

Capital Reporting Company
In the Matter of: A.B.R.A. Agenda 07-25-2012

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

-----x
: IN THE MATTER OF: :
: :
: :
: A.B.R.A. AGENDA :
: :
: :
-----x

July 25, 2012

The Alcoholic Beverage Control

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

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

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2

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

2 4:42 p.m.

3 CHAIRPERSON MILLER: Okay. We're ready to
4 proceed with the meeting agenda for July 25th, 2012.
5 The first item on our agenda is a review of manager's
6 application for Anthony H. Lytle. And I move that we
7 approve this application. Do I have a second?

8 BOARD MEMBER: Second.

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

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: It passes by a vote of
17 6-0-0.

18 No. 2 is a review of manager's application
19 for Cidney A. Hollis. I move we approve the
20 application.

21 Do I have a second?

22 BOARD MEMBER: second.

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1 CHAIRPERSON MILLER: All those in favor, say
2 aye?

3 (Chorus of ayes.)

4 CHAIRPERSON MILLER: All those opposed?

5 (No audible response.)

6 CHAIRPERSON MILLER: All those abstaining?

7 (No audible response.)

8 CHAIRPERSON MILLER: Votes 6-0-0.

9 No. 3 is a review of manager's application
10 for Darryl J. Brown. This one raises some questions.
11 So I would propose that we schedule a fact finding on
12 this application. (Inaudible) --

13 BOARD MEMBER: Second.

14 CHAIRPERSON MILLER: All right. All right.
15 Move -- okay. I move to do that. It's been seconded.
16 All those in favor, say aye?

17 (Chorus of ayes.)

18 CHAIRPERSON MILLER: All those opposed?

19 BOARD MEMBER: Opposed.

20 CHAIRPERSON MILLER: All those abstaining?

21 (No audible response.)

22 CHAIRPERSON MILLER: The Board --

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1 BOARD MEMBER: Well, actually I oppose.

2 CHAIRPERSON MILLER: Okay. The vote here is
3 3-2-0. Okay.

4 No. 4 is a review of Sidewalk Cafe
5 application for 20 seats and for the Cafe of India,
6 4909 Wisconsin Avenue, N.W., License No. 83570. I move
7 that we placard this. This is No. 5. I skipped No. 4.
8 I'll go back to it. Okay. This is No. 5, Sidewalk
9 Cafe application. So there's a motion to placard it.

10 Do I have a second?

11 BOARD MEMBER: Second.

12 CHAIRPERSON MILLER: Okay. All those in
13 favor, say aye?

14 (Chorus of ayes.)

15 CHAIRPERSON MILLER: All those opposed?

16 BOARD MEMBER: Opposed.

17 CHAIRPERSON MILLER: All those abstaining?

18 (No audible response.)

19 CHAIRPERSON MILLER: The vote is 5-1-0.

20 Going back to No. 4 is the request from the
21 Licensee to have a license reinstated after
22 cancellation for non-payment of second and third year

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1 license fees. There is pending investigative matter, no
2 outstanding citations or fines. This is for New York
3 Pizza, 1401 Pennsylvania Avenue, S.E., License No.
4 60596. I move that we approve this application pending
5 payment of all outstanding fees -- to provide a payment
6 of all outstanding fees. Okay.

7 Do we have a second?

8 BOARD MEMBER: Second.

9 CHAIRPERSON MILLER: Any comments? All those
10 in favor of the motion, say aye?

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: All those abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: The vote is 6-0-0 to
17 approve.

18 No. 6 is a review of an application for a
19 license class change from a Class CX Club License to a
20 Class CX Multipurpose License. This is for ANC 4D and
21 this was for T & T Associates in ANC 4D. The address
22 is 5123 Georgia Avenue, N.W., License No. 17426. I

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1 would move that we schedule a fact finding on this
2 application to determine whether the requirements of
3 25-113(g) (1) are met.

4 Do we have a second?

5 BOARD MEMBER: Second.

6 CHAIRPERSON MILLER: Comments?

7 (No audible response.)

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

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: The vote is 6-0-0.

