

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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CVS AGENDA :

CHANGE OF HOURS AGENDA :

MEETING INSTRUCTIONS :

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December 12, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Interim Chair Alberti, presiding.

PRESENT

RUTHANNE MILLER, CHAIRPERSON

DONALD BROOKS, Member

HERMAN JONES, Member

NICK ALBERTI, Member

MIKE SILVERSTEIN Member

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

4:42 p.m.

CHAIRPERSON MILLER: No. 5, as a Request for a Continuance, dated December 10, 2012, from Richard Bianco, for the Motions Hearing Schedule for December 13, 2012, Paul Pascal consents to the request as long as the protest hearing is set for January 10, 2013 holds firm.

CVS Pharmacy is located at 1354 -- no, CVS Pharmacy, No. 1354, located at 2601 Connecticut Avenue NW, License No. 88912.

So, I would move -- well, and then 1 through 4 above are the motions related to this hearing that would be considered at this hearing that's being requested for postponement, and then are a Motion in Limine, dated October 17, 2012, a Review of Opposition to Motion in Limine, dated November 4, 2012, a Review of a Motion to Dismiss the Application, dated November 13, 2012, and a Review of Opposition to Protestant's Motion to

1 Dismiss Application, and Reply to Protestant's
2 Opposition to Motion in Limine, dated November
3 21, 2012.

4 So, I would move that we grant the
5 request for the continuance to January 10,
6 2013, the day of the hearing, and that the
7 motions be considered immediately prior to the
8 protest hearing first, before the protest
9 hearing.

10 Do I have a second?

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Any comments?

13 Okay. All those in favor of
14 granting the continuance say aye.

15 (Ayes.)

16 CHAIRPERSON MILLER: All those
17 opposed?

18 All those abstaining?

19 Then the vote is 5:0:0.

20 Okay. That concludes all the
21 matters on the Agenda for December 12, 2012,
22 and what's left then is to read the open

1 meeting introductions.

2 MEMBER BROOKS: These are the
3 change of hours that a result of the recent
4 legislative change.

5 CHAIRPERSON MILLER: Okay. Thank
6 you.

7 Okay, one more item on our agenda,
8 for a change of hours application, relating to
9 the legislative change in hours.

10 So, I'm going to describe them
11 all, and then move together on them.

12 One is a change of hours to Monday
13 to Sunday, from 7:00 a.m. to 12:00 a.m., for
14 J&J Market, located at 234 15th Street NE,
15 License No. 090684; change of hours
16 application to change hours of operation,
17 hours of alcoholic beverage sales to Monday
18 through Saturday, 7:00 a.m. to 12:00 a.m. in
19 ANC 2E, Bacchus Wine Cellar, 1635 Wisconsin
20 Avenue, application to change hours of
21 operation and hours of alcoholic beverage
22 sales to Monday through Thursday, 9:00 a.m.,

1 to 10:00 p.m., Friday and Saturday 9:00 a.m.,
2 to 11:00 p.m, for Harvard Liquors located in
3 ANC 1B, located at 2101 Sherman Avenue NW,
4 License No. 077747, and a change of hours
5 application to change hours of operation and
6 hours of alcoholic beverage sales to hours of
7 operation and hours of alcoholic beverage
8 sales Monday through Thursday, 9:00 a.m. to
9 10:00 p.m., Friday and Saturday 9:00 a.m. to
10 11:00 p.m, it's Rhode Island Liquors, located
11 at 914 Rhode Island Avenue NE, in ANC 5C,
12 License No. 078927.

13 None of these establishments have
14 voluntary agreements.

15 I would move that we approve the
16 change of hours for these four establishments.

17 Do I have a second?

18 MEMBER ALBERTI: Second.

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

21 All those in favor say aye.

22 (Ayes.)

1 CHAIRPERSON MILLER: All those
2 opposed?

3 All those abstaining?

4 The vote is 5:0:0 to approve.

5 Okay. Now, for the meeting
6 instructions.

7 The Chairperson of the Alcoholic
8 Beverage Control Board for the District of
9 Columbia, and in accordance with Section 405
10 of the Open Meetings Amendment Act of 2010,
11 there's an ABC Closed meeting on January 9,
12 2012, for the purpose of seeking legal advice
13 from our Counsel on the matters identified on
14 the Board's agenda for January 9, 2012 as
15 published in the D.C. Register on January 4,
16 2012.

17 Is there a second?

18 MEMBER ALBERTI: Second.

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

21 I'll take a roll call vote on the
22 motion now that it's been seconded.

1 Mr. Brooks?

2 MEMBER BROOKS: I agree.

3 CHAIRPERSON MILLER: Mr. Alberti?

4 MEMBER ALBERTI: I agree.

5 CHAIRPERSON MILLER: Ms. Miller

6 agrees.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRPERSON MILLER: Mr. Jones?

10 MEMBER JONES: I agree.

11 CHAIRPERSON MILLER: It appears
12 that the motion has passed by a vote of 5:0:0.
13 I hereby give notice that the ABC Board will
14 hold this aforementioned closed meeting
15 pursuant to the Open Meetings Amendment Act of
16 2010. Notice will also be posted on the ABC
17 Board Hearing Room Bulletin Board, placed on
18 the electronic calendar, and on its website,
19 and published in the D.C. Register in a timely
20 manner as possible.

21 As the Chairperson of the
22 Alcoholic Beverage Control Board for the

1 District of Columbia, and in accordance with
2 Section 405 of the Open Meetings Amendment Act
3 of 2010, I move that the ABC Board hold a
4 closed meeting on January 9, 2012, for the
5 purpose of discussing and hearing reports
6 concerning ongoing and planned investigations
7 of alleged criminal and civil misconduct, for
8 violations of law or regulations, and seeking
9 legal advice from our Counsel on the Board's
10 Investigative Agenda for January 9, 2012, as
11 published in the D.C. Register on January 4,
12 2012.

13 Is there a second?

14 MEMBER BROOKS: Second.

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

17 I'll take a roll 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: Mr. Jones?

5 MEMBER JONES: I agree.

6 CHAIRPERSON MILLER: As it appears
7 the motion has passed by 5:0:0 vote, I hereby
8 give notice that the ABC Board will hold the
9 aforementioned closed meeting pursuant to the
10 Open Meetings Amendment Act of 2010. Notice
11 will also be posted on the ABC Board Hearing
12 Bulletin Board, placed on the electronic
13 calendar, and on the website, and published in
14 the D.C. Register in as timely a manner as
15 possible.

16 Okay. That concludes our business
17 for December 12, 2012, and we are adjourned.

18 (Whereupon, the above-entitled
19 matter was concluded at 4:50 p.m.)
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