

Capital Reporting Company
In the Matter of: A.B.R.A. Agenda 10-17-2012

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

2 2:44 p.m.

3 CHAIRPERSON MILLER: We're ready to do the
4 Board's agenda for October 17, 2012. I'm going to
5 start with items that were scheduled for October 10th
6 of 2012, which we didn't get to last week because our
7 hearings ran very late.

8 So this first item from that list is No. 1, a
9 review of a request from Licensee for an extension of
10 safekeeping period until September 30th, 2016, because
11 the business closed as a result of a fire; Family
12 Market, 1309 5th Street, N.E., License 10660. I would
13 move that we approve safekeeping for a period of a
14 period of six months.

15 Do I have a second?

16 MR. NOPHLIN: Second.

17 CHAIRPERSON MILLER: Okay. This motion has
18 been seconded. Any comments?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those in favor then
21 of the motion, say aye?

22 (Chorus of ayes.)

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1 CHAIRPERSON MILLER: All those opposed?

2 (No audible response.)

3 CHAIRPERSON MILLER: All those abstaining?

4 (No audible response.)

5 CHAIRPERSON MILLER: The motion passes 6-0-0.

6 The second item is review of safekeeping
7 application due to lease expiration and commencement of
8 business activities. It's The Guards in ANC 2B,
9 located at 2915 M Street, N.W., License No. 916. I
10 would move that we approve this also for a period of
11 six months.

12 Do I have a second?

13 MR. NOPHLIN: Second.

14 CHAIRPERSON MILLER: This motion has been
15 seconded by Mr. Nophlin. Any comments?

16 (No audible response.)

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

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those abstaining?

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1 (No audible response.)

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

3 No. 3 is a review of a safekeeping
4 application due to relocation of a business. This is
5 in ANC 3F, Armand's Chicago Pizzeria, at 4231 Wisconsin
6 Avenue, N.W., License No. 826. I move that we approve
7 this application also for a period of six months.

8 Do I have a second?

9 MR. NOPHLIN: Second.

10 CHAIRPERSON MILLER: And seconded. All those
11 in favor, say aye?

12 (Chorus of ayes.)

13 CHAIRPERSON MILLER: All those opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those abstaining?

16 (No audible response.)

17 CHAIRPERSON MILLER: The vote -- the motion
18 passes 6-0-0.

19 No. 4 is a safekeeping application due to
20 relocation of business in ANC 6A. It's -- the
21 establishment is HR-57 at 816 H Street, N.E., License
22 No. 85910. I move we also approve this one for a

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1 period of six months.

2 Do I have a second?

3 MR. NOPHLIN: Second.

4 CHAIRPERSON MILLER: This motion has been
5 seconded by Mr. Nophlin. All those in favor, say aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those abstaining?

10 (No audible response.)

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

12 No. 5 is a request from Jerry Moore seeking
13 an ABC Board determination regarding the planned
14 activities of the subsidiary entity of a licensed
15 caterer. This is Compass Group USA, Inc., located at
16 800 Florida Avenue, N.E., Caterer License No. 83052. I
17 would move that we deny this application.

18 Do I have a second?

19 MR. NOPHLIN: Second.

20 CHAIRPERSON MILLER: Any comments?

21 MR. ALBERTI: Just one. I'm not sure denying
22 an application --

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1 CHAIRPERSON MILLER: So maybe you have a
2 question.

3 MR. ALBERTI: Can you clarify that?

4 CHAIRPERSON MILLER: Sure.

5 MR. ALBERTI: Could you clarify the --

6 CHAIRPERSON MILLER: All right.

7 MR. ALBERTI: -- on action on this one?

8 CHAIRPERSON MILLER: It's a request where a
9 corporate subsidiary is asking to operate under those -
10 - a larger corporation's catering license. And so
11 you're right, it may not be an application. It may be
12 better characterized as a request.

13 MR. ALBERTI: And I agree we should deny the
14 request.

15 CHAIRPERSON MILLER: Okay. Any other
16 comments?

17 (No audible response.)