16 No. 7 is a letter dated July 11th, 2012 from
17 Nichole Barta requesting permission to store invoices
18 off-site at a storage facility located in the District.
19 The establishment is Circa at Foggy Bottom, 2221 I
20 Street, N.W., License No. 86726. I move that we
21 approve this request.

22 Do I have a second?

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7

1 BOARD MEMBER: Second.

2 CHAIRPERSON MILLER: All those in favor, say
3 aye?

4 (Chorus of ayes.)

5 CHAIRPERSON MILLER: All those opposed?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those abstaining?

8 (No audible response.)

9 CHAIRPERSON MILLER: The vote is 6-0-0.

10 No. 8 on the agenda is a letter dated July
11 11th, 2012 from Nichole Barta requesting permission to
12 store invoices off-site at a storage facility located
13 in the District. And this is for Circa at Dupont, 1601
14 Connecticut Avenue, N.W., License No. 76074. I move
15 that we approve this request.

16 Do I have a second?

17 BOARD MEMBER: Second.

18 CHAIRPERSON MILLER: All those in favor, say
19 aye?

20 (Chorus of ayes.)

21 CHAIRPERSON MILLER: All those opposed?

22 (No audible response.)

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1 CHAIRPERSON MILLER: All those abstaining?

2 (No audible response.)

3 CHAIRPERSON MILLER: The vote is 6-0-0 to
4 approve.

5 No. 9 is a consent motion to continue the
6 show cause hearing dated July 12th, 2012 from the
7 Office of the Attorney General. The show cause hearing
8 is scheduled for August 1, 2012. The establishment is
9 DC Fish Carryout, located at 3475 14th Street, N.W.,
10 License No. 74236. I move that we approve the consent
11 motion.

12 Is there a second?

13 BOARD MEMBER: Second.

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

16 (Chorus of ayes.)

17 CHAIRPERSON MILLER: All those opposed?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those abstaining?

20 (No audible response.)

21 CHAIRPERSON MILLER: The vote is 6-0-0 to
22 approve the consent motion.

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1 No. 10 is the voluntary agreement dated July
2 11, 2012, between M Cafe and ANC 2F. M Cafe is located
3 at 1634 14th Street, N.W., License No. 89205. I move
4 that we approve the voluntary agreement.

5 A second?

6 BOARD MEMBER: Second.

7 CHAIRPERSON MILLER: Any comments?

8 (No audible response.)

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

11 (Chorus of ayes.)

12 CHAIRPERSON MILLER: All those opposed?

13 (No audible response.)

14 CHAIRPERSON MILLER: Abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: The vote is 6-0-0.

17 No. 11 is a voluntary agreement dated July
18 11, 2012, between Gordon Restaurant Group, LLC, ANC 2F,
19 and the Matrix Condominium Unit Owners Association.
20 The establishment is to be determined, located at 1529
21 14th Street, N.W., and it's License No. 89190. I would
22 move approval of the voluntary agreement with

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10

1 modification to Paragraph 13, just removing, quote,
2 "Upon reasonable request," end quote.

3 Do I have a second?

4 BOARD MEMBER: Second.

5 CHAIRPERSON MILLER: Any comments?

6 (No audible response.)

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

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: The vote is 6-0-0.

13 No. 12 is a voluntary agreement dated July
14 10, 2012 between Yes Organic Market and ANC 6B. Yes
15 Organic Market is located at 410 8th Street, S.E.,
16 License No. 89539. I move to approve the agreement.

17 Is there a second?

18 BOARD MEMBER: Second.

19 CHAIRPERSON MILLER: Any comments?

20 (No audible response.)

21 CHAIRPERSON MILLER: All those in favor, say
22 aye?

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11

1 (Chorus of ayes.)

2 CHAIRPERSON MILLER: All those opposed?

3 (No audible response.)

4 CHAIRPERSON MILLER: All those abstaining?

5 (No audible response.)

6 CHAIRPERSON MILLER: The vote is 6-0-0.

7 The next one is Item 13, voluntary agreement
8 dated July 12th, 2012 between Fever Bar & Lounge and
9 ANC 6A. Fever Bar & Lounge is located at 816 H Street,
10 N.E., License No. 89716. I move that we postpone
11 consideration of this voluntary agreement until
12 resolution of a pending investigative matter related to
13 this establishment.

