

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. CHANGE OF HOURS AGENDA :

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DECEMBER 5, 2012

The Alcoholic Beverage Control Board
met in the Reeves Building, 2000 14th. Street

Northwest, Washington, D.C. 20009, Ruthanne
Miller, presiding.

PRESENT

RUTHANNE MILLER, CHAIRPERSON

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

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

4:56 p.m.

CHAIRPERSON MILLER: We also have a Change of Hours Agenda for application before us to change hours.

1. One from Jones Deli located at 4350 Texas Avenue. License No. 013972. Changing hours to Monday through Sunday, 7:30 a.m. to 9:30 p.m.

2. Brightwood Liquors, 5716 Georgia Avenue, NW. License No. 072074. Changing hours to Saturday, 7:00 a.m. to 12:00 a.m.

3. Greenway Liquors, 3700 Minnesota Avenue, NE. License No. 075614. Changing hours to Monday through Saturday, 9:00 a.m. to 10:00 p.m.

4. Travel Traders Retail, Inc., located at 400 New Jersey Avenue, NW License No. 080595. Changing hours to Monday through Sunday, 7:00 a.m. to 10:00 p.m.

And none of these have a voluntary agreement.

1 So, I would move to approve all four
2 change of hours applications.

3 Do I have a second?

4 MEMBER BROOKS: Second.

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

7 All those in favor say aye.

8 (AYES)

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining?

11 Motion passes four, zero, zero.

12 I think that concludes our agenda
13 items and matters for today and I will just do
14 the Open Meeting Act.

15 As Chairperson of the Alcoholic
16 Beverage Control Board for the District of
17 Columbia and in accordance with Section 405 of
18 the Open Meetings Amendment Act of 2010, I move
19 that the ABC Board hold a closed meeting on
20 December 12th, 2012, for the purpose of seeking
21 legal advice from our counsel on the matters
22 identified on the Board's Agenda for December 12,

1 2012, as published in the D.C. Register on
2 December 7th, 2012.

3 Is there a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks has
6 seconded the motion. I'll take a roll call on
7 the motion now that it's been seconded.

8 Mr. Brooks?

9 MEMBER BROOKS: I agree.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON MILLER: Ms. Miller
13 agrees.

14 Mr. Jones?

15 MEMBER JONES: I agree.

16 CHAIRPERSON MILLER: The motion passes
17 by a vote of four, zero, zero.

18 I hereby give notice that the ABC
19 Board will hold this aforementioned closed
20 meeting pursuant to the Open Meetings Amendment
21 Act of 2010. Notice ill also be posted on the
22 ABC Board Hearing Room bulletin board, placed on

1 the electronic calendar and ABRA's website and
2 published in the D.C. Register in as timely a
3 manner as practical.

4 As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with Section 405 of
7 the Open Meetings Amendment Act of 2010, I move
8 that the ABC Board hold a closed meeting on
9 December 12, 2012, for the purpose of discussing
10 and hearing reports concerning ongoing or planned
11 investigations of alleged criminal or civil
12 misconduct or violations of law and regulations
13 and seeking legal advice from our counsel on the
14 Board's investigative agenda for December 12,
15 2012, as published in the D.C. Register on
16 December 7, 2012.

17 Is there a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks has
20 seconded the motion. I'll take a roll call vote
21 on the motion now that it's been seconded.

22 Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Mr . Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON MILLER: Ms. Miller

5 agrees.

6 Mr. Jones?

7 MEMBER JONES: I agree.

8 CHAIRPERSON MILLER: The motion passes

9 by a vote of four, zero, zero.

10 I hereby give notice that the ABC

11 Board will hold this aforementioned closed

12 meeting.

13 Pursuant to the Open Meetings

14 Amendment Act of 2010, notice will be posted on

15 the ABC Board Hearing Room bulletin board, placed

16 on the electronic calendar and ABRA's website and

17 published in the D.C. Register in as timely a

18 manner as practical.

19 That concludes our order of business

20 for December 5, 2012. And the Board is

21 adjourned.

22 MR. CASTANETTA: We made a mistake on

1 our procedure. We were trying to oppose this
2 Board -- WE --

3 CHAIRPERSON MILLER: Do you want to
4 sit at the table and talk to us on the record?

5 MEMBER ALBERTI: Sorry That's all
6 right.

7 MR. CASTANETTA: I am Val Castanetta
8 and we have been attempting to opposed the
9 approval that just took place of License No.
10 81849. It appears our letter didn't get to your
11 Board. So, I spoke with Ms. Martha Jenkins a
12 week ago and she had told me to come back this
13 week and she was going to put in suspense the
14 approval of this particular voluntary agreement
15 to share with the Board.

16 CHAIRPERSON MILLER: Okay.

17 MR. CASTANETTA: That's why I'm here.

18 CHAIRPERSON MILLER: That's right.
19 She actually did have it postponed a week so she
20 could look into the matter. And she did look
21 into it and brought it to our attention. And my
22 understanding is that you missed the petition

1 date, the deadline for filing a protest. And
2 that's why the voluntary agreement was on our
3 calendar to approve.

4 MR. CASTANETTA: Okay.

5 CHAIRPERSON MILLER: Okay. It was
6 placarded on September 28th and the petition
7 deadline was November 13th. And the office has
8 no record of a petition, only a letter of support
9 form the ANC.