18 CHAIRPERSON MILLER: Okay. Was the motion
19 seconded?

20 MR. NOPHLIN: Second.

21 CHAIRPERSON MILLER: Okay. Mr. Nophlin
22 seconded the motion. All those in favor of the motion

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1 to deny, say aye?

2 (Chorus of ayes.)

3 CHAIRPERSON MILLER: All those opposed?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those abstaining?

6 (No audible response.)

7 CHAIRPERSON MILLER: The motion passes to
8 deny 6-0-0.

9 No. 7 is a motion for continuance, dated
10 September 14th, 2012 from Kevin Lee regarding the show
11 cause hearing scheduled for December 12th, 2012 at
12 10:00 a.m. The OAG consented to the request. It's
13 Town Square Gourmet, located at 4418 MacArthur
14 Boulevard, N.W., License No. 78664. In this case, the
15 Board had indicated to the parties that they would
16 grant the continuance and would get back to them on a
17 date. And that date is January 16th, 2013 at 1:30 p.m.
18 As we already have granted the request, no further vote
19 is required.

20 No. 7 is a letter dated September 3rd, 2012
21 from Sosina Tadesse requesting clarification from the
22 Board regarding the distance permitted between Retailer

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1 A licenses. Commissioner Alexandra Lewin from ANC 1B
2 and Brian Card from the U Street Neighborhood
3 Association submitted letters to the Board for the
4 application. The establishment is The Bottle Shop DC,
5 located at 1301 U Street, N.W., Retailer A, License No.
6 90581.

7 And the issue in this case is whether The
8 Bottle Company -- Bottle Shop would be within 400 feet
9 of another Class A establishment. And Bob has run its
10 numbers on the GIS and found that it would be. So if
11 the Board member -- the Board members want to add any
12 further clarification, feel free to do so. I think in
13 general, the letter is in a sense asking for a
14 reconsideration.

15 So if there is a vote, I would move that we
16 deny it and that in our letter or Order to Bottle
17 Company that will explain further why the -- why
18 they're within the 400 feet -- why ABRA has found that
19 they are. So I would move that we just deny that --
20 well, that we -- that we send that letter explaining
21 why they -- that this establishment is within 400 feet
22 of another Class A establishment.

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1 MR. SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Okay. Any other
3 comments? All right. All those in favor then of the
4 motion that's been seconded by Mr. Silverstein, say
5 aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those opposed?

8 MR. ALBERTI: I'd like to beg the Board's
9 indulgence and go back to Item 6, the Busboys & Poets.

10 CHAIRPERSON MILLER: Well, wait. Wait.
11 Let's --

12 MR. ALBERTI: Okay.

13 CHAIRPERSON MILLER: -- finish No. 8.

14 MR. ALBERTI: Oh, I'm sorry. I'm sorry. I
15 thought we were done.

16 CHAIRPERSON MILLER: Okay. All those --
17 okay. There's a motion seconded by Mr. Silverstein.
18 All those in favor, say aye?

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those abstaining?

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1 (No audible response.)

2 CHAIRPERSON MILLER: Okay. Then the vote on
3 that is 6-0-0.

4 MR. ALBERTI: My apologies on that one.

5 CHAIRPERSON MILLER: Okay.

6 MR. ALBERTI: On Item 6, the Busboys & Poets,
7 I just would like my vote to be registered as
8 opposition to the motion. Busboys & Poets --

9 CHAIRPERSON MILLER: Okay.

10 MR. ALBERTI: -- was the extended hours. And
11 I would like --

12 CHAIRPERSON MILLER: I don't think we did it
13 actually. I think we skipped it.

14 MR. ALBERTI: Oh, that's why I was confused.

15 CHAIRPERSON MILLER: Yeah, okay.

16 MR. ALBERTI: Okay.

17 CHAIRPERSON MILLER: We haven't done that.

18 MR. ALBERTI: I thought we -- okay. Fine.
19 We didn't do it. All right. Then I guess I'm not so
20 confused.

21 CHAIRPERSON MILLER: Okay. No. 6 is the
22 Busboys & Poets. It is a request for a change of hours

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1 -- it's an application for a change of hours to change
2 the hours of operation from Sunday through Thursday,
3 7:00 a.m. to 2:00 a.m.; Friday and Saturday, 7:00 a.m.
4 to 3:00 a.m., to the following proposed hours of
5 operation, which are Sunday through Thursday, 7:00 a.m.
6 to 2:00 a.m.; Friday and Saturday, 7:00 a.m. to 4:00
7 a.m.