14 Do I have a second?

15 BOARD MEMBER: Second.

16 CHAIRPERSON MILLER: All those in favor, say
17 aye?

18 (Chorus of ayes.)

19 CHAIRPERSON MILLER: All those opposed?

20 (No audible response.)

21 CHAIRPERSON MILLER: All those abstaining?

22 (No audible response.)

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1 CHAIRPERSON MILLER: The vote is 6-0-0.

2 Okay. No. 14 -- No. 14 is sale to minor
3 egregious proposed rulemaking.

4 BOARD MEMBER: (inaudible) approved that.

5 MR. ALBERTI: We approved that.

6 CHAIRPERSON MILLER: Okay. And I believe
7 this is extending the emergency rulemaking and --

8 MR. ALBERTI: No. 14?

9 CHAIRPERSON MILLER: What is No. 14, just --

10 MR. ALBERTI: Is that the number you're
11 talking about?

12 CHAIRPERSON MILLER: That's why I want to
13 have it in front of me. Yeah.

14 MR. ALBERTI: This -- No. 14 is sale to
15 minors egregious --

16 MR. BROOKS: Opposed.

17 MR. ALBERTI: It's a proposed rulemaking.

18 CHAIRPERSON MILLER: Okay.

19 MR. ALBERTI: And it was -- and it was -- so
20 we've approved the proposed rulemaking.

21 CHAIRPERSON MILLER: I know. Okay. Fine.

22 Yeah, that's right. Okay. So this one is as is? This

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13

1 is -- I mean --

2 MR. ALBERTI: Yes.

3 CHAIRPERSON MILLER: -- this is a proposed
4 rulemaking, which I did look at. I just don't have it
5 in front of me right this second. All right. And then
6 I would move that we approve this proposed rulemaking.

7 Do I have a second?

8 BOARD MEMBER: Second.

9 CHAIRPERSON MILLER: Okay. Any comments?

10 (No audible response.)

11 CHAIRPERSON MILLER: All those in favor, say
12 aye?

13 (Chorus of ayes.)

14 CHAIRPERSON MILLER: All those opposed?

15 (No audible response.)

16 CHAIRPERSON MILLER: All those abstaining?

17 (No audible response.)

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

19 The next one is review of the Metropolitan
20 Police Department reimbursable detail officer emergency
21 rulemaking. Can this one -- I believe it's to adopt
22 again the emergency rulemaking for another 120 days.

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14

1 Do I have a second on this?

2 BOARD MEMBER: Second.

3 CHAIRPERSON MILLER: Okay. Any comments?

4 (No audible response.)

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

7 (Chorus of ayes.)

8 CHAIRPERSON MILLER: All those opposed?

9 (No audible response.)

10 CHAIRPERSON MILLER: those abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: The vote is 5-0-0.

13 No. 16 is review of civil penalty proposed
14 rulemaking. I would move that we postpone this
15 consideration of this proposed rulemaking until August
16 1st.

17 No. 17 is a review of Glover Park Moratorium
18 Zone emergency rulemaking. I would move to approve
19 this and this extends the emergency rulemaking another
20 120 days.

21 Do I have a second?

22 BOARD MEMBER: Second.

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1 CHAIRPERSON MILLER: All those in favor, say
2 aye?

3 (Chorus of ayes.)

4 CHAIRPERSON MILLER: All those opposed?

5 (No audible response.)

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

8 I just want to go back because I think I said
9 some of these votes were 6-0-0 and they were in fact 5
10 because Mr. Silverstein is not here.

11 MR. ALBERTI: I think, yeah.

12 CHAIRPERSON MILLER: Is that correct?

13 MR. ALBERTI: (inaudible) --

14 CHAIRPERSON MILLER: Yeah. Because I want to
15 correct those 6-0-0 all the way back to 5-0-0. No. 5
16 should be 4-1-0. Okay. And then 1 and 2 also should
17 be 5-0-0. So there shouldn't be any 6-0-0's. They
18 should all be 5-0-0. Okay.