10 MR. CASTANETTA: Again, our records
11 show that we did send a letter to the Board. It
12 just never got to you for what it's worth. I
13 didn't send a letter, my boss did. I'm just an
14 employee of the company but I was charged with
15 following up on this issue.

16 CHAIRPERSON MILLER: Okay. What
17 company?

18 MR. CASTANETTA: Capital Comfort
19 Hostel.

20 CHAIRPERSON MILLER: And do you have
21 a copy of the letter?

22 MR. CASTANETTA: Yes, ma'am, I do.

1 CHAIRPERSON MILLER: What is it that
2 you have? What do you have with you?

3 MR. CASTANETTA: This is the letter
4 that went to the Board. It was sent via email.

5 CHAIRPERSON MILLER: What's the date
6 on it?

7 MR. CASTANETTA: November 2nd with a
8 cc: to the ANC 2 and Mr. Alexander Padro and the
9 ANC 2C01 section, I guess. But apparently nobody
10 followed up and I personally spoke with the
11 investigator on multiple occasions.

12 CHAIRPERSON MILLER: Do you know who
13 that is?

14 MR. CASTANETTA: Earl Jones.

15 CHAIRPERSON MILLER: Okay.

16 MR. CASTANETTA: Mr. Earl Jones and he
17 also suggested to me that since Ms. Jenkins had
18 put this in suspense that that would give the
19 Board time for his reports -- plural reports, to
20 come through and for you to take them into
21 account. And I have exchanges of email that
22 we've had with him as well.

1 CHAIRPERSON MILLER: Okay. Do you
2 have a copy of all that?

3 MR. CASTANETTA: I do, yes, ma'am.

4 CHAIRPERSON MILLER: Okay. If you
5 want to leave it with us.

6 MR. CASTANETTA: I will, yes, ma'am.

7

8 CHAIRPERSON MILLER: Okay. We don't
9 have staff here so, okay. You have copies and
10 you're going to leave that with us.

11 MR. CASTANETTA: Very well.

12 CHAIRPERSON MILLER: Okay. All right.
13 Again, I'll take this and we'll see. Okay.

14 MR. CASTANETTA: What should I do.
15 What should we do now?

16 CHAIRPERSON MILLER: Martha Jenkins is
17 the contact person.

18 MR. CASTANETTA: Okay. Just follow up
19 with her?

20 CHAIRPERSON MILLER: Yes.

21 MR. CASTANETTA: We've also spoken
22 with Ms. Jonathan Brennan.

1 MEMBER ALBERTI: Berman.

2 MR. CASTANETTA: Yes, I apologize.

3 CHAIRPERSON MILLER: Okay. All right.

4 So, Martha Jenkins is our counsel and Berman too.

5 So, we will talk with them and one of them will
6 get back to you.

7 MR. CASTANETTA: Thank you. And I
8 apologize for --

9 CHAIRPERSON MILLER: And if you don't
10 hear, you can call, you know, Ms. Jenkins.

11 MR. CASTANETTA: Yes, ma'am. Thank
12 you and I apologize for taking more of your time.
13 I know you've had a long day.

14 MEMBER ALBERTI: Thank you.

15 CHAIRPERSON MILLER: Thank you.

16 Why don't we recess. I think we
17 should recess, not adjourn in case we -- or
18 postpone it until next week or something based on
19 that.

20 MEMBER ALBERTI: Well, let's go back.

21 CHAIRPERSON MILLER: Let's talk about
22 it.

1 Let me tell him we're going to come
2 back. I mean, we already closed. Well --

3 MEMBER JONES: Didn't we close?

4 CHAIRPERSON MILLER: I did. Well, we
5 didn't adjourn. We didn't adjourn.

6 MEMBER ALBERTI: We didn't adjourn, we
7 closed.

8 CHAIRPERSON MILLER: We gave our
9 instructions for the open meeting.

10 MEMBER ALBERTI: For the open meetings
11 but that is to consider the agendas for next
12 week.

13 CHAIRPERSON MILLER: Right. And the
14 investigative reports.

15 MEMBER ALBERTI: And the investigative
16 reports.

17 CHAIRPERSON MILLER: So, I just want
18 to tell Martha what happened.

19 MEMBER ALBERTI: It should be on the
20 record.

21 (Whereupon, off the record from 5:06
22 p.m. to 5:11 p.m.)

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CHAIRPERSON MILLER: We're adjourned.

Thank you very much.

(Whereupon, the above matter was
concluded at 5:11 p.m.)

A	2:18 aye 3:7 AYES 3:8 A.B.R.A 1:10 a.m 2:8,12,12,15,20	10:16,20 11:3,9 11:15,21 12:4,8 12:13,17 13:1 change 1:10 2:4,5 3:2 Changing 2:7,11 2:14,19 charged 8:14 civil 5:11 close 12:3 closed 3:19 4:19 5:8 6:11 12:2,7 Columbia 1:1 3:17 5:6 come 7:12 9:20 12:1 Comfort 8:18 company 8:14,17 concerning 5:10 concluded 13:4 concludes 3:12 6:19 consider 12:11 contact 10:17 Control 1:15 3:16 5:5 copies 10:9 copy 8:21 10:2 counsel 3:21 5:13 11:4 criminal 5:11	Earl 9:14,16 electronic 5:1 6:16 email 9:4,21 employee 8:14 exchanges 9:21	items 3:13
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