER ALBERTI: So I would  
13 postpone the decision on reinstatement. And  
14 I would also, as part of that motion, move  
15 that we replacard this license.

16 CHAIRPERSON MILLER: Okay. I'll  
17 second that motion. Any comments?

18 MEMBER BROOKS: No.

19 CHAIRPERSON MILLER: Okay. So the  
20 motion is to postpone consideration of the  
21 request for reinstatement and to -- and  
22 reconsideration and to replacard in this case,

1 in any event. Okay. Is there a second? I  
2 seconded.

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 All right. No. 4 then is a  
9 resolution to withdraw its protest dated  
10 December 1, 2013 from ANC-7B regarding Lee's  
11 Mini Market located at 2853 Alabama Avenue,  
12 S.E., License No. 084939.

13 I move that we approve.

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Mr. Alberti  
16 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 That completes our supplemental

1 agenda. We now have one more, I believe, a  
2 second supplemental agenda, which is a letter  
3 dated December 3, 2013 to pay renewal fees  
4 immediately and a 90 day extension, I believe  
5 it's 90 days, to pay the late fees by HR-57  
6 located at 1007 H Street, N.E., License No.  
7 088592.

8 I would move that we deny the  
9 request. Do I have a second?

10 MEMBER ALBERTI: Second.

11 CHAIRPERSON MILLER: Mr. Alberti  
12 seconded the motion. Any comments?

13 All those in favor then of the  
14 motion say aye.

15 ALL: Aye.

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

19 That completes our agenda for  
20 December 4, 2013.

21 And that leaves the closure of  
22 meetings for our agenda and our investigative

1 discussion.

2 Okay. As Chairperson of the  
3 Alcoholic Beverage Control Board for the  
4 District of Columbia and in accordance with  
5 Section 405 of the Open Meetings Amendment Act  
6 of 2010, I move that the ABC Board hold a  
7 closed meeting on December 11th for the  
8 purpose of seeking legal advice from our  
9 counsel on the matters identified on the  
10 Board's agenda for December 11, 2013 as  
11 published in the DC Register on December 6,  
12 2013.

13 Is there a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks  
16 has seconded the motion. I'll now take a roll  
17 call vote.

18 Mr. Brooks?

19 MEMBER BROOKS: I agree.

20 CHAIRPERSON MILLER: Mr. Alberti?

21 MEMBER ALBERTI: I agree.

22 CHAIRPERSON MILLER: Ms. Miller

1 agrees.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

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

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 bulletin  
11 board, placed on the electronic calendar on  
12 ABRA's website and published in the DC  
13 Register in as timely a manner as practicable.

14 As Chairperson of the Alcoholic  
15 Beverage Control Board for the District of  
16 Columbia and in accordance with Section 405 of  
17 the Open Meetings Amendment Act of 2010, I  
18 move that the ABC Board hold a closed meeting  
19 on December 11, 2013 for the purpose of  
20 discussing and hearing reports concerning  
21 ongoing or planned investigations of alleged  
22 criminal or civil misconduct or violations of

1 law or regulations and seeking legal advice  
2 from our counsel on the Board's investigative  
3 agenda for December 11, 2013 as published in  
4 the DC Register on December 6, 2013.

5 Is there a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks  
8 has seconded the motion. I'll now take a roll  
9 call vote on the motion.

10 Mr. Brooks?

11 MEMBER BROOKS: I agree.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MEMBER ALBERTI: I agree.

14 CHAIRPERSON MILLER: Ms. Miller  
15 agrees.

16 Mr. Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON MILLER: It appears  
19 that the motion has passed by a 4-0-0 vote.

20 I hereby give notice that the ABC  
21 Board will hold this aforementioned closed  
22 meeting pursuant to the Open Meetings

1           Amendment Act of 2010. Notice will also be  
2           posted on the ABC Board hearing room bulletin  
3           board, placed on the electronic calendar on  
4           ABRA's website and published in the DC  
5           Register in as timely a manner as practicable.

6                           And that completes our business  
7           for December 4, 2013 and we are adjourned.

8                           (Whereupon, the A.B.R.A. Agenda in  
9           the above-entitled matter was concluded at  
10          8:01 p.m.)

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