19 MR. ALBERTI: And No. 3 should be 3 --

20 CHAIRPERSON MILLER: 3-2-0?

21 MR. ALBERTI: -- 3-2-0.

22 CHAIRPERSON MILLER: Right. And 5 is 4-1-0.

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16

1 MR. ALBERTI: Right.

2 CHAIRPERSON MILLER: Okay. So that completes
3 our regular agenda. We have one more item to consider
4 on the supplemental agenda but we need to recess and
5 come back with that one item.

6 (WHEREUPON, at 4:56 p.m., the hearing went
7 off record until 6:15 p.m.)

8 CHAIRPERSON MILLER: Finally, on our agenda
9 is the supplemental agenda. We have one item and it is
10 review on a voluntary agreement dated February 13th,
11 2012, between Matchbox and ANC 1B. Matchbox is located
12 at 1901 14th Street, N.W., License No. 88258. I move
13 that we approve the voluntary agreement with
14 modifications.

15 Do I have a second?

16 BOARD MEMBER: Second.

17 CHAIRPERSON MILLER: Any comments?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those in favor of
20 the motion that's been seconded, say aye?

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those opposed?

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17

1 (No audible response.)

2 CHAIRPERSON MILLER: All those abstaining?

3 (No audible response.)

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

6 Okay. And that concludes our agenda for July
7 25th, 2012. As Chairperson of the Alcoholic Beverage
8 Control Board for the District of Columbia and in
9 accordance with Section 405 of the Open Meetings
10 Amendment Act of 2010, I move that the ABC Board hold a
11 closed meeting on August 1st, 2012 for the purpose of
12 seeking legal advice from our counsel on the matters
13 identified by the Board's agenda for July -- for August
14 1st, 2012, as published in the DC Register on July
15 28th,
16 2012.

17 Is there a second?

18 BOARD MEMBER: Second.

19 CHAIRPERSON MILLER: Roll call. Mr. Nophlin?

20 MR. NOPHLIN: I agree.

21 CHAIRPERSON MILLER: And -- well, sorry. I
22 move that -- I'm sorry. I guess I already did move

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18

1 this. Okay. I move that we have this closed meeting.

2 Mr. Nophlin?

3 MR. NOPHLIN: I agree.

4 CHAIRPERSON MILLER: Okay. Mr. Brooks?

5 MR. BROOKS: I agree.

6 CHAIRPERSON MILLER: Mr. Alberti?

7 MR. ALBERTI: I agree.

8 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.
9 Silverstein?

10 MR. SILVERSTEIN: I agree.

11 CHAIRPERSON MILLER: Okay. The vote is 5-0-
12 0. The motion passes. I hereby give notice that the
13 ABC Board will hold this aforementioned closed meeting
14 pursuant to the Open Meetings Amendment Act of 2010.
15 Notice will also be posted on the ABC Board hearing
16 room bulletin board, placed on the electronic calendar
17 on ABRA's website, and published in the DC Register in
18 as timely a manner as practical.

19 As Chairperson of the Alcoholic Beverage
20 Control Board for the District of Columbia and in
21 accordance with Section 405 of the Open Meetings
22 Amendment Act of 2010, I move that the ABC Board hold a

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1 closed meeting on August 1, 2012 for the purpose of
2 discussing and hearing reports concerning ongoing or
3 planned investigations of alleged criminal or civil
4 misconduct or violations of law or regulations and
5 seeking legal advice from our counsel on the Board's
6 investigative agenda for August 1, 2012, as published
7 in the DC Register on July 28th, 2012.

8 Is there a second?

9 BOARD MEMBER: Second.

10 CHAIRPERSON MILLER: I'll take a roll call
11 vote of the motion before us now that it's been
12 seconded. Mr. Nophlin?

13 MR. NOPHLIN: I agree.

14 CHAIRPERSON MILLER: Mr. Brooks? Mr. Brooks?

15 MR. BROOKS: I agree.

16 CHAIRPERSON MILLER: Mr. Alberti?

17 MR. ALBERTI: I agree.

18 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.
19 Silverstein?