8 There are no pending investigative matters,
9 no outstanding citations/fines, no voluntary
10 agreements. It's in ANC 1B. It's Busboys & Poets, 1390
11 V Street, N.W., License No. 71220. So it looks like
12 the only change in the hours of operation is Friday and
13 Saturday, staying late -- open one hour later, from
14 3:00 a.m. to 4:00 a.m. -- just operation. Okay. I
15 would move that we grant this request for change of
16 hours.

17 Do I have a second?

18 MR. NOPHLIN: Second.

19 CHAIRPERSON MILLER: Okay. Mr. Nophlin has
20 seconded the motion. All those in favor, say aye?

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those opposed?

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1 MR. ALBERTI: I oppose because there is no
2 explanation as to the need for the extra hour.

3 CHAIRPERSON MILLER: Okay. And all those
4 abstaining?

5 (No audible response.)

6 CHAIRPERSON MILLER: Then the vote is 5-1-0
7 to approve and Mr. Alberti dissents. Okay. So -- all
8 right. We've done seven and eight.

9 No. 9 is a request for reinstatement dated
10 September 18th, 2012 from Martin Smith regarding the
11 dismissal of the group of five or more at the roll call
12 hearing. The group of five was dismissed via Board
13 Order No. 2012-355. The establishment is A n D,
14 located at 1314 9th Street, N.W., License No. 89950. I
15 would move that we grant the request for reinstatement
16 but also advise the party of five that one more person
17 must appear at the hearing.

18 Do I have a second?

19 MR. NOPHLIN: Second.

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

22 (No audible response.)

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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: Okay. Then the vote is
9 6- 0-0 to approve. Okay.

10 No. 10, 11, 12, 13 and 14 are motions,
11 oppositions and replies regarding the same matter and
12 that is the motion to dismiss the protest of ANC 2F
13 from Andrew Kline. The establishment is A n D, 1314
14 19th [sic] Street, N.W., and License No. 89950. That
15 motion is referenced in No. 11 but the 9, 11, 12, 13 or
16 14 all concern that matter. And based on having read
17 all those pleadings, I would move that we deny the
18 motion to dismiss on grounds that the ANC did meet two
19 forms of notice requirement. Am I inviting (inaudible)
20 by posting on the vote?

21 Do I have a second?

22 MR. NOPHLIN: Second.

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1 CHAIRPERSON MILLER: Okay. Any comments?

2 (No audible response.)

3 CHAIRPERSON MILLER: Okay. All those then in
4 favor of the motion I made to deny the motion to
5 dismiss, say aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: The motion passes 6-0-0,
10 denying the motion to dismiss.

11 No. 15, 16, 17, 18, 19, 20, 21 all concern a
12 -- No. 15, which is a letter dated September 19, 2012
13 from John Ray requesting that the Board extend the
14 petition deadline and revoke its July 18th, 2012
15 approval of the license. And Mr. Woodson has responded
16 in opposition to that. It's Costco Wholesale #1120,
17 located at 2441 Market Street, N.E., License No. 89498.
18 This is an issue which involves the license, that the
19 Board made a mistake in approving a transfer of the
20 license to Costco.

21 And basically the grounds are that there's a
22 gas station that is a part of the Costco property and

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1 our regulations don't allow alcohol being sold on the
2 same property as a gas station. And there's a lot of
3 things which address this issue, whether -- who are the
4 owners and the property, etc. My view would be to hold
5 a fact finding hearing on this issue.

6 Do I have other comments?

7 (No audible response.)

8 CHAIRPERSON MILLER: And I can make that
9 motion or I can -- or we could discuss it before. All
10 right. Well, not hearing anybody, then I would move
11 that we hold a fact finding hearing on this issue.

12 Do I have a second?

13 MR. NOPHLIN: Second.

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

16 (No audible response.)

17 CHAIRPERSON MILLER: Okay. All those --

18 MR. SILVERSTEIN: Madam Chair?

19 CHAIRPERSON MILLER: Yes?

20 MR. SILVERSTEIN: I've read all of the
21 pleadings in this case, most of which were spurious in
22 their legal -- in their legal arguments, those at least

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1 of the people who asked to intervene. I believe that
2 the facts of the -- of this case merit a continuation
3 of our -- of what we found in this case originally.
4 And I would prefer not to revisit it. I did not find
5 anything that convinced me either that the individuals
6 involved had standing with us or that their arguments
7 were persuasive.

8 CHAIRPERSON MILLER: Others?

9 MR. ALBERTI: I'm -- I agree with Mr.
10 Silverstein's sentiments that those who are arguing,
11 which is I believe Manatt, who are arguing that we
12 should revisit this and revoke this license -- I found
13 no substance in the argument. I saw many -- I -- in
14 those proceedings I read many allegations but I did not
15 find any proof of the allegations. And so I am not
16 persuaded that the Board should revisit this license.
17 And so I would oppose a fact finding.

18 CHAIRPERSON MILLER: Are there any other?

19 MR. SILVERSTEIN: Madam Chair?

20 CHAIRPERSON MILLER: Yeah.

21 MR. SILVERSTEIN: I --

22 CHAIRPERSON MILLER: Uh-huh.

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1 MR. SILVERSTEIN: I would add that work on
2 this project is underway and this you can see, as you
3 drive in New York Avenue. And I believe that to stop
4 this at this time could cause real harm. So this is
5 not simply an issue of whether or not we should
6 consider something without understanding that no matter
7 what we do in this case, someone will be harmed. We
8 have made a decision and I believe we were on firm
9 legal ground there. And I don't think that opening the
10 case is harmless.

11 CHAIRPERSON MILLER: Okay. Well, I mean, I
12 think there's been an allegation certainly but -- that
13 we made a mistake and be -- and that we made a mistake
14 because we weren't given full information. Now,
15 certainly if Board members -- certain Board members are
16 convinced by the pleadings and don't have a need for a
17 fact finding, you know, that's certainly very valid.

18 At this point I could entertain understanding
19 the arguments better, I think. But if there aren't any
20 other comments, I will put my motion to a vote. And
21 then if the majority wants to go a different route,
22 then someone else can make a motion. So there is a

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1 motion before the Board to hold a fact finding on this
2 issue that's been seconded.

3 And all those in favor of that, say aye?

4 Aye.

5 MR. NOPHLIN: Aye.

6 CHAIRPERSON MILLER: All those opposed?

7 (Chorus of nays.)

8 CHAIRPERSON MILLER: Okay. I believe that
9 the motion fails by a vote of 2-4-0. Does somebody
10 have a different motion dealing with these -- this case
11 -- the pleadings, No. 15-21?

12 MR. ALBERTI: I move that we deny, I believe
13 -- where -- which one? I'm sorry. Just for my
14 reference, which one is the initial motion asking us to
15 revoke?

16 CHAIRPERSON MILLER: No. 15.

17 MR. ALBERTI: No. 15 is the -- no -- that's
18 not -- that's not the initial motion. The initial
19 motion came from Manatt. Mr. Woodson represents
20 Costco. So 15 on mine is a motion --

21 CHAIRPERSON MILLER: John Ray is from Manatt
22 -- from Manatt.

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1 MR. ALBERTI: Who?

2 CHAIRPERSON MILLER: John Ray is from Manatt.

3 MR. ALBERTI: Oh, this is from -- oh, I'm
4 sorry. This is -- this is a -- is a letter from John
5 Ray requesting the Board --

6 CHAIRPERSON MILLER: September 19th?

7 MR. ALBERTI: -- extend the petition deadline
8 and revoke its -- okay. Yes. I move that we deny the
9 request from John Ray on behalf of Manatt to extend the
10 petition deadline and revoke our July 18th, 2012
11 approval of the license.

12 CHAIRPERSON MILLER: Is there a second to Mr.
13 Alberti's motion?

14 MR. BROOKS: I second.

15 CHAIRPERSON MILLER: Mr. Brooks. Okay. Any
16 other comments?

17 (No audible response.)

18 CHAIRPERSON MILLER: All right. There's a
19 motion before the Board that's been seconded by Mr.
20 Brooks. All those in favor, say aye?

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those opposed?

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1 Opposed.

2 All those abstaining?

3 MR. JONES: I'm abstaining.

4 CHAIRPERSON MILLER: Okay. Then the vote is
5 4-1-1.

6 Okay. I think that brings us to what we have
7 on October 17 agenda. No. 1 starting with a review of
8 a manager's application for Rahel Namaga. I would move
9 that we approve this application.

10 Do I have a second?

11 MR. NOPHLIN: Second.

12 CHAIRPERSON MILLER: Okay. The motion has
13 been seconded by Mr. Nophlin. All those in favor, say
14 aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those opposed?

17 (No audible response.)

18 CHAIRPERSON MILLER: All those abstaining?

19 (No audible response.)

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

21 No. 2 on this agenda is a review of a
22 manager's application for Kathleen Golden. I would

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1 move that we approve this application.

2 Do I have a second?

3 MR. NOPHLIN: Second.

4 CHAIRPERSON MILLER: This motion has been
5 seconded by Mr. Nophlin. All those in favor, say aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those abstaining?

10 (No audible response.)

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

12 No. 3 is a safekeeping application because
13 the business has ceased operation. It's in ANC 2B.
14 It's Uni a Sushi Place, 2122 P Street, N.W., License
15 No. 71935. I move that we approve safekeeping for six
16 months.

17 Do I have a second?

18 MR. SILVERSTEIN: Second.

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

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those opposed?

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1 (No audible response.)

2 CHAIRPERSON MILLER: All those abstaining?

3 (No audible response.)

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

5 No. 4 is a safekeeping application due to
6 loss of a lease. This is ANC 2E. The establishment is
7 Fino, located at 3011 M Street, N.W., License No.
8 60545. I move that we approve this application for a
9 period of six months.

10 Do I have a second?

11 MR. NOPHLIN: Second.

12 CHAIRPERSON MILLER: Mr. Nophlin has seconded
13 the motion. All those in favor, say aye?

14 (Chorus of ayes.)

15 CHAIRPERSON MILLER: All those opposed?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those abstaining?

18 (No audible response.)

19 CHAIRPERSON MILLER: And the motion passes by
20 a vote of 6-0-0.

21 No. 5 is an extension of safekeeping until
22 September 30th, 2013 application to locate to a new

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1 location. The establishment is Edward's Bar & Grill,
2 License No. 1341. I would move that we -- wait a
3 second. Wait a second. Which one did we want the fact
4 finding on?

5 BOARD MEMBER: This one.

6 CHAIRPERSON MILLER: It is this one?

7 MR. ALBERTI: Edward's Bar & Grill?

8 CHAIRPERSON MILLER: Yeah.

9 MR. ALBERTI: Yeah. That's indeed right.

10 CHAIRPERSON MILLER: Yeah, okay. I move that
11 we hold a fact finding hearing on this application.

12 Do I have a second?

13 MR. NOPHLIN: Second.

14 CHAIRPERSON MILLER: Mr. Nophlin has seconded
15 the motion. All those in favor, say 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 a fact finding.

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1 Okay. No. 6, this is a request for a hearing
2 for the ABC Board from Peter Mann on behalf of the
3 Estate of James E. Adkins to determine whether a
4 Judgment of Possession ordered by DC Superior Court to
5 the Estate of James E. Adkins includes the alcoholic
6 beverage license located at 5335 Georgia Avenue, N.W.
7 There's a pending investigative matter. There's no
8 outstanding fines or citations. It's in ANC 4D.

9 The establishment is Macombo Lounge, located
10 at 5335 Georgia Avenue, N.W. And it's License No. 771.
11 And I move that we refer this request to legal at this
12 time to investigate the facts here regarding the
13 alcohol license.

14 Does -- do I have a second?

15 MR. NOPHLIN: Second.

16 CHAIRPERSON MILLER: Okay. It's seconded by
17 Mr. Nophlin. All those in favor, say 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 to
2 refer to legal.

3 We have a -- I think that -- I think that
4 completes our agenda items. We have a cancellation
5 regarding Cafe Collage, ABRA No. 081462, located at
6 1346 T Street, N.W. And I understand that that
7 application for cancellation has been rescinded. So no
8 action is required on the Board's part. So I think
9 that that concludes our agenda for October 17th, 2012.
10 And what is left is reading the instructions for
11 closing our meetings next week.

12 As Chairperson of the Alcoholic Beverage
13 Control Board for the District of Columbia and in
14 accordance with Section 405 of the Open Meetings
15 Amendment Act of 2010, I move that the ABC Board hold a
16 closed meeting on October 24, 2012 for the purpose of
17 seeking legal advice from our counsel on the matters
18 identified on the Board's agenda for October 24, 2012
19 as published in the DC Register on October 19, 2012.

20 Is there a second?

21 MR. SILVERSTEIN: Second.

22 CHAIRPERSON MILLER: I'll take a roll call

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1 vote on the motion before us now that it's been
2 seconded by Mr. Silverstein. Mr. Nophlin?

3 MR. NOPHLIN: I agree.

4 CHAIRPERSON MILLER: 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: Mr. Jones?

12 MR. JONES: I agree.

13 CHAIRPERSON MILLER: It appears the motion
14 has passed by a vote of 6-0-0. I hereby give notice
15 that the ABC Board will hold this aforementioned closed
16 meeting. Pursuant to the Open Meetings Amendment Act of
17 2010, notice will also be posted on the ABC Board
18 hearing room bulletin board, placed on the electronic
19 calendar on ABRA's website and published in the DC
20 Register in as timely a manner as practical.

21 As Chairperson of the Alcoholic Beverage
22 Control Board for the District of Columbia and in

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1 accordance with Section 405 of the Open Meetings
2 Amendment Act of 2010, I move that the ABC Board hold a
3 closed meeting on October 24, 2012 for the purpose of
4 discussing and hearing reports concerning ongoing or
5 planned investigations of alleged criminal or civil
6 misconduct or violations of law or regulations and
7 seeking legal advice from our counsel on the Board's
8 investigative agenda for October 24, 2012, as published
9 in the DC Register on October 19, 2012.

10 Is there a second?

11 MR. BROOKS: Second.

12 MR. ALBERTI: Second.

13 CHAIRPERSON MILLER: I will take a roll call
14 vote on the motion before us now that it's been
15 seconded by Mr. Brooks. Mr. Nophlin?

16 MR. NOPHLIN: I agree.

17 CHAIRPERSON MILLER: Mr. Brooks?

18 MR. BROOKS: I agree.

19 CHAIRPERSON MILLER: Mr. Alberti?

20 MR. ALBERTI: I agree.

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

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1 MR. SILVERSTEIN: I agree.

2 CHAIRPERSON MILLER: Mr. Jones?

3 MR. JONES: I agree.

4 CHAIRPERSON MILLER: Mr. Jones agrees. Okay.

5 As it appears the motion has passed by a 6-0-0 vote. I
6 hereby give notice that the ABC Board will hold this
7 aforementioned closed meeting. Pursuant to the Open
8 Meetings Amendment Act of 2010, notice will also be
9 posted on the ABC Board hearing room bulletin board,
10 placed on the electronic calendar on ABRA's website and
11 published in the DC Register in as timely a manner as
12 practical.

13 And that concludes our matters for October
14 17, 2012. And the Board is adjourned.

15 (WHEREUPON, at 3:14 p.m., the hearing
16 was concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

2

3 I, ERICK McNAIR, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing pages was recorded
6 by me and thereafter reduced to typewriting under my
7 direction; that said transcription is a true record of
8 the testimony given by said parties; that I am neither
9 counsel for, related to, nor employed by any of the
10 parties to the action in which this hearing was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.

15

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18

ERICK McNAIR

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Notary Public in and for the

20

District of Columbia

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22 My commission expires: July 14, 2016

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CERTIFICATE OF TRANSCRIPTION

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

Date

MIRANDA PENNACHI

Transcriptionist

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