20 MR. SILVERSTEIN: I agree.

21 CHAIRPERSON MILLER: The motion passes 5-0-0.

22 I hereby give notice that the ABC Board will hold this

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20

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

7 And that concludes our business for July
8 25th, 2012 and the Board has adjourned. Thank you.
9 That is it.

10 (WHEREUPON, at 6:19 p.m., the hearing was
11 concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, BRADLEY ANGLIN, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing transcript was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

BRADLEY ANGLIN

Notary Public in and for the

DISTRICT OF COLUMBIA

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

Date

MIRANDA PENNACHI
Transcriptionist

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<p style="text-align: center;"><u>0</u></p> <p>0 18:12</p> <hr/> <p style="text-align: center;"><u>1</u></p> <p>1 8:8 15:16 19:1,6 10 9:1 10:14 11 9:2,17,18 11th 6:16 7:11 12 10:13 120 13:22 14:20 12th 8:6 11:8 13 10:1 11:7 13th 16:10 14 12:2,8,9,14 1401 5:3 14th 1:11 8:9 9:3,21 16:12 1529 9:20 16 14:13 1601 7:13 1634 9:3 17 14:17 17426 5:22 1901 16:12 1B 16:11 1st 14:16 17:11,14</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p>2 2:18 15:16 20 4:5 2000 1:11 2010 17:10 18:14,22 20:2 2012 1:9 2:4 6:16 7:11 8:6,8 9:2,18</p>	<p>10:14 11:8 16:11 17:7,11,14,16 19:1,6,7 20:8</p> <p>2221 6:19 25 1:9 25-113(g)(1 6:3 25th 2:4 17:7 20:8 28th 17:15 19:7 2F 9:2,18</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p>3 3:9 15:19 3-2-0 4:3 15:20,21 3475 8:9</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p>4 4:4,7,20 4:42 2:2 4:56 16:6 405 17:9 18:21 410 10:15 4-1-0 15:16,22 4909 4:6 4D 5:20,21</p> <hr/> <p style="text-align: center;"><u>5</u></p> <p>5 4:7,8 15:9,15,22 5-0 18:11 5-0-0 13:18 14:12 15:6,15,17,18 17:5 19:21 5-1-0 4:19 5123 5:22</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p>6 5:18</p>	<p>6:15 16:7 6:19 20:10 6-0-0 2:17 3:8 5:16 6:15 7:9 8:3,21 9:16 10:12 11:6 12:1 15:9,15 6-0-0's 15:17 60596 5:4 6A 11:9 6B 10:14</p> <hr/> <p style="text-align: center;"><u>7</u></p> <p>7 6:16 74236 8:10 76074 7:14</p> <hr/> <p style="text-align: center;"><u>8</u></p> <p>8 7:10 816 11:9 83570 4:6 86726 6:20 88258 16:12 89190 9:21 89205 9:3 89539 10:16 89716 11:10 8th 10:15</p> <hr/> <p style="text-align: center;"><u>9</u></p> <p>9 8:5</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p>A.B.R.A 1:6 ABC 17:10 18:13,15,22 19:22 20:3 ABRA's 18:17</p>	<p>20:4 abstaining 2:14 3:6,20 4:17 5:14 6:13 7:7 8:1,19 9:14 11:4,21 13:16 14:10 17:2 accordance 17:9 18:21 Act 17:10 18:14,22 20:2 action 21:10,14 actually 4:1 address 5:21 adjourned 20:8 adopt 13:21 advice 17:12 19:5 aforementioned 18:13 20:1 agenda 1:6 2:4,5 7:10 16:3,4,8,9 17:6,13 19:6 agreement 9:1,4,17,22 10:13,16 11:7,11 16:10,13 Alberti 1:14 12:5,8,10,14,17, 19 13:2 15:11,13,19,21 16:1 18:6,7 19:16,17 Alcoholic 1:2,10,11 17:7 18:19 alleged 19:3 already 17:22 am 21:9,11 22:3 Amendment 17:10</p>